Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Tuesday, June 27, 2006 10:23:38 PM
Recipient:	Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Subject:	RE: review of new book: *Oath Betrayed: Torture, Medical Complicity, and the War on Terror*

Thanks, Morgah--see you next week, Steve

From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Tue 6/27/2006 6:26 PM
To: Behnke, Stephen
Subject: Re: review of new book: *Oath Betrayed: Torture, Medical Complicity, and the War on Terror*

Steve,
I am told that OTSG responded in an interview on NPR today. You may want to check out what he said. Also, the MEDCOM investgation into detainee ops is a strong rebutal of this book.
Morgan
COL L. Morgan Banks
Director Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
Banksl@usasoc.socom.smil.mil/banksl@soc.mil

-----Original Message-----
From: Behnke, Stephen <sbehnke@apa.org>
To: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent: Mon Jun 26 17:14:56 2006
Subject: FW: review of new book: *Oath Betrayed: Torture, Medical Complicity, and the War on Terror*

Morgan, we are DEFINITELY going to need to respond to this book.

It goes on.

Steve

From: Ken Pope PRIVACY REDACTION
Sent: Mon 6/26/2006 2:47 PM
To: Ken Pope
Subject: review of new book: *Oath Betrayed: Torture, Medical Complicity, and the War on Terror*

The new issue of *Times* includes a review of the book *Oath Betrayed:
Torture, Medical Complicity, and the War on Terror* (published this week
by Random House; ISBN: 140006578X) by medical ethicist professor Steven
Miles, MD.

The review is by Andrew Sullivan.

Here's the review:

How Doctors Got Into the Torture Business
Andrew Sullivan on the harrowing new book "Oath Betrayed", in which a

medical ethicist documents how members of his profession got caught up in the abuse of prisoners
By Andrew Sullivan

Soldiers are trained to kill and doctors to heal. At least that's how we usually understand those two professions. But wars can often distort reality, and the war on terrorism has turned into a test case. An inspiring example is that of Colonel Kelly Faucette, M.D. He recently wrote about caring for a new patient at the intensive-care unit of the 47th Combat Support Hospital in Mosul, Iraq. The patient was a terrorist insurgent, a man who planted hidden roadside bombs to murder civilians and Faucette's fellow soldiers. Faucette wrote in his local paper: "Something inside me wants to walk up to this guy ... and just clobber him." But Faucette didn't. Instead he healed him before sending him to a jail, and by that act of healing he helped heal Iraq.

That's the America I know and love. But it is not, alas, the only face of America in this war. One of Defense Secretary Donald Rumsfeld's first instructions for military interrogations outside the Geneva Conventions was that military doctors should be involved in monitoring torture. It was a fateful decision -- and we learn much more about its consequences in a new book based on 35,000 pages of government documents obtained under the Freedom of Information Act. The book is called Oath Betrayed (to be published June 27) by medical ethicist Dr. Stephen Miles, and it is a harrowing documentation of how the military medical profession has been corrupted by the Bush-Rumsfeld interrogation rules.

One of those rules was that a prisoner's medical information could be provided to interrogators to help guide them to the prisoner's "emotional and physical strengths and weaknesses" (in Rumsfeld's own words) in the torture process. At an interrogation center called Camp Na'ma, where the unofficial motto was "No blood, no foul," one intelligence officer testified that "every harsh interrogation was approved by the [commander] and the Medical prior to its execution." Doctors, in other words, essentially signed off on torture in advance. And they often didn't inspect the victims afterward. At Abu Ghraib, according to the Army's surgeon general, only 15% of inmates were examined for injuries after interrogation.

Some of the medical involvement in torture defies belief. In one of the few actual logs we have of a high-level interrogation, that of Mohammed al-Qhatani (first reported in TIME), doctors were present during the long process of constant sleep deprivation over 55 days, and they induced hypothermia and the use of threatening dogs, among other techniques. According to Miles, Medics had to administer three bags of medical saline to Qhatani -- while he was strapped to a chair -- and aggressively treat him for hypothermia in the hospital. They then returned him to his interrogators. Elsewhere in Guantanamo, one prisoner had a gunshot wound that was left to fester during three days of interrogation before treatment, and two others were denied antibiotics for wounds. In Iraq, according to the Army surgeon general as reported by Miles, "an anesthesiologist repeatedly dropped a 2-lb. bag of intravenous fluid on a patient; a nurse deliberately delayed giving pain medication, and medical staff fed pork to Muslim patients." Doctors were also tasked at Abu Ghraib with "Dietary Manip (monitored by med)," in other words, using someone's food intake to weaken or manipulate them.

Of the 136 documented deaths of prisoners in detention, Miles found, medical death certificates were often not issued until months or even years after the actual deaths. One prisoner's corpse at Camp Cropper was kept for two weeks before his family or criminal investigators were

notified. The body was then left at a local hospital with a certificate attributing death to "sudden brainstem compression." The hospital's own autopsy found that the man had died of a massive blow to the head. Another certificate claimed a 63-year-old prisoner had died of "cardiovascular disease and a buildup of fluid around his heart." According to Miles, no mention was made that the old man had been stripped naked, doused in cold water and kept outside in 40? cold for three days before cardiac arrest.

Other doctors just looked the other way, their military duty overruling the Hippocratic Oath. One at Abu Ghraib intervened to ask guards to stop beating one prisoner's wounded leg and quit hanging him from an injured shoulder. He saw it happen three times. He never reported it. In Mosul, according to Miles, one medic witnessed guards beating a prisoner and burning him by dragging him over hot stones. The prisoner was taken to the hospital, treated and then returned by doctors to his torturers. An investigation into the incidentwas closed because the medic didn't sign the medical record and so he couldn't be identified.

After a while, you get numb reading these stories. They read like accounts of a South American dictatorship, not an American presidency. But we learn one thing: once you allow the torture of prisoners for any reason, as this President did, the cancer spreads. In the end it spreads to healers as well, and turns them into accomplices to harm.

Ken

Resource-Finder for Torture Survivors, Asylum-Seekers, & Refugees:
<http://kspope.com/torvic/torture.php>

"Thou shalt not be a victim. Thou shalt not be a perpetrator. Above all, thou shalt not be a bystander."
--Yehuda Bauer, United States Holocaust Memorial Museum

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Tuesday, June 27, 2006 8:43:36 AM
Recipient:	Judith Glassgold
Subject:	RE: feedback

Excellent, Judith--I think this is such a positive, creative, and affirming way to go,

Thank you re: the second point. Sometime we'll sit down for a long talk.

Steve

From: Judith M. Glassgold, Psy.D. PRIVACY REDACTION
Sent: Tue 6/27/2006 8:23 AM
To: Behnke, Stephen
Subject: Re: feedback

Steve

Thanks for the advice on who to connect too.

Also, I understand about the latter point.

Judith

Behnke, Stephen wrote:

>Judith, reach out to Doug Haldeman--he's a master at encouraging this sort of creative and collaborative thinking. Also, reach out to two or three colleagues who are likely to think in this sort of way, ask for their input, and when you put this idea forward ask for them to be vocal in their support. Also, you may want to consider exploring whether one of your Council reps--or anyone on Council you know--would put this idea on the Council listserve.
>
>In terms of whose idea it is, that's kind of you; at the moment, though, I'm a bit radioactive with the people who are most interested in these issue, and I'm much more interested in good ideas getting into the discussion than in receiving any credit, so probably best not mention my name in connection with it.
>
>Steve
>
>_____
>
>From: Judith M. Glassgold, Psy.D. PRIVACY REDACTION
>Sent: Mon 6/26/2006 5:44 PM
>To: Behnke, Stephen
>Subject: Re: feedback
>
>
>
>Steve
>
>I thank you for your gracious email, but when I reread it, I think the
>ideas you list below are as much yours as mine. I am thinking of a way
>to reach out to DSJ. I did Chair that group in 2003, when I was the Div
>44 rep.
>
>Judith
>
>Behnke, Stephen wrote:

>
>
>
>>Judith, I've been thinking about our conversation as well, and I'm very happy you asked me to read your message, which has really affected my thinking.
>>
>>It strikes me that the initial manner in which APA responds to this situation is enormously important. If some of our colleagues find themselves in a crisis situation, APA's initial response can be to change the enforceable standards in the Ethics Code, which is an enforcement and punitive orientation. In the alternative, APA can assume the best of these psychologists, and respond as if a colleague found himself or herself in a crisis situation by extending a supporting and affirming hand, to help the psychologist out of the situation.
>>
>>I think the approach you discussed as a first APA response--the DSJ taking the lead in creating a support network and perhaps a fund to help mitigate the professional consequences to any psychologist who was being pressured to violate our ethical principles and who refused to do so in the face of a legal requirement--that is, who engaged in civil disobedience--is hugely creative and collegial. (And, it will be enormously revealing--if many psychologists ask for APA's help, that will tell us something quite important about what psychologists are being pressured to do.)
>>
>>Judith, I think your way of thinking will be a very welcome addition to this discussion,
>>
>>Steve
>>
>>_____
>>
>>From: Judith M. Glassgold, Psy.D. PRIVACY REDACTION
>>Sent: Mon 6/26/2006 3:23 PM
>>To: Behnke, Stephen
>>Subject: Re: feedback
>>
>>
>>
>>Steve
>>
>>Thanks for the telephone call today, I think our conversation makes such
>>total sense, it helped clarify my thinking and many ideas that were only
>>partially formed.
>>
>>Judith
>>
>>Behnke, Stephen wrote:
>>
>>
>>
>>
>>
>>>>Hi Judith, could I give you a call tomorrow to discuss?
>>>
>>>>Steve
>>>
>>>-----Original Message-----
>>>From: Judith M. Glassgold, Psy.D. PRIVACY REDACTION
>>>Sent: Friday, June 23, 2006 6:42 PM
>>>To: Behnke, Stephen
>>>Subject: feedback
>>>
>>>Steve
>>>
>>>Could you let me know if this summary of the issues is fair and clear,
>>>as I am asking NJPA to consider this situation.
>>>
>>>Judith

>>>
>>>
>>>
>>>My understanding is that Divisions for Social Justice is requesting a
>>>change to the Ethics Code in response to concerns regarding
>>>psychologists' participations in coercive interrogations. This change
>>>would be to the Ethical Standard 1.02 of the Ethics Code.
>>>
>>>As the Chair of the NJPA Ethics Committee, I would urge NJPA to oppose
>>>any change to the Ethics Code at this time and would urge the Executive
>>>Board to ask their Council Representative to vote against such a change
>>>if it came to a vote in APA Council. I outline my concerns below.
>>>
>>>The proposal is amending enforceable Standard 1.02 to:
>>>
>>>*1.02 Conflicts Between Ethics and Law, Regulations, or Other Governing
>>>Legal Authority
>>>
>>>If psychologists' ethical responsibilities conflict with law,
>>>regulations, or other governing legal authority, psychologists make
>>>known their commitment to the Ethics Code and take steps to resolve the
>>>conflict. If the conflict is unresolvable via such means, psychologists
>>>may adhere to the requirements of the law, regulations, or other
>>>governing legal authority **in keeping with basic principles of human
>>>rights*. *(new language in bold)
>>>
>>>From:
>>>
>>>*1.02 Conflicts Between Ethics and Law, Regulations, or Other Governing
>>>Legal Authority
>>>
>>>If psychologists' ethical responsibilities conflict with law,
>>>regulations, or other governing legal authority, psychologists make
>>>known their commitment to the Ethics Code and take steps to resolve the
>>>conflict. If the conflict is unresolvable via such means, psychologists
>>>may adhere to the requirements of the law, regulations, or other
>>>governing legal authority.
>>>
>>>First, this sentence, including the language on basic human rights, is
>>>already included in the Ethics Code in its Introduction. Thus, it exists
>>>
>>>already in the document, and thus the behavior is a goal of the Ethics
>>>Code, however, it is not in the enforceable section of the code. This
>>>Introduction to the Code permits psychologists to apply other human
>>>rights doctrines, other codes of ethics and to follow their conscience
>>>where appropriate, thus the Ethics Code does not limit a psychologist,
>>>and does not prevent a psychologist from using the Geneva Convention or
>>>any other legal or ethical frame to guide their behavior. Further the
>>>Code is clear in that the psychologists when given the choice between
>>>the higher and lower standard of behavior, a psychologist should choose
>>>the higher one.
>>>
>>>In the existing code, Standard 1.02 is identical to the aspirational
>>>principle, but does omit the language on basic human rights. This
>>>standard asserts that psychologists must make all possible attempts to
>>>reconcile the law or administrative code with the Ethics Code when there
>>>
>>>are conflicts.It does allow psychologists to follow the law and not be
>>>subject to legal sanctions when the Ethics Code and legal authority
>>>conflict, but as a last resort when other measures have failed. This
>>>standard permits psychologists, for instance, to follow laws or court

>>>orders and then not be disciplined by Ethics Committee. For instance, if
>>>
>>>a court order requires a psychologist to release confidential
>>>information from a client's record and there is no permission from the
>>>client, this violates the Ethics Code, can the psychologist be
>>>disciplined for obeying the law? This standard permits psychologists to
>>>follow the court order; it does not require a psychologist to disobey a
>>>law in order to comply with the Ethics Code.
>>>
>>>However, this change may require a psychologist to disobey a law if the
>>>law, regulations or other authority is in conflict with the Ethics Code
>>>and the conflict reflects a matter of human rights. The key questions
>>>will be how will the term "basic human rights" be defined. When the
>>>Ethics Code is revised every psychologist is affected, because there is
>>>nothing that states that this Standard only applies to military
>>>psychologists. Further, many states reference the Ethics Code in their
>>>licensing laws. The impact of this change on licensing laws and the
>>>reaction of the respective State Licensing Boards is unclear.
>>>
>>>Without a clear definition of "basic human rights", there is no clarity
>>>for psychologists about when actions they take either violate human
>>>rights directly or collude with infractions. I am concerned this change
>>>may affect forensic psychologists who work in the criminal justice
>>>system. Many human rights groups (including the UN Commission on Torture
>>>
>>>and now a US Government Blue Ribbon Committee on Violence and Abuse in
>>>prisons) document violence and abuse in US prisons. Could conditions in
>>>certain US prisons be seen as human rights abuses. Yes, Amnesty
>>>International routinely characterizes certain conditions as such. Our
>>>Ethics Committee routinely receives complaints from incarcerated
>>>individuals. How would this change affect mental health practitioners in
>>>
>>>prisons? Would evaluations of death row prisoners constitute a human
>>>rights violations, as the death penalty is a human rights violation
>>>according to many European countries? Is aversive treatment for sex
>>>offenders, or involuntary hospitalization for sex offenders also a human
>>>
>>>rights violations? All these practices are legal in New Jersey. Forensic
>>>
>>>psychologists and others balance these issues every day and adding
>>>another contingency could only complicate matters and jeopardize
>>>psychologists' practice. I have spoken to an experienced forensic
>>>psychologist and he is greatly concerned regarding psychologists could
>>>be cited for their own actions or indirectly for the conditions in
>>>prisons (denial of mental health or medical treatment or routine neglect
>>>
>>>of those issues).Many state that our Constitution and penal code have
>>>inherent protections so conflicts for forensic psychologists would not
>>>occur. The reports referenced above clearly document abuses despite our
>>>existing laws.
>>>
>>>In considering such a change, psychologists should consider:
>>>
>>>1- Will this language prevent military psychologists from engaging in
>>>objectionable behavior
>>>Not necessarily.
>>>The value of human rights is already contained in the Ethics Code. The
>>>extent of the problem is also unclear; this language seems to assume a
>>>large problem, which not might not exists.This change would permit
>>>punitive sanctions against psychologists only if they were members of
>>>APA. Individuals can simply avoid these issues by resigning from APA in

>>>advance or once charges have been filed. Once individuals are outside of
>>>
>>>APA there is no way to educate and socialize them to our norms, we will
>>>simply increase the number of rogue psychologists who apply
>>>inappropriate techniques. APA often takes the middle ground to maintain
>>>dialogue and influence practitioners. It is often easier to exclude
>>>those we disagree with and perhaps send a moral message, but it is
>>>unclear whether conditions for prisoners would improve.
>>>
>>>2-Will this language affect other practitioners?
>>>Yes and it may cause adverse impacts.
>>>When the Ethics Code is amended every psychologist is affected, because
>>>there is nothing that states that this only applies to military
>>>interrogations. Without a clear definition of "basic human rights" that
>>>could be operationalized, with measures and standards, there would be no
>>>
>>>guidance for enforcement or adherence. The value exists in the Ethics
>>>Code already. Without a clear definition any client, or attorney can
>>>file a claim an thus place an extra burden on many psychologists. If you
>>>
>>>ask individuals to break the law in the pursuit of higher principles you
>>>
>>>must define what those are and further, if APA puts psychologists in the
>>>
>>>position of requiring that psychologists violate the law in order to
>>>support the Ethics Code many members would resign just because of the
>>>risk management issues.
>>>
>>>
>>>3-Are there other solutions to this issue?. Yes, additional training and
>>>
>>>scholarly articles that apply the Ethics Code to real-life situations is
>>>
>>>the best educational tool. Workshops and symposiums that permit
>>>individuals to brainstorm solutions to difficult situations might help
>>>prevent these situations, rather than relying on punitive measures after
>>>
>>>the event.
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Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Thursday, June 22, 2006 9:31:13 PM
Recipient:	Dunivin, Debra L LTC WRAMC-Wash DC <Debra.Dunivin@NA.AMEDD.ARMY.MIL>;banksl@soc.mil;Estes Linda Maj AFOSI/DOY <linda.estes@ogn.af.mil>
Subject:	RE: FW: Interrogations

Debra, it is an interesting and articulate message.

Let me ask: Is there anything Lt Col Byrnes says that could not likewise be said of a psychologist conducting a child custody evaluation?

Steve

From: Dunivin, Debra L LTC WRAMC-Wash DC [mailto:Debra.Dunivin@NA.AMEDD.ARMY.MIL]
Sent: Thursday, June 22, 2006 9:11 PM
To: banksl@soc.mil; Estes Linda Maj AFOSI/DOY; Behnke, Stephen
Subject: FW: FW: Interrogations

Morgan. Linda. Steve.

Please take a look at LTC Byrnes' comments below.

among other things, I'm feeling a need to change that BSC acronym we've been using....too confusing with AF BSC. Go back to BSCT? (OK I admit it...just trying to stay on the light side for fear of tears....)

From: Div-19-Practice@googlegroups.com [mailto:Div-19-Practice@googlegroups.com] **On Behalf Of** Bob Klepac
Sent: Wednesday, June 21, 2006 6:04 PM
To: Steven.Byrnes@scott.af.mil; Div-19-Practice@googlegroups.com
Subject: Re: FW: Interrogations

Thank you for raising these questions for discussion - and for your thoughtful comments on the issues.

Bob Klepac

In a message dated 6/21/06 4:37:14 PM, Steven.Byrnes@scott.af.mil writes:

Greeting to all-

Does anyone else out there have significant reservations about the ethics debate regarding "Biscuit" team roles? I've not yet heard one military psychologist on this list serve question policy on this. Maybe I'm the only one? Since this issue is all the rage within the highest

levels of the APA, shouldn't we in div 19 also be debating it?

I have read all the debates on the issue, read and reread the APA statements, journal articles, editorials, etc. They are very academic and always fall back on the argument that such a role is ethically justified as long as we avoid a dual relationship as a health care provider and stay out of directly coercive processes. I have spoken with several psychologists across the services who have deployed as Biscuit team members and have heard of many of their experiences. I have heard all about the content of the 2 week training prep course for this role. What I have learned is those in the Biscuit roles spend a great deal of time involved in the interrogation process by advising, training, and coaching first line interrogators as well as addressing behavioral drift issues with prison personnel. All of these roles are defined as "indirect" involvement.

I understand the APA position that indirect involvement is permissible as long as it is not degrading, coercive or inhumane. However, the issue to debate is what is the real difference between let's say advising an interrogator outside the interrogation session on techniques to overcome detainee resistance vs. being directly involved in the interrogation session? Indirect involvement still, it seems to me, influences the coercive nature of an interrogation and contributes to breaking down detainee resistance. Granted it is to a lesser degree than direct involvement but a psychologist is still providing input that influences an antagonistic and often times coercive process. Although it is indirect, how can we deny that we are contributing to a coercive practice against another human being, which is specifically prohibited by any measure of ethical standard? Commenters on this issue can spin the words all they want, but the bottom line is we are playing a part in a fundamentally coercive process.

It seems to me that this "hot" issue needs addressed, especially within Div 19. Maybe I'm in the minority here, and maybe it is just my own issue, but is anyone else out there concerned that we are just spinning words to deny the real issue that even indirect involvement in the interrogation process contributes to a coercive action against another person and that this is unethical? How do we defend ourselves against this argument when civilian advocacy groups have reported the names of Biscuit psychologist to state licensing boards and some are currently

facing ethics review boards fighting to keep a license? Which one of us will become the first casualty of a licensing board that wants to break from APA policy on this issue to make its own ethics statement? Will the APA top leadership really stand by us in such a case when many other APA divisions have brought condemnation and censor upon military psychology in the recent past and are about to again over this issue? I for one am not so sure.

Finally, I recommend that Biscuit team deployments should be volunteer only. It is a huge leap to take a career clinician (like the majority of AF psychologists) with no training in such a drastically different and questionable role and plop him/her in a detention facility to do this kind of work. Don't we have enough Special Ops/SERE psychologists out there who consider this an area of expertise? Isn't this why we have psychologists doing this work--full time non clinicians to cover these kinds of missions? Seems to me if we are going to continue this work, they ought to be the ones covering these taskings, or at the very least ask for clinicians who would volunteer to be further trained for this role.

Steven J. Byrnes, Lt Col, USAF, BSC
Clinical Psychologist/Life Skills Flight Commander
375th MDG Scott AFB, IL 62225
DSN: 576-3426 Commercial: (618) 256-3426
steven.byrnes@scott.af.mil
-----Original Message-----
From: Div-19-Practice@googlegroups.com
[mailto:Div-19-Practice@googlegroups.com] On Behalf Of CPT Butcher
Sent: Tuesday, June 20, 2006 6:33 PM
To: Div 19 Practice
Subject: Re: Interrogations

Greetings, This was forwarded to me yesterday and many of you may already be aware of it. It is the transcript of a very recent interview with Dr. Koocher, Dr. Steven Reisner, Dr. Stephen Xenakis, and Professor Alfred McCoy discussing the APA position on interrogation and

its relationship to the "little" APA, and the AMA's positions. (Dr. Koocher was in the hot seat to say the least but he did a nice job of articulating the current APA policy and relative similarity to the other APA's policy)
Respectfully,
CPT Jim Butcher

Here is the link:
http://www.democracynow.org/article.pl?sid=06/06/16/1355222

--~--~---------~--~----~------------~-------~--~----~
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For more options, visit this group at http://groups.google.com/group/Div-19-Practice
-~----------~----~----~----~------~----~------~--~---

Sender: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent: Thursday, June 22, 2006 6:31:52 PM
Recipient: 'G. Andrew H. Benjamin, J.D., Ph.D.' [redacted]; [redacted]; [redacted]
Subject: RE: [COR] Petition on APA Ethics & New Business Item from Div 48

CONFIDENTIAL, BETWEEN US

Dear Olivia, Andy, and Doug,

I am extremely encouraged by our initial response from Judy and Corann, regarding moving forward with the Council Resolution. I believe that Council must take action in August.

At the same time, I have become increasingly concerned about the tone of the discussion, and the ad hominem attacks (a message was recently left on my voicemail calling me "morally bankrupt"; another told me I needed to take some ethics courses and I have been told that "my" position sickens and is disgusting). While such messages don't bother me personally, I believe they risk taking a toll on a group of our colleagues, the military psychologists, who are following the discussions very closely.

For that reason, I believe that we should strongly encourage Judy and Corann (and their colleagues) to reach out and work with Division 19 to fashion wording for the final Resolution. The Ethics Office would be happy to facilitate this process. I really believe 1) that there is far greater agreement on these issues than the rhetoric would suggest (Olivia, you made this point when you addressed Council); and 2) that the process of writing and bringing the Resolution forward must be a collaborative process. Ideally, there will be a Resolution put before Council in August that both 48 and 19 (and many others) can support.

Be well,

Steve

-----Original Message-----
From: G. Andrew H. Benjamin, J.D., Ph.D. [redacted]
Sent: Wednesday, June 21, 2006 11:51 AM
To: Judith Van Hoorn; [redacted]; Behnke, Stephen
Cc: Corann Okorodudu; Neil Altman; Rosie Bingham; [redacted]; Jackie White JWWHITE; [redacted]; [redacted]
Subject: Fw: [COR] Petition on APA Ethics & New Business Item from Div 48

Dear all:

It would greatly help COR's deliberations if you all announced the progress on the new legislation. Better yet, please distribute a draft of the new legislation.

If I can be of any assistance, please let me know.

With warm regards, Andy

^^

G. Andrew H. Benjamin, J.D., Ph.D.
Affiliate Professor of Psychology- Antioch University
Affiliate Professor of Law- University of Washington
Director, Parenting Evaluation/Training Program (PETP)
A program of Antioch University and University of Washington
2326 Sixth Avenue
Seattle WA 98121-1814

PRIVACY REDACTION
Web site: http://depts.washington.edu/petp

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/^\/^\/^\/^\/^\/^\/^\/^\/^\/^\/^\/^\/^\/^\/^\/^\/^\/^\/^\

----- Original Message -----
From: "Johnson, Suzanne" PRIVACY REDACTION
To: <COR@LISTS.APA.ORG>
Sent: Wednesday, June 21, 2006 8:29 AM
Subject: Re: [COR] Petition on APA Ethics

I agree

Suzanne Bennett Johnson, Ph.D.
Professor and Chair
Department of Medical Humanities and Social Sciences
Florida State University College of Medicine
1115 West Call Street
Tallahasee Fl 32306-4300
PRIVACY REDACTION

-----Original Message-----
From: Council of Representitives [mailto:COR@LISTS.APA.ORG] On Behalf Of Thorn, Beverly
Sent: Wednesday, June 21, 2006 11:06 AM
To: COR@LISTS.APA.ORG
Subject: Re: [COR] Petition on APA Ethics

Hi Trish and others. From my perspective, signing a petition demanding that psychologists not be a participant in torture (or a petition tantamount to that) is something that most of us would jump to sign. It is SO TEMPTING to go with one's emotions when it comes to this issue, and as Council knows quite well, the issues are quite complex indeed. I would feel much better if every person who signed that petition had read the PENS report and was privy to some of the extensive discussions APA has had over this. And still we find that we need to continue to discuss it in August. I wouldn't discourage anyone from signing a petition, but at this point, neither would I encourage them to sign such a petition, particularly since it seems to level accusations at APA that (in my mind) are false, and make statements about what APA has "condoned" that appear also to be false.

Respectfully, Bev Thorn

Beverly E. Thorn, Ph.D., ABPP
Professor & Director of Clinical Psychology
Editor, Journal of Clinical Psychology
Department of Psychology, Univ. AL
P.O. Box 870348
Tuscaloosa, AL 35487-0348

PRIVACY REDACTION

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-----Original Message-----
From: Council of Representitives [mailto:COR@LISTS.APA.ORG] On Behalf Of Dr. Trish Crawford
Sent: Tuesday, June 20, 2006 3:50 PM
To: COR@LISTS.APA.ORG
Subject: [COR] Petition on APA Ethics

Subject: Petition on APA Ethics

http://www.thepetitionsite.com/takeaction/483607021

Well, it turns out that indeed an online petition for psychologists has been
launched, it has been up for 5 days, and has 660 people who have signed on
(you can view the names if you go to the website). They say their goal is to
obtain 50,000 names.

Would anyone care to comment on what they see might be the possible responses from the Board and/or Council and/or staff in dealing with such a
petition?

Has such a petition from members ever been undertaken before? And if so,

what were the results?

I knew it was going to be very hot in New Orleans in August, but I wasn't
exactly imagining this kind of heat. Now, I am.

Trish Crawford, Ph.D.
BCPA

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Thursday, June 22, 2006 4:29:43 PM
Recipient:	'Judith Van Hoorn' PRIVACY REDACTION
Cc:	G. Andrew H. Benjamin, J.D., Ph.D. PRIVACY REDACTION ;Olivia Moorehead-Slaughter;Corann Okorodudu PRIVACY REDACTION
Subject:	RE: [COR] Petition on APA Ethics & New Business Item from Div 48

Hi Judy,

Excellent, Judy, thanks so much. Olivia and I would be available for a call next week at your convenience, if that would be helpful.

By "changing climate," I was referring to the attention that Council is giving to this issue, and the Board's desire to ensure that Council has the opportunity to discuss this issue when it meets at Convention.

Having discussed the Resolution with numerous individuals from the human rights and treatment of torture survivors communities, I have some thoughts about wording and perhaps an additional "Be it resolved," which I would be happy to share with you, if that would be helpful.

Steve

-----Original Message-----
From: Judith Van Hoorn PRIVACY REDACTION
Sent: Thursday, June 22, 2006 3:45 PM
To: Behnke, Stephen
Cc: G. Andrew H. Benjamin, J.D., Ph.D.; Olivia Moorehead-Slaughter; Corann Okorodudu
Subject: RE: [COR] Petition on APA Ethics & New Business Item from Div 48

Greetings to you, Steve, and to everyone,

Corann and I had already scheduled a call for tomorrow. We'll discuss
this and get back to you quickly.

What is everyone's sense of the "changing climate"?

Steve, do you mean the urgency of a resolution - or changing climate re.
what a resolution should include?

Judy

Quoting "Behnke, Stephen" <sbehnke@apa.org>:

> Dear Corann and Judy,
>
> I have received the materials relating to the 1986 resolution back
> from
> Maureen (apparently the process of archiving the materials took
> longer
> than expected), and I will forward those to you.
>
> My sense is that, while we had discussed having the resolution go
> before
> Council next February, the climate may have changed so that it may be
> possible to move forward in August. Would that possibility be of

> interest to you?
>
> Stephen
>
>
> -----Original Message-----
> From: G. Andrew H. Benjamin, J.D., Ph.D.
> PRIVACY REDACTION
> Sent: Wednesday, June 21, 2006 11:51 AM
> To: Judith Van Hoorn; Olivia Moorehead-Slaughter; Behnke, Stephen
> Cc: Corann Okorodudu; Neil Altman; Rosie Bingham; Bernice Lott;
> Jackie
> White JWWHITE; Melba Vasquez ; Doug Haldeman
> Subject: Fw: [COR] Petition on APA Ethics & New Business Item from
> Div
> 48
>
> Dear all:
>
> It would greatly help COR's deliberations if you all announced the
> progress
> on the new legislation. Better yet, please distribute a draft of the
> new
> legislation.
>
> If I can be of any assistance, please let me know.
>
> With warm regards, Andy
>
> ^^
> G. Andrew H. Benjamin, J.D., Ph.D.
> Affiliate Professor of Psychology- Antioch University
> Affiliate Professor of Law- University of Washington
> Director, Parenting Evaluation/Training Program (PETP)
> A program of Antioch University and University of Washington
> 2326 Sixth Avenue
> Seattle WA 98121-1814
>
> PRIVACY REDACTION
> Web site: http://depts.washington.edu/petp
>
> The above email may contain patient identifiable or confidential
> information. Because email is not secure,
> please be aware of associated risks of email transmission. If you are
> a
> client, communication via email implies your
> agreement to accept the risks of email communication; please see
> http://www.uwmedicine.org/Global/Compliance/EmailRisk.htm
> /^\/^\/^\/^\/^\/^\/^\/^\/^\/^\/^\/^\/^\/^\/^\/^\
>
>
> ----- Original Message -----
> From: "Johnson, Suzanne" PRIVACY REDACTION
> To: <COR@LISTS.APA.ORG>
> Sent: Wednesday, June 21, 2006 8:29 AM
> Subject: Re: [COR] Petition on APA Ethics
>
>
> I agree
>

> Suzanne Bennett Johnson, Ph.D.
> Professor and Chair
> Department of Medical Humanities and Social Sciences
> Florida State University College of Medicine
> 1115 West Call Street
> Tallahasee Fl 32306-4300
PRIVACY REDACTION
[redacted]
>
> -----Original Message-----
> From: Council of Representitives [mailto:COR@LISTS.APA.ORG] On Behalf
> Of
> Thorn, Beverly
> Sent: Wednesday, June 21, 2006 11:06 AM
> To: COR@LISTS.APA.ORG
> Subject: Re: [COR] Petition on APA Ethics
>
> Hi Trish and others. From my perspective, signing a petition
> demanding
> that psychologists not be a participant in torture (or a petition
> tantamount to that) is something that most of us would jump to sign.
> It
> is SO TEMPTING to go with one's emotions when it comes to this issue,
> and as Council knows quite well, the issues are quite complex indeed.
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> petition,
> particularly since it seems to level accusations at APA that (in my
> mind) are false, and make statements about what APA has "condoned"
> that
> appear also to be false.
>
> Respectfully, Bev Thorn
>
> Beverly E. Thorn, Ph.D., ABPP
> Professor & Director of Clinical Psychology
> Editor, Journal of Clinical Psychology
> Department of Psychology, Univ. AL
> P.O. Box 870348
> Tuscaloosa, AL 35487-0348
PRIVACY REDACTION
[redacted]
>
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> copies of the original message.

>
>
> -----Original Message-----
> From: Council of Representitives [mailto:COR@LISTS.APA.ORG] On Behalf
> Of
> Dr. Trish Crawford
> Sent: Tuesday, June 20, 2006 3:50 PM
> To: COR@LISTS.APA.ORG
> Subject: [COR] Petition on APA Ethics
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> http://www.thepetitionsite.com/takeaction/483607021
>
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>
> Trish Crawford, Ph.D.
> BCPA
>
>

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Wednesday, June 21, 2006 7:19:17 PM
Recipient:	'Banks, Louie M. COL' <louie.morgan.banks@us.army.mil>
Subject:	FW: [COR] Petition on APA Ethics

-----Original Message-----
Morgan, I am very interested in determining the accuracy of a number of statements in a petition that is currently being circulated (link below). I would greatly appreciate any clarification you could give. I am most interested in ascertaining whether the following statements are correct:

1. Detainees at Guantanamo are denied the protection of due process
2. Detainees at Guantanamo are denied the protection of Geneva Convention monitoring
3. Psychiatrists and psychologists have been part of a strategy that employs extreme stress
4. An official Southern Command Policy statement documents that for a period of time psychologists were explicitly instructed to violate commonly-accepted canons of confidentiality and concern for patients' welfare

Any information you could provide regarding these four statements (or any others in the petition) would be very helpful. I am most interested in the accurate information itself, and have no need to cite the source (that is, the individual who may provide us the information).

Thanks,

Steve

http://www.thepetitionsite.com/takeaction/483607021

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Wednesday, June 21, 2006 12:30:27 PM
Recipient:	'Dunivin, Debra L LTC WRAMC-Wash DC' <Debra.Dunivin@NA.AMEDD.ARMY.MIL>
Subject:	FW: [COR] Petition on APA Ethics

Debra, are you around for a quick call?

Steve

-----Original Message-----
From: Council of Representitives [mailto:COR@LISTS.APA.ORG] On Behalf Of Dr. Trish Crawford
Sent: Wednesday, June 21, 2006 11:57 AM
To: COR@LISTS.APA.ORG
Subject: Re: [COR] Petition on APA Ethics

Dear Bev:

Since the petition, as you say, seems to level accusations at APA
that are false, and makes statements about what APA has condoned that appear
also to be false (but most people looking at the petition won't know that):

I guess the question is: Is there a way to get accurate information to the
people who are
going to go to the online petition? For example, is it possible for the
group "hosting"
the petition to put a link on that would direct them to an APA site that
would give accurate
information? Everything happens so quickly in cyberspace. Or do people
really want the
complexity? I suppose it's so much easier to see it very black and white,
and feel so
indignant and righteous to be on the "right side". I mean who isn't against
torture and
participating in anything that comes close to it? Really though, I'm sure
it goes without
saying (though I will say it) that it is because of the deep revulsion and
feelings of powerlessness
that so many have about the Bush administration's policies in Guantanamo and
elsewhere
that psychologists are going to jump at the chance to sign such a petition
so they will feel a little more empowered.

Oh well, I guess it will all emerge. (by the way, I hope people didn't read
my posting
as suggesting they should sign, as I wasn't. just wanted us to be informed
about what
happening out there in cyberspace).

Trish Crawford, Ph.D.
BCPA
----- Original Message -----
From: "Thorn, Beverly" PRIVACY REDACTION
To: "Dr. Trish Crawford" PRIVACY REDACTION <COR@LISTS.APA.ORG>
Sent: Wednesday, June 21, 2006 8:05 AM
Subject: RE: [COR] Petition on APA Ethics

Hi Trish and others. From my perspective, signing a petition demanding that psychologists not be a participant in torture (or a petition tantamount to that) is something that most of us would jump to sign. It is SO TEMPTING to go with one's emotions when it comes to this issue, and as Council knows quite well, the issues are quite complex indeed. I would feel much better if every person who signed that petition had read the PENS report and was privy to some of the extensive discussions APA has had over this. And still we find that we need to continue to discuss it in August. I wouldn't discourage anyone from signing a petition, but at this point, neither would I encourage them to sign such a petition, particularly since it seems to level accusations at APA that (in my mind) are false, and make statements about what APA has "condoned" that appear also to be false.

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Beverly E. Thorn, Ph.D., ABPP
Professor & Director of Clinical Psychology
Editor, Journal of Clinical Psychology
Department of Psychology, Univ. AL
P.O. Box 870348
Tuscaloosa, AL 35487-0348
PRIVACY REDACTION

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Sent: Tuesday, June 20, 2006 3:50 PM
To: COR@LISTS.APA.ORG
Subject: [COR] Petition on APA Ethics

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Trish Crawford, Ph.D.
BCPA

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Tuesday, June 20, 2006 10:53:45 PM
Recipient:	'Banks, Louie M. COL' <louie.morgan.banks@us.army.mil>;Dunivin, Debra L LTC WRAMC-Wash DC <Debra.Dunivin@NA.AMEDD.ARMY.MIL>
Subject:	FW: Psychologists and BSCT Teams

Any thoughts, especially where you see misstatements of fact, would be very helpful in writing a response.

Steve

From: Steven Reisner [PRIVACY REDACTION]
Sent: Tuesday, June 20, 2006 10:43 PM
To: Behnke, Stephen
Subject: Re: Psychologists and BSCT Teams

Dear Dr. Behnke,

Apology accepted.

In the meantime, I don't understand your desire to find a document from the WMA which addresses the BSCT activity specifically. Doesn't the position paper address precisely the issues that our psychologists must face in participating on BSCT teams? The WMA has articulated specific principles to be applied in such cases, and the press release makes it clear that these have been updated in response to the current controversy arising from ethical issues facing medical (and I would include behavioral science and mental health) practitioners during the current conflicts. Since you have gone to great pains recently to compare the APA position to the positions of the AMA and the American Psychiatric Association (neither of which referred specifically to BSCT participation), I am asking you to please do the same here, to let me understand how the APA and the WMA are similar and distinct, specifically with regard to the first two point of the WMA regulations:

1. Medical ethics in times of armed conflict is identical to medical ethics in times of peace, as stated in the *International Code of Medical Ethics* of the WMA. If, in performing their professional duty, physicians have conflicting loyalties, their primary obligation is to their patients; in all their professional activities, physicians should adhere to international conventions on human rights, international humanitarian law and WMA declarations on medical ethics.
2. The primary task of the medical profession is to preserve health and save life. Hence it is deemed unethical for physicians to:
   a. Give advice or perform prophylactic, diagnostic or therapeutic procedures that are not justifiable for the patient's health care.
   b. Weaken the physical or mental strength of a human being without therapeutic justification.
   c. Employ scientific knowledge to imperil health or destroy life.
   d. Employ personal health information to facilitate interrogation.
   e. Condone, facilitate or participate in the practice of torture or any form of cruel, inhuman or degrading treatment.

But let's look, in addition, at some specific situations that psychologists have found themselves in or are likely to find themselves in. I have created three scenarios based on the conditions and circumstances psychologists face and have faced at Guantanamo and elsewhere. I read the WMA protocols as clearly prohibitive. What

about the APA ethical principles?

1. Psychologists are asked to train interrogators in psychological techniques whose aim is to cause enough distress on those being interrogated to cause them to give up useful information. This would be prohibited under WMA guideline, paragraph 2a,b,c. What would the APA position be, and would it differ?

2. People are arrested by a foreign government and labeled enemies, without charge or evidence. They are interrogated under conditions where international conventions on human rights and international prisoner protocols are not accepted. The center where they are held against their will has been condemned by the UN, the European Union, and, according to reliable reports, the International Committee of the Red Cross, as a center of torture, and the manner in which they are interrogated has been condemned by those same groups, and by the United Nations Commission on Torture as a form of torture. The UN, the EU and the major international Human Rights organizations have called for the site's closure. Psychologists are asked to train the interrogators, and to oversee the interrogation protocols. This wold be prohibited under WMA guideline, paragraph 1, paragraph 2a,b,c, e, and paragraph 5. What would the APA position be, and would it differ?

3. After an internal investigation of alleged acts of torture, the Surgeon General of the Army recommended that psychologists be used exclusively for the BSCT teams, and he described their role as follows: "[Psychologists are to] check the medical history of detainees with a focus on depression, delusional behaviors, manifestations of stress, and "what are their buttons." [Psychologists] will greatly assist [interrogators] with: obtaining more accurate intelligence information, knowing how to gain better rapport with the detainees, and also knowing when to push or not to push harder in pursuit of intelligence information." (From "FINAL REPORT: ASSESSMENT OF MEDICAL OPERATIONS... OFFICE OF THE SURGEON GENERAL OF THE ARMY. 13 APRIL 2005") This would be prohibited under WMA guideline, paragraph 1, paragraph 2a,b,c, d, e, and paragraph 6. What would the APA position be, and would it differ?

A final note: The recent report governing BSC's (Standards and Procedures for BSC's, DoDI 2310.08 June 6, 2006) requires that BSC procedures regarding inhumane treatment and confidentiality, simply be "in accordance with applicable US law." But no law, as far as I know is applicable to the detainees at Guantanamo. International law does not apply, the Geneva Conventions do not apply, and, according to the administration and the Pentagon, US law does not apply. Therefore, under what law shall psychologists abide to determine the ethics of their behavior?

I apologize for the lengthy letter, but I believe that these issues go to the heart of the integrity of our profession. They are as important an opportunity for us to create universally useful ethical obligations as the Nuremberg trials were. One of the great lessons of Nuremberg was that the laws of one country in treating human beings may be crimes, even if legal within that country. That there must be international, universal standards governing human behavior, treatment of prisoners, human rights. The UN Universal Declaration of Human Rights was crafted specifically in response to one country's imposition of law that the world considered inhumane. Thus, the WMA cites international conventions on human rights and international humanitarian law.

In my work with torture survivors from every sort of regime, I have seen first hand the danger that arises when one country unilaterally redefines these codes and definitions. I believe our profession's code of ethics should be crafted precisely to remain independent of "applicable law" as defined by the very military that is designing the detention centers, and lean heavily on international standards which, currently is strongly condemning the practices of those centers.

Sincerely,
Steven Reisner

"Behnke, Stephen" <sbehnke@apa.org> on Tuesday, June 20, 2006 at 12:32 AM -0500 wrote:
Dr. Reisner, I apologize for the manner of addressing you in my last message, I meant "Dear Dr. Reisner."

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Sunday, June 18, 2006 11:21:56 AM
Recipient:	'Dunivin, Debra L LTC WRAMC-Wash DC' <Debra.Dunivin@NA.AMEDD.ARMY.MIL>;banksl@soc.mil
Subject:	RE: Question

Hi Debra,

I've not mentioned it to the Board; after my last meeting with the Board, I expect that it would receive the Board's full support. I have informed my APA supervisors, naturally, but given how hot things are at the moment discretion may be the better part of valor for the time being, at least in terms of the broader APA community.

Morgan/Debra, I am going to edit the column at www.apa.org slightly, and it will be put back into a Monitor column format, most likely tomorrow am.

Steve

From: Dunivin, Debra L LTC WRAMC-Wash DC [mailto:Debra.Dunivin@NA.AMEDD.ARMY.MIL]
Sent: Sunday, June 18, 2006 11:12 AM
To: Behnke, Stephen; banksl@soc.mil
Subject: RE: Question

I think we are going to have to start talking about it, Steve. Did you report to APA Board about participating in training at Ft Huachuca? I know we talked about waiting to report it out... What do you think, Morgan?

From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Tuesday, June 13, 2006 10:46 PM
To: Dunivin, Debra L LTC WRAMC-Wash DC; banksl@soc.mil
Subject: Question

Hi Debra and Morgan,

One aspect of our media strategy is to stress similarities between the three association positions. All three associations have made clear that members may consult to interrogations. (President of American Psychiatric, Steve Sharfstein, has said that the psychiatric association will not discipline military psychiatrists acting under orders.)

May we mention in public that military psychiatrists continue to be trained for this role? Doing so may be helpful to us, but of course we will do so only if you say it's okay.

Thanks, Steve

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Sunday, July 09, 2006 2:02:58 AM
Recipient:	'Banks, Louie M. COL' <louie.morgan.banks@us.army.mil>;Morgan Banks
Subject:	FW: PENS interview
Attachments:	WashingtonMonthly.doc

CONFIDENTIAL.

Morgan, please read this document. He's really coming after you (following Bloche). I've said quite a lot. Please let me know where I've gone astray. Also, if you think there are other points I should make, I can do so. I hope I've done a good job here…

Thanks Morgan,

Steve

From: Behnke, Stephen
Sent: Sunday, July 09, 2006 1:45 AM
To: 'Gerald P. Koocher, Ph.D.'; Levant,Ronald F
Cc: Farberman, Rhea; Gilfoyle, Nathalie
Subject: PENS interview

Dear Gerry and Ron,

On Friday I was interviewed by an editor for the Washington Monthly, Art Levine. The interview was the most challenging I've had to date. I have exchanged several email messages with Mr. Levine today, and it has become clear that there is, for lack of a better term, a "left wing conspiracy" against APA on this issue, something I've suspected for a long while but have become entirely convinced of now.

Attached please find a Word document that contains our "off the record" exchanges. The messages are listed 1 through 10 and separated by asterisks. He comes at me pretty hard, and I return in the same manner. (Ron, I think you might characterize our exchanges as "taking the gloves off.") I think the manner in which these exchanges unfold make clear to Art Levine that we can respond to any of the criticisms and allegations that are being directed at us, and that we are prepared to do so with clarity and force. I get somewhat repetitive, intentionally, to emphasize certain points.

Gerry, you may want to review in preparation for Monday morning. As I mentioned, it's clear to me that people are bringing "pre-packaged" stories to reporters, who then come to us. My guess is that there is a high likelihood that explains why Salon wants to speak with us now.

Ron, I apologize for not having responded to your earlier message. I believe this exchange will be helpful, but I'll see what else I can get you.

Rhea, I didn't want to bug you all day with these. I don't see any value in having additional exchanges with Art Levine—I've said everything I have to say, and I've left open the possibility that I simply won't be available for further contact. I've been forceful but tried to stay professional and focused, with the ultimate goal of conveying that we have clear and thoughtful responses to all the criticisms being made of our position and our process.

Thank you,

Steve

Message 1:
Dear Mr. Levine,

I was wondering whether I might send you a message off the record. If so, could you please let me know?

Thank you,

Stephen Behnke

****

Message 2:
Yes, if you want to give me comment that's not attributed to you or your organization, that's fine. Sincerey, Art Levine

Art Levine
202-248-9320
****

Message 3:
Dear Steve: FYI, the director of Physicians for Human Rights, Rubenstein, and Dr. Steve Miles, author of Oath Betrayed, contend that your July/August statement distorts (primarily through omission) the key difference between the AMA position and the American Psychological Ass'n: that the AMA bars direct or advisory role in any individual interrogations, although allowing some general guidance in training of interrogators. That's not something that is clearly stated in your column, they argue. Here's the AMA release enclosed. Also, the full AMA report -- not recommendations -- has not been officialy released yet as it awaits consideration for publication and what you were quoting from is essentially a draft document, the critics of your column say. The AMA has released an embargoed document that I can't quote from, but I can quote from this release and the report's recommendations.

Here's the AMA press release link, and how does that square with the several assertions by you verbally in our interview and in your column how similar the AMA and psychologist association positions are? I'll also seek to get AMA comment on that issue.
http://www.ama-assn.org/ama/pub/category/16446.html

New AMA ethical policy opposes direct physician participation in interrogation

e-mail story | print story
For immediate release
June 12, 2006
Statement attributable to:
Priscilla Ray, MD
Chair, AMA Council on Ethical and Judicial Affairs

"After careful consideration and broad input from experts, the American Medical Association has adopted ethical guidelines that limit physician participation in interrogation. The new AMA policy clearly states that physicians who engage in any activity that relies on their medical knowledge and skills must continue to uphold medical ethics.

"Physicians must not conduct, directly participate in, or **monitor an interrogation** with an intent to intervene, because this undermines the physician's role as healer.

Because it is justifiable for physicians to serve in roles that serve the public interest, the AMA policy permits physicians to develop general interrogation strategies that are not coercive, but are humane and respect the rights of individuals.

"The practice of medicine is based on trust, and physicians are expected to care for patients without regard to personal characteristics. The development of this new ethical policy removes ambiguity for physicians who must make decisions about their involvement in interrogations.

"This policy builds on previous AMA efforts to assist physicians in the military who encounter such issues."
###

As your critics see it, they contend that the Amerian Psychological Association is the odd man out among medical groups, and several pointed to the American Prospect article criticizing the military-related make-up of the panel, with six of nine voting members having military and intelligence ties. They argue it shouldn't have a majority of such members, and they should have been advisors or expert witnesses, but not a majority voting bloc. Also, they contend that the APA organization won't release minutes or indvidual votes of the task force, as some APA members are asking.

After interviewing some additional experts who challenge your views, including Dr. Bloche, I'm sure I'll have some additional questions for you. Thank you for your consideration and courtesy in providing information and forthright answewrs for me.

Sincerely, Art Levine
****

Message 4:
Thank you, Art. Please consider this communication off the record.

In regard to the other message you sent last evening, you MUST READ THE ENTIRE AMA STATEMENT. The document is approximately 3500 words. The AMA has released only the "recommendations" section (and a press release), but the text READ IN ITS ENTIRETY shows a MUCH broader role for physicians than the portions the AMA has released. The AMA Report makes a distinction between "direct" and "indirect" consultation. "Indirect" consultation is EXACTLY WHAT THE PSYCHOLOGICAL ASSOCIATION REPORT ALLOWS (using somewhat different terminology). AT NO

POINT DOES THE AMA STATEMENT BAR PHYSICIANS FROM PROVIDING THIS TYPE OF CONSULTATION TO MILITARY INTERROGATORS. AGAIN, PLEASE GET THE ENTIRE AMA REPORT AND LET'S DISCUSS.

Art, has it occurred to you that there may be a reason WHY the AMA has chosen to release only a very limited section of the report?? (The American Psychological and Psychiatric Associations both released their entire reports IMMEDIATELY upon adoption.) Also, has it occurred to you that the people speaking to you may have agendas of their own, and that they themselves are distorting positions for their own purposes??

Yesterday I sent you the link to the article in Medpage Today, in which the president of the psychiatric association (now past-president) stated that the psychiatric position statement is not "an ethical rule" and that military psychiatrists following orders "wouldn't get into trouble with the" American Psychiatric Association. Art, does it strike you as an odd coincidence that ON THE VERY DAY the Psychiatric Association releases its position on interrogations, its president is quoted in the media as stating that the policy DOES NOT APPLY TO MILITARY PSYCHIATRISTS FOLLOWING ORDERS?? In that article the president makes clear that he knows psychiatrists are continuing in this role, and the DoD has publicly laid out a process for psychiatrists continuing in this role. The Psychiatric position makes a great sound bite, but PUBLICLY AVAILABLE INFORMATION TELLS A MUCH DIFFERENT STORY ABOUT WHAT IS REALLY GOING ON IN TERMS OF WHAT PSYCHIATRISTS ARE DOING, AND IN TERMS OF WHAT THE PSYCHIATRIC ASSOCIATION KNOWS PSYCHIATRISTS ARE DOING. (You said that Dr. Sharfstein could only speak briefly because he was on vacation—I'm confident there is a counterpart to my position at the Psychiatric Association who would be available to discuss this issue with you.)

I appreciated your final comment in our discussion, when you acknowledged asking me tough questions. That's your role and clearly you are good at it. I ask that you are as direct and tough with my counterparts at the Medical and Psychiatric Associations, and that you do as much research about the potential problems in their positions are you have with ours—that only seems fair.

Steve

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Message 5:

Dear Behnke: Here's a question I posed to Dr. Bloche, and his response, and I'd like to get your views, perhaps in a follow-up interview:

Does the current AMA policy allow doctors to advise interrogators on conducting specific individual interrogations and/or the vulnerabilities of specific detainees? Does the APsychologicalA document, as written , give justification for psychologists to use medical/psychological information to advise interrogators on detainee weaknesses?

Here's Dr. Bloche's response:

I read the APA & AMA documents to permit both of these practices. More to the point, the documents don't clearly proscribe these practices. That means: (1) that a military psychologist or physician ordered to do either of these things can't cite these documents as a basis for arguing that the order is "manifestly illegal" (because it's unethical), and (2) that a military psychologist or physician facing prosecution at some future time, for engaging in these behaviors, can use these documents in his defense, since they don't bar these behaviors.

The bottom line is this: in both criminal justice & ethics cases, what's not clearly proscribed is permitted.

What's your view on what the AMA and your APA task force allow health care providers to do in terms of reviewing medical and emotional weaknesses, and suggesting either techniques or lines of inquiry to aid interrogators in extracting information from detainees?
Thanks, Art Levine
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Message 6:
Art, I really appreciate your taking the time to engage in this email exchange, and I'm sorry that by virtue of my schedule I can only do it piecemeal. Please let me respond to several points you have made. Please consider these comments "off the record," at least at this point—it may be that it would be fruitful for us actually to sit down and speak in person.

1) Regarding what Steven Miles and Len Rubenstein say about the difference between the AMA and APA reports, please note that to understand what the reports are saying, you must pay VERY CLOSE ATTENTION TO HOW WORDS SUCH AS "DIRECT," "INDIRECT," AND "COERCION" ARE BEING USED. A careful review of the AMA Report indicates that the Report NOWHERE precludes a physician from acting as a consultant or advisor to a non-coercive interrogation, if the physician is not a caregiver. THIS IS EXACTLY THE ROLE ENVISIONED BY THE PSYCHOLOGICAL ASSOCIATION REPORT. (To the statement: "But the AMA report precludes direct involvement in interrogations," I would reply, "Read the Psychological Association report, which talks about "assisting" and "supporting"—not conducting—interrogations, which is entirely consistent with the AMA Report"; to the statement, "But the AMA report precludes "monitoring" interrogations," I would reply "The AMA report precludes monitoring 'with the intent of intervening,' which is a difference I address directly in my column, where I also note that the AMA report makes explicit, positive reference to the presence of a psychiatrist during an interrogation"; to the statement, "But the Psychiatrists seem to argue there is no "non-coercive" interrogations," I would reply, "Read the AMA report carefully, and see how it defines 'coercive' and repeatedly and explicitly indicates there are 'non-coercive' interrogations—the AMA and the Psychiatric Association have very different views on this issue"; to the statement, "But the AMA report in its

recommendations section makes reference to 'training,'" I would reply, "I address this point directly in my column—the concept of training appears FOR THE FIRST TIME in the FINAL SECTION OF THE REPORT, and the report as a whole addresses a MUCH BROADER ROLE. CONSIDER WHY THE AMA HAS RELEASED ONLY THE RECOMMENDATION SECTION OF THE REPORT!")

2) To the point regarding the makeup of the task force, I would make three points:

- **a.** First, The PENS report was a consensus document—the Task Force worked BY CONSENSUS. The Task Force voted on a single item, which was explicitly discussed in the Report itself (page 9). THUS, IT IS NOT THE CASE THAT THERE WERE A SERIES OF 7-3, OR 6-4 VOTES, OR ANYTHING OF THAT NATURE, BECAUSE THERE WAS ONLY A SINGLE VOTE TAKEN. In addition, when the Task Force met, ALL members were given an opportunity to note ANY area on which consensus was not reached, AND HAVE THAT ISSUE EXPLICITLY ADDRESSED IN THE REPORT. A total of three items were identified (again on page 9).
- **b.** Second, we needed expertise in interrogation and information-gathering processes, and these individuals had expertise in these and other areas. Given how similar APA's position is to that of the American Medical Association, it is very difficult to argue that the PENS position is the inevitable result of a particular composition. HAS ANYONE COMPLAINED ABOUT THE COMPOSITION OF THE GROUP RESPONSIBLE FOR AMA'S POSITION??
- **c.** Third, the Task Force members made very clear that this PENS report is an "initial step in a continuing process," and that much more work needs to be done. At no point did the PENS Task Force view the Report as the final or definitive APA statement on this issue, and in that regard all of the Task Force members recognized that other APA groups, such as the Ethics Committee, would have important contributions to make. The Task Force absolutely endorsed further elaboration and development of APA's position, which speaks to their understanding of the complexity of the issues involved and the importance of placing the PENS report in its proper context and perspective. ONE SUCH STEP IS TO WRITE A COMMENTARY ON THE PENS REPORT, WHICH THE APA ETHICS COMMITTEE IS DOING—THE TASK FORCE HAS BEEN DISBANDED, AND THE TASK FORCE HAS NO ROLE IN THE COMMENTARY. PLEASE NOTE THAT ONE OF THE FIRST TASKS FOR THE ETHICS COMMITTEE IN WRITING THE COMMENTARY WILL BE TO DEFINE THE TERMS "TORTURE," AND "CRUEL, INHUMAN, AND DEGRADING." **IF THE TASK FORCE, AS BLOCHE SUGGESTS, INTENDED TO PROVIDE COVER, IT WOULD MAKE ABSOLUTELY NO SENSE WHATSOEVER TO HAND OFF TO ANOTHER GROUP THE**

AUTHORITY TO DEFINE THESE TERMS, BECAUSE AS EVERYONE KNOWS, HOW YOU DEFINE THESE TERMS IS ABSOLUTELY CRITICAL TO DETERMINING WHAT IS ETHICAL AND WHAT IS NOT ETHICAL. VIRTUALLY EVERYTHING RESTS IN THE POWER TO DEFINE, AS WE HAVE ALL LEARNED! BLOCHE'S REASONING MAKES NO SENSE GIVEN THE FACTS. THOSE STUBBORN FACTS!

3) Regarding Bloche's point about international law, please note that the terms "cruel, inhuman, and degrading" are taken directly from the UN Convention Against Torture PRECISELY TO INCORPORATE INTERNATIONAL STANDARDS IN THE REPORT ITSELF. Also note, the Ethics Committee will FURTHER TAKE UP THE ISSUE OF INTERNATIONAL LAW AND HUMAN RIGHTS LAW IN WRITING THE COMMENTARY. AS I HAVE REPEATEDLY STATED, APA CONTINUES TO EXAMINE AND ADDRESS THIS ISSUE—OUR WORK IS NOT DONE.

I must run at the moment,

Steve

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Message 7:

Dear Stephen: thanks for taking the time and I'd like to incorporate some of your rebuttal points on the record when you have a chance. I think Bloche would agree with you that the AMA and your APA task forces are similar as you say, he just believes they're too weak; let's go over some of these points tomorrow afternoon or early evening if possible? Or monday afternoon? I'm writing another journalistic assignment today, then reviewing notes and starting writing tomorrow evening on the Washington Monthly assignment, finishing on Monday night for a Tuesday a.m. deadline. Best, Art Levine

Art Levine
202-248-9320

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Message 8:

Dear Art,

Again, thanks for taking the time to engage in these online exchanges. I appreciate your thoughtful and thorough approach to this complicated issue. I did want to pick up on a word you use in your message below, "rebuttal." I've had the sense that you were very well prepared to "come after" the Psychological Association, with which I have no problem whatsoever—provided that you question others in the same vigorous and challenging manner as you did me.

1) **The American Psychiatric Association**. On May 22, the Psychiatric Association releases its position statement, and accompanying press release "APA Passes Position Statement Barring Psychiatric Participation in Interrogation of Detainees." On the very same day, the president of the Psychiatric Association is

quoted in the media as stating the position is not an ethical rule and that no military psychiatrist following orders will get into trouble with the Psychiatric Association for participating in a military interrogation. He acknowledges that psychiatrists continue in this role, and the Department of Defense subsequently lays out a process at a press conference for continuing to include psychiatrists in this role. THUS, THE PRESIDENT OF THE ASSOCIATION EXEMPTS THE PEOPLE TO WHOM THE POLICY STATEMENT IS MOST LIKELY TO APPLY ON THE VERY DAY THE POLICY STATEMENT IS ISSUED. It strikes me that this requires an ENORMOUS amount of explaining by someone at the Psychiatric Association, and that if the author of the media statements (past president) is on vacation and so isn't inclined to speak, there are many others in the Psychiatric Association who should easily be able to speak to this issue. IT ALSO STRIKES ME AS EXCEEDINGLY INTERESTING THAT PEOPLE WHO ARE SPEAKING TO YOU ABOUT THIS ISSUE—GREGG BLOCHE, LEN RUBENSTEIN, STEVEN MILES—SEEM NOT TO BE PURSUING THIS RATHER OBVIOUS POINT, WHICH COULD BE ARGUED UTTERLY TO EVISCERATE THE PSYCHIATRIC ASSOCIATION'S POSITION. WHY NOT??

2) **The American Medical Association**. On June 12, the AMA issues a press release, "New AMA ethical policy opposes direct physician participation in interrogation," but only releases the "Recommendation" section of their Report, and refuses to allow any other aspect of the Report to be quoted. The AMA gives as a reason that they want to publish the Report in a peer-reviewed journal. The Psychological and Psychiatric Associations allowed their full reports to be released as soon as they were adopted. The notion that release of a document of this importance, on such a pressing societal issue that is garnering so much attention, must wait for review and publication by a peer-reviewed journal, especially when the AMA has MANY PUBLICATION VENUES AT ITS IMMEDIATE DISPOSAL—seems to beg for some hard questions to be asked.

3) **Gregg Bloche**. Gregg Bloche, according to your email, "likens the military affiliated membership make-up of the APA panel to a trade association in the wake of the Enron and accounting scandals appointing Doug Fastow, Arthur Anderson officials and other architects of corporate scandals to an ethics panel because 'they know the most about the subject.'" NOTE HOW THE ANALOGY PRESUMES GUILT. IF GREGG BLOCHE HAS EVIDENCE THAT ANY PSYCHOLOGIST ON THE PSYCHOLOGICAL ASSOCIATION TASK FORCE HAS ENGAGED IN BEHAVIOR THAT IS ILLEGAL, OR THAT CONSTITUTES "TORTURE," OR "CRUEL, INHUMAN, OR DEGRADING TREATMENT," HE SHOULD MAKE THE ALLEGATION AND PRODUCE THE EVIDENCE. **THIS ANALOGY MAKES THE ALLEGATION IN A HUGELY IRRESPONSIBLE WAY, AND I HOPE THAT YOU RAISE A QUESTION ABOUT JOURNALISTIC ETHICS WITH BLOCHE UNLESS HE IS WILLING TO COME FORWARD WITH A SPECIFIC ALLEGATION ABOUT A SPECIFIC INDIVIDUAL.**

4) In terms of your question, "Does the current AMA policy allow doctors to advise interrogators on conducting specific individual interrogations," the answer is clearly yes—because you use the word "advise." As I have been emphasizing, NOTHING IN THE AMA REPORT PROHIBITS PHYSICIANS FROM ADVISING INTERROGATORS ON SPECIFIC INTERROGATIONS (PROVIDED THAT THE INTERROGATION IS NOT COERCIVE AND THE PHYSICIAN DOES NOT HAVE A HEALTH CARE PROVIDER ROLE.) AGAIN, THIS IS EXACTLY THE ROLE ENVISIONED BY THE PSYCHOLOGICAL ASSOCIATION'S REPORT. IF ANYONE DISAGREES WITH THE STATEMENT REGARDING THE AMA REPORT, PLEASE ASK THEM TO GIVE YOU THE SPECIFIC PROHIBITING LANGUAGE FROM THE AMA REPORT. (BLOCHE IS CORRECT—BOTH THE AMA AND PSYCHOLOGICAL ASSOCIATION REPORTS PERMIT THIS PRACTICE.) In terms of the second part of your question, please note the Psychological Association Report makes an ABSOLUTE DEMARCATION BETWEEN HEALTH CARE PROVIDER ROLE AND ADVISOR TO INTERROGATION ROLE. IT IS UNETHICAL TO TAKE ANY INFORMATION FROM A MEDICAL RECORD—E.G., A PHOBIA—AND USE IT TO CONSTRUCT AN INTERROGATION STRATEGY—IT WOULD BE UNETHICAL (QUOTATION FROM YOUR MESSAGE) TO "SUGGEST…EITHER TECHNIQUES OR LINES OF INQUIRY TO AID INTERROGATORS IN EXTRACTING INFORMATION FROM DETAINEES." PLEASE ALSO NOTE THAT THE APA ETHICS COMMITTEE, IN WRITING ITS COMMENTARY, WILL BE ELABORATING ON THIS VERY IMPORTANT ISSUE.

S.B.

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Message 9:

Dear Steven: Let's go over these issues by phone. On the evidence front, he says the APA is demanding evidence when Pentagon in an administration notorious for suppressing and lying about military abuses is redacting information about names of participating psychologists and won't release details of interrogation procedures in response to FOIA requests by him and other journalists, although some Time Magazine articles refer to a Major L in an interrogation log at Guantanamo, known to be Major Lesso (sp>). He says there's probable cause -- and he's seeking FOIA for more -- to believe that Morgan Banks advised Miller on SERE techniques that were then applied in Guantanomo and elsewhere. He argues that from APA's point of view, the standard for Banks voting role on the committee shouldn't be whether he'd be prosecuted for war crimes or violations of international law based on what's available in the public record *now*, but based on connect-the-dots array of information, and documents and his know role in SERE should he have been a voting member of the panel? Also, Jean Arrigo complained in a letter published on your website that APA didn't seek to investigate abuses by psycologists, thus limiting the scope of the panel: "**Regarding accountability, the task force**

mandate from APA's Council of Representatives excluded investigation of psychologists' participation in coercive interrogation, in spite of demands for investigation by APA divisions. "Here's what Bloche wrote in the New York Times regarding SERE, Banks and Miller:

Fearful of future terrorist attacks and frustrated by the slow progress of intelligence-gathering from prisoners at Guantanamo Bay, Pentagon officials turned to the closest thing on their organizational charts to a school for torture. That was a classified program at Fort Bragg, N.C., known as SERE, for Survival, Evasion, Resistance, Escape. Based on studies of North Korean and Vietnamese efforts to break American prisoners, SERE was intended to train American soldiers to resist the abuse they might face in enemy custody.

The Pentagon appears to have flipped SERE's teachings on their head, mining the program not for resistance techniques but for interrogation methods. At a June 2004 briefing,[a public briefing for the press] the chief of the United States Southern Command, Gen. James T. Hill, said a team from Guantanamo went "up to our SERE school and developed a list of techniques" for "high-profile, high-value" detainees. General Hill had sent this list -- which included prolonged isolation and sleep deprivation, stress positions, physical assault and the exploitation of detainees' phobias -- to Secretary of Defense Donald Rumsfeld, who approved most of the tactics in December 2002.

Some within the Pentagon warned that these tactics constituted torture, but a top adviser to Secretary Rumsfeld justified them by pointing to their use in SERE training, a senior Pentagon official told us last month.

When internal F.B.I. e-mail messages critical of these methods were made public earlier this year, references to SERE were redacted. But we've obtained a less-redacted version of an e-mail exchange among F.B.I. officials, who refer to the methods as "SERE techniques." We also learned from a Pentagon official that the SERE program's chief psychologist, Col. Morgan Banks, issued guidance in early 2003 for the "behavioral science consultants" who helped to devise Guantanamo's interrogation strategy (we've been unable to learn the content of that guidance). [Bloche has made a FOIA request for that guidance by Banks]

SERE methods are classified, but the program's principles are known. It sought to recreate the brutal conditions American prisoners of war experienced in Korea and Vietnam, where Communist interrogators forced false confessions from some detainees, and broke the spirits of many more, through Pavlovian and other conditioning. Prolonged isolation, sleep deprivation, painful body positions and punitive control over life's most intimate functions produced overwhelming stress in these prisoners. Stress led in turn to despair, uncontrollable anxiety and a collapse of self-esteem. Sometimes hallucinations and delusions ensued. Prisoners who had been through this treatment became pliable and craved companionship, easing the way for captors to obtain the "confessions" they sought.

SERE, as originally envisioned, inoculates American soldiers against these techniques. Its psychologists create mock prison regimens to study the effects of various tactics and identify the coping styles most likely to withstand them. At Guantanamo, SERE-trained mental health professionals applied this knowledge to detainees, working with guards and medical personnel to uncover resistant prisoners' vulnerabilities. "We know if you've been despondent; we know if you've been homesick," General Hill said. "That is given to interrogators and that helps the interrogators" make their plans.

Is there solid documentary, bring to a court martial proof that Banks designed stress techniques to be used against detainees? No. But this chain of events and circumstances makes it clear he played some role in the development of the techniques used in Guantanomo, Bloche argues.

Let's talk soon, and I'll ask some of your suggested questions of AMA and psychiatric officials Monday. I'm on anotther assignment now.sincerely, Art Levine
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Message 10:
Art, it's late, but I simply cannot let this message go unanswered. I am with family tomorrow, and so will not be able to speak by phone, but Monday afternoon should work, at least as far as I can tell at this point (I will be checking email tomorrow, as I did today). Let me say the following:

1. With the "Fastow" analogy, Bloche has given you a good sense of how he works. IT'S A CLEVER AND WITTY ANALOGY AND ACHIEVES ITS INTENDED EFFECT—CREATING AN AURA OF GUILT WITHOUT THE READER NECESSARILY EVEN NOTICING WHAT'S JUST HAPPENED. AS I SUGGESTED IN AN EARLIER MESSAGE, SUCH INNUENDO RAISES QUESTIONS ABOUT JOURNALISTIC ETHICS, AND I HOPE YOU WILL PUT THAT QUESTION TO BLOCHE.

2. What does Bloche mean by saying that "APA is demanding evidence"? If Bloche is complaining that APA believes evidence is important—especially when someone has been very publicly maligned by innuendo—then I will strongly come down in favor of APA on that score.

3. Morgan Banks has been forceful and unequivocal: ANY INVOLVEMENT BY A PSYCHOLOGIST IN ASSISTING OR CONSULTING TO AN INTERROGATION IS FOCUSED ON KEEPING THE INTERROGATION SAFE, LEGAL, ETHICAL, AND EFFECTIVE. Now Art, I have to ask you: **IF BLOCHE IS CORRECT IN HIS ASSESSMENT OF BANKS, WHY IN THE WORLD WOULD BANKS RAISE HIS PROFILE BY PARTICIPATING ON AN APA TASK FORCE THAT WOULD EXPOSE HIM TO PRECISELY THE KIND OF SCRUTINY HE HAS RECEIVED FOR THIS ROLE??** THAT MAKES NO SENSE WHATSOEVER—BANKS IS A VERY INTELLIGENT MAN AND THE LAST THING HE WOULD DO WOULD BE

TO CALL ATTENTION TO HIMSELF IN THIS MANNER IF HE HAD SOMETHING TO HIDE—AND CONSIDER, IF BLOCHE IS CORRECT, THAT THE APA WANTED TO RIG THE PROCESS AND COME OUT WITH A PARTICULAR POSITION, BANKS WOULDN'T HAVE NEEDED TO SIT ON THE TASK FORCE—APA COULD EASILY HAVE GOTTEN SOMEONE ELSE TO FILL THE ROLE. **BLOCHE'S ACCOUNT FALLS APART WHEN PUT UNDER ANY SERIOUS SCRUTINY**.

4. Bloche talks of "connect-the-dots" reasoning: Banks was at Ft. Bragg, Banks advised at Guantanamo, Ft. Bragg teaches SERE techniques, SERE techniques were allegedly used at Guantanamo, THEREFORE BANKS ADVISED ON THE USE OF SERE TECHNIQUES AT GUANTANAMO. The problems with concluding ANYTHING FROM THIS REASONING could fill a thesis. I will make just three points:

    a. I cannot speak for or on behalf of Morgan Banks. I am in no way his spokesman. I can say, however, that Morgan Banks has been clear in discussions that ANY TORTURE OR ABUSIVE TREATMENT WILL INCREASE RESISTANCE TO AN INTERROGATOR, AND THUS WILL HAVE PRECISELY THE OPPOSITE OF THE INTENDED EFFECT. NOTE THAT BLOCHE HIMSELF INDICATES THAT THESE TECHNIQUES WERE USED BY COMMUNIST INTERROGATORS IN KOREA AND VIETNAM TO FORCE **FALSE** CONFESSIONS FROM DETAINEES. **ART, HAS IT OCCURRED TO YOU THAT SOMEONE WELL VERSED IN SERE TECHNIQUES MIGHT BE AN EXCELLENT PERSON TO SERVE ON A TASK FORCE, BECAUSE THEY UNDERSTAND THAT THE MISAPPLICATION OF TECHNIQUES WILL LEAD TO FALSE CONFESSIONS AND ARE THUS ANTITHETICAL TO THE VERY PURPOSE OF AN INTERROGATION?** DO YOU THINK THAT THOUGHT HAS EVER OCCURRED TO GREGG BLOCHE??
    b. Bloche makes reference to Banks having "issued guidance in early 2003." Bloche then adds "we've been unable to learn the content of that guidance." The editor then notes, "Bloche has made a FOIA request for that guidance by Banks." Now, Art, I want you to consider for just a moment: What if Banks WOULD LIKE NOTHING MORE THAN TO MAKE THAT GUIDANCE PUBLIC, BUT CANNOT DO SO BECAUSE IT REMAINS CLASSIFIED?? That would really put Banks at a VERY considerable disadvantage in his ability to respond to Bloche's innuendo—note I don't say "allegation," because Bloche does not make an allegation—that the guidance has something to do with advising on abusive techniques. **I HAVE A QUESTION I WOULD LIKE TO POSE: IF THE GUIDANCE BANKS PROVIDED IS DE-CLASSIFIED, AND THE GUIDANCE DOES NOT INVOLVE THE ABUSIVE TECHNIQUES BLOCHE DESCRIBES IN THIS NEW**

YORK TIMES EDITORAL, IS BLOCHE PREPARED TO MAKE A PUBLIC APOLOGY TO MORGAN BANKS? WOULD YOU PLEASE ASK BLOCHE THAT SPECIFIC QUESTION? IF YOU CAN, PLEASE GET HIS RESPONSE IN WRITING.

c. You write "Is there solid documentary, bring to a court martial proof that Banks designed stress techniques to be used against detainees? No. But this chain of events and circumstances makes it clear he played some role in the development of the techniques used in Guantanamo, Bloche argues." As far as I can tell, Bloche is not claiming EITHER that it would be unethical for Banks to play "some role" in advising military interrogators at Guantanamo Bay, OR that all interrogations at Guantanamo Bay involved abusive techniques, "semi-torture" as you put it when we spoke. Is Bloche making either of these points? Yet again, what Bloche is really saying is unclear—an ambiguity that may be serving Bloche's purposes quite well.

d. Art, what about the possibility that Banks is an honorable man who has worked in hugely difficult circumstances to PREVENT the abuse of detainees, who would find the abuse of a detainee UTTERLY ANTITHETICAL to US values and to his identity as a psychologist, and yet who, because of his circumstances, cannot respond to defend himself?

5. In regard to an earlier message, about criticisms directed to the Psychological Association for not having released minutes from the Task Force meeting, I have two points. First, there are no minutes. I staffed the meeting. My task was to capture and record the position of the Task Force. Again, I note that ALL Task Force members were given an EXPLICIT opportunity to identify and have included ANY issue on which they disagreed. Three such issues were identified and included in the Report. Second, are the people who are leveling this criticism at APA also now criticizing the AMA, which WON'T EVEN RELEASE ITS FULL REPORT??

6. Regarding Jean Maria Arrigo's statement, the mandate was from the Board of Directors and not the Council of Representatives. That rather minor point aside, APA IS A PRIVATE ASSOCIATION WITH NO SUBPOENA POWER. THERE IS NO WAY APA COULD CONDUCT A COMPETENT INVESTIGATION AND ATTEMPTING TO DO SO WOULD SERVE ONLY TO DEMONSTRATE THAT APA WAS WAY OVER ITS HEAD IN THINKING THAT IT COULD. **AND WHEN SUCH AN INVESTIGATION TURNED UP NOTHING—AS WOULD INEVITABLY HAVE BEEN THE CASE—APA WOULD HAVE THEN BEEN ACCUSED OF A COVER-UP.**

SB

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Friday, July 07, 2006 11:39:54 PM
Recipient:	Gilfoyle, Nathalie <ngilfoyle@apa.org>
Subject:	FW: Update for BOD on Resolution
Attachments:	RE: Update for BOD on Resolution

Holy S., Batwoman—did Doug really send the message with this attachment that was our earlier exchange???

From: Doug Haldeman
Sent: Friday, July 07, 2006 3:27 PM
To: APABODEMG@LISTS.APA.ORG; Behnke, Stephen; Corann Okorodudu ; Judith Van Hoorn ; Olivia Moorehead-Slaughter
Subject: Fwd: Update for BOD on Resolution

Hi Everyone,

As we all know, the issue of psychologists' involvement in military interrogations has been of tremendous interest and discussion within the Association (and beyond) in the weeks leading up to Convention. I am writing to briefly update you on what steps are being taken to address this situation:

Corann Okorodudu, Linda Wolf and Judy Van Horn, representing Division 48, have drafted a resolution on "Torture and Cruel, Inhuman, or Degrading Treatment or Punishment." (A draft of this Resolution was distributed at the Feb. '06 COR meeting and garnered a significant number of signatures). In a recent conference call, Olivia Moorehead-Slaughter, Chair of the Ethics Committee, reviewed the language of the Resolution and encouraged Corann, Linda, and Judy to collaborate with other divisions, most especially Division 19 to include the perspective of military psychologists, as well as several practice divisions. The response of Division 48 has been wholly positive, and they are very actively reaching out to the other divisions to get their input. I understand that their initial contact with Division 19 concerning the Resolution went very well. As things are unfolding, it seem quite possible that with Division 48's leadership, there will be a Resolution for Council to consider in August that is the result of a creative, positive, and collaborative effort by divisions with a strong interest in this issue.

Doug

Sender: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent: Friday, July 07, 2006 1:17:31 PM
Recipient: [redacted]
Subject: RE: Update for BOD on Resolution

Hi Doug, slightly tweaked:

As we all know, the issue of psychologists' involvement in military interrogations has been of tremendous interest and discussion within the Association (and beyond) in the weeks leading up to Convention. I am writing to briefly update you on what steps are being taken to address this situation:

Corann Okorodudu, Linda Wolf and Judy Van Horn, representing Division 48, have drafted a resolution on "Torture and Cruel, Inhuman, or Degrading Treatment or Punishment." (A draft of this Resolution was distributed at the Feb. '06 COR meeting and garnered a significant number of signatures). In a recent conference call, Olivia Moorehead-Slaughter, Chair of the Ethics Committee, reviewed the language of the Resolution and encouraged Corann, Linda, and Judy to collaborate with other divisions, most especially Division 19 to include the perspective of military psychologists, as well as several practice divisions. The response of Division 48 has been wholly positive, and they are very actively reaching out to the other divisions to get their input. I understand that their initial contact with Division 19 concerning the Resolution went very well. As things are unfolding, it seem quite possible that with Division 48's leadership, there will be a Resolution for Council to consider in August that is the result of a creative, positive, and collaborative effort by divisions with a strong interest in this issue.

From: [redacted]
Sent: Friday, July 07, 2006 12:46 PM
To: Behnke, Stephen
Subject: Update for BOD on Resolution

Hi Steve,
Thanks for your message the other night about the involvement of D-19 in the Torture/Interrogation Resolution drafting process. I think that it would be of interest to the Board to send a quick update as to what's going on, and I wanted to first run it by you. Please let me know what you think.

With best regards,
Doug

As we all know, the issue of psychologists' involvement in military interrogations and the Association's position on torture has been of tremendous interest and controversy within the Association (and beyond) in the weeks leading up to Convention. I am writing to briefly update you on what steps are being taken to address this situation:

Steve Behnke and Olivia Moorehead-Slaughter, representing the Ethics Committee, and Corann Okorodudu, Linda Wolf and Judy Van Horn, representing Division 48, have collaborated on the drafting of a resolution on torture (originally submitted at the Feb. '06 COR meeting). At present, this group is consulting with representatives Division 19 to include the perspective of Military psychologists. Additionally, the group will consult with and solicit input from other relevant constituencies (DSJ, D-39, etc.) prior to Council. Given the recent and ongoing controversy surrounding this issue and our Association's position, it is hoped that this resolution will be considered by Council at the August meeting.

Sender: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent: Monday, July 10, 2006 1:12:51 AM
Recipient: 'Gerald P. Koocher, Ph.D.' PRIVACY REDACTION
Subject: CONFIDENTIAL

Hi Gerry,

As I'm sure you know, Division 48 (Linda Woolf, Judy Van Horn, Corann Okorodudu) is hoping to bring a Resolution before Council in August. For several reasons, I think a Resolution coming from Division 48 has many advantages for us, and I've carefully reviewed the draft they are working with. It is far superior to other possible texts that could come before Council. Let's discuss next week in Athens.

Also to discuss, the invitation to the Surgeon General. An exceptional coup, if he accepts. Given the circumstances, could we think through how this is presented to Council, and invite Council to submit questions/issues IN ADVANCE for his consideration? I think that approach might set a very helpful tone.

Finally, a group from Section 9 of Division 39 asked about a Town Hall meeting. I told them there is a Town Hall meeting scheduled for Saturday Afternoon. I think we can anticipate a significant number of psychologists interested in the PENS issue. (If, however, Council perchance has adopted a Resolution from Division 48 on Wednesday, we can thank the Division of Peace Psychologists for taking the lead on this hugely important issue and refer interested people to Corann. ;-)

Steve

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Thursday, October 26, 2006 6:23:40 PM
Recipient:	'louie.morgan.banks@us.army.mil' <louie.morgan.banks@us.army.mil>
Subject:	FW: Ethics Question

Hi Morgan, please keep this under wraps…thanks.

From: Kennedy, Carrie H LCDR USSOUTHCOM JTFGTMO [mailto:Carrie.H.Kennedy@jtfgtmo.southcom.mil]
Sent: Thursday, October 26, 2006 4:30 PM
To: Behnke, Stephen
Subject: Ethics Question

Steve,

Many thanks for you help. Please keep this under your hat for now – I'm hoping to resolve it at this level.

Thanks again,

Carrie

Carrie H. Kennedy
LCDR/MSC/USNR
Chief, Behavioral Health Services
Detention Hospital
JTF-GTMO
DSN: 660-3744/3060
Comm: 011-5399-3744/3060

From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Wednesday, October 25, 2006 1:04 PM
To: Kennedy, Carrie H LCDR USSOUTHCOM JTFGTMO
Subject: RE:

Carrie, to add to what I said in my earlier message, psychologists' presence at these meetings will be taken as evidence that these roles (consultant and health care provider) cannot be separated. That data, in turn, will be used to argue that psychologists should not serve in this role, because they cannot do so and abide by the ethical guidelines that their own association (APA) has set forth.

Steve

From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Wednesday, October 25, 2006 12:44 PM
To: Kennedy, Carrie H LCDR USSOUTHCOM JTFGTMO
Subject: RE:

Carrie, the bad press that would be generated could quite literally place APA's role in jeopardy.

All of the health and mental health organizations that have examined this issue are in complete agreement: The role of consultant to an interrogator and the health care provider role cannot be mixed. They are inconsistent. The initial press in the New York Times, that generated the controversy in June of 2005, talked about using information from a medical record, or health-care related information, as part of an interrogation strategy. At this point, even access to any such information will generate news that will be highly critical (there is no question that the New York Times author would report on this story immediately), and will be viewed as evidence that the PENS report is empty, insofar as it allows ways to get around its guidelines. Our critics would seize upon this information.

Consider: there is very little upside to having access to the information if the psychologists do not intend to use it. There is a very considerable downside to their presence at the meetings. If it becomes public that psychologists are present in these meetings—and it will become public—that information will then be used to argue that this role simply cannot be done in an ethical manner, or that the risk of unethical behavior is too great to countenance.

Steve

From: Kennedy, Carrie H LCDR USSOUTHCOM JTFGTMO [mailto:Carrie.H.Kennedy@jtfgtmo.southcom.mil]
Sent: Wednesday, October 25, 2006 12:13 PM
To: Behnke, Stephen
Subject: RE:

Would you mind spelling out the problem that this would create? I know there has been a degree of press on the issue and I know that when the media comes through, they always ask the question but is there any consequence besides bad press?

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DSN: 660-3744/3060
Comm: 011-5399-3744/3060

From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Wednesday, October 25, 2006 12:07 PM
To: Kennedy, Carrie H LCDR USSOUTHCOM JTFGTMO
Subject: RE:

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Also, please note: were it to emerge in the media that BSCT psychologists were present at meetings in which medical and mental health information were being discussed, we would have a disaster on our hands. I cannot overemphasize what a problem this would create.

Steve

From: Kennedy, Carrie H LCDR USSOUTHCOM JTFGTMO [mailto:Carrie.H.Kennedy@jtfgtmo.southcom.mil]
Sent: Wednesday, October 25, 2006 11:50 AM
To: Behnke, Stephen
Subject: RE:

Steve,

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Sent: Wednesday, October 25, 2006 11:12 AM
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Subject: RE:

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It would cause a GREAT stir if it became known that BSCT psychologists were present in meetings in which medical and mental health patient information are discussed. This is precisely the sort of commingling that the PENS report addresses.

Steve

From: Kennedy, Carrie H LCDR USSOUTHCOM JTFGTMO [mailto:Carrie.H.Kennedy@jtfgtmo.southcom.mil]
Sent: Wednesday, October 25, 2006 10:53 AM
To: Behnke, Stephen
Subject:

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As you know, I am all for operational psychology and psychologists. But in that same light I am not willing to put us both in jeopardy by doing something that seems fundamentally over the line. I would really appreciate your opinion on this matter. There is a meeting about this issue on Friday in which the Admiral will be making a decision. Is there any way to have your thoughts by Friday morning? I am outlining what I think is pertinent in the ethics code and the PENS report but I think it would be good to get a third party opinion.

Many thanks,

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Comm: 011-5399-3744/3060

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Wednesday, October 25, 2006 6:18:49 PM
Recipient:	'louie.morgan.banks@us.army.mil' <louie.morgan.banks@us.army.mil>
Subject:	FW: Help

You can tell I was getting increasingly anxious at the prospect of Neil Lewis from the New York Times writing about this…

From: Behnke, Stephen
Sent: Wednesday, October 25, 2006 1:04 PM
To: 'Kennedy, Carrie H LCDR USSOUTHCOM JTFGTMO'
Subject: RE: Help

Carrie, to add to what I said in my earlier message, psychologists' presence at these meetings will be taken as evidence that these roles (consultant and health care provider) cannot be separated. That data, in turn, will be used to argue that psychologists should not serve in this role, because they cannot do so and abide by the ethical guidelines that their own association (APA) has set forth.

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Sent: Wednesday, October 25, 2006 12:07 PM
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Subject: RE: Help

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Also, please note: were it to emerge in the media that BSCT psychologists were present at meetings in which medical and mental health information were being discussed, we would have a disaster on our hands. I cannot overemphasize what a problem this would create.

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Sent: Wednesday, October 25, 2006 11:50 AM
To: Behnke, Stephen
Subject: RE: Help

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I would appreciate anything tangible that the Admiral can use to justify the continuation of the current procedure. He is philosophically against having this occur, but he needs some backup.

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Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Wednesday, October 25, 2006 6:17:19 PM
Recipient:	'louie.morgan.banks@us.army.mil' <louie.morgan.banks@us.army.mil>
Subject:	FW: Help

Morgan, also: Is there a way for the medical personnel to alert the interrogators about a condition that would render an interrogation unsafe; perhaps a system of "red light," "yellow light—no sugar," or "green light," that would convey the minimum amount of information necessary?

Steve

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Sent: Wednesday, October 25, 2006 12:44 PM
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Subject: RE: Help

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Please feel free to share any of my messages with the Admiral.

Steve

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DSN: 660-3744/3060
Comm: 011-5399-3744/3060

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Wednesday, October 25, 2006 11:25:54 AM
Recipient:	'louie.morgan.banks@us.army.mil' <louie.morgan.banks@us.army.mil>; Morgan Banks
Subject:	COMPLETELY CONFIDENTIAL

Morgan, could you please review my response? It would be a DISASTER if it came out (e.g., in the New York Times) that BSCT psychologists were present during such meetings—that is collapsing the very line that everyone looking at this issue has been saying is so important to preserve (consultant and health care provider)

Please advise.

Steve

From: Behnke, Stephen
Sent: Wednesday, October 25, 2006 11:12 AM
To: 'Kennedy, Carrie H LCDR USSOUTHCOM JTFGTMO'
Subject: RE: Help

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DSN: 660-3744/3060
Comm: 011-5399-3744/3060

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Monday, October 23, 2006 8:22:23 PM
Recipient:	'Banks, Louie M. COL' <louie.morgan.banks@us.army.mil>;Morgan Banks [redacted]
Subject:	CONFIDENTIAL

Hey Morgan, I hope you're well and safe. I'm very pleased with how things went in Ft. Huachuca; we all missed you. On the first night we went out to the Diner for chocolate malts.

Morgan, the Ethics Committee may issue a statement followings its meeting this week (I'm not sure). My sense is that, with the exception of #6, the Committee could endorse all of these points (in fact, I believe the Committee could extract them from the Army Field manual.)

Thanks, Morgan, for letting me know what you think,

Steve

1. recognition and condemnation of the use of specifically psychological methods such as sensory deprivation, sleep deprivation (even the "sleep cycle inversions"), stress positions, sexual shaming and degradation, exposure to heat and/or cold, waterboarding, and all the other psychological methods outlined in the PHR report on the subject

2. explicit recognition that methods such as waterboarding and prolonged sleep and sensory deprivation constitute torture since we know the psychological damage they produce

3. expression of strong concern that methods such as those outlined above are still in use, particularly by the CIA and groups to whom interrogations may be "outsourced"

4. psychologists have an obligation to report these methods if they see, hear about, or otherwise suspect or know of their use

5. strong expression of commitment to our international human rights obligations as defined under the CAT and the Geneva Conventions

6. consistent with Geneva Conventions, a strong call for psychologists not to (a) participate support of interogations, (b) be on sites such as the detainee site at Guantanamo Bay, which have operated outside the Geneva Conventions, and (c) not participate in or support military trials that do not conform fully to Geneva Convention Common Article 3, including those legitimated by the recently passed military trials bill

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Monday, October 23, 2006 1:46:55 PM
Recipient:	Laumeier, Emily <elaumeier@apa.org>
Subject:	FW: DSJ Commentary on PENS Report & Recommendation on 1.02 for Ethics Committee
Attachments:	DSJletter0906.doc;DSJ_PENS_Critique_Oct_2006.doc

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-----Original Message-----
From: Brad Olson [redacted]
Sent: Monday, October 23, 2006 11:20 AM
To: Behnke, Stephen; Olivia Moorehead-Slaughter; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]
Cc: Brad Olson
Subject: DSJ Commentary on PENS Report & Recommendation on 1.02 for Ethics Committee

Dear Ethics Committee:

I very much appreciate the opportunities we have had to begin our dialogue in New Orleans and then to have what was I believe was a extremely productive meeting with several of you, Sharon Brehm, and various committee chairs in D.C. this Fall. The conversations have been fruitful and more commonalities seem to emerge with each discussion.

I am responding on the part of DSJ to Dr. Behnke's letter of September 20th, 2006 (see attached), requesting clarification from DSJ on possible changes to standard 1.02 within the APA Ethics Code. The striking inconsistency between the Introduction and Applicability section of the Code and its Standard 1.02 allows, as we have discussed, the whole of the Ethics Code to be subjected to local regulations and governing authorities above all else. While it is a broad issue that can affect many areas, it is also one of the most serious fronts in protecting all stakeholders to the dangers of psychologist-involved interrogations in the "war on terror". As is evident in the attached letter, Dr. Behnke took excellent notes at our New Orleans meeting and listed four possibilities for the change in Standard 1.02. After much consideration and discussion, Possibility (4), which incorporates the actions of (1) and (4) and which, through the cited document(s) covers the language in (2) and (3) (particularly in the domain of cruel, inhuman, and degrading treatment), appears most logical. Possibility (4) provides the best combination of specificity and yet generality; brevity and yet an encompassing approach.

To clarify further, Possibility (1) was to “Have the language in ethical standard 1.02 mirror exactly the language in the Introduction and Applicability (that is, add the phrase 'in keeping with basic principles of human rights' to standard 1.02,” and, in addition, to add as in Possibility (4), “...a footnote that references the Universal Declaration of Human Rights” as one primary exemplar of these rights. This is combination is what is believed to be best.

It is worth DSJ and the Ethics Committee having further discussion about the specific rationale for why this change should be made and why it should be made with haste rather than waiting for the major

set of revisions (which I understand will not occur for quite a few years). Along these lines it would be possible for me to put forth some possible disadvantages to changing Standard 1.02 and to add some difficulties with moving forward quickly to add these protective words to the Code now. Yet the best starting point I believe in understanding the necessity of further protections in 1.02 and also why so many psychologists (including as I understand every active APA presidential candidate) take a firm stance against psychologist-involvement in war-on-terror interrogations is found within the attached DSJ Commentary and Critique of the PENS Task Force Report. It is our hopes that you will read it carefully and with an open mind.

There is much information within the document, which is why I took the liberty of sending this email directly to as many committee members as I was able to—to give sufficient time for each of you to process the ideas prior to your upcoming Committee meeting. Many people contributed to this critique, but any responsibility for the delay in getting you this Commentary and Critique until now is my own. I appreciate that Dr. Behke once again requested this document from DSJ at our last meeting.

If any of the facts within the commentary seem inaccurate or at all unbalanced or if any of the arguments seem excessive or unwarranted please say so or ask me for some clarification and for citations that would corroborate the particular thought(s) in question. As is the case for all of us, the sole aim of the document is to step back for an objective view and yet simultaneously move forward and get to work digging under the surface--all in the service of the most objective possible truths in this domain. This of course is the most productive path toward the protection of all stakeholders involved in (or impacted by) our practice of psychology.

Best regards and all my appreciation. I look forward to our next correspondence.

Brad Olson,
Northwestern University
Chair, Divisions of Social Justice (DSJ)



September 20, 2006

Brad Olson, PhD
President, Divisions for Social Justice
990 W. Fullerton Avenue
Center for Community Research
Depaul University 60614

Dear Dr. Olson,

On behalf of the Ethics Committee, I am writing to thank you for taking the time to meet with the Committee in New Orleans following Convention. The Committee looks forward to working with you and the Divisions for Social Justice and very much appreciates your responsiveness to its questions. At this time, we would like to explore our next steps.

It was helpful for you to outline your thoughts on the reasons for the proposed change to the Ethics Code. You identified two concerns: First, that there is an internal inconsistency in the Code, between language in the Introduction and Applicability and language in ethical standard 1.02, and second, that this proposed change will prevent psychologists in the future from invoking Standard 1.02 as a defense to having engaged in unethical activities, should they attempt to do so, so that the change will have a prophylactic purpose and effect.

The Committee would like to ask if the DSJ has a specific proposal for language in ethical standard 1.02. At this point, based on our correspondence and discussions with you and Dr. Altman, it appears that there are four possibilities:

1. Have the language in ethical standard 1.02 mirror exactly the language in the Introduction and Applicability (that is, add the phrase "in keeping with basic principles of human rights" to standard 1.02);
2. Add a more specific phrase to standard 1.02, for example that in cases of a conflict between ethics and law, psychologists may adhere to the law "but may never engage in torture or cruel, inhuman, or degrading treatment";

3. Add specified language from the Universal Declaration of Human Rights into the Ethics Code, such as language contained in Dr. Altman's letters of June 12 and July 10;
4. Add the phrase "in keeping with basic principles of human rights" to standard 1.02, and then have a footnote that references relevant human rights texts, such as the Universal Declaration of Human Rights.

It would be very helpful if you could provide the Committee a response by Monday, October 23rd, concerning which of these proposals the DSJ thinks best.

Also, would you be available to come to Washington to discuss this issue with the Committee or other governance groups, if that appears helpful? (Your trip, of course, would be at APA's expense.)

Thank you very much. I look forward to hearing from you.

Sincerely,

Stephen Behnke
Director, Ethics Office

Sender: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent: Monday, October 23, 2006 11:28:09 AM
Recipient: 'Brad Olson' PRIVACY REDACTION
Subject: RE: the latest

Brad, I'm running out the door at the moment; I'll call on your cell.

How long will you be in town?

Steve

-----Original Message-----
From: Brad Olson PRIVACY REDACTION
Sent: Monday, October 23, 2006 11:26 AM
To: Behnke, Stephen
Subject: Re: the latest

Hi Stephen,
Yes, I will be available at somewhat later times today. And as you'll see, I just sent the Ethics Committee the DSJ response to your letter regarding 1.02 and the DSJ Critique/Commentary on the PENS task force report.

I am actually heading to D.C. tonight for a meeting with ONDCP tomorrow morning. I suspect I will make it to the airport at about 2:20pm and my flight is not until 3:55 Central time. I could call you then, or you could call me at PRIVACY REDACTION I will also be available to talk this evening. I don't know how that works for you. Anyways, tell me what is good. I also could not find an e-mail address for Jane Hochberg or a definite one for Walter Robinson. I also wanted to send this message on to Sharon Brehm after Sharon seemed to take a great interest in this issue at our last meeting. If you could send me their addresses or forward my messages and the documents on, I would appreciate that.

Look forward to talking,
Brad

On Oct 23, 2006, at 9:50 AM, Behnke, Stephen wrote:

> Brad, are you around for a quick call this afternoon? If so, what is
> the best number?
>
> Steve
>
> -----Original Message-----
> From: Brad Olson PRIVACY REDACTION
> Sent: Tuesday, October 17, 2006 11:33 AM
> To: Behnke, Stephen
> Subject: Re: the latest
>
> Sounds great. Talk to you when you have more time.
> Brad
> On Oct 16, 2006, at 11:15 PM, Behnke, Stephen wrote:
>
>> Brad, I've done quite a bit of thinking about our program, and
>> really believe we can do something excellent and important. I've
>> had a difficult time getting in touch with Linda; she is having

>> computer problems.
>>
>> I'm out west, doing a series of ethics workshops. I'll write more
>> tomorrow or Wednesday; my access to email is somewhat limited at
>> the moment.
>>
>> More very soon,
>>
>> Stephen
>>
>> _____
>>
>> From: Brad Olson PRIVACY REDACTION
>> Sent: Mon 10/16/2006 2:56 PM
>> To: Behnke, Stephen
>> Subject: the latest
>>
>>
>>
>> Hi Stephen,
>>
>> How is everything going? Was the Seton Hall event successful? Has
>> Linda Woolf seemed receptive about the teach-in idea? Any discussion
>> with military people yet? The more I have thought about it, the more
>> San Francisco makes sense. Anyways, give me an update.
>>
>> Still planning on getting the Ethics Committee the DSJ comments on
>> the PENS report, the recommended format on the possible Ethics Code
>> change in a very brief version, and then perhaps a longer letter
>> about the change providing more thoughts on the advantages of
>> expediency.
>>
>> Best,
>> Brad
>>

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Thursday, September 21, 2006 10:19:35 PM
Recipient:	louie.morgan.banks@us.army.mil
Cc:	Morgan Banks
Subject:	COMPLETELY CONFIDENTIAL

Morgan, would this letter create any problems for you? If you could let me know asap, that would be great. Please leave a message at PRIVACY REDACTION.

Thanks, Steve

September 20, 2006

Senator John McCain
241 Senate Russell Office Building
United States Senate
Washington, DC 20510

Dear Senator McCain,

As medical and psychological professionals who are deeply committed to our nation's traditional safeguards against torture and abuse of prisoners and detainees, we write to urge you to oppose any provisions in the military commissions legislation that would exempt the Central Intelligence Agency (or any other US government agency) from the absolute ban on torture and cruel, inhuman, and degrading treatment.

We strongly support your efforts to prevent all US personnel from engaging in harmful and abusive interrogation practices and to preserve long-standing US observance of the Geneva Conventions. We also welcomed passage of the McCain Amendment last year because it seemed to give force to our own professional codes of ethics, which not only prohibit us from participating in torture and ill-treatment but require us to oppose such abuse wherever it occurs, guided by the principle that torture and abuse are prohibited absolutely, in any circumstance or context, with no exceptions.

We are extremely concerned, therefore, by reports that the military commissions bill may be revised to allow harsh and abusive interrogation tactics by the CIA – methods that unquestionably violate the traditions and values you have long defended. There must be no mistake about the brutality of the "enhanced interrogation methods" reportedly used by the CIA. Prolonged sleep deprivation, induced hypothermia, stress positions, shaking, sensory deprivation and overload, and water-boarding (which may still be authorized), among other reported techniques, can have a devastating impact on the victim's physical and mental health. They cannot be characterized as anything but torture and cruel, inhuman, and degrading treatment.

As health professionals, these abuses and the harm they cause deeply offend our ethics and values. As Americans, they offend the traditions and principles we have long shared and cherished as a nation. As both health professionals and American citizens, we urge you to ensure that no one is authorized to violate these defining principles in the name of the United States.

Sincerely,

Burton J. Lee, MD (Physician to the President for George Herbert Walker Bush)
Steven S. Sharfstein, MD (Immediate Past President, American Psychiatric Association)
Bradley D. Olson, PhD (Chair Elect, Divisions for Social Justice, American Psychological Association)
Brigadier General Stephen N. Xenakis, MD (USA-Ret.)
Philip G. Zimbardo, PhD (Prof. Emeritus, Stanford University; Past President, American Psychological Association)
Gerald P. Koocher, PhD (President, American Psychological Association)

Affiliations provided for identification purposes only.

Nathaniel A. Raymond
Senior Communications Strategist
Physicians for Human Rights
PRIVACY REDACTION

20 years of advancing health, dignity and justice

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Sunday, September 17, 2006 8:10:35 PM
Recipient:	'Banks, Louie M. COL' <louie.morgan.banks@us.army.mil>
Subject:	RE: Army Field manual

Morgan, if APA adopted a Resolution that followed the new one, in terms of what is prohibited/permitted, would that present any problems for you? (I assume not, but let me know)

Thanks, Morgan,

Steve

From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Thursday, September 07, 2006 7:53 AM
To: Behnke, Stephen
Subject: Re: Army Field manual

When you get it, you may want to compare it to the old one, and to AR 190-8. The new one is more explicit in the detailed prohibitions, but the substantive policy changes are minimal, in my opinion.
COL L. Morgan Banks
Director Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
Banksl@usasoc.socom.smil.mil/banksl@soc.mil
(Sent from Blackberry)

-----Original Message-----
From: Behnke, Stephen <sbehnke@apa.org>
To: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent: Thu Sep 07 07:45:24 2006
Subject: RE: Army Field manual

Thanks Morgan.

_____

From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Thursday, September 07, 2006 6:58 AM
To: Behnke, Stephen
Subject: Re: Army Field manual

I don't have internet connectivity right now. If I get it I will send you a copy, but it may be Saturday.
COL L. Morgan Banks
Director Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
Banksl@usasoc.socom.smil.mil/banksl@soc.mil
(Sent from Blackberry)

-----Original Message-----
From: Behnke, Stephen <sbehnke@apa.org>
To: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent: Wed Sep 06 22:50:00 2006
Subject: RE: Army Field manual

Morgan, can you give me the direct link? There is something going on with the Army homepage, which I've not been able to get access to all evening.

Steve

From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Wednesday, September 06, 2006 8:53 PM
To: Behnke, Stephen
Subject: Re: Army Field manual

Yeah. Sorry.
COL L. Morgan Banks
Director Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
Banksl@usasoc.socom.smil.mil/banksl@soc.mil
(Sent from Blackberry)

-----Original Message-----
From: Behnke, Stephen <sbehnke@apa.org>
To: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent: Wed Sep 06 20:47:44 2006
Subject: RE: Army Field manual

Hey Morgan—actually, the presentation is on Friday—sounds like you're leaving tomorrow; is that right?

From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Wednesday, September 06, 2006 8:16 PM
To: Behnke, Stephen
Subject: Re: Army Field manual

Its not out of the question. I have to stop by Ft Belvoir tomorrow afternoon around 1300, or when ever I can get there after finishing here. I will be there for 2 hours or so, at least. I could certainly stop by quantico, but it would be fairly late in the afternoon. (My intent is to leave town after the traffic dies down, and spend the night on the boat, so I am in no rush to leave.)
COL L. Morgan Banks
Director Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
Banksl@usasoc.socom.smil.mil/banksl@soc.mil

(Sent from Blackberry)

-----Original Message-----
From: Behnke, Stephen <sbehnke@apa.org>
To: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent: Wed Sep 06 19:57:28 2006
Subject: RE: Army Field manual

Excellent—I'm at an FBI meeting this week; I sit on a research advisory board for the National Center for the Analysis of Violent Crime (out at the Critical Incident Response Group)—the issue of interrogations has come up in a variety of contexts & I'll be discussing PENS Friday afternoon. Any chance you could stop by? (It's right on your way home…)

From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Wednesday, September 06, 2006 7:58 PM
To: Behnke, Stephen
Subject: Re: Army Field manual

I am in DC tonight. Teaching at USUHS tomorrow.
COL L. Morgan Banks
Director Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
Banksl@usasoc.socom.smil.mil/banksl@soc.mil
(Sent from Blackberry)

-----Original Message-----
From: Behnke, Stephen <sbehnke@apa.org>
To: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent: Wed Sep 06 19:50:46 2006
Subject: RE: Army Field manual

Morgan, this is fabulous—rarely do I have my Christmas shopping complete so soon after Labor Day.

From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Wednesday, September 06, 2006 7:53 PM
To: Behnke, Stephen
Subject: Re: Army Field manual

Army web site. You and all your friends can get a copy.
COL L. Morgan Banks
Director Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION 9
Banksl@usasoc.socom.smil.mil/banksl@soc.mil
(Sent from Blackberry)

-----Original Message-----

From: Behnke, Stephen <sbehnke@apa.org>
To: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>; Morgan Banks
Sent: Wed Sep 06 19:48:17 2006
Subject: Army Field manual

Excellent news, Morgan...good coverage from what I've heard thus far.

How can I get a copy?

Steve

Sender: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent: Thursday, September 14, 2006 7:54:38 PM
Recipient: 'Art Levine' [redacted]
Subject: RE: does new Army Field Manual address role of psychologists related to interrogation?/override June

---

Art, thanks, I appreciate how time-consuming that would be. My point is that I want to make sure that the disagreements are accurately conveyed—as I said in an earlier exchange today, you phrase the "explicit" issue in a manner that could be construed as conveying I am happy the PENS report was not more explicit, which would certainly not be accurate, and another earlier message conveyed that there were substantial disagreements about what specific interrogation techniques are ethically permissible, which is also not accurate.

That said, certainly there are people who wish APA had moved more quickly in explicitly condemning specific techniques, and an argument can be made that it would have been preferable to go ahead and publish that aspect of the commentary/casebook before completing the rest of the text, because failing to do so created the impression of ambiguity about specific techniques when in fact there is none. It's important to note that the commentary/casebook will be available very soon and will explicitly prohibit the interrogation techniques under discussion.

(I also think it's important to note in terms of the time issue—and I'll go off the record here, since this information is available to you through publicly available means—that neither the American Psychiatric nor the American Medical Association made any official pronouncements on this issue until late spring and summer of 2006, and when you pressed the American Psychiatric Association about whether their "ban" is an enforceable ethical rule you indicated to me that you received no clear answer, but instead a rather ill-defined—"too complicated to go into," in your words—response about changing their ethics code at some, unspecified point in the future, and the AMA has yet even to release their full report. My point is that to whatever extent APA is criticized for not moving expeditiously enough, all three associations, in fairness, are vulnerable on that score.)

Back to work,

Stephen

From: Art Levine [redacted]
Sent: Thursday, September 14, 2006 6:56 PM
To: Behnke, Stephen
Subject: RE: does new Army Field Manual address role of psychologists related to interrogation?/override June policy?

Dear Stephen: I don't have time to reiterate all the points made in previous emails or in the public comments by the critics. Just read Steve Solodz's articles on the web at Z and in the petition,, Wessels letter to the APA monitor, Zimbardo's letter to the APA re: panel report, and Rubenstein's letter to the APA regarding the panel report, and, I believe, PHR press releases re: New Orleans.Read Reisner transcript with Koocher on Goodman's show. Psychologists' for Human Rights press releases, etc., the AMA's letter to the Monitor and PHR.

Do you agree with every single thing they say about the APA and the task force and its impact? if not, then you have disagreements with them; if you want to summarize for me on the record the main flaws and errors in their critiques feel free to do so, but I think that's completely unnecessary.

. You and Koocher have made clear to me by email and interviews, and in published writings, some of the ways that these critics have in your view unfairly characterized and distorted -- and not given fair

credit for -- what the APA has done, etc. and discounted the strong stance againts torture and CID you say the APA has clearly taken. And i note that casebook will be forthcoming.
Best, Art

Art Levine
PRIVACY REDACTION

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Wednesday, September 13, 2006 12:54:25 PM
Recipient:	'Dunivin, Debra L LTC WRAMC-Wash DC' <Debra.Dunivin@NA.AMEDD.ARMY.MIL>
Subject:	RE: October BSCT Course - ethics & law

Debra, that would be great and much appreciated. The honorarium is very helpful in funding the Ethics Office educational programs. Speaking of which, let's tell the interns about the student ethics writing prize...

-----Original Message-----
From: Dunivin, Debra L LTC WRAMC-Wash DC [mailto:Debra.Dunivin@NA.AMEDD.ARMY.MIL]
Sent: Wednesday, September 13, 2006 7:30 AM
To: Behnke, Stephen
Subject: RE: October BSCT Course - ethics & law

Steve:
Given that we are asking for you to extend your time at the course; should we also be expanding the honorarium? I'm working out details for October contract this morning.
Thanks,
Debra

-----Original Message-----
From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Tuesday, September 12, 2006 2:39 AM
To: Dunivin, Debra L LTC WRAMC-Wash DC
Subject: RE: October BSCT Course - ethics & law

Hi Debra,

Let me see if I can get down from Seattle on Sunday evening--I'll check as soon as I'm back in DC Wednesday am.

Steve

From: Dunivin, Debra L LTC WRAMC-Wash DC
[mailto:Debra.Dunivin@NA.AMEDD.ARMY.MIL]
Sent: Mon 9/11/2006 2:11 PM
To: Behnke, Stephen; PRIVACY REDACTION Malone, Ricky D COL WRAMC-Wash DC; michael.d.banks@us.army.mil
Cc: Goby, Marshall J COL WRAMC-Wash DC
Subject: RE: October BSCT Course - ethics & law

Dr Behnke, COL Malone, MAJ Banks:

Hard to believe we are producing another BSCT Course so soon, but there it is! The student composition will be one psychiatrist, four psychologists, and a few techs. Ideally we would have the discussion on psychiatry ethics (Malone) close to the modules on psychology ethics (Behnke) and the law/regulations/conventions/etc (Banks). The difficult part is shifting around the two already full 4-hr blocks of instruction when we need the course on Islam to start on Tuesday afternoon.

Here's what I'm wondering:
Dr Behnke - if you can arrive on Monday 16 Oct, we can put this in

chronological order.
MAJ Banks - if you could start earlier in the day - say do one block in the morning and one in the afternoon, COL Behnke and/or COL Malone could start on the ethics piece.

If that isn't feasible, we can have COL Malone give his block of instruction in the morning of the 16th, MAJ Banks on the afternoon of the 16th, and Dr Behnke on the morning of the 17th as we originally planned.

Whew! (& that's only the first two days...) LTC Dunivin

From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Sunday, September 10, 2006 5:15 PM
To: Dunivin, Debra L LTC WRAMC-Wash DC
Subject: RE: October BSCT Course

Hi Debra,

I'll be a bit difficult to get in touch with this week-I'm headed out to California tomorrow afternoon, taking the redeye back Tuesday night, then in a task force meeting Friday and Saturday. In terms of the October course, I'm in an all-day workshop on Sunday the 15th in Seattle; what would work best for you in terms of when I'm there?

Steve

From: Dunivin, Debra L LTC WRAMC-Wash DC
[mailto:Debra.Dunivin@NA.AMEDD.ARMY.MIL]
Sent: Thursday, September 07, 2006 6:29 PM
To: PRIVACY REDACTION Malone, Ricky D COL WRAMC-Wash DC
Cc: Goby, Marshall J COL WRAMC-Wash DC; Ritchie, Elspeth C COL OTSG; Behnke, Stephen
Subject: October BSCT Course

Rick:

Wanted to confirm your availability for October course; we had discussed your participation as best early in the first week. I haven't caught up with Steve Behnke yet, but will do so.

I remember you had some other follow-on travel - would these dates work?

arriving Sunday 15 Oct, departing Wednesday 18 Oct (or late afternoon

Tuesday if that's better for you). some work on Monday and Tuesday in combo with lawyers and ethicists.

Cam:

Can you provide us with your briefing slides for Rick to use? May we distribute to students?

Thanks,

Debra

DEBRA DUNIVIN

LTC MS USA

Director - BSCT Policy, Course, & Ethics

Chief, Dept of Psychology

Walter Reed Army Medical Center

202/782-5917; DSN 662-5917

Debra.Dunivin@na.amedd.army.mil

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Sunday, September 10, 2006 7:18:12 PM
Recipient:	'Art Levine' PRIVACY REDACTION
Subject:	RE: does new Army Field Manual address role of psychologists related to interrogation?/override June

Art, I will be out of town and largely unavailable for the next couple of days. I did want to follow-up again on this point, because it strikes me as central to any discussion of how things have unfolded at APA—in fact, it may be the most interesting issue of all. There has been a great deal of discussion about several issues: 1) Whether APA has communicated its position quickly and clearly enough; 2) what APA's position should be about psychologists at Guantanamo and other sites; 3) the governance process APA has used to address this issue. You and I have had extensive exchanges about each, and what the folks you have been in touch with have to say.

What to me is most fascinating—and what I have said on numerous occasions to various individuals and groups—is that within APA there is virtually no disagreement whatsoever on the issue of what constitutes an ethical interrogation. An ethical interrogation is rapport- and relationship-based. This is simply not the subject of any debate, and when I speak to groups about this issue it is continually my experience that the APA membership is in near total agreement on what specific techniques should be prohibited: Reverse SERE techniques, waterboarding, forced nudity, painful body positions, the use of phobias, extreme temperatures, "torture light," etc., etc. As I say, in the casebook/commentary the Ethics Committee will make clear that all such techniques are prohibited, and there is no voice in APA to argue in favor of such techniques—it's simply not an issue. Issues (1), (2), and (3) have generated a great deal of discussion; this fourth issue has generated virtually none—because it [i.e., what specific techniques are permissible] does not represent an area of disagreement within APA. When the Ethics Committee makes clear that all of these techniques are absolutely prohibited, I can say with confidence that there will be no push-back whatsoever within APA—because no one is arguing for them. Everyone agrees they are unethical.

It is absolutely critical to be clear what issues are generating discussion and debate, and equally critical to be clear where there is NO debate. (note that our exchanges have focused almost entirely on (1), (2), and (3), with very little attention paid to the fourth issue—naturally, because that is not where the controversy lies)

It strikes me that the challenge for you, as a journalist—if I'm not being too presumptuous here—is to explore what the controversy is truly about, given that within APA there is no disagreement on the central issue: What does an ethical interrogation consist of? I actually think that's a fascinating question, one that I've pondered at length.

Good luck with the writing,

Stephen

From: Behnke, Stephen
Sent: Saturday, September 09, 2006 6:33 PM
To: 'Art Levine'
Subject: RE: does new Army Field Manual address role of psychologists related to interrogation?/override June policy?

Art, to follow up on that last message—because this is such an important point—as you describe it, the logic is: "Because APA has not explicitly identified these specific techniques as prohibited, there must be some ambiguity in APA's thinking about them." Absolutely False.

If people are to criticize APA for not communicating quickly and clearly enough, that is one type of criticism. What is absolutely false and incorrect is that there is any group of APA members in favor of these techniques, or that the Ethics Committee in its commentary/casebook will leave any room for such techniques. Art, this is an

extremely important point. THE ISSUE OF HOW WELL WE HAVE COMMUNICATED OUR MESSAGE IS VERY DIFFERENT THAN THE ISSUE OF WHAT TECHNIQUES WE CONSIDER TO BE ETHICAL. WHILE THE FORMER IS THE SUBJECT OF MUCH DISCUSSION, THE LATTER IS THE SUBJECT OF NO DISAGREEMENT—EVERY MILITARY PSYCHOLOGIST WITH WHOM I HAVE SPOKEN WOULD BE IN VIRTUALLY COMPLETE AGREEMENT WITH REISNER, ZIMBARDO, ET AL., ON WHAT SPECIFIC TECHNIQUES SHOULD BE PROHIBITED . THIS IS A CRITICAL DISTINCTION.

Stephen

From: Behnke, Stephen
Sent: Saturday, September 09, 2006 6:15 PM
To: 'Art Levine'
Subject: RE: does new Army Field Manual address role of psychologists related to interrogation?/override June policy?

Art, you are absolutely NOT correct: There is NO fight over definitions in APA of what is abusive. People have criticized APA for not speaking quickly enough, but NO ONE IN APA is arguing that it is okay to use PHOBIAs, PAINFUL STRESS POSITIONS, WATERBOARDING, DISROBING, EXTREME TEMPERATURES, ETC. ETC., IN INTERROGATIONS. THIS IS NOT WHAT THE DEBATE IS ABOUT—THERE IS NO "IT SHOULD BE OKAY TO MAKE SOMEONE STAND FOR 4 HOURS" CONTINGENT IN APA. ALL AGREE THAT THESE TECHNIQUES ARE UNETHICAL, AND THAT NEEDS TO BE MADE VERY CLEAR IN THE ARTICLE!

There has been discussion of what the term "coercive" means, and in the Democracy Now debate Koocher was saying many situations could be experienced as "coercive"—for example, a criminal defendant could feel "coerced" into cooperating with an examination and a parent could feel "coerced" into cooperating with a custody evaluation (since the consequence of not cooperating could be losing the right to see one's child). (In a private conversation last Spring, Len Rubenstein himself told me that he no long finds the term "coercive" useful for this very reason, that the term can be used in such different ways!) Please note that in my column in the APA Monitor, I take the definition of "coercion" that the AMA uses and quite forcefully and explicitly state that, using that definition of "coercion," APA's report makes coercive techniques unethical—MY COLUMN IN THE APA MONITOR IS VERY CLEAR ON THAT POINT, AND THAT IS APA'S POSITION.

Art, you are confusing two issues here: 1) How clearly APA has communicated its position (if we are to be criticized on that point, so be it); 2) Whether any psychologists in APA are promoting "abusive" or "coercive" interrogations techniques. On the latter point, there is NO ONE saying such techniques are okay or should ever be used. THIS IS AN ABSOLUTELY CRITICAL DISTINCTION THAT NEEDS TO BE MADE.

Stephen

From: Art Levine PRIVACY REDACTION
Sent: Saturday, September 09, 2006 5:11 PM
To: Behnke, Stephen
Subject: RE: does new Army Field Manual address role of psychologists related to interrogation?/override June policy?

Dear Stephen: I'll keep all that in mind. But the anger by critics of APA -- read Solodz in Z magazine for instance, or Zimbardo's critiques of the panel that he sent in -- are over lack of precision of definitions and unwillingness in clear unambigious language to say what techniques are prohibited and what's not. Sleep deprivation, for instance, is viewed different ways depending on how "sleep deprivation" is defined, and differing views on that issue were discussed, according my sources, in the panel iteslf. But there's a reason the peace psychology and social justice types pressured for a a sweeping international standards resolution because they felt, based on my interviews, that the task force didn't go far enough and was too dependent on US standards and interpreations for CID. --- although they concede it's a separate document that doesn't have a direct bearing the task force report and certainly doesn't override it.

Also, listen to Reisner and Koocher dispute the notion of "coercive" interrogations on the Amy Goodman show. Clearly, Reisner et.al see "coervice" as tantamount to "abusive" or "CID" and Koocher doesn't, noting what could be seen as coercive in law enforcement and custody settings is in fact safe, legal and ethical. Do Reisner and Koocher agree on what it means to be in an abusive setting or conduct an abusive interrogation? I don't think so.

Yes, I'm sure all psychologists would say waterboarding and stress positions are ruled out, but the task force doesn't explicitly say that or rule out other techniques in a clear way. Your verbal comments to me or other reporters that the task force rules out extreme and degrading techniques, and you name some, such as waterboarding, isn't the same as the task force itself, which offered no specific examples over the objections of Wessels and Arrigo, but they went along with it -- i.e, supported the concensus document -- because they thought APA would soon follow up with a casebook. Wessels quit because he complained that the APA didn't develop such a casebook quickly enough or just issue clear denunciations, as Rubenstein asked in his letters , of specific techniques. So if there is such universal agreement betwenn leadership and dissident members over abusive interrogations, why hasn't the APA in writing and proclaimed from the rooftops specific techinques that are banned and psychologists should have no role in whatsoever?

So there is a fight over definitions of what's abusive, and that's also why your organization is developing a casebook to add clarity to the issue.

Also, read the commentaries and articles about the Bush proposals. Would *all* psychologists agree that what Bush says is okay for CIA agents to use, and what Bush says is allowed under Geneva and Hamdan. I'm sure there is a dispute,and I look forward to seeing how your organization weigh in on the bush proposals. I'm sure there will be some disagreements about APA members no matter what side you come down on the latest Bush legislative proposals.

Thanks, Art

Art Levine

PRIVACY REDACTION

Sender: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent: Saturday, August 26, 2006 11:51:26 AM
Recipient: 'Stephen Soldz' PRIVACY REDACTION
Subject: RE: APA Resolution on Torture

Dear Dr. Soldz,

Thank you for your message. Did the individuals at the AMA with whom you spoke indicate when the AMA would release the report in its entirety?

In terms of Council's resolution, the best thing for you to do would be to contact the movers of the Resolution and the president of Division 48 (Judy Van Hoorn, Corann Okorodudu, and Linda Woolf) Drs. Van Hoorn, Okorodudu, and Woolf drafted the resolution, collaborated with other governance groups in preparing the resolution for Council, and on the floor of Council met with other Council members regarding some final changes in the wording (such as the clause you ask about below). In terms of the thinking about that specific clause, I was not any part of those discussions, and so am not able to give you the specifics you ask about. I'm sure Dr. Van Hoorn will be able to, however.

Please do not hesitate to get in touch with me,

Stephen Behnke

From: Stephen Soldz PRIVACY REDACTION
Sent: Friday, August 25, 2006 7:17 PM
To: Behnke, Stephen
Subject: APA Resolution on Torture

Dear Dr. Behnke,

Thank you for your response to my inquiry about the "Ful AMA report" on physician participation in interrogations. I have spoken to several people at AMA who have provided clarification regarding that report.

I have a couple more questions I would apreciate your responses to. I have read with great interest the recent APA resolution agains torture and other cruel, inhuman , or degrading treatment. I have a couple of questions about this resolution I would like clarified.

"BE IT RESOLVED, that the term "cruel, inhuman, or degrading treatment or punishment" means treatment or punishment by any psychologist that is of a kind that, in accordance with the McCain Amendment, would be prohibited by the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, as defined in the United States Reservations, Declarations and Understandings to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment done at New York, December 10, 1984. (see, Footnote 3 below)"

Do you know how this paragraph got into the resolution? Who proposed it?

2. This paragraph refers to "United States Reservations, Declarations and Understandings to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment." Why was this included?

a. Which reservations are included? I see two that could apply. One is
"That the United States considers itself bound by the obligation under article 16 to prevent `cruel, inhuman or degrading treatment or punishment', only insofar as the term `cruel, inhuman or degrading treatment or punishment' means the cruel, unusual and inhumane treatment or punishment prohibited by the Fifth, Eighth, and/or Fourteenth Amendments to the Constitution of the United States."

The other potentially relevant Reservation is:

"(a) That with reference to article 1, the United States understands that, in order to constitute torture, an act must be specifically intended to inflict severe physical or mental pain or suffering and that mental pain or suffering refers to prolonged mental harm caused by or resulting from (1) the intentional infliction or threatened infliction of severe physical pain or suffering; (2) the administration or application, or threatened administration or application, of mind altering substances or other procedures calculated to disrupt profoundly the senses or the personality; (3) the threat of imminent death; or (4) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind altering substances or other procedures calculated to disrupt profoundly the senses or personality."

I would like to clearly understand whether one or both of these Resrvations applies to the APA resolution and the definitions in it.

Thanks so much for any clarification you can provide.

Stephen Soldz
Director, Center for Research, Evaluation, and Program Development
Boston Graduate School of Psychoanalysis
1581 Beacon St.
Brookline, MA 02446
PRIVACY REDACTION

Sender: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent: Friday, August 25, 2006 12:07:37 AM
Recipient: [redacted]
Subject: RE: Call later

Morgan, how does this sound:

Morgan Banks has made clear that the effect of SERE training is to increase resistance to interrogation. Thus, relying upon SERE techniques to interrogate would be directly counterproductive to the goal, and so not part of any competent interrogator's technique. Dr. Banks has vigorously and steadfastly advocated that interrogation must in every instance be safe, ethical, and effective and on the PENS task force Dr. Bank's role was to help establish these clear ethical guidelines that would be the rule for APA members and for any psychologist advising or consulting to an interrogation.

From: [redacted]
Sent: Thursday, August 24, 2006 11:50 PM
To: Behnke, Stephen
Subject: Re: Call later

Steve,

This looks great. Strong response. I am still pushing as hard as I can on getting the policy signed and out.

Morgan

In a message dated 8/24/2006 12:45:48 Eastern Standard Time, sbehnke@apa.org writes:

> Morgan, I've drafted this reply message in response to a number of exchanges on the Division 44 listserve (gay, lesbian, bisexual division). This division has had a good relationship with Division 19. This morning there were several messages about ethics/interrogations, and I've written this reply that I think will strike the right tone with this particular group. Please let me know if it looks okay to you—
>
> Thanks Morgan,
>
> Steve
>
> Dear listserve colleagues,
>
> Recently there has been further discussion of the issue of ethics and interrogations. Some have argued for a complete ban on psychologist involvement (while the psychiatric association's position has been described as a "ban," my understanding is that their position is actually quite more complex, and has been described by their past-president as not an ethical "rule," who has indicated that military psychiatrists following orders will not get into trouble.) Two things strike me as important in thinking our way through this issue: 1) There seems to be no disagreement whatsoever among our membership about what an ethical interrogation looks like—it is based on building rapport and does not involve torture or any type of cruel, inhuman, or degrading treatment. All of the military psychologists within APA whom I am aware of are in complete agreement and would see any type of abusive treatment that would inflict injury or harm on a detainee as both directly contradictory to their purpose as well as unethical; 2) APA must decide between a policy of engagement or a policy of disengagement. In his message to the listserve, Jack Drescher argues for a policy of engagement—that APA members stay engaged with APA, in order to influence the debate. This is the approach APA has taken. APA has chosen to say involved, to ensure we have a voice at the table. In the congressional hearings following the Supreme Court case, Hamdan v. Rumsfeld, the military (as opposed to administration) lawyers have been arguing most strenuously for due process protections. Likewise, the military psychologists have been in full and strong support of clear ethical guidelines for interrogations. The choice is either to support them by staying engaged in the discussions, and so work to influence policy, or to walk away. As the listserve discussion illustrates, that's not always an easy decision, but it seems to me that the Supreme Court case and the

July 7 memo of Gordon England stating that the Geneva Conventions apply to all detainees indicate movement in a much more positive direction, and it is my understanding that the army will soon release an updated version of its policies which will be quite consistent with our members' philosophy and ethics regarding interrogations. Nature abhors a vacuum, and if APA pulls out there will be others to fill that space. I think it makes good sense for APA to stay engaged to make our position clear and our influence felt.

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Thursday, August 24, 2006 8:56:39 PM
Recipient:	Morgan Banks ;banksl@soc.mil
Subject:	FW: Here's Lott's APA paper

Hey Morgan—please advise

From: Art Levine PRIVACY REDACTION
Sent: Thursday, August 24, 2006 8:40 PM
To: Behnke, Stephen
Subject: RE: Here's Lott's APA paper

Dear Stephen: You'll be in your office Friday afternoon and Monday? You might check your email over the weekend or , if you'll allow, give me a cell phone or after-hours contact number for last-minute double-checks. You've answered most of my questions in this email exchange, but I might have a few more by tomorrow. Also do you have a direct contact phone number and email for Russ Newman ? Arrigo has made certain claims about comments he allegedly made at the task force meeting that I want to run by him for accuracy -- mostly regarding possible legal issues raised by being too specific about barring specific techniques in the task force report, etc...Thanks, Art Levine

Here's an off the record comment you made in writing re: Morgan Banks...

WHY IN THE WORLD WOULD BANKS RAISE HIS PROFILE BY PARTICIPATING ON AN APA TASK FORCE THAT WOULD EXPOSE HIM TO PRECISELY THE KIND OF SCRUTINY HE HAS RECEIVED FOR THIS ROLE??

Could you consider putting that on the record, and also your references to "guilt by association" and "innuendo" of those like Bloche who strongly imply Banks had a role in designing SERE abuse techniques for Gitmo? Or could you say verbally to me -- I'll check my notes of our verbal talks if you've already done so -- about why you don't think Banks played any role in designing CID techniques for Gitmo or elsewhere. I've left messages to Banks with his PAO , but haven't heard back....

Thanks, Art Levine

Art Levine
PRIVACY REDACTION

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Thursday, August 24, 2006 12:45:07 PM
Recipient:	Morgan Banks
Cc:	banksl@soc.mil
Subject:	RE: Call later

Morgan, I've drafted this reply message in response to a number of exchanges on the Division 44 listserve (gay, lesbian, bisexual division). This division has had a good relationship with Division 19. This morning there were several messages about ethics/interrogations, and I've written this reply that I think will strike the right tone with this particular group. Please let me know if it looks okay to you—

Thanks Morgan,

Steve

Dear listserve colleagues,

Recently there has been further discussion of the issue of ethics and interrogations. Some have argued for a complete ban on psychologist involvement (while the psychiatric association's position has been described as a "ban," my understanding is that their position is actually quite more complex, and has been described by their past-president as not an ethical "rule," who has indicated that military psychiatrists following orders will not get into trouble.) Two things strike me as important in thinking our way through this issue: 1) There seems to be no disagreement whatsoever among our membership about what an ethical interrogation looks like—it is based on building rapport and does not involve torture or any type of cruel, inhuman, or degrading treatment. All of the military psychologists within APA whom I am aware of are in complete agreement and would see any type of abusive treatment that would inflict injury or harm on a detainee as both directly contradictory to their purpose as well as unethical; 2) APA must decide between a policy of engagement or a policy of disengagement. In his message to the listserve, Jack Drescher argues for a policy of engagement—that APA members stay engaged with APA, in order to influence the debate. This is the approach APA has taken. APA has chosen to say involved, to ensure we have a voice at the table. In the congressional hearings following the Supreme Court case, Hamdan v. Rumsfeld, the military (as opposed to administration) lawyers have been arguing most strenuously for due process protections. Likewise, the military psychologists have been in full and strong support of clear ethical guidelines for interrogations. The choice is either to support them by staying engaged in the discussions, and so work to influence policy, or to walk away. As the listserve discussion illustrates, that's not always an easy decision, but it seems to me that the Supreme Court case and the July 7 memo of Gordon England stating that the Geneva Conventions apply to all detainees indicate movement in a much more positive direction, and it is my understanding that the army will soon release an updated version of its policies which will be quite consistent with our members' philosophy and ethics regarding interrogations. Nature abhors a vacuum, and if APA pulls out there will be others to fill that space. I think it makes good sense for APA to stay engaged to make our position clear and our influence felt.

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Sunday, July 30, 2006 10:18:48 PM
Recipient:	Morgan Banks
Subject:	RE: Eyes only thoughts

Morgan, that's very helpful, thanks. You write: "I believe that they have access to those at GTMO, but I cannot speak definitively, or for the US government, on that question. This might be a question that APA's Congressional liaison could ask, and then APA would have a solid answer."

Do you know whom we would approach? I'd very much like to get an answer this week, if we can.

Thanks, Morgan,

Steve

From: Morgan Banks
Sent: Sunday, July 30, 2006 9:45 PM
To: Behnke, Stephen
Subject: Re: Eyes only thoughts

Steve,

I can give you what I believe to be the case, but I would need to check it with the JAGs, for accuracy - much of this gets pretty complicated pretty fast, but here goes:

Certainly POWs can be kept until the end of hostilities. My understanding is that Civilian Internees who are believed to have committed war crimes may also be held until the end of hostilities, or until they are tried and sentenced. My read is that detainees fall into this latter category. They are certainly not POWs. (Openly carry arms, distinctive insignia, etc.)

The question as to the regularly constituted court is what is currently being discussed in the Senate. It looks like they will start with the UCMJ, and then make modifications from that base. For example, I expect they will keep classified information from the detainee. My read of the Senate testimony following Hamdan was that the administration wanted something different, but much of the Senate was moving toward starting with the UCMJ. Bottom line is that this will be a political decision made by Congress. It would be hard to argue that the UCMJ was NOT a regularly constituted court...etc.

The ICRC has access to detainees. I am not qualified to speak on whether or not they have access to every detainee in US custody. They certainly have access to all I am aware of. I believe that they have access to those at GTMO, but I cannot speak definitively, or for the US government, on that question. This might be a question that APA's Congressional liaison could ask, and then APA would have a solid answer.

In fact, you should be able to get a strong statement concerning the role of the ICRC. I don't have the GPW in front of me, and can't remember the term of art used, but the GPW refers to an organization like the ICRC that will monitor the treatment of POWs, and I believe that US policy is to have the ICRC fulfill that role.

Morgan

In a message dated 7/30/2006 5:43:50 P.M. Eastern Daylight Time, sbehnke@apa.org writes:

Morgan, thanks, as always, for your extremely thoughtful message.

Under Geneva, POWs can be kept until the end of hostilities, can't they?

My understanding is that the language in Common Article 3—"…a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples"—can be read

pretty broadly. It would seem prudent to afford such a guarantee—don't you think the UCMJ, even with some tweaking, would meet that standard?

It's my understanding (I got together with Jennifer Bryson a few weeks ago here in DC), that the International Red Cross has a fixed facility in Guantanamo Bay and access to all the detainees who are being interrogated. Is that public information? Is there a policy? I would VERY MUCH like to have Olivia include these facts in her remarks before Council, if correct.

Steve

From: Morgan Banks
Sent: Sunday, July 30, 2006 3:15 PM
To: Behnke, Stephen
Subject: Eyes only thoughts

Steve,

There are a lot of things being discussed, and I decided to keep a running track of some of my thoughts, as they occur.

First, I am heartened by the level of the discussion. Most of the comments are thoughtful, and although I may disagree with some of them, there is room for discussion, and possible compromise.

The difficulty surrounding how to interrogate and prosecute the detainees we have captured should be apparent to everyone. Inherent in the email is some confusion over their status. The GPW was designed specifically to outline the treatment of only three categories of people:

1. POW. I am aware of no serious discussion about whether or not GTMO detainees are POWs. The requirements for this status are very clear, and no one at GTMO comes close to meeting the requirements. There has been some legal discussion as to the process necessary to determine their status, however. In other words, the adequacy of how we determine their POW or non-POW status is currently under debate. (BTW, we did hold POWs for while in Iraq. Consistent with the GPW, they have all been released.)
2. Retained person. I have seen no serous legal discussion on this area. We recognize no retained persons at this point in time. (Chaplains, medical personnel.)
3. Civilian Internees. All of the persons held by the US at this point in time are considered CIs, (given that the question of if we have adequately determined their status is still in up in the air - it is highly unlikely that anyone in our current custody will be considered a POW.)

If a CI is believed to have committed a war crime, then a legal proceeding must be used to determine guilt and sentence. Otherwise, the CIs must be released, (along with any POWs) at the end of hostilities. (It should be noted that contrary to one of the email comments, the Court did not have any problem with holding detainees indefinitely at GTMO, until the end of hostilities. Nor did HAMDAN speak to the issue of the manner in which the US Army conducts interrogations, other than to make explicit that Common Article 3 applies. It is my contention that this will have no effect on DOD interrogations, since they where already operating within those guidelines.) Back to the question. The issue is then how to we try detainees we believe have committed war crimes. (Terrorism = War Crime, by the way.) The Court basically stated that Congress needs to be involved in making sure that these judicial proceedings are "regularly constituted." Sounds good to me.

Now, I have not mentioned the legal protections afforded US citizens when charged with a criminal act. My understanding is that there is nothing in the Court's decision that implies that the detainees have these rights. In fact, my understanding is that they have stated that the GPW is the controlling document. This is one of the major political issues: Do we treat terrorists (who commit War Crimes) as criminals or was combatants that commit war crimes? The Bush administration has been on the side of treating them a combatants who are believed to have committed war crimes. Earlier administrations treated terrorists as simple criminals, subject to US law. (Noriega, as one example.)

Finally, my opinion is that the PENS report is pretty strong. It is clear in its prohibition of abusive behavior. Even though I believe that, I have no objection to making additional statements, assuming they are consistent with the PENS report. I have read the new interrogation FM (that is still trying to final approval). 90% of APA's members will be very comfortable with the document. It discusses treatment in great detail, and in a manner that is very consistent with most American's standards of behavior. The US Army has more protections for free speech than any army in history. Command Channels, IGs, CID, finally, call your congressman. I can remember when I was a young Company Commander, telling my boss, the Battalion Commander, that I would not do what he asked (give out publicly the names of soldiers visiting sick call), because it was unethical. He backed down. As a final note, it is clear to me one of the major negative effects of eliminating the draft is that most people really do not know how their Army works. We have a soldier here at Bragg who made charges against his superiors concerning the treatment of detainees. In spite of the fact that three investigations were conducted, and the abuse was unsubstantiated, this officer then went to the press. Although he has lost some friends, I can personally attest that he is being treated very appropriately (maybe even too carefully). I talk a lot about the various methods for making abuse complaints, but even if someone was not satisfied with them, all you have to do is call your congressman.

Hope your weekend is going well.

Morgan

Sender: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent: Sunday, July 30, 2006 12:39:50 PM
Recipient: Morgan Banks
Subject: Eyes Only

Any thoughts appreciated, Morgan.

-----Original Message-----
From: Behnke, Stephen
Sent: Sunday, July 30, 2006 12:21 PM
To: 'Levant,Ronald F'
Cc: 'Gerry Koocher'; Gilfoyle, Nathalie
Subject: RE: [APABODEMG] FW: [SPSMM] APA Stance on interrogations

Ron, I am copying Gerry and Nathalie on this, because I'm mentioning the law, and because this issue may well come up at Convention (e.g., at the town hall meeting), and I want to make sure we're all on the same page here.

I'll make the response as straightforward and succinct as I can:

There have been a number of strong objections to the adequacy of the legal protections and legal process afforded to detainees. Salim Ahmed Hamdan, who was Osama bin Laden's personal chauffeur and a detainee at Guantanamo, challenged the Bush Administration's process for trying detainees. Hamdan's case went through the federal court system to the United States Supreme Court, and on June 29, 2006, in Hamdan v. Rumsfeld, the United States Supreme Court agreed with Hamdan's arguments and held that the manner in which the Bush Administration had proceeded violated the US Constitution. The Court stated "...in undertaking to try Hamdan and subject him to criminal punishment, the Executive is bound to comply with the Rule of Law that prevails in this jurisdiction." The consequence of Hamdan v. Rumsfeld is that Congress must develop a process for trying detainees that is acceptable under the United States Constitution (i.e., "...the Rule of Law that prevails in this jurisdiction.")

Our system of law is set up in such a way that a Guantanamo detainee had the opportunity to take his objections to the United States Supreme Court. The Supreme Court agreed with the detainee, and as a consequence Congress must now review the complete legal process and protections afforded to detainees. The Administration can't "go it alone." Thus, all three branches of government--the Executive, the Legislative, and the Judicial--will be involved in determining what legal process and protections detainees are to receive.

On July 7, 2006, in response to the Supreme Court's Hamdan v. Rumsfeld decision, Gordon England, Deputy Defense Secretary, wrote in a memo to defense officials:

"The Supreme Court has determined that Common Article 3 to the Geneva Convention of 1949 applies as a matter of law to the conflict with Al Qaeda...I request that you promptly review all relevant directives, regulations, policies, practices, and procedures under your purview to ensure that they comply with the standards of Common Article 3."

To those who make the objections below, I would respond: "The United States Supreme Court agrees with you. That is why Congress is now reviewing the entire legal process for trying detainees; the resulting process must be the result of Congressional review and must be acceptable under the United States Constitution."

FOR FURTHER DOWN THE ROAD:
To those who continue to object, that the protections are inadequate following a full review by all three branches of government, I would give the following caution: Our government is based upon a system of checks and balances--a system that ensures, as is happening in this instance, that all three branches are involved in making our laws. If someone doesn't like the laws that result, and therefore argues that psychologists cannot ethically be involved, should we then: 1) prohibit psychologists from working in the criminal justice systems of states that allow the death penalty? (criticized in a recent UN document); 2) prohibit psychologists from working for protective services in states that place severe restrictions on the right of a minor to get an abortion? 3) prohibit psychologists from working for the Chicago police department and "supermax" prisons? (both criticized in a recent UN document.) When is it appropriate to use our ethics to vent our disagreements with the government? One could, after all, argue that it should be unethical for a psychologist to work in the Bush Administration in any capacity...

-----Original Message-----
From: Levant,Ronald F PRIVACY REDACTION
Sent: Sunday, July 30, 2006 8:15 AM
To: Behnke, Stephen
Subject: FW: [APABODEMG] FW: [SPSMM] APA Stance on interrogations

Steve: Do you have any thoughts as to how to approach this?
Ron

-----Original Message-----

Folks: Here is another theme that keeps coming up that we should develop a good answer for. I have abstracted it here, but you can read the two postings on this point below.

" ...let us suppose that the same suspect was systematically denied the protections afforded by our legal system as these have been progressively elaborated by the courts--denied any access to counsel, any right to petition for habeas corpus, not told what the charges against him were, not allowed to see the evidence against him, and held in detention for an indefinite period. Should it be considered consistent with psychological ethics for a psychologist to provide assistance or consultation with respect to his interrogation? ...the psychologist would be lending assistance in a proceeding that was in violation of the subject's civil rights according to U.S. law and of his human rights as these have been defined by international conventions to which the U.S. government is a signatory. Collaboration by the psychologist in this latter instance would be in his own interest but it would be in violation of Principle B of the Ethics Code: (Fidelity and Responsibility, in which psychologists "are aware of their professional and scientific responsibilities to society.") As Ive observes: '...the people at GTMO are being held outside the borders of the United States specifically to deny them the right to appear in court, and other privileges of the constitution.'"

Your thoughts?
Ron

-----Original Message-----
From: Facilitate discussion of topics related to the psychology of men & masculinity. [mailto:SPSMM@LISTS.APA.ORG] On Behalf Of Ed Tejirian
Sent: Saturday, July 29, 2006 8:55 PM
To: SPSMM@LISTS.APA.ORG
Subject: Re: [SPSMM] APA Stance on interrogations

Ron, Mitch, Ive, and Neil and others,

I'm very glad that we're able to have this discussion on this list. It helps to clarify some of the issues crucial to the debate. I think Mitch and Neil are right to raise questions about the proposal for a blanket prohibition of any participation by psychologists in "interrogations."

Some would argue that any involvement by a psychologist in the questioning of someone suspected of a crime is wrong because such involvement is inherently adversarial and therefore not in the interest

of the person being questioned--and in fact, could do him harm, thus potentially contradicting Principle A of the Ethics Code. The argument against this position is set forth in the PENS report:

"Principle B of the Ethics Code, Fidelity and Responsibility, states that psychologists "are aware of their professional and scientific responsibilities to society." Psychologists have a valuable and ethical role to assist in protecting our nation, other nations, and innocent civilians from harm, which will at times entail gathering information that can be used in our nation's and other nations' defense. The Task Force believes that a central role for psychologists working in the area of national security-related investigations is to assist in ensuring that processes are safe, legal, and ethical for all participants."

Let us suppose that the FBI has arrested someone on suspicion of some crime and wanted the help of a psychological consultant about how to approach the process of questioning the suspect. If he was being held under the laws of the United States and if he was being treated in accordance with legal protections afforded criminal suspects by United States law it would be hard to disagree with Neil's assertion that the psychologist should be allowed to offer his services to the authorities.

NOW let us suppose that the same suspect was systematically denied the protections afforded by our legal system as these have been progressively elaborated by the courts--denied any access to counsel, any right to petition for habeas corpus, not told what the charges against him were, not allowed to see the evidence against him, and held in detention for an indefinite period. Should it be considered consistent with psychological ethics for a psychologist to provide assistance or consultation with respect to his interrogation?

In the first instance the psychologist is lending his services in a legal proceeding that--although it might not be aimed at helping the subject of the investigation--respects his civil rights according to U.S. law and and is consistent with international standards of human rights.

In the second instance the psychologist would be lending assistance in a proceeding that was in violation of the subject's civil rights according to U.S. law and of his human rights as these have been defined by international conventions to which the U.S. government is a signatory.

Collaboration by the psycholgist in this latter instance would be in his own interest but it would be in violation of Principle B of the Ethics Code:
(Fidelity and Responsibility, in which psychologists "are aware of their professional and scientific responsibilities to society.")

As Ive observes: "...the people at GTMO are being held outside the borders of the United States specifically to deny them the right to appear in court, and other privileges of the constitution."

And I think he is absolutely right when he says:

"I ... feel that we should make a statement that is clear and strong enough to provide psychologists with grounds to refuse duty where there are inadequate safeguards of the population they serve."

So far, the APA Board of Directors has declined to do this. Ron noted, after his, visit to Guantanamo:

"The two psychologist-BSCT's that I talked to at GTMO said they advise on establishing rapport, frustration management, and observe from behind one way mirrors to watch for behavioral drift, etc."

What they were doing appears to be benign--but the situation in which they were providing their services was not--and this is not merely my own judgement--the recent ruling of the Supreme Court has agreed.

It's noteworthy that no recent visitors to Guantanamo have been permitted to speak with the detainees there--indeed the United Nations refused to send a delegation because even they would have been refused this opportunity. As Ive observed, we don't really know what is going on there. However, in response to Mitch, I think it's fair to repeat that the International Committee of the Red Cross said that activities "tantamount to torture" were in fact occurring in 2003. Currently the situation appears to be better, but as recently as the early part of this year, detainees on a hunger strike were being restrained and forcibly tube fed. Finally, we know that there were a number of suicides recently.

Ed T.

--- "Iverson M. Eicken" PRIVACY REDACTION wrote:

> I am proud of Ron and Neil for the thoughtful work they are doing to
> try to balance the conflicting issues in the APA's stance about
> interrogations.
> Neil brings up some points that are very important.
> I agree that we
> shouldn't limit a psychologist's right to seek employment where he/she

> wants to work. I have several friends who are military psychologists
> and my son saw a military psychologist when he was a basic officer's
> training camp. I can't tell you how grateful I was that someone was
> there for him. I can think of no better function for a psychologist
> than the one that Neil describes of teaching personnel how to conduct
> effective, respectful, and humane interrogations. However, by not
> making a stronger clear statement against abusive situations, or
> against situations clearly set up to hide and cover up abuse if the
> government chooses to engage in it, the APA does not give
> psychologists the support they need to refuse to serve in positions
> they are uncomfortable with. Perhaps the Resolution Against Torture
> and Other Cruel, Inhuman, Or Degrading Treatment of Punishment that
> Neil mentions will help.
>
> I think it's great that Ron visited GTMO. That work is incredibly
> important. He is absolutely right in noting that we cannot treat
> media reports as if they are complaints, and we have no business
> investigating them. These thoughts sort of side step one important
> issue; the people at GTMO are being held outside the borders of the

> United States specifically to deny them the right to appear in court,
> and other privileges of the constitution. They are being held there
> so that they cannot complain. This also has the effect of destroying
> another of the basic tenants of democracy; the public's right to know.

> The situation is set up so that what ever happens there can remain
> secret. I agree with Mitchell in that we can't take every word the
> media says as gospel. My personal belief, however, is that despite
> Ron's visit we don't really know what is going on over there, and
> worse the conditions are intentionally set up so that we can never
> find out.
>
> Even so, I'm not sure I would advocate for the APA to take on more
> investigative functions. I do feel that we should make a statement
> that is clear and strong enough to provide psychologists with grounds
> to refuse duty where there are inadequate safeguards of the population

> they serve.
>
>
>
> I also want to own my personal baggage. Even though I can cognitively

> understand that there are many issues to consider and that this is an
> incredibly complex issue, for me it is affectively very black and
> white. My head knows that it's not as simple as my heart feels it is.

> I will also own that it is hard to discuss this small grain of sand
> without also talking about the whole beach. Getting the APA to make a

> strong statement about "interrogation" also means that they/we/I will
> be making a very political comment on the behavior of the Bush
> administration.
> The flip side of that
> coin is that by playing the word game, and limiting our statements to
> very narrowly defined "torture" situations we allow big loop holes.
> The reason we have ethics discussions, rather than clearly defined
> rules is to keep us accountable for the loop holes as well as the
> concrete situations.
>
>
>
> Thanks for the productive conversation. It feels like both sides of
> the fence are listening. What a refreshing change from "conflict for
> its own sake" conversation.
>
>
>
> Peace, Blessing & Joy
>
>
>
> Iverson M. Eicken, Ph.D.
>
> Licensed Psychologist (PSY19750)
>
>PRIVACY REDACTION
[redacted]

>
> PRIVACY REDACTION
>
> http://www.Dr-Eicken.com
>
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Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Friday, July 28, 2006 12:03:24 PM
Recipient:	'Banks, Louie M. COL' <louie.morgan.banks@us.army.mil>
Subject:	AMA-APA--could you read over?

July 13, 2006

To the Editor:

The Monitor on Psychology (July/Aug. 2006) article on the ethics of medical professionals' participation in interrogation did your readers a disservice by failing to point out some critical differences between the American Medical Association (AMA) and American Psychological Association (APA) policies.

Stephen Behnke concluded that the policies were similar, when, in fact, a thorough reading would have made clear that the AMA report outlines many of the issues regarding physician participation in interrogation, and then concludes that physicians must not directly participate in an interrogation. For example, Behnke misrepresents the substance of the AMA guidelines when he says: "…the AMA report states explicitly that the presence of a psychiatrist at an interrogation may serve to benefit the individual under questioning by virtue of a trust that can facilitate the interrogation…" He has taken this statement out of its context in a discussion of potential roles of physicians, and has failed to observe that it is negated by the guidelines themselves.

To clarify the crux of the AMA's new ethical policy: Physicians must not conduct, monitor with an intent to intervene, or directly participate in any way in an interrogation, because each of these actions undermines the physician's role as healer. Because it is often justifiable for physicians to serve the public interest, the AMA's policy permits physicians to develop general interrogation strategies that are not coercive, but are humane and respect the rights of individuals.

In contrast, the American Psychological Association prohibits psychologists from participating in cruel, inhuman or degrading treatment but accepts that they can "serve in the role of supporting an interrogation" and as a consultant. Thus, AMA and APA policy differ substantially in ethical acceptability of supporting interrogation. In contrast, the American Psychiatric Association's policy on interrogation, like the AMA's, disallows direct physician participation in interrogation.

Development of ethics policy benefits from vigorous discussion and debate, and much careful thought, deliberation and consultation with outside groups and individuals led to adoption of the AMA's new ethics policy on physician participation in interrogation.

Sincerely,

Robert M. Sade, M.D.
American Medical Association
Chair, Council on Ethical and Judicial Affairs

Stephen Behnke responds:

I agree completely with Dr. Sade that a "thorough reading" of the AMA report is necessary. I am hopeful the AMA will soon release its full report, as APA and the psychiatrists have done, so Monitor readers may determine for themselves how similar the two positions are: Psychologists and physicians do not directly participate in interrogations, do not monitor interrogations with the intent of intervening, never advise on coercive interrogations, never mix the role of health care provider with that of consultant to an interrogation, never use information from a medical record to construct a strategy for eliciting information, and always report abusive or harmful behavior. Given how the AMA report defines "direct" and "coercive," my column may indeed have erred, but in the opposite direction Dr. Sade suggests, by over- rather than underemphasizing the differences between APA and AMA.

Two critical features distinguish APA and AMA from the psychiatrists. The psychiatrists have described their position as not "an ethical rule," in stark contrast to APA and AMA. Second, the APA and AMA positions are explicitly based on twin duties: to the individual and to society; the psychiatrists disallow participation even in interrogations that may prevent future terrorist acts.

While their announced position statements differ substantially, APA and the Psychiatric Association agree that military psychologists and psychiatrists following orders, keeping entirely separate the roles of health care provider and consultant to an interrogation, reporting abusive acts, and avoiding any behavior that would constitute torture or cruel, inhuman, or degrading treatment, will not be subject to discipline from their professional association. This clarification is important insofar as the military continues to train both psychiatrists and psychologists in this role, as both associations are fully aware.

For further discussion following release of the full AMA report, go to: www.apa.org/ethics

Sender: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent: Wednesday, July 26, 2006 8:20:20 PM
Recipient: 'Gerald P. Koocher, Ph.D.' PRIVACY REDACTION
Subject: FW: Council Letter re. Res. Against Torture

Gerry, pending your approval this cover letter is a good thing--the more people see this Resolution as originating from Division 48, the better we'll be.

(It will probably be good to go sometime later tomorrow am or early pm)

Steve

-----Original Message-----
From: Strassburger, Judy
Sent: Wednesday, July 26, 2006 8:14 PM
To: Behnke, Stephen; Farberman, Rhea
Subject: FW: Council Letter re. Res. Against Torture

Passing by you before I post anything. Also, nothing was attached or are we to fill in?
Judy

Judy A. Strassburger, Executive Director
Governance Affairs
American Psychological Association
750 First Street, NE
Washington, DC 20002-4242
(202) 336-6088
(202) 336-6157 Fax
jstrassburger@apa.org

-----Original Message-----
From: Judith Van Hoorn PRIVACY REDACTION
Sent: Wednesday, July 26, 2006 8:01 PM
To: Gerald P. Koocher, Ph.D.; Strassburger, Judy
Subject: FYI: Council Letter re. Res. Against Torture

Dear Gerry and Judy,

FYI: This is the letter we drafted to post on the COR listserv along with the attachment of the Resolution and a link to the other materials.

Judy

Dear Colleagues,

At the February meeting of the COR, Corann Okorodudu and I, representatives from Division 48 (The Society for the Study of Peace, Conflict and Violence: Peace Division of APA) submitted a new business item, A Resolution Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The purpose of the item was to update, clarify, and strengthen the APA Human Rights Resolution against torture. The Divisions for Social Justice co-sponsored the Resolution.
Some of you were among the approximately 60 Representatives who signed as co-sponsors during the brief time we circulated the item.

Due to the Resolution's importance, we will request that Council place it on the Agenda for the August meeting. Since the winter meeting we have refined it through extensive consultation with the Ethics Committee and other governance groups, in particular Olivia Moorehead-Slaughter (Chair, Ethics Committee), Doug Haldeman (BOD), and Andy Benjamin (Chair,

Policy and Planning) as well as representatives from the Divisions for Social Justice, Steve Sellman (Division 19), and others. We consulted with Stephen Behnke and Maureen O'Brien, APA Staff, regarding the process of placing the item on the agenda.

We respectfully ask for your consideration of the request and your support for the Resolution Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. We welcome your comments and questions.

Thank you,

Corann Okorodudu and Judy Van Hoorn
Division 48 (Society for the Study of Peace, Conflict and Violence)

The Resolution is attached. The Justification Statement and documents supported by or cited in the Resolution are available at [info here].

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Monday, July 24, 2006 6:35:13 PM
Recipient:	'Banks, Louie M. COL' <louie.morgan.banks@us.army.mil>;Dunivin, Debra L LTC WRAMC-Wash DC <Debra.Dunivin@NA.AMEDD.ARMY.MIL>
Subject:	RE: Council & Dr. Kiley
Attachments:	SGtalkingpoints.doc

Hi Morgan and Debra,

Attached please find the talking points that were distributed at the meeting today. These are simply suggestions, and should be tweaked/edited/massaged/discarded in whatever manner you think best.

Also, Debra, the Resolution is still in draft form, so please let the Surgeon General know that it is subject to change. I'll send you the final version as soon as it's ready.

I'll forward any addition questions/comments we receive from Council members.

Steve

From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Monday, July 24, 2006 11:54 AM
To: Behnke, Stephen; Dunivin, Debra L LTC WRAMC-Wash DC
Subject: RE: Council & Dr. Kiley

Steve,

These are GREAT questions!!! In fact, they are the very questions we have been trying to answer publically for some time.

Morgan

COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Sunday, July 23, 2006 9:18 PM
To: Dunivin, Debra L LTC WRAMC-Wash DC; Morgan Banks Banks, Louie M. COL
Subject: FW: Council & Dr. Kiley

Hi Debra and Morgan,

Here is what we have received from Council members as of Friday. Very positive initial responses, although we'll definitely want to discuss possible responses.

Steve

From: Reever, Casey
Sent: Friday, July 21, 2006 3:16 PM
To: Gerry Koocher; Behnke, Stephen
Subject: Council & Dr. Kiley

Hello,
I hope this note finds you well and that your time in Greece was productive and enjoyable and your travel home was smooth and uneventful. Attached are the messages that have come into the president@apa.org mailbox today.
Thanks,
-Casey-

Possible Talking Points

- Things happened under the auspices of interrogation that were unethical and illegal. The military turned to psychologists as one aspect of our response in order to ensure that all interrogations are conducted in a manner that is safe, legal, ethical and effective.

- The military has asked the American Psychological Association for your assistance as we write the guidelines for the ethical involvement of psychologists in military interrogations. We want to work together with you, because the ethical involvement of psychologists—as outlined in the PENS Task Force Report—is good for the army, good for psychology, and good for our society.

- An Army psychologist was involved in the Department of the Army Inspector General's Detainee Operations Inspection. This psychologist contributed to the report examining what went wrong and how we prevent bad things from happening again.

- [in response to question of Norine Johnson] Let me put your mind at ease regarding the involvement of a psychologist in an abusive interrogation. As a commissioned officer in the United States Army, a psychologist is required to stop illegal behavior. If the psychologist is not able to stop it, then the psychologist is *required* to report it, and there are a variety of reporting avenues that the psychologist must pursue depending upon the response. I note that this language mirrors a Resolution that I believe your Council will be reviewing at this meeting.

- [in response to question of Rita Dudley-Grant] Any behavior designed to degrade or humiliate an individual based on the individual's culture or ethnicity is not allowed. The school that trains army interrogators has requested a full time psychologist to assist it in appropriately addressing these issues in training.

- [in response to Trish Crawford] Monitor, observe, assess the process, and provide feedback to the interrogators. There are mechanisms in place for such a psychologist to consult to get a consultation as to the ethical appropriateness of the participation. If the consultation—and this would be with psychologists well-versed in APA's position—led to the conclusion that the behavior at issue violated ethical standards, senior leaders within what is called the "technical" chain of command would so notify the "operational" chain of command that the participation was impermissible.

- [in response to Jeff Barnett] The American Psychological Association and the American Medical Association have taken very thoughtful and considered approaches to this issue, and as I read their position statements, they are in significant agreement about the ethical aspects of this role.

- [in response to Jeff Barnett] The American Psychiatric Association has issued a statement, but I believe they have also indicated that their statement is not an enforceable ethical rule.

- Through the PENS Task Force Report, the American Psychological Association is calling attention to the issues we need to be addressing, and there is "no light' between the PENS Task Force Report and current Army policy on the use of psychologists. The two are completely in sync.—there is no discrepancy between them at all.

Sender: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent: Sunday, July 23, 2006 6:46:17 PM
Recipient: Olivia Moorehead-Slaughter

Dear Ethics Committee colleagues,

Attached please find the final draft of the Resolution that will be put forward at Council. The movers of this Resolution, Judy Van Hoorn and Corann Okorodudu, have responded to our recommendations and have reviewed the Resolution extensively with other governance groups. I note that both the Divisions of Social Justice and Division 19 (military psychology) are co-sponsors of the Resolution (among many others).

Based on your feedback and the changes that Drs. Van Hoorn and Okorodudu have made in response, I can say comfortably that this Resolution does not permit any activity that would be prohibited by the Ethics Code. For this reason, I believe it is time for the Resolution to move forward through the APA governance process. If you believe I am mistaken in this assessment, and that the Resolution does permit an activity that the Ethics Code would prohibit, please let me know by Wednesday, 5pm East Coast time.

We will be discussing the Resolution when we meet the day following Convention, Monday August 14. I look forward to seeing you at Convention.

Warmly,

Olivia

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Friday, July 21, 2006 1:12:11 PM
Recipient:	Dunivin, Debra L LTC WRAMC-Wash DC <Debra.Dunivin@NA.AMEDD.ARMY.MIL>
Subject:	RE: FW: Salon follow up.

;-)

Από: Dunivin, Debra L LTC WRAMC-Wash DC [mailto:Debra.Dunivin@NA.AMEDD.ARMY.MIL]
Αποστολή: Πεμ 20/7/2006 6:25 μμ
Προς: Behnke, Stephen
Θέμα: RE: FW: Salon follow up.

Superb strategist that you are!

-----Original Message-----
From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Thursday, July 20, 2006 9:31 AM
To: Dunivin, Debra L LTC WRAMC-Wash DC; Farberman, Rhea; Gerald P. Koocher, Ph.D.
Cc: Strassburger, Judy; Morgan Banks; louie.morgan.banks@us.army.mil
Subject: RE: FW: Salon follow up.

No--no change in General Kiley's schedule whatsoever. Dr. Kiley will speak at 11:30, then lunch, then the (45 minute) discussion.

Division 48 is going to receive feedback from Division 19 today on the Resolution. If all goes tolerably well, we may be in reasonably good shape. The current version of the Resolution lists the DSJ as a co-sponsor, so there may not be a significant "other side." Stay tuned...

Steve

_____

From: Dunivin, Debra L LTC WRAMC-Wash DC
[mailto:Debra.Dunivin@NA.AMEDD.ARMY.MIL]
Sent: Thu 7/20/2006 8:29 AM
To: Behnke, Stephen; Farberman, Rhea; Gerald P. Koocher, Ph.D.
Cc: Strassburger, Judy; Morgan Banks; louie.morgan.banks@us.army.mil
Subject: RE: FW: Salon follow up.

Does this message adequately address that issue about folks having opportunity to present the "other side"?

If you are looking to change General Kiley's schedule, please make a final decision as soon as you can.

-----Original Message-----
From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Wednesday, July 19, 2006 4:05 PM
To: Farberman, Rhea; Gerald P. Koocher, Ph.D.
Cc: Strassburger, Judy; Morgan Banks; Dunivin, Debra L LTC WRAMC-Wash

DC; louie.morgan.banks@us.army.mil
Subject: RE: FW: Salon follow up.

Thanks so much, Rhea.

Judy/Gerry, we had discussed having Olivia give a very brief presentation, followed by the discussion, for a total of one half hour following lunch. Upon reflection, I think we may want to give it 45 minutes--I think that extra time may be helpful to allowing more people to feel part of the discussion.

If 1) we agree on the 45 minutes, if 2) Gerry accepts Rhea's recommendation about the added sentence (makes very good sense to me), and if 3) we add the logistical information to the message about how (to whom) Council members may submit comments/questions and we give a deadline (next Friday?), I think we're good to go.

What do they say, "Light the candle"?

Thanks so much,

Steve

From: Farberman, Rhea
Sent: Wed 7/19/2006 3:29 PM
To: 'Gerald P. Koocher, Ph.D.'; Behnke, Stephen
Cc: Strassburger, Judy; Morgan Banks; Debra.Dunivin@NA.AMEDD.ARMY.MIL; louie.morgan.banks@us.army.mil
Subject: RE: FW: Salon follow up.

I'd suggest adding a sentence after the "Kiley" paragraph to assure members of Council that there will be time for Council debate and dialogue in addition to the time devoted to the Lt. General's presentation.

Something like: After Gen. Kiley's presentation, Council will devote 60 minutes (?) to a discussion of the PENS report and the Association's next steps concerns the issues it addresses, etc.

Rhea

-----Original Message-----
From: Gerald P. Koocher, Ph.D. PRIVACY REDACTION
Sent: Wednesday, July 19, 2006 11:27 AM
To: Behnke, Stephen
Cc: Strassburger, Judy; Morgan Banks; Debra.Dunivin@NA.AMEDD.ARMY.MIL; louie.morgan.banks@us.army.mil; Farberman, Rhea
Subject: Re: FW: Salon follow up.

*I have tweaked Steve's draft letter a bit.
Please comment.
Gerry*

Dear Colleagues:

The past year has witnessed a great deal of interest in the work of the Task Force on Psychological Ethics and National Security (PENS). Our members have vigorously discussed issues related to ethics and interrogations on numerous listserves, and Council members have actively engaged one another in various settings on this subject, including on Council's listserve. As President, I welcome our discussion and debate, and have made clear that I want our examination of this issue to continue at our August meeting.

In order to facilitate our discussion, we must have the best available data regarding what psychologists are being asked to do in national security-related settings. As an organization dedicated to science, education, and practice, we must move forward with the best evidence available. To that end, I have invited the Surgeon General of the Army, Lieutenant General Kevin Kiley, M.D., to attend Council in order to speak to us, and to respond to Council's questions and concerns regarding the role that the military has asked psychologists to take in interrogations. I delight in informing you that he has agreed to do so. You may want to have a look at Dr. Kiley's background and can do so by visiting: http://www.armymedicine.army.mil/leaders/kiley.html .

I have asked Dr. Kiley to speak for about 20 minutes and potentially have 10 minutes for questions from the floor. Given our time constraints it will likely not be possible for Dr. Kiley to cover every topic both he and Council wish to address, I know he is very eager to understand our thinking on this hugely important subject. To make the best use of our time and assure that you have the broadest possible input, I invite Council members consider issues they would like to hear Dr. Kiley to address or raise questions they would like Dr. Kiley to answer. I want you all to have the opportunity to weigh in privately, so that no one has to feel embarrassed about raising a question or worry about rushing to the microphone, so I invite you to provide these to me in a private e-mail addressed to me at: president@apa.org <mailto:president@apa.org>.

In this way, I hope to optimize the likelihood that Dr. Kiley will understand Council's concerns in advance.

[information regarding how to submit]

I look forward to seeing you in New Orleans,

GK

>

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Tuesday, July 18, 2006 7:20:40 PM
Recipient:	Judy Strassburger
Subject:	FW: Council--let me know what you think

Hi Judy,

I've sent a draft of a message from Gerry to Council to Debra and Morgan, concerning the Surgeon General's visit. They'll know if anything is not appropriate from the Army/Surgeon General perspective here.

Gerry has agreed to have Judy, Corann, and Neil to lunch (also Steve Sellman), and to be seated in the main room, for good visibility. I think it makes sense to extend the invitation to lunch as soon as possible after the announcement goes out, because that's when the organizing will begin and we want to nip that in the bud as best we can. (We may also want to consider inviting one of the Division 18 members.)

Also, it will probably be a good idea have have Rhea review the message as well, when we're ready to send.

I hope you're having a good week,

Steve

From: Behnke, Stephen
Sent: Tue 7/18/2006 7:09 PM
To: louie.morgan.banks@us.army.mil; Debra.Dunivin@NA.AMEDD.ARMY.MIL; Morgan Banks
Subject: Council--let me know what you think

Hi Debra and Morgan,

I spoke with Gerry yesterday, and it is time to send out a message to Council, letting Council know that the Surgeon General will speak. (Has he officially accepted?) I'd be extremely eager for your thoughts on how to present this to Council--it seems to me that we should frame it very carefully, something like:

Over the past year, there has been a great deal of interest in the work of the Task Force on Psychological Ethics and National Security (PENS). Our members have vigorously discussed issues related to ethics and interrogations on numerous listserves and Council members have actively engaged one another in various settings, including Council's listserve. As President, I welcome our discussion and debate, and have made clear that I want our examination of this issue to continue at our August meeting.

In order to facilitate our discussion, it will be important to have data regarding what psychologists are being asked to do in national security-related settings. As an organization dedicated to science, education, and practice, we must move forward with the best evidence available. To that end, I have asked that the Surgeon General of the Army, Lieutenant General Kevin Kiley, MD, to attend Council in order to respond to Council's questions and concerns regarding the role that the military is asking psychologists to take in interrogations. To make the best use of our time, I ask that Council members consider what issues they would like Dr. Kiley to address and what questions they would like Dr. Kiley to answer, and to provide these beforehand, so that the Army Surgeon General can review them in preparation for speaking to Council. While given our time constraints it will likely not be possible for Dr. Kiley to respond to each and every comment or question, he is eager to learn what Council members are most interested in having addressed.

[information regarding how to submit]

I look foward to seeing you in New Orleans,

GK

Sender: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent: Monday, July 17, 2006 1:35:31 AM
Recipient: Judith Van Hoorn [redacted]
Cc: [redacted]
Subject: RE: Resolution process

Hi Judy,

I can't write at length at the moment, but it seems like things are moving along very nicely.

What we'll want to do is to point out that the Ethics Committee is the lead group on reviewing the Resolution, and that you have consulted extensively with the Ethics Committee to ensure that there are no inconsistencies with the Ethics Code. In terms of Olivia, let's think about that--Olivia may be up front, but let's consider whether there is a way Olivia can explicitly mention your resolution in her remarks. Let me ponder...

Steve

From: Judith Van Hoorn [redacted]
Sent: Sun 7/16/2006 7:10 PM
To: Behnke, Stephen
Subject: RE: Resolution process

Hi Steve,

I hope that you have time to fully "apply yourself" participate in the conference and enjoy Greece.

"Rest assured" that we understand that we will be asking for a waive of the rules so that we can place it on the agenda. We await a final ok from the Ethics Committee.

1. We will write an intro statement to accompany sending the resolution to the COR listserv. I'll work on it tomorrow. As soon as we finish it (Tues I hope) I will send it to you and Olivia so you can review it. Since there have been questions re. why we are "fast tracking" the process, I want to reassure people that we are going ahead with your full support and encouragement. (But want to make sure that we phrase this in a way that is totally comfortable for you and Olivia.)

2. I will also write to Olivia to ask her if she would be willing to stand with us as we ask COuncil to place the item on the agenda. (I know that I would have to ask Gerry for permission since she is not a COuncil rep.) This would truly assure people that we've worked together on this and that the Ethics COmmittee supports our actions.

Warm regards,
Judy

Quoting "Behnke, Stephen" <sbehnke@apa.org>:

> Hi Judy,
>
> This is definitely a Maureen question, that she and I have discussed.
> I

> am preparing an item for the Board of Directors; the Board will
> review
> the item, and then it can be placed on Council's agenda at the
> beginning
> of the meeting, barring objection, which would require a vote (simply
> majority, I believe).
>
> Maureen, could you confirm for us?
>
> Thanks so much,
>
> Steve
>
> -----Original Message-----
> From: Judith Van Hoorn PRIVACY REDACTION
> Sent: Thursday, July 13, 2006 6:42 PM
> To: Behnke, Stephen
> Cc: Corann Okorodudu; Linda Woolf, Ph.D.
> Subject: RE: Resolution
>
> You are amazing, Steve. I can only try to imagine the number of
> emails
> you send and receive each day.
>
> In speaking with others, such as Steve Sellman and Jeff Barnett, a
> question that arises is, "How will this be placed on the agenda since
> it's not on the agenda that was sent out? How will everything be
> timed"
>
> I'll send a note to Maureen (and I'll be sure to copy it to all)to
> make
> sure that Corann and I know the correct process e.g., do follow the
> procedure in the manual and ask to add this to the agenda - which
> would
> involve a vote by COR? If this will be sent out to COR reps next
> week
> - we hope, I think that many will ask this question.
>
> Hopefully, this is a "Maureen" question - so we can take one thing
> off
> your plate so that, hopefully, you'll have more room for Greek food.
>
> Regards,
>
> Judy
>
>
> Quoting "Behnke, Stephen" <sbehnke@apa.org>:
>
> > Thanks, Judy. I will be sure to share with you documents from any
> > other
> > associations I find, and to make sure to place my sharing of your
> > Resolution in the context you explain below.
> >
> > Take care--I'll be online,
> >
> > Steve
> >
> > -----Original Message-----
> > From: Judith Van Hoorn PRIVACY REDACTION
> > Sent: Thursday, July 13, 2006 9:57 AM

> > To: Corann Okorodudu
> > Cc: Behnke, Stephen; Linda Woolf, Ph.D.
> > Subject: Re: Resolution
> >
> > Hi Steve,
> >
> > It's fine with me as well.
> >
> > In showing it to others (and introducing it to Council and the
> > Board),
> > it's important to point out that
> > 1. it is written to replace the 1986 Human Rights Resolution and
> > that,
> > if it is not adopted, the 1986 Resolution is APA policy.
> >
> > 2. this is written as a human rights resolution. Everyone focused
> on
> > PENS related issues will see the relevance; however, we propose
> this
> > as
> > a resolution that, as you know, would cover other situations (not
> > related specifically to military psychologists, or the debates
> about
> > this war - as the 1986 human rights resolution did.
> >
> > 3. for anyone who saw the original draft, please point out that in
> > the
> > statement re. Issues, we have omitted the reference to the PENS
> > process.
> >
> > Therefore, there may, in fact, be others whom you will see at the
> > conference who will be interested in the Resolution as a human
> rights
> > resolution, beyond PENS related issues, connected with the other
> work
> > you do in the Ethics Office and related to Public INterest,
> > International, etc. - so the circle gets bigger.
> >
> > Steve, we, too, would love to see any documents from other
> > psychological
> > associations re. their policies in this area. We have the BPS, if
> you
> > find there are others please send us a reference.
> >
> > Bon voyage! Have a wonderful time at the conference - and in
> Greece.
> >
> > Judy
> >
> >
> > Quoting Corann Okorodudu PRIVACY REDACTION
> >
> > > Steve it is alright with me.
> > > Corann
> > >
> > >
> > > On 7/13/06 1:24 AM, "Behnke, Stephen" <sbehnke@apa.org> wrote:
> > >
> > > > Hi Corann, Linda, and Judy,
> > > >
> > > > I am traveling to Athens for a conference, and will be speaking

> > > with
> > > > psychologists who have an interest in the PENS report. May I
> > have
> > > permission
> > > > to show them the Resolution you have been working on? (I will
> > make
> > > clear the
> > > > Resolution has been proposed but not voted upon by Council)
> > > >
> > > > Thanks so much for letting me know,
> > > >
> > > > Steve
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Sender: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent: Friday, July 14, 2006 3:35:26 PM
Recipient: Behnke, Stephen <sbehnke@apa.org>;'Linda Woolf, Ph.D.' PRIVACY REDACTION ;'Judith Van Hoorn' PRIVACY REDACTION ;'Corann Okorodudu' PRIVACY REDACTION
Cc: Olivia Moorehead-Slaughter PRIVACY REDACTION
Subject: RE: Revised Resolution on Torture and Other CIDT

Dear Linda, Judy, and Corann,

The Ethics Committee has expressed a concern regarding the Be It Resolved:

BE IT RESOLVED that based upon the APA's long standing commitment to basic human rights including its position against torture, psychologists shall always work in accordance with international human rights instruments relevant to their roles.

The Committee is concerned about the phrase "shall always," because it seems to bind psychologists to a potentially undefined set of documents. The Committee is reacting to the potential breadth of the mandate.

Could the words "shall always" be taken out, to read "psychologists work in accordance with…"?

Please let me know,

Steve

From: Behnke, Stephen
Sent: Friday, July 14, 2006 2:32 PM
To: Behnke, Stephen; 'Linda Woolf, Ph.D.'; 'Judith Van Hoorn'; 'Corann Okorodudu'
Cc: Olivia Moorehead-Slaughter
Subject: RE: Revised Resolution on Torture and Other CIDT

Would anyone be available for a quick call? I'd like to give some feedback from the Ethics Committee, Steve

---

From: Behnke, Stephen
Sent: Thursday, July 13, 2006 11:23 PM
To: 'Linda Woolf, Ph.D.'; Judith Van Hoorn; Corann Okorodudu
Subject: RE: Revised Resolution on Torture and Other CIDT

Hi Linda, Judy, and Corann,

I've been working on the Board Item, which has proven a bit more of a challenge than I thought. I don't want to make reference to PENS, because while your Resolution is certainly related, that's not its focus. I think the "Issue" section should be brief and straightforward—please tell me what you think of what I've drafted below. (The Board item will have both your Resolution and Justification statement, so there is no need for an in-depth explanation or justification in the "issue" section.)

Steve

In 1986 the American Psychological Association Council of Representatives adopted a Resolution against torture and other cruel, inhuman, or degrading treatment. The 1986 Resolution is not identified by name as a Resolution against torture, and does not address the relationship between its resolutions and human rights documents. These two features have given the 1986 Resolution less prominence and force in the public discussions of recent events involving the abuse of individuals in U.S. custody. The proposed "Resolution Against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment" is intended both to highlight the American Psychological Association's position against abusive treatment and to place the Association's position firmly in the context of international and human rights texts related to the ethics of health professionals, in particular psychologists.

From: Linda Woolf, Ph.D. [redacted]
Sent: Tuesday, July 11, 2006 1:42 PM
To: Behnke, Stephen
Cc: Corann Okorodudu; Judith Van Hoorn; [redacted] G. Andrew H. Benjamin, J.D., Ph.D.; [redacted] Farberman, Rhea
Subject: Re: Revised Resolution on Torture and Other CIDT

Hi All,

Behnke, Stephen wrote:

Also, please note the WONDERFUL WASHINGTON POST HEADLINE THAT CAME OUT AT 10:21 AM:
U.S. Will Give Detainees Geneva Rights

I saw that last night. Of course, as noted in the one of the articles I read, this is not (place tongue in cheek here) a change in the President's policies in relation to Guantanamo Bay.

Linda has done a FABULOUS job of putting together all the UN/Human rights materials.

Thanks. I went ahead and added the Geneva Convention related to treatment of prisoners to the web page. We don't reference it, but if folks are interested, it is there.

The Geneva Convention is far more restrictive than anything we have written. It states:

<>No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to any unpleasant or disadvantageous treatment of any kind.

The Convention includes coercion which is a whole new can of worms. For example, "we will give you better food if you provide information." Is this coercion? Can any form of lying or deception be used or is this a form of coercion? One of the reasons I argued against the inclusion of the Geneva Convention in the resolution is that coercion is part of most interrogations throughout the States and quite legal. Individuals may be quite correct that psychologists should not be involved in any form of coercive interrogation. Nonetheless, I think that is a discussion for another day and could potentially halt any

progress on a resolution concerning torture and other cruel, inhuman, or degrading treatment or punishment.

Best wishes,

Linda

-----Original Message-----
From: Corann Okorodudu [redacted]
Sent: Tuesday, July 11, 2006 10:00 AM
To: Behnke, Stephen; Judith Van Hoorn
Cc: Linda Woolf, Ph.D. [redacted] G. Andrew H. Benjamin, J.D., Ph.D.; [redacted] Farberman, Rhea
Subject: Re: Revised Resolution on Torture and Other CIDT

Steve, Olivia and All,
I am sorry that I was off email yesterday but could be available for a conference call between 9 and 10 pm EST tonight. If this is convenient, please reach me at my home number: 856/848-4961.
All the best,
Corann

On 7/10/06 12:33 PM, "Behnke, Stephen" <sbehnke@apa.org> wrote:

> Hi Judy,
>
> My guess is that gathering all of us for a call will be a bit tricky,
> but let's do it.
>
> In the meanwhile, let's you, Linda, Corann and I go ahead and have our
> call, to identify the documents we want posted.
>
> Linda and Corann, would 9 pm East Coast time this evening be possible?
> Please send me numbers,
>
> Steve
>
> -----Original Message-----
> From: Judith Van Hoorn [redacted]
> Sent: Monday, July 10, 2006 12:31 PM
> To: Behnke, Stephen
> Cc: Linda Woolf, Ph.D.; Corann Okorodudu; [redacted] G. Andrew
> H. Benjamin, J.D., Ph.D.; [redacted] Farberman, Rhea
> Subject: RE: Revised Resolution on Torture and Other CIDT
>
>
> Hi all,
>
> I can be available for a call tonight or tomorrow anytime.
>
> Re. contacting others - I called Jeff this morning and left a message.
> I've also told Steve Sellman, Beth Wiggins (Law) and the DSJ folks that
> we would be sending the proposed resolution soon.
>
> Let's discuss this by phone (or if that's not possible, by email). Is it
> all right to circulate our draft and ask for feedback at the same time
> that the Ethics Committee is reviewing this?
> I hope that Andy and Doug can be on the call so we can address DOug's

> concerns/proposal as well.
>
> Quoting "Behnke, Stephen" <sbehnke@apa.org>:
>
>> Hi Judy and Everyone,
>>
>> Judy, I would not wait to begin contacting others, such as Jeff
>> Barnett,
>> who will be helpful. I know Olivia is committed to moving forward
>> with
>> Ethics Committee review asap.
>>
>> I've spoken with Rhea about posting our materials on the APA web.
>> Rhea
>> talked about having a separate "landing page" specifically for this
>> material. (I sortof know what that is, but I'm not a web maven.)
>> I'm
>> wondering whether you, Corann, Linda, and I can get on the phone, so
>> we
>> can identify precisely what materials we want posted.
>>
>> Would a call tonight or tomorrow night be a possibility? If so,
>> please
>> just give me a time and numbers,
>>
>> Steve
>>
>> -----Original Message-----
>> From: Judith Van Hoorn [redacted]
>> Sent: Sunday, July 09, 2006 3:17 PM
>> To: Behnke, Stephen
>> Cc: Linda Woolf, Ph.D.; Corann Okorodudu; [redacted] G.
>> Andrew
>> H. Benjamin, J.D., Ph.D.; [redacted]
>> Subject: RE: Revised Resolution on Torture and Other CIDT
>>
>> Steve,
>>
>> We appreciate you're 24/7 email responses.
>>
>> We're ready to contact everyone you've mentioned as soon as we get
>> the
>> go-ahead.
>>
>> Judy
>>
>> Quoting "Behnke, Stephen" <sbehnke@apa.org>:
>>
>>> Linda, Judy, and Corann, wow, have you all been working hard!
>>>
>>>
>>>
>>> I will speak with Olivia tomorrow to determine how we can best
>> ensure
>>> that everything moves forward in an expeditious manner.
>>>
>>>
>>>
>>> Steve
>>>

>>>
>>>
>>> _____
>>>
>>> From: Linda Woolf, Ph.D. [PRIVACY REDACTION]
>>> Sent: Sunday, July 09, 2006 3:04 PM
>>> To: Behnke, Stephen
>>> Cc: Corann Okorodudu; Judith Van Hoorn; [Olivia Moorehead-Slaughter] G.
>> Andrew
>>> H.
>>> Benjamin, J.D., Ph.D.; [Doug Haldeman]
>>> Subject: Revised Resolution on Torture and Other CIDT
>>>
>>>
>>>
>>> Dear Steve, Olivia, and Doug,
>>>
>>> I've attached the revised versions of the Draft Resolution Against
>>> Torture and Other Cruel, Inhuman, and Degrading Treatment or
>>> Punishment.
>>>
>>> Just to highlight a few changes that we have made:
>>>
>>> 1. We used Steve's wording related to the 5th Be It Resolved
>>> statement
>>> but divided into two points. We were concerned that combined, the
>>> prohibition against torture, might appear underemphasized in
>> relation
>>> to
>>> working in accordance with international human rights instruments.
>>> We
>>> felt that by separating into two points, both are emphasized.
>>>
>>> 2. We added some clarifications to the definition of torture placed
>>> in
>>> brackets. One concern with the Convention Against Torture is that
>> it
>>> can
>>> be read to apply only to state-sponsored torture. We placed the
>>> first
>>> bracketed comment to highlight the alternate reading of this
>>> Convention
>>> to include a broader range of groups. I would note that this
>>> definition
>>> does not address individuals acting solely as individuals who
>> torture
>>> others (e.g., individuals who engage in spousal abuse). While the
>>> latter is important, there are several arguments that can be made
>> to
>>> focus on torture that occurs within various systems. I think I've
>>> share
>>> my thoughts on this with most of you but let me know if you would
>>> like
>>> me to further outline my thoughts.
>>>
>>> The second change was in relation to the last point concerning
>>> "lawful
>>> sanctions." We added the caveat from the Special Rapporteur that
>> the
>>> sanctions must be in accordance with both domestic and

>> international
>>> law. This caveat is added as some nation-states have "lawful
>>> sanctions"
>>> which are clearly in violation of international law (e.g., caning
>> or
>>> stoning) and constitute cruel and inhuman treatment/punishment.
>> This
>>> loophole is addressed by Special Rapporteur comments in most
>>> documents
>>> and thus, we felt we should add it to our document as well.
>>>
>>> 3. We also added a new Be It Resolved (second to last) to make our
>>> resolution more complimentary to the British Psychological Society
>>> and
>>> World Medical Association (Declaration of Tokyo) Declarations. This
>>> statement dovetails nicely with the recent document from Div. 19,
>> and
>>> provides additional support for psychologists leaving such
>> situations
>>> and reporting violations.
>>>
>>> 4. We corrected the language of 4th Whereas to be consistent with
>>> Ethical Principles as opposed to Standard.
>>>
>>> 5. We added references to the document in keeping with the style of
>>> other resolutions brought before Council.
>>>
>>>
>>> Let us know if you have any questions and we look forward to your
>>> feedback. Thank you so much for all of your work on this important
>>> resolution!
>>>
>>> Best,
>>>
>>> Linda, Judy, and Corann
>>>
>>>
>>>
>>>
>>>
>>>
>>>
>>>
>>> --
>>> Linda M. Woolf, Ph.D.
>>> President, Society for the Study of Peace, Conflict, & Violence
>> (Div.
>>> 48, APA)
>>> Professor of Psychology
>>> Coordinator - Holocaust & Genocide Studies,
>>> Center for the Study of the Holocaust, Genocide, and Human Rights
>>> Webster University
>>> 470 East Lockwood
>>> St. Louis, MO 63119
>>>
>>> Main Webpage: http://www.webster.edu/~woolflm/
>>> woolflm@webster.edu
>>>
>>> "Outside of a dog, a book is a man's (and woman's) best friend. . .
>> .
>>> Inside a dog, it's too dark to read."

>>> - Groucho Marx
>>>
>>>
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>>
>
>

--
Linda M. Woolf, Ph.D.
President, Society for the Study of Peace, Conflict, & Violence (Div. 48, APA)
Professor of Psychology
Coordinator - Holocaust & Genocide Studies,
Center for the Study of the Holocaust, Genocide, and Human Rights
Webster University
470 East Lockwood
St. Louis, MO 63119

Main Webpage: http://www.webster.edu/~woolflm/
PRIVACY REDACTION

"Outside of a dog, a book is a man's (and woman's) best friend. . . .
Inside a dog, it's too dark to read."
- Groucho Marx

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Saturday, November 11, 2006 8:24:54 PM
Recipient:	'louie.morgan.banks@us.army.mil' <louie.morgan.banks@us.army.mil>;Dunivin, Debra L LTC WRAMC-Wash DC <Debra.Dunivin@NA.AMEDD.ARMY.MIL>
Subject:	Draft of letter to Pennie

Please advise. Thank you

Dear Pennie,

Having received the itinerary yesterday, my thinking about Monday and what we would be able to accomplish has changed. Given the brevity of the time we will be there, and the other individuals on the trip, my current thought is that we find a time after this November, when Colonel Banks will be able to be present, to discuss the very important issues you have raised. I want to make sure that your concerns receive our full attention, and that I have the opportunity to understand in detail your situation. I think that is extremely unlikely to happen on this particular trip.

I realize this is a change of course, but the trip has pretty clearly been designed to look at the health care mission, and given certain participants I do not want to raise the profile of the information-gathering activities.

I hope that I will have an opportunity to speak with you in person, and I will make my schedule available at your convenience to ensure that the Ethics Office can be available to address these issues with you in a substantive, thoughtful, and substantial manner.

Steve

From: Behnke, Stephen
Sent: Wednesday, November 08, 2006 5:00 PM
To: 'Hoofman, Pennie L LTC USSOUTHCOM JTFGTMO'
Cc: louie.morgan.banks@us.army.mil
Subject: 11/13 Trip

Dear Pennie,

Thank you for your message. Dr. Koocher and I look forward to visiting GTMO this coming Monday. Given the complexity of the issues you've raised, I think it would be helpful for us to speak apart from the group we'll be traveling down with (other than Dr. Koocher, I don't know any of the people involved, and so would not speak freely in their presence).

We do not have the ability to control our itinerary (which we've not yet seen), so perhaps you could arrange a time during our visit when we could meet. I'll defer to you on who else should be part of our conversation, but I wonder whether including the senior Behavioral Health psychologist and the senior JAG officer would make good sense. We could then discuss the situation in detail and without any distractions.

I hope that Dr. Koocher and I can be of some assistance to you in meeting the significant challenges of your important work.

Steve Behnke

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Thursday, November 09, 2006 8:12:36 PM
Recipient:	'Dunivin, Debra L LTC WRAMC-Wash DC' <Debra.Dunivin@NA.AMEDD.ARMY.MIL>;louie.morgan.banks@us.army.mil
Subject:	FW: GTMO Trip Details for 13 Nov
Attachments:	GTMO VIP BIOS.pdf

Morgan, Debra, please help me here. The president of the American Psychiatric Association is on this trip. This does not make sense to me, unless there is reason to believe that his thinking about this issue is much different than his predecessor's, who was publicly critical of the American Psychological Association for supporting this mission.

Do you have a sense of what might be going on? I assume that everyone is well aware of the dynamic between the two APA's on this issue.

My worry, of course, is that depending on this individual's agenda, the trip may be used as another opportunity to say why the psychiatrists are in the right and we are not. May I assume that someone has thought about this?

Thanks for your thoughts,

Steve

From: Ireland, Robert, COL, OASD(HA) [mailto:robert.ireland@ha.osd.mil]
Sent: Thursday, November 09, 2006 7:09 PM
To: Behnke, Stephen
Cc: Fells, Quintin, CTR, OASD(HA)/TMA; Smith, Jack, Dr., CIV, OASD(HA)
Subject: GTMO Trip Details for 13 Nov

Dr. Behnke,

This is a note to confirm our trip to Guantanamo Bay this Monday. We will meet between 6 and 6:30 a.m. at the Distinguished Visitor's (DV) lounge of the Air Force air terminal at Andrews AFB. As you face the runway, the DV lounge is on the left side. Coffee and muffins will be available at the lounge. Our planned take-off time is 7 a.m.

Recommended civilian attire is casual, comfortable walking shoes, and perhaps, a light wind breaker. Military members are advised to wear BDU's. No photography is authorized at Guantanamo.

Our planned departure to return to Andrews AFB is between 3:30 and 4:00 p.m., with arrival at Andrews AFB between 7 – 7:30 p.m. An optional group supper off-base is planned upon our return, and those with vehicles will provide transportation to the restaurant and back to billeting for our guests staying on base Monday night.

Upon our arrival at Guantanamo Bay, we will be transported by boat across the bay to the base. We will receive briefings from command and medical leadership during a working lunch (box lunches cost $3.55, and can be claimed on your travel voucher--we need to pay upon arrival). After lunch we will travel to the detention areas. Medical staff members will be briefing and joining us to discuss their roles in detainee operations.

Attached find 5 re-aheads: the relevant Department of Defense (DoD) Instruction and Directive, biographies of fellow travelers, directions to Andrews AFB, and a base map. We will have printed versions of these available for your review on Monday, as well.

Civilian guests arriving Sunday night will need an escort at the gate--taxis cannot drive onto base. I will be available on base after 5 p.m. and on a Blackberry cell phone (571) 242-4268 (the voicemail is not functional). I will be in the vicinity of or near the main gate standing by to drive or escort guests to the billeting office and to your guest rooms. Please do not hesitate to call me if you have any questions this weekend or while at Andrews AFB.

We appreciate your participation in this important orientation and trust your experiences will be most informative and meaningful.

Bob

COL Bob Ireland, USAF, Medical Corps, Chief Flight Surgeon
Program Director for Mental Health Policy
Office of the Assistant Secretary of Defense (Health Affairs)
PRIVACY REDACTION Work (703) 681-1703 PRIVACY REDACTION

<<Directions to Andrews and Lodging.doc>> <<GTMO VIP BIOS.pdf>> <<DoDI 2310.08E.pdf>> <<DoDD 2310.01E.pdf>> <<AAFB_Map2.JPG>>

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Wednesday, November 08, 2006 1:38:28 PM
Recipient:	'Dunivin, Debra L LTC WRAMC-Wash DC' <Debra.Dunivin@NA.AMEDD.ARMY.MIL>;louie.morgan.banks@us.army.mil
Subject:	RE: RE: RE: RE: GTMO visit

Thanks, Debra--our talk was extremely helpful.

Steve

-----Original Message-----
From: Dunivin, Debra L LTC WRAMC-Wash DC [mailto:Debra.Dunivin@NA.AMEDD.ARMY.MIL]
Sent: Wednesday, November 08, 2006 12:11 PM
To: Behnke, Stephen; louie.morgan.banks@us.army.mil
Subject: RE: RE: RE: RE: GTMO visit

Here's the sequence of questions I was considering:

- what's been the role of the JTF (Joint Task Force) surgeon in this discussion of procedures?
- which JAG officers have been consulted? what are their opinions?
- what were the established procedures (local SOPs, standard operating procedures) re: this?
- did they seem to be ineffective for some reason?
- how did these procedures fit into the DoD Directives, DoD Instructions, MEDCOM policies, etc?
- which senior behavioral science consultants and ethics officers were consulted?
- how frequently are you reaching out to consult with senior BSC personnel?

Good talking with you!

-----Original Message-----
From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Tue 11/7/2006 3:31 PM
To: louie.morgan.banks@us.army.mil; Dunivin, Debra L LTC WRAMC-Wash DC
Subject: RE: RE: RE: RE: GTMO visit

Hi Morgan and Debra,

Tomorrow (Wednesday) morning at 11 East coast time, please call: PRIVACY REDACTION

Steve

From: louie.morgan.banks@us.army.mil [mailto:louie.morgan.banks@us.army.mil]
Sent: Tuesday, November 07, 2006 3:26 PM
To: Behnke, Stephen
Subject: Re: RE: RE: RE: GTMO visit

Steve,

Yes, I just need a definite time and a phone number.

Morgan

----- Original Message -----

From: "Behnke, Stephen" <sbehnke@apa.org>

Date: Tuesday, November 7, 2006 4:32 pm

Subject: RE: RE: RE: GTMO visit

> Morgan, can you be available tomorrow (Wednesday) morning at 11am or
> noon to call in? Debra is available; I'm waiting to hear from Gerry.
>
>
>
> Steve
>
>
>
> _____
>
> From: louie.morgan.banks@us.army.mil
> [mailto:louie.morgan.banks@us.army.mil]
> Sent: Tuesday, November 07, 2006 11:07 AM
> To: Behnke, Stephen
> Subject: Re: RE: RE: GTMO visit
>
>
>
> Steve,
>
> We certainly do need to talk on this before you go down there.
>
> Morgan
>
>

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Wednesday, November 08, 2006 12:38:59 AM
Recipient:	'Hoofman, Pennie L LTC USSOUTHCOM JTFGTMO' <Pennie.L.Hoofman@jtfgtmo.southcom.mil>;louie.morgan.banks@us.army.mil
Subject:	RE: RE: GTMO visit

Thank you, Pennie. I look forward to meeting you on Monday. I will be with APA President, Dr. Gerry Koocher. Dr. Koocher, as you may know, is a very strong supporter of your work.

Steve Behnke

From: Hoofman, Pennie L LTC USSOUTHCOM JTFGTMO [mailto:Pennie.L.Hoofman@jtfgtmo.southcom.mil]
Sent: Tuesday, November 07, 2006 8:03 AM
To: Behnke, Stephen; louie.morgan.banks@us.army.mil
Subject: RE: RE: GTMO visit

Sirs,

I apologize for the delay. And I apologize if this writing is very rough and perhaps disconnected in some areas. As I was putting this together, it became cumbersome pulling from all my e-mails so I started from scratch. But my frustration occasionally found its way into my writing as I've been dealing with this for 3 months. There were some things I excluded because, while problematic, it gets complicated to explain. I provided basic general information before going into the issues. You may have many questions. Unfortunately, I'll be off-island to Jacksonville for a few days for medical purposes. I return here on Saturday Nov 11. The information included is unclassified so that I could send it via this system, but I would prefer a very close hold approach to dealing with the information.

I look forward to meeting you, Dr. Behnke, when you arrive next week.

Thank you both for you assistance.

V/R

Pennie

From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Thursday, November 02, 2006 9:08 PM
To: Hoofman, Pennie L LTC USSOUTHCOM JTFGTMO; louie.morgan.banks@us.army.mil
Subject: RE: RE: GTMO visit

I will look for your materials, Pennie; Morgan, when we've both had a chance to read carefully perhaps we can find a time to discuss.

Steve

From: Hoofman, Pennie L LTC USSOUTHCOM JTFGTMO [mailto:Pennie.L.Hoofman@jtfgtmo.southcom.mil]
Sent: Thursday, November 02, 2006 6:35 PM
To: Behnke, Stephen; louie.morgan.banks@us.army.mil
Subject: RE: RE: GTMO visit

Sirs,

I will send you a full account of what has been occurring. Currently I have everything documented through e-mails. I will consolidate the entire 12 weeks and send it for your perusal and understanding so that I can gain some perspective from outside of GTMO.

Thank you for your assistance.

V/R

Pennie

From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Wednesday, November 01, 2006 5:13 PM
To: louie.morgan.banks@us.army.mil
Cc: Hoofman, Pennie L LTC USSOUTHCOM JTFGTMO
Subject: RE: RE: GTMO visit

Dr. Hoofman, my inclination is to find a way that you, Morgan, and I can sit down and spend enough time—a day if necessary—talking our way through these issues. I don't think that will be possible on this trip (certainly not with Morgan). I realize the issue is live now, but if a discussion can wait for a few more weeks, I think that would be best.

I want to meet your needs as best as I am able, though, so I will be eager to hear your thoughts.

Steve

From: louie.morgan.banks@us.army.mil [mailto:louie.morgan.banks@us.army.mil]
Sent: Wednesday, November 01, 2006 5:08 PM
To: Behnke, Stephen
Cc: Hoofman, Pennie L LTC USSOUTHCOM JTFGTMO
Subject: Re: RE: GTMO visit

Steve, Penny,

I think Steve may have the best idea, although I am aware that the problem exists now. I have spoken briefly with Steve on some of the topics that may be brewing, but I think a full understanding by both of us on the actual ground truth would be critical.

Morgan

----- Original Message -----

From: "Behnke, Stephen" <sbehnke@apa.org>
Date: Wednesday, November 1, 2006 8:25 pm
Subject: RE: GTMO visit
> Dear Dr. Hoofman,
>
>
>
> Thank you for your message. I will be at GTMO on November 13. Given
> that I will be traveling with a group of people in November, and that
> you are asking for a consultation, I would prefer, if possible, to

> return in January or February with Colonel Banks, and the two of us
> could speak with you and your colleagues at that time. I am somewhat
> reluctant to engage in a serious discussion in the context of an
> alreadyscheduled trip and in or near others whom I do not know.
>
>
>
> I will be eager to hear from Colonel Banks, and would like to know
> whether this schedule will meet your needs.
>
>
>
> I look forward to meeting you,
>
>
>
> Stephen Behnke
>
>
>
> _____
>
> From: Hoofman, Pennie L LTC USSOUTHCOM JTFGTMO
> [mailto:Pennie.L.Hoofman@jtfgtmo.southcom.mil]
> Sent: Wednesday, November 01, 2006 3:14 PM
> To: Behnke, Stephen
> Cc: louie.morgan.banks@us.army.mil
> Subject: GTMO visit
>
>
>
> Dr. Behnke,
>
>
>
> My name is Pennie Hoofman, OIC of the BSCT at GTMO. I've heard much
> about you from Jennifer Bryson, Debra Dunivin, George Munkachy,
> and COL
> Banks. . We've had some controversy here at GTMO for some time based
> on misperceptions, but the most recent incident has been from inside
> GTMO itself and has lasted for 12 weeks without resolution. I
> requestedthat COL Banks come back to GTMO for a visit to assist us
> in educating
> the entire command to help us set the record straight about BSCs.
> Unfortunately, COL Banks is unavailable until after January. I also
> suggested that perhaps you accompany him so that we can get your input
> as well. COL Banks suggested I contact you to determine whether
> or not
> you'd be able to visit us in January/February time frame.
> However, I
> understand, through Jennifer, that you will be visiting GTMO in

> the very
> near future. I have not been given specifics about the visit
> other than
> you are coming.
>
>
>
> If you are indeed coming here in a few weeks, I'd like to brief
> you on
> our dilemma. I am hoping that COL Banks is able to read his e-mail and
> also provide input to our situation until I can arrange for him to
> visitin a few months. Please let me know if you are amenable to
> consultingwith us before you arrive so that I can brief my boss
> about your
> guidance as well.
>
>
>
> Thank you.
>
>
>
> Very Respectfully,
>
>
>
> Pennie Hoofman
>
>
>
>
>
> Pennie L. P. Hoofman, Ph.D.
>
> LTC, MS, USA
>
> OIC, BSCT
>
> JTFGTMO
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Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Friday, November 03, 2006 9:13:16 PM
Recipient:	'louie.morgan.banks@us.army.mil' <louie.morgan.banks@us.army.mil>
Subject:	FW: Another question

Morgan, I am a bit confused—are Pennie and Carrie writing about the same issue? If yes, does each know the other is writing to me/us?

Steve

From: Kennedy, Carrie H LCDR USSOUTHCOM JTFGTMO [mailto:Carrie.H.Kennedy@jtfgtmo.southcom.mil]
Sent: Friday, November 03, 2006 9:38 AM
To: Behnke, Stephen
Subject: RE: Another question

Steve,

They have tabled the issue until you get here. Are you up for a meeting between you, me, the BSCT psychologists (2), the JAG and possibly the psychiatrist?

Please let me know.

Thanks,

Carrie

Carrie H. Kennedy
LCDR/MSC/USNR
Chief, Behavioral Health Services
Detention Hospital
JTF-GTMO
DSN: 660-3744/3060
Comm: 011-5399-3744/3060

From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Thursday, October 26, 2006 5:58 PM
To: Kennedy, Carrie H LCDR USSOUTHCOM JTFGTMO
Subject: RE: Another question

Yes—you want to call now?

From: Kennedy, Carrie H LCDR USSOUTHCOM JTFGTMO [mailto:Carrie.H.Kennedy@jtfgtmo.southcom.mil]
Sent: Thursday, October 26, 2006 5:55 PM
To: Behnke, Stephen
Subject: RE: Another question

Are you there now?

Carrie H. Kennedy
LCDR/MSC/USNR
Chief, Behavioral Health Services
Detention Hospital
JTF-GTMO

DSN: 660-3744/3060
Comm: 011-5399-3744/3060

From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Thursday, October 26, 2006 5:54 PM
To: Kennedy, Carrie H LCDR USSOUTHCOM JTFGTMO
Subject: RE: Another question

PRIVACY REDACTION

From: Kennedy, Carrie H LCDR USSOUTHCOM JTFGTMO [mailto:Carrie.H.Kennedy@jtfgtmo.southcom.mil]
Sent: Thursday, October 26, 2006 5:53 PM
To: Behnke, Stephen
Subject: RE: Another question

That works – please send a phone number.

Carrie H. Kennedy
LCDR/MSC/USNR
Chief, Behavioral Health Services
Detention Hospital
JTF-GTMO
DSN: 660-3744/3060
Comm: 011-5399-3744/3060

From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Thursday, October 26, 2006 5:51 PM
To: Kennedy, Carrie H LCDR USSOUTHCOM JTFGTMO
Subject: RE: Another question

Carrie, I am in an Ethics Committee meeting; I think tomorrow at 12:30 pm East Coast Time would work. Would that work for you?

Steve

From: Kennedy, Carrie H LCDR USSOUTHCOM JTFGTMO [mailto:Carrie.H.Kennedy@jtfgtmo.southcom.mil]
Sent: Thursday, October 26, 2006 4:43 PM
To: Behnke, Stephen
Subject: Another question

Steve,

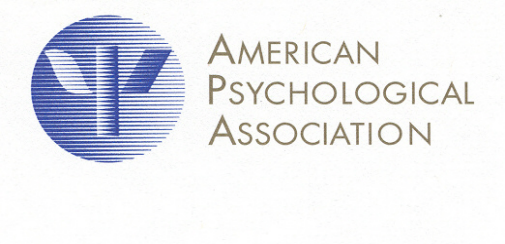
The JAG here (CDR McCarthy – I believe you have communicated with him) would like me to pose another question to you but he would like me to do that over the phone. Can you please send some good numbers where I might be able to reach you tomorrow (Friday)?

Many thanks,

Carrie

Carrie H. Kennedy
LCDR/MSC/USNR
Chief, Behavioral Health Services
Detention Hospital
JTF-GTMO
DSN: 660-3744/3060

Comm: 011-5399-3744/3060



November 2, 2006

Bradley Olson, PhD
President, Divisions for Social Justice
School of Education and Social Policy
The Foley Center for the Study of Lives
Northwestern University
2120 Campus Drive
Evanston, IL 60208-2615

Dear Dr. Olson,

I am writing on behalf of the Ethics Committee regarding your October 23 message proposing a specific change to Ethical Standard 1.02, "Conflicts between Ethics and Law, Regulations, or Other Governing Legal Authority." The Committee recognizes and appreciates your efforts on this issue and spent considerable time discussing your proposal at its meeting this past weekend. The Committee focused on three central issues and looks forward to hearing from you in response.

First, the Committee noted that in revising the *Ethical Principles of Psychologists and Code of Conduct*, the Ethics Code Task Force removed all references to external documents. The purpose was to have an Ethics Code that could stand on its own and that a psychologist could read and interpret without having to make reference to outside texts. For this reason, the Ethics Committee would like to consider language that could be incorporated directly into the text of the Code itself.

Second, in examining the *Universal Declaration of Human Rights*, the Committee paid special attention to paragraph two in Article 29, which raises a complex issue that the Committee feels is important to address in fashioning language for the Code. The second paragraph of Article 29 states:

> (2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

The Committee posed the following question: Ethical Standard 1.02 allows psychologists to follow the law when there is a conflict between law and ethics. Adding the phrase "in keeping with basic principles of human rights" would serve as a constraint on psychologists following the law, insofar as they could follow only those laws that are in keeping with basic principles of human rights. The *Universal Declaration of Human Rights* allows limitations of rights and freedoms that are "determined by law solely for the purpose of…meeting the just requirements of morality, public order and the general welfare in a democratic society." The *Universal Declaration* thus

refers back to the law in determining whether a limitation on a right or freedom is allowable (a "just requirement").

Adding the phrase "in keeping with basic principles of human rights" will therefore trigger an analysis that requires a psychologist to determine whether a requirement imposed by a law is "just." Deciding whether a legal requirement is "just," however, seems to present as great a challenge as determining whether a law violates "basic principles of human rights." If the objective is to use an enforceable ethical standard to constrain behavior (as opposed to setting an aspirational goal), the Committee is not clear on how adding the proposed addition to the Ethics Code will serve that purpose, since the proposed change would have the psychologist analyze what laws are "just" as a precondition for determining whether a law violates "basic principles of human rights." By what criteria are psychologists to determine whether a legal requirement is "just," such that all psychologists will be clear on which laws they may or may not follow?

Do you see any way out of this conundrum? If not, might it be better to state specifically which behaviors are always prohibited, such as "torture and cruel, inhuman, and degrading treatment," and then use specific definitions or examples? Again, the Committee would like to have the language in the text of the Code itself.

Third, and finally, the Committee asked what other models for a revised standard might be available to consider. The Committee reviewed the relevant section of the Canadian Psychological Association Ethics Code, which states that psychologists should:

> Familiarize themselves with the laws and regulations of the societies in which they work, especially those that are related to their activities as psychologists, and abide by them. If those laws or regulations seriously conflict with the ethical principles contained herein, psychologists would do whatever they could to uphold the ethical principles. If upholding the ethical principles could result in serious personal consequences (e.g., jail or physical harm), decision for final action would be considered a matter of personal conscience.
>
> Consult with colleagues, if faced with an apparent conflict between abiding by a law or regulation and following an ethical principle, unless in an emergency, and seek consensus as to the most ethical course of action and the most responsible, knowledgeable, effective, and respectful way to carry it out.

The Ethics Committee is very interested in working with the Divisions for Social Justice in exploring how other ethics codes address conflicts between ethics and law.

I recognize that these are complex issues and on behalf of the Committee express appreciation for your diligence and hard work. The Committee looks forward to continuing its dialogue with you and to finding language that addresses the very important concerns you and your colleagues have raised. I look forward to discussing these issues in greater depth at the Consolidated meetings in Washington this coming weekend with you, Dr. Moorehead-Slaughter, and APA governance groups.

Sincerely,

Stephen Behnke
Director, Ethics Office

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Tuesday, October 31, 2006 11:37:13 PM
Recipient:	'louie.morgan.banks@us.army.mil' <louie.morgan.banks@us.army.mil>
Subject:	RE: RE: Army policy for Behavioral Science Consultation

Morgan, it blew the Committee away that the PENS report was appended to the document.

More tomorrow,

Steve

From: louie.morgan.banks@us.army.mil [mailto:louie.morgan.banks@us.army.mil]
Sent: Tuesday, October 31, 2006 3:00 AM
To: Behnke, Stephen
Subject: Re: RE: Army policy for Behavioral Science Consultation

Steve,

How was it received? Did the document help with the deliberations?

Morgan

----- **Original Message** -----

From: "Behnke, Stephen" <sbehnke@apa.org>
Date: Tuesday, October 31, 2006 4:29 am
Subject: RE: Army policy for Behavioral Science Consultation
> Thank you, Dr. Crow.
>
>
>
> Stephen Behnke
>
>
>
> _____
>
> From: Crow, Bruce E COL BAMC-Ft Sam Houston TX
> [mailto:Bruce.Crow@AMEDD.ARMY.MIL]
> Sent: Monday, October 30, 2006 10:46 AM
> To: Behnke, Stephen; Gerry Koocher
> Cc: Ritchie, Elspeth C COL OTSG; Dunivin, Debra L LTC WRAMC-Wash DC;
> louie.morgan.banks@us.army.mil
> Subject: Army policy for Behavioral Science Consultation
>
>

>
> Dr. Koocher, Dr. Behnke,
>
>
>
> The Army Surgeon General has approved the attached policy for
> BehavioralScience Consultation to Detention Operations, Intelligence
> Interrogations, Detainee Debriefing, and Tactical Questioning.
> You may
> receive this policy through other channels as well.
>
>
>
> This policy provides guidelines for Army psychologists when they serve
> as a Behavioral Science Consultant for these missions, and serves
> as a
> reference document for agencies which utilize psychologists in these
> roles.
>
>
>
> Please let me know if you would like additional information about this
> policy or related matters.
>
>
>
> Bruce Crow
>
>
>
> Colonel Bruce E. Crow, Psy.D.
>
> Chief, Department of Behavioral Medicine
>
> Brooke Army Medical Center
>
> San Antonio, Texas
>
> Clinical Psychology Consultant
>
> to the U.S. Army Surgeon General
>
>
>
> office 210.916.4342
>
> PRIVACY REDACTION
>
> fax 210.916.4040
>
> Bruce.Crow@us.army.mil

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>

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Wednesday, January 31, 2007 10:27:17 AM
Recipient:	'Banks, Louie M. COL' <louie.morgan.banks@us.army.mil>
Subject:	RE: future visit--CONFIDENTIAL

Morgan, I know I can always count on you. Thanks.

Steve

From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Wednesday, January 31, 2007 8:08 AM
To: Behnke, Stephen
Subject: RE: future visit--CONFIDENTIAL

Thank you for coping with what must be a tremendous amount of frustration. I hope your boss understands how important your involvement is. If useful, I would be very happy to talk to him or her about how valuable your contribution has been.

Morgan

COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRVACY REDACTION
banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Tuesday, January 30, 2007 9:15 PM
To: Banks, Louie M. COL
Subject: RE: future visit--CONFIDENTIAL

Morgan, things have really started to heat up here again; I received a message Sunday referring to me as Eichmann. There are several attempts to change APA's policy, as well as to get the Board to say that no one in APA leadership will travel to Guantanamo. I'll plan on the trip (I've already told my supervisor, who's given me the go-ahead), and believe I'll be able to go—goodness, I'll travel just about anywhere to talk to psychologists trying to do the right thing—but it's possible that things will become problematic closer to the date.

I'll keep you posted. Be safe and well,

Steve

From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Tuesday, January 30, 2007 6:34 PM
To: Pennie.L.Hoofman@JTFGTMO.southcom.mil; Behnke, Stephen
Subject: Re: future visit

Steve,

Probably my miscommunication, but I was waiting on you to suggest some dates. I will send some up tomorrow when I get to my office.

Morgan
COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRVACY REDACTION
Banksl@usasoc.socom.smil.mil/banksl@soc.mil
(Sent from Blackberry)

-----Original Message-----
From: Hoofman, Pennie L LTC USSOUTHCOM JTFGTMO <Pennie.L.Hoofman@jtfgtmo.southcom.mil>
To: Banks, Louie M. COL; Behnke, Stephen <sbehnke@apa.org>
Sent: Tue Jan 30 18:27:40 2007
Subject: future visit

Sirs,

I was wondering if you've decided on a time frame in late March to visit GTMO. The JVB says that March is starting to fill up quickly. Please let me know what dates you're considering and I will get things going from this end.

I look forward to seeing you both.

V/R

Pennie

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Friday, January 26, 2007 11:47:26 AM
Recipient:	Dunivin, Debra L LTC WRAMC-Wash DC <Debra.Dunivin@NA.AMEDD.ARMY.MIL>;Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Subject:	RE: [DIV39S9] Regarding the discussion of torture and APA

Debra, unlike some of our colleagues whose ability to generate prattle on this subject is apparently endless, you and Morgan have full-time work that is hugely demanding and important. Morgan's response is excellent. In terms of identifying information, please don't worry, confidentiality is always a highest priority here and I will work with Morgan's statement to convey his message without indicating that there are particular persons/positions to be identified, which with this crew would be a bit like waiving a bloody rag in front of a grizzly.

Stay safe and well both of you,

Steve

From: Dunivin, Debra L LTC WRAMC-Wash DC [mailto:Debra.Dunivin@NA.AMEDD.ARMY.MIL]
Sent: Fri 1/26/2007 8:10 AM
To: Behnke, Stephen; Banks, Louie M. COL
Subject: RE: [DIV39S9] Regarding the discussion of torture and APA

Gentleman:
There's nothing left to say after Morgan's eloquent comments! Would suggest though, that if you cut and paste the final paragraph (the quotes from us), you change the word "know" to "known" in two places. I do hope that you are not having to identify the course director by name just yet...please tell me that is so.
Back to the salt mine down in the swamp. Sorry I'm not being more helpful to you.
Debra

-----Original Message-----
From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Friday, January 26, 2007 1:02 AM
To: Banks, Louie M. COL; Dunivin, Debra L LTC WRAMC-Wash DC
Subject: RE: [DIV39S9] Regarding the discussion of torture and APA

Morgan, you are, of course, way too generous to me, but this is extremely helpful.

Thanks, & I hope you're well and safe,

Steve

From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Thu 1/25/2007 4:23 PM
To: Behnke, Stephen; Debra.Dunivin@NA.AMEDD.ARMY.MIL
Subject: RE: [DIV39S9] Regarding the discussion of torture and APA

Steve, a couple of random thoughts. These are not well filtered, so

delete with ease...

You have been deeply involved in helping the Army develop the policy for how to use psychologists in this role. This can be stated as, "APA has been consulted continuously as the Army developed it policy..." or you can take personal responsibility, whichever way would be the most powerful.

"APA has been invited (that's you) to assist in the training that the Army has developed for preparing psychologists for this role. I have personally presented to all of the students trained in the last year (or whatever is the correct time frame)."

"Individual Army psychologists have consulted with me (or with APA ethics office) on several occasions to make sure they were on solid ethical ground. I am unable to discuss the details of the consultations due to confidentiality reasons."

"It is difficult to measure any direct effect from APA's involvement. There is no credible evidence of wrongdoing prior to APA's involvement by any psychologist, and we certainly have no evidence of any unethical behavior since our involvement. However, we have been deeply engaged with DOD as they developed guidelines and policy to make sure that foreseeable ethical challenges would be forestalled. In other words, we have worked together with DOD to make sure that the psychologists who are working in this area are properly trained in the ethics code, and in the specific prohibitions contained in the PENS Report."

Just a few random thoughts. In addition, I (and I expect Debra, also) would be more than glad to give you some quotes from us:

Dr. Behnke has been extremely diligent in providing the Army thoughtful and direct consultation on the ethics of supporting interrogation. His commitment to human rights, and to making sure that all persons are protected from abuse is well know. His expertise in helping the Army navigate through the potential ethical challenges is less well know, but of no less importance. This issue is one of the most complex and challenging of any ethical conflict, and Dr. Behnke has helped the Army to carefully craft useful guidelines that protect the individual detainees, while still allowing the use of psychology's knowledge of human behavior to help our country prevent atrocities.

Have a great evening.

Morgan

COL L. Morgan Banks
Director, Psychological Applications Directorate US Army Special Operations Command DSN 239-6833 COM (910) 432-6833 PRIVACY REDACTION
banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

-----Original Message-----
From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Wednesday, January 24, 2007 6:21 PM
To: Banks, Louie M. COL; Debra.Dunivin@NA.AMEDD.ARMY.MIL
Subject: FW: [DIV39S9] Regarding the discussion of torture and APA

Thoughts for my response? Thanks--

From: Stephen Seligman [PRIVACY REDACTION]
Sent: Fri 2/9/2007 4:34 AM
To: Behnke, Stephen
Cc: DIV39S9@LISTS.APA.ORG
Subject: Re: [DIV39S9] Regarding the discussion of torture and APA

thanks. With regard to the expected impact of these diverse approaches, are there specific examples or of the APA giving guidance to members, either in particular situations or any in which a general effect has been noted? If so, has any effect been noted or attributed by any of the players--ranging from DOD to particular psychologists or representatives or internees?

If you hit reply all, your response will go to the entire list. Thanks.

Best regards,
Stephen

----- Original Message -----
From: Behnke, Stephen
To: Stephen Seligman
Sent: Wednesday, January 24, 2007 9:25 AM
Subject: RE: [DIV39S9] Regarding the discussion of torture and APA

Dear Dr. Seligman,

Thank you for your response, and for continuing to post our exchanges. I would be very eager to read any listserv responses, were your colleagues comfortable having those shared with me.

You ask: "Do you mean that the Psychiatric Association's position is more comprehensive but doesn't have any teeth?" While I could see why you would raise this question, I would not use that way of describing the differences, because I don't think it captures the complexity and nuance of the Associations' two very different approaches. The Psychiatric Association has a strong expressive message of disapproval about member involvement in interrogations, but does not impose that position on military psychiatrists following orders. APA, on the other hand, has pursued a path of engagement, in order to provide guidance to members and to argue for its philosophy of and approach to interrogations in the context of a larger debate that has been ongoing. I think that the particular phrasing of your question (I realize you asked it in that manner in response to my message) loses the subtlety of what the Associations are trying to do.

Sincerely,

Steve Behnke

From: Stephen Seligman [PRIVACY REDACTION]
Sent: Wednesday, January 24, 2007 12:02 AM
To: Behnke, Stephen
Subject: Fw: [DIV39S9] Regarding the discussion of torture and APA

----- Original Message -----

From: Stephen Seligman

Cc: DIV39S9@LISTSERVE.APA.ORG

Sent: Tuesday, January 23, 2007 9:01 PM

Subject: Fw: [DIV39S9] Regarding the discussion of torture and APA

Dear Dr Behnke,

Thanks for your courteous and informative answer.

Do you mean that the Psychiatric Association's position is more comprehensive but doesnt have any teeth? Thanks. Stephen Seligman

----- Original Message -----

From: Behnke, Stephen

To: Stephen Seligman

Sent: Tuesday, January 23, 2007 8:26 PM

Subject: FW: [DIV39S9] Regarding the discussion of torture and APA

Dr. Seligman, I forgot to ask, could you please copy me when you post to the division listserv?

Thank you very much,

Steve Behnke

From: Behnke, Stephen
Sent: Tuesday, January 23, 2007 11:23 PM

To: 'Stephen Seligman'
Subject: Re: [DIV39S9] Regarding the discussion of torture and APA

Dear Dr. Seligman,

Thank you for your message regarding the positions of the American Psychological Association (APA), American Psychiatric Association, and American Medical Association (AMA), on the issue of member involvement in interrogations. I apologize for taking so long to respond to you, and am working to respond to all who have written on these issues, as I am able.

In terms of your questions, it seems to me that there is a fundamental difference in how APA and the Psychiatric Association have approached this issue. APA has issued guidelines that govern psychologist involvement in military interrogations and that specify behaviors that are always and in every circumstance prohibited, has made clear that these are enforceable ethical rules, and along with issuing a resolution of its own Council has stated that APA should develop a process of ethics consultation to be available for psychologists who engage in this work.

The Psychiatric Association, on the other hand, has stated, "No psychiatrist should participate directly in the interrogation of persons held in custody by military or civilian investigative or law enforcement authorities, whether in the United States or elsewhere." On the same day this position statement was announced, however, the President of the Psychiatric Association (Medpage Today, May 22, 2006): "acknowledged that psychiatrists in the military might have a conflict between obeying the APA's policy and following direct orders, noting the position statement is not 'an ethical rule.' 'Individual psychiatrists wouldn't get in trouble with the APA' for failing to follow the guidelines,' he said." Thus, the Psychiatric Association sends an expressive message of disapproval about member involvement in interrogations, but does not impose the position on members who are in the military and under orders. That approach makes it enormously difficult to engage with military members who are actually doing this work and struggling with the dilemmas, and who may very much want help and guidance from their professional association.

APA's approach not only clearly prohibits psychologist involvement in abusive or cruel interrogations, but also allows the APA to stay engaged to argue against, and counter arguments for, abusive and harsh interrogation techniques. APA's approach to interrogations is having an increasingly visible and strong presence in the Department of Defense and has been adopted into Department of Defense policy, and now-with the involvement of several psychologists who support APA's position, including Michael Gelles-the Intelligence Science Board has issued a report that "There is almost no scientific evidence to back up the U.S. intelligence community's use of controversial interrogation techniques in the fight against terrorism, and experts believe some painful and coercive approaches could hinder the ability to get good information."

Reasonable people will disagree over which of these association approaches is preferable. The relative merits of these two positions will certainly be the subject of much further discussion and debate, which APA wants to promote and to that end is expending considerable resources for extensive programming on ethics and interrogations at Convention in San Francisco.

In terms of AMA's position, the Report recommendations, removed from the AMA report, lend themselves to various interpretations. As an example, the day the AMA issued its report, the following appeared in Reuters: "Physicians for Human Rights, led by Dr. Stephen Xenakis, a psychiatrist and retired brigadier general in the U.S. Army, said the report was too soft and used too much qualifying language. The result, he said, was an ambiguous statement." It will be difficult to evaluate the AMA's position until AMA makes its Report available. Only at that time will we be able to understand better what the AMA recommendations actually mean.

It seems to me that these are complex issues on which reasonable people may differ. Also, an absence of a full appreciation for the complexities and nuances of the association positions has sometimes made thoughtful discussion of these issues more challenging (in another message I will follow up on the exchanges Steven and I have had about the position of the World Medical Association).

I hope I have been at least somewhat responsive to your concerns, and I appreciate your sharing my response with the listserv.

Sincerely,

Steve Behnke

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Friday, January 26, 2007 1:29:54 AM
Recipient:	Alan Kazdin ;Farberman, Rhea </O=APA/OU=DC/CN=RECIPIENTS/CN=Rzf>
Subject:	FW: [DIV39S9] Regarding the discussion of torture and APA

Here is the first message to the Division 39 people--

From: Behnke, Stephen
Sent: Tue 1/23/2007 11:22 PM
To: 'Stephen Seligman'
Subject: Re: [DIV39S9] Regarding the discussion of torture and APA

Dear Dr. Seligman,

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In terms of your questions, it seems to me that there is a fundamental difference in how APA and the Psychiatric Association have approached this issue. APA has issued guidelines that govern psychologist involvement in military interrogations and that specify behaviors that are always and in every circumstance prohibited, has made clear that these are enforceable ethical rules, and along with issuing a resolution of its own Council has stated that APA should develop a process of ethics consultation to be available for psychologists who engage in this work.

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I hope I have been at least somewhat responsive to your concerns, and I appreciate your sharing my response with the listserv.

Sincerely,

Steve Behnke

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Friday, January 26, 2007 1:02:05 AM
Recipient:	Banks, Louie M. COL <louie.morgan.banks@us.army.mil>;Debra.Dunivin@NA.AMEDD.ARMY.MIL
Subject:	RE: [DIV39S9] Regarding the discussion of torture and APA

Morgan, you are, of course, way too generous to me, but this is extremely helpful.

Thanks, & I hope you're well and safe,

Steve

From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Thu 1/25/2007 4:23 PM
To: Behnke, Stephen; Debra.Dunivin@NA.AMEDD.ARMY.MIL
Subject: RE: [DIV39S9] Regarding the discussion of torture and APA

Steve, a couple of random thoughts. These are not well filtered, so delete with ease...

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"APA has been invited (that's you) to assist in the training that the Army has developed for preparing psychologists for this role. I have personally presented to all of the students trained in the last year (or whatever is the correct time frame)."

"Individual Army psychologists have consulted with me (or with APA ethics office) on several occasions to make sure they were on solid ethical ground. I am unable to discuss the details of the consultations due to confidentiality reasons."

"It is difficult to measure any direct effect from APA's involvement. There is no credible evidence of wrongdoing prior to APA's involvement by any psychologist, and we certainly have no evidence of any unethical behavior since our involvement. However, we have been deeply engaged with DOD as they developed guidelines and policy to make sure that foreseeable ethical challenges would be forestalled. In other words, we have worked together with DOD to make sure that the psychologists who are working in this area are properly trained in the ethics code, and in the specific prohibitions contained in the PENS Report."

Just a few random thoughts. In addition, I (and I expect Debra, also) would be more than glad to give you some quotes from us:

Dr. Behnke has been extremely diligent in providing the Army thoughtful and direct consultation on the ethics of supporting interrogation. His commitment to human rights, and to making sure that all persons are protected from abuse is well know. His expertise in helping the Army navigate through the potential ethical challenges is less well know, but of no less importance. This issue is one of the most complex and

challenging of any ethical conflict, and Dr. Behnke has helped the Army to carefully craft useful guidelines that protect the individual detainees, while still allowing the use of psychology's knowledge of human behavior to help our country prevent atrocities.

Have a great evening.

Morgan

COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
banksl@usasoc.socom.smil.mil/louie morgan.banks@us.army mil

-----Original Message-----
From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Wednesday, January 24, 2007 6:21 PM
To: Banks, Louie M. COL; Debra.Dunivin@NA.AMEDD.ARMY.MIL
Subject: FW: [DIV39S9] Regarding the discussion of torture and APA

Thoughts for my response? Thanks--

From: Stephen Seligman PRIVACY REDACTION
Sent: Fri 2/9/2007 4:34 AM
To: Behnke, Stephen
Cc: DIV39S9@LISTS.APA.ORG
Subject: Re: [DIV39S9] Regarding the discussion of torture and APA

thanks. With regard to the expected impact of these diverse approaches, are there specific examples or of the APA giving guidance to members, either in particular situations or any in which a general effect has been noted? If so, has any effect been noted or attributed by any of the players--ranging from DOD to particular psychologists or representatives or internees?

If you hit reply all, your response will go to the entire list. Thanks.

Best regards,
Stephen

----- Original Message -----
From: Behnke, Stephen
To: Stephen Seligman
Sent: Wednesday, January 24, 2007 9:25 AM
Subject: RE: [DIV39S9] Regarding the discussion of torture and APA

Dear Dr. Seligman,

Thank you for your response, and for continuing to post our exchanges. I would be very eager to read any listserv responses, were your colleagues comfortable having those shared with me.

You ask: "Do you mean that the Psychiatric Association's position is more comprehensive but doesn't have any teeth?" While I could see why you would raise this question, I would not use that way of describing the differences, because I don't think it captures the complexity and nuance of the Associations' two very different approaches. The Psychiatric Association has a strong expressive message of disapproval about member involvement in interrogations, but does not impose that position on military psychiatrists following orders. APA, on the other hand, has pursued a path of engagement, in order to provide guidance to members and to argue for its philosophy of and approach to interrogations in the context of a larger debate that has been ongoing. I think that the particular phrasing of your question (I realize you asked it in that manner in response to my message) loses the subtlety of what the Associations are trying to do.

Sincerely,

Steve Behnke

From: Stephen Seligman PRIVACY REDACTION
Sent: Wednesday, January 24, 2007 12:02 AM
To: Behnke, Stephen
Subject: Fw: [DIV39S9] Regarding the discussion of torture and APA

----- Original Message -----

From: Stephen Seligman

Cc: DIV39S9@LISTSERVE.APA.ORG

Sent: Tuesday, January 23, 2007 9:01 PM

Subject: Fw: [DIV39S9] Regarding the discussion of torture and APA

Dear Dr Behnke,

Thanks for your courteous and informative answer.

Do you mean that the Psychiatric Association's position is more comprehensive but doesnt have any teeth? Thanks. Stephen Seligman

----- Original Message -----

From: Behnke, Stephen

To: Stephen Seligman

Sent: Tuesday, January 23, 2007 8:26 PM

Subject: FW: [DIV39S9] Regarding the discussion of torture and APA

Dr. Seligman, I forgot to ask, could you please copy me when you post to the division listserv?

Thank you very much,

Steve Behnke

From: Behnke, Stephen
Sent: Tuesday, January 23, 2007 11:23 PM
To: 'Stephen Seligman'
Subject: Re: [DIV39S9] Regarding the discussion of torture and APA

Dear Dr. Seligman,

Thank you for your message regarding the positions of the American Psychological Association (APA), American Psychiatric Association, and American Medical Association (AMA), on the issue of member involvement in interrogations. I apologize for taking so long to respond to you, and am working to respond to all who have written on these issues, as I am able.

In terms of your questions, it seems to me that there is a fundamental difference in how APA and the Psychiatric Association have approached this issue. APA has issued guidelines that govern psychologist involvement in military interrogations and that specify behaviors that are always and in every circumstance prohibited, has made clear that these are enforceable ethical rules, and along with issuing a resolution of its own Council has stated that APA should develop a process of ethics consultation to be available for psychologists who engage in this work.

The Psychiatric Association, on the other hand, has stated, "No psychiatrist should participate directly in the interrogation of persons held in custody by military or civilian investigative or law enforcement authorities, whether in the United States or elsewhere." On the same day this position statement was announced, however, the President of the Psychiatric Association (Medpage Today, May 22, 2006): "acknowledged that psychiatrists in the military might have a conflict between obeying the APA's policy and following direct orders, noting the position statement is not 'an ethical rule.' 'Individual psychiatrists wouldn't get in trouble with the APA' for failing to follow the guidelines,' he said." Thus, the Psychiatric Association sends an expressive message of disapproval about

member involvement in interrogations, but does not impose the position on members who are in the military and under orders. That approach makes it enormously difficult to engage with military members who are actually doing this work and struggling with the dilemmas, and who may very much want help and guidance from their professional association.

APA's approach not only clearly prohibits psychologist involvement in abusive or cruel interrogations, but also allows the APA to stay engaged to argue against, and counter arguments for, abusive and harsh interrogation techniques. APA's approach to interrogations is having an increasingly visible and strong presence in the Department of Defense and has been adopted into Department of Defense policy, and now-with the involvement of several psychologists who support APA's position, including Michael Gelles-the Intelligence Science Board has issued a report that "There is almost no scientific evidence to back up the U.S. intelligence community's use of controversial interrogation techniques in the fight against terrorism, and experts believe some painful and coercive approaches could hinder the ability to get good information."

Reasonable people will disagree over which of these association approaches is preferable. The relative merits of these two positions will certainly be the subject of much further discussion and debate, which APA wants to promote and to that end is expending considerable resources for extensive programming on ethics and interrogations at Convention in San Francisco.

In terms of AMA's position, the Report recommendations, removed from the AMA report, lend themselves to various interpretations. As an example, the day the AMA issued its report, the following appeared in Reuters: "Physicians for Human Rights, led by Dr. Stephen Xenakis, a psychiatrist and retired brigadier general in the U.S. Army, said the report was too soft and used too much qualifying language. The result, he said, was an ambiguous statement." It will be difficult to evaluate the AMA's position until AMA makes its Report available. Only at that time will we be able to understand better what the AMA recommendations actually mean.

It seems to me that these are complex issues on which reasonable people may differ. Also, an absence of a full appreciation for the complexities and nuances of the association positions has sometimes made thoughtful discussion of these issues more challenging (in another message I will follow up on the exchanges Steven and I have had about the position of the World Medical Association).

I hope I have been at least somewhat responsive to your concerns, and I appreciate your sharing my response with the listserv.

Sincerely,

Steve Behnke

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Friday, January 19, 2007 9:23:06 PM
Recipient:	'Steven Reisner' PRIVACY REDACTION
Cc:	Neil Altman PRIVACY REDACTION;Linda M. Woolf, Ph.D. PRIVACY REDACTION;Stephen Soldz PRIVACY REDACTION
Subject:	RE: On APA leadership and the Resolution Against Torture

Dear Steven,

Thank you for your messages, and for continuing to post our exchanges on the listserv. I realize there are a number of issues you have raised that remain to be addressed, and I will do my best to respond to you on each of them. In this message I will address your questions about the role of the Ethics Office in the PENS process and in the process of bring resolutions forward to Council. In a subsequent message I will address the issue of ethical standard 1.02.

I am glad that you copied Linda and Neil on your response. I am sure that Linda will confirm that the Ethics Office played a significant role in assisting to bring the 2006 Council Resolution forward, a role that consisted of frequent exchanges with Linda, Corann Okorodudu, and Judy Van Hoorn over a several month period of time, leading up to the August meeting. Often the Office was in daily phone or email contact with the Resolution sponsors. This level of involvement was in response to very clear communication to the Office that the sponsors of the 2006 Resolution wanted the assistance of the Ethics Office in bringing the Resolution forward at the August meeting in a form that had a high likelihood of adoption by Council. The Ethics Office has not had that type of involvement in relation to Neil's resolution, but given the circumstances I think there is a very straightforward explanation. It is my understanding that Neil envisions the Resolution coming before Council in August; for that reason, there is ample time for Neil's resolution to receive the same attention and to undergo the same process as did the 2006 Resolution. It may well be, therefore, that each Resolution, at the request of the sponsor, will receive the same degree of involvement from the Ethics Office in preparation for consideration by Council.

You describe my role in the PENS process as "quite significant," stating that I "single-handedly parsed the rambling, wide-ranging discussion of the PENS Task Force into a Draft Report." My role was to capture, as best I could, the thinking of the Task Force in the PENS report, and over the course of the meeting I asked the Task Force repeatedly whether what I was writing adequately and faithfully captured their positions. I amended or corrected the Report in response to the Task Force's feedback. This process took place several times, and the Task Force had an opportunity to review and provide feedback following the meeting's end, in preparation for forwarding the final Report to the Board and Council, to ensure that the Report accurately reflected their positions.

While I intend to write a lengthier message regarding ethical standard 1.02, I do want to correct two aspects of your statement that "…it has been more than a year and a half since Council, upon being appraised with the Task Force report, directed you to add a one-sentence amendment to the ethics code that would support psychologists refusing to participate in lawful military orders when those conflict with basic human rights." First, Council did not direct me to add a sentence to the Ethics Code. Rather, (from the August 2005 Council minute) "Council requests that the APA Ethics Committee review the discrepancy between the language of the Introduction and Applicability section of the *Ethical Principles of Psychologists and Code of Conduct* and Ethical Standard 1.02, and make a recommendation to the Board of Directors concerning adding the words 'in keeping with basic principles of human rights' to Ethical Standard 1.02." Second, under the current Ethics Code a psychologist may absolutely refuse to follow the law when there is a conflict between law and ethics; please note that ethical standard 1.02 states that psychologists "may"—not "must"—follow the law in such a circumstance. A refusal to participate in lawful military orders because a psychologist believed the orders to be unethical would be entirely consistent with the Ethics Code.

Correspondence regarding Neil's Resolution will be posted shortly on the Ethics portion of APA's website (www.apa.org/ethics)

Best,

Steve

From: Steven Reisner [redacted]
Sent: Friday, January 19, 2007 12:17 PM
To: Behnke, Stephen; DIV39S9@LISTS.APA.ORG
Cc: Neil Altman; Linda M. Woolf, Ph.D.; Stephen Soldz
Subject: Re: On APA leadership and the Resolution Against Torture

Dear Steve,

Perhaps you are right that Linda Woolf and the people at Division 48 enlisted your aid more actively to help bring the 'Resolution Against Torture' to the COR than they have thus far with the moratorium resolution. I am forwarding this dialogue to both Linda and Neil because I am interested in their understanding of the differences. But I must take issue with your humble claim that your "role has been limited to transcribing letters on behalf of the Ethics Committee." History is full of "scribes" whose power is subtly displayed in the manner, style and content of the transcription and how what was transcribed was used (one need only think of Moses or Madame Lafarge).

But you did not address the rest of my email, where I gave another example of a serious discrepancy in the rapidity with which policies which support the APA and military/intelligence positions are passed, when compared with the delay in executing positions which are at odds with that position. I am referring to the difference in the speed with which the PENS report was drafted and disseminated as opposed to the changes Council explicitly requested in 1.02, As I put it in my email: This is not an academic issue for those of us who believe that every delay permits psychologists to continue to be implicated in human rights violations.

For example, your role as "transcriber" during the PENS Task Force meeting was quite significant. During a 72- hour period, during and following the Task Force meeting, you single-handedly parsed the rambling, wide-ranging discussion of the PENS Task Force into a Draft Report, which, with only minor modifications, within a week or two became the final task force report. That document rapidly became APA policy, by Board fiat, rather than by its being approved by Council. This Task Force report justified and supported psychologists' continued participation in military and intelligence interrogations, in a manner that remained and remains completely consistent with military law.

Yet it has been more than a year and a half since Council, upon being appraised with the Task Force report, directed you to add a one-sentence amendment to the ethics code that would support psychologists refusing to participate in lawful military orders when those conflict with basic human rights. This change, reflecting the hard-won lessons of Nuremberg, has not yet been enacted. This discrepancy calls into question your statement that the "**APA is run by its members**."

In addition to these issues, I'm looking forward to your response to my second email, outlining the difference between the APA position and the WMA position with regard to participation in interrogations, and specifically the ethical differences or similarities in the case scenarios I have forwarded to you. (That email was sent under the heading: *'How APA and WMA differ: Our previous correspondence*.') Stephen Soldz asked me to mention also that have yet to respond to his points about the clear differences between the APA and the

American Psychiatric Association positions. And, I am looking forward to seeing the correspondence between you and Neil Altman posted on the APA website.

Best regards,
Steven

PS I would like our correspondence to have as wide a readership as possible. I would like to forward it the the DSJ listserv, and was wondering if you had any suggestions for a wider audience?

"Behnke, Stephen" <sbehnke@apa.org> writes:

Dear Steven,

Thank you for your message. I'll respond to both you and Stephen together, since you are raising a number of the same issues; I think that will be most efficient. I appreciate your sharing our exchanges with the Division 39 listserv. I'll take the issues one at a time and will start with concerns that you both share about the role of APA leadership and Council resolutions, where our experiences of APA seem to diverge substantially.

You write below "I believe…that the RAT [2006 Resolution Against Torture] was passed so expeditiously precisely because the fine print permitted these practices to continue, and the moratorium resolution is being slowed down and postponed precisely because they challenge these practices." In his letter to Norman Anderson, Stephen wrote "In the summer of 2006 the APA reaffirmed its opposition to Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. However, the APA managed, through a last-minute revision, to define "Cruel, Inhuman, or Degrading Treatment or Punishment" in such a manner…as to remove much of the Resolution's force."

I see the role of the APA Ethics Office, which has been involved in this issue from the beginning, as being twofold: First, to articulate, as best we can, APA policy regarding ethics; and second, to help APA members bring forward resolutions related to ethics that they would like to have Council consider. The degree to which we are involved in a particular resolution moving forward depends on what degree of involvement the resolution sponsor would like; the Ethics Office is available as a resource, but how Council members choose to use us varies significantly. As the 2006 Resolution was moving forward over several months last spring and summer, the sponsors of the resolution were very proactive in reaching out to APA governance groups, and asked for a high degree of involvement from the Ethics Office; literally hundreds of hours went into email exchanges, phone calls, research, and examining specific language in the Resolution as the sponsors prepared to present the resolution to Council in August. It was not uncommon for me to speak by phone on a daily basis—on

occasion two or three times a day—to the Division 48 sponsors, in particular Judy Van Hoorn, Corann Okorodudu, and Linda Woolf. That degree of involvement was driven by what the sponsors were requesting, and the resolution reached the floor of Council with a high degree of consensus and support which, in turn, made its passage very likely. Please note that on the floor of Council, representatives from divisions proposed changes to the wording of the resolution. At that point the sponsors did not request any further assistance from me, and I had no involvement whatsoever regarding changes made at the Council meeting. (The Division 48 website has an extensive discussion of the changes and reasons why the changes were made.)

In terms of the resolution calling for a moratorium, the degree of involvement on APA's part that marked the 2006 Resolution has not been requested. The Ethics Office is available for whatever the Resolution sponsor requests—including the degree of involvement that we had in preparation for the 2006 Resolution—but we take our direction and lead from the resolution sponsor, and thus far my role has been limited to transcribing letters on behalf of the Ethics Committee in response to Dr. Altman, and to providing assistance in making contact with divisions who are likely to have an interest in this issue. If more is asked of the Ethics Office, we are absolutely available, and very happy, to provide it. (It is also important to note that neither I nor any staff member can slow down or postpone a resolution when a Council member moves the resolution forward.) It is helpful for me to remain mindful that APA is run by its members, who have very full lives and many pressing obligations, and sometimes commitments other than APA business call for their time and attention, which can affect how quickly a resolution moves forward as well.

I hope I have been responsive, in some measure, to the concerns that you and Stephen have regarding the role of APA in bringing forward resolutions on this issue to Council. Also, I hope that our understanding of APA's role in these resolutions can converge at least slightly.

PRIVACY REDACTION

Sincerely,

Steve

From: Steven Reisner [redacted]
Sent: Sunday, January 14, 2007 2:49 PM
To: Behnke, Stephen
Cc: DIV39S9@LISTS.APA.ORG
Subject: On APA leadership and the Resolution Against Torture

Dear Steve,

I am glad we will have the opportunity to communicate directly; I will copy the list on all our correspondence. [redacted]

Many of the points in your response below have been made before and most of them have been refuted, most recently by Stephen Soldz in his email to you. I have noticed that dialog regularly stops with you at such points and I'm encouraging you to respond to Soldz's email point by point so we can continue this discussion publicly.

IN this email, I would like to take up the one issue that Stephen Soldz did not address, which is your comment that the Resolution against Torture does not represent the APA leadership position, but rather represents the work of Division 48. I know that the resolution was sponsored by Division 48 and that they did extraordinary work on it. The same members of that Division have also been working equally hard on another resolution - the moratorium resolution. My understanding is that Linda Woolf saw the Resolution against Torture as a first step and the moratorium as a second step toward ending psychologists participation in these unethical practices. I believe, however, that the RAT was passed so expeditiously precisely because the fine print permitted these practices to continue, and the moratorium resolution is being slowed down and postponed precisely because they challenge these practices. The same could be said for the expeditious acceptance of the PENS Report, whereas the Council's resolution on changing ethics code 1.02 has been delayed now for a year and a half. This is not an academic issue for those of us who believe that every delay permits psychologists to continue to be implicated in human rights violations.

I will be sending other questions and comments under other headings to keep them clear and distinct, and to encourage your response to each point.

Thanks for the opportunity to have this discussion,
Steven

PS Please let us know when the correspondence between you and Neil Altman will be posted on the APA website. OI hope there is a notice on the home page to that effect, direct members and the

public to this debate.

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Wednesday, November 01, 2006 2:52:01 PM
Recipient:	'Neil Altman' PRIVACY REDACTION
Cc:	Doug Haldeman ; Olivia Moorehead-Slaughter
Subject:	New Business Item
Attachments:	NeilAltmannewbusinessitem.doc

Dear Neil,

The Ethics Committee took considerable time over its meeting this past weekend to review your new business item, and is eager to engage in a dialogue with you over what the Committee views as the item's central ethical issues. As you will see from the attached letter, the Committee is especially interested in examining where the locus of ethical-decision making properly belongs, whether at the Association level or with the individual psychologist.

Attached please find the Committee's response to your message,

Steve



November 1, 2006

Neil Altman, PhD
Member, APA Council of Representatives
PRIVACY REDACTION

Dear Dr. Altman,

I am writing on behalf of the Ethics Committee in response to your message of Monday, October 23, regarding a new business item for Council. The Committee appreciates the considerable effort you have put into the item and its accompanying materials, and looks forward to working with you on this very important issue.

In reviewing the item, the Ethics Committee had several points of observation that it offers for your consideration and on which it requests your feedback.

First, the Committee noted the phrase "U.S. detention centers." The Committee was uncertain as to the intended scope of this term, which interpreted broadly could include any facility where individuals are detained, for example psychiatric hospitals, jails and prisons, or INS centers. The Committee believes it would be helpful to clarify the intended scope of this phrase.

Second, the Committee noted the term "foreign detainees" and was unclear what group of individuals you wished to identify. Do you, for example, mean individuals who are not citizens of the United States? If so, might that wording be more precise, insofar as "foreign" leaves citizenship somewhat ambiguous?

Third, the item calls for a moratorium on psychologists' involvement in interrogations in certain settings. The characteristics of these settings, as described in the item, are that individuals "may not be guaranteed human rights protections, particularly in relation to due process, and humane interrogation techniques, as established under the Geneva Conventions and other UN documents, treaties, conventions, and protocols that protect the human rights of people without exception." The Committee is interested in how you understand the relationship of this item with the Resolution Council passed in New Orleans, which states that "psychologists shall work in accordance with international human rights instruments relevant to their roles," and that "psychologists shall not knowingly participate in any procedure in which torture or other forms of cruel, inhuman, or degrading treatment or cruel, inhuman, or degrading punishment is used or threatened." Given that the August 2006 Resolution requires psychologists to abide by

relevant human rights instruments and prohibits psychologists from engaging in behaviors that constitute torture or cruel, inhuman, or degrading treatment or punishment, the Committee would like a better understanding of what this item is intended to achieve that the August Resolution did not.

Fourth, closely related to the point above, the item indicates in the sixth "Whereas" and in the "Be it Resolved" that interrogation methods at certain centers may include techniques prohibited by the 2006 APA Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. The Committee focused on the language in the 2006 Resolution, which provides explicit and extensive guidance in terms of what behaviors are prohibited and what psychologists must do when they learn that prohibited behaviors have occurred or are occurring. The Committee asked for clarification concerning why the new business item focuses on the nature of a setting, rather than on specific behaviors, in terms of APA's approach to defining what is permissible practice for psychologists, and how the 2006 Resolution falls short.

Fifth, the item indicates that the expected outcome is the "Improved ethical and legal guidance for psychologists working in US detention centers holding foreign detainees." The effect of a moratorium, however, is to remove all discretion, so that individual psychologists cannot benefit from ethical guidance because any individual decision-making capacity is prohibited in regard to this issue. The Committee would find it helpful for you to clarify why the decision to work in such a setting cannot be made by an ethically-minded psychologist who fully supports and desires to abide by all of the relevant APA statements and resolutions, including the 2006 Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

The Committee would also find it helpful to have your sense of whether a reasonable, ethically-minded psychologist could conclude that this decision—about consulting to such an interrogation—properly rests with individual psychologists who have a firm grasp of APA's position and a clear understanding of relevant human rights instruments, rather than with the association on behalf of psychologists. The Committee noted the explicit and extensive ethical guidance offered by the updated Army Field Manual, and would find it helpful for you to elaborate on how this guidance fits into your thinking and what helpful role the updated Army Field Manual may have in the new business item.

Sixth, the Ethics Committee distinguished between a *political* basis for the item and an *ethical* basis for the item. The political basis for the item seems reasonably straightforward and apparent. The Committee would find helpful an elaboration for the *ethical* reasons why psychologists should be barred entirely from working in certain settings. The Committee is mindful that there are few absolute prohibitions on psychologists' conduct and that those prohibitions exist when the likelihood of harm is so great that no reasonable psychologist could engage in a particular behavior. Sexual involvement with a client provides an example of such an absolute prohibition. The Committee is eager to learn from you whether there is an analysis based upon explicitly ethical, as opposed to political, reasoning to support the position taken in the item.

Seventh, and finally, the Committee would like a better understanding of the implications of this precedent. How might establishing a moratorium based on location, rather than on specific behaviors, preclude psychologists from practicing in other settings, for example in residential treatment facilities in which aversive and restrictive treatments for autistic children or severely disabled adults are used?

The Committee appreciates the opportunity to raise these issues and looks forward to working with you. The Committee encourages you to continue to reach out and collaborate with other APA governance groups in preparing the item for consideration by Council. The Committee understands that you will establish contacts with governance groups, and so in addition to your responses on the above issues is also eager to hear which groups you are working with on the item and how your work is progressing.

Sincerely,

Stephen Behnke
Director, Ethics Office

Sender: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent: Wednesday, December 13, 2006 12:22:42 PM
Recipient: 'Brad Johnson ' PRIVACY REDACTION
Subject: Confidential draft--please do not share
Attachments: NeilAltman1206ECresponse (2).doc

Hi Brad,

Just gave you a call at home; you must be out on a run.

Brad, following the Committee's first call last evening, I drafted the attached letter. I'll certainly have further revisions following this evening's call, and in anticipation of that call I wonder whether you might have time to look this draft over and tell me what you think--is it clear? What is missing? What doesn't the letter get right? If you could possibly get back to me by 7:30pm, I can let folks on this evening's call know your thoughts.

Thanks Brad,

Steve

-----Original Message-----
From: Brad Johnson PRIVACY REDACTION
Sent: Tuesday, December 12, 2006 7:15 AM
To: Behnke, Stephen
Subject: RE: Conference Call

Dear Steve,

I can try to give you a call any time today between end-of-semester meetings if there is a good time and number.

Alternatively, I will be working from home all day Wednesday PRIVACY REDACTION.

Brad

---- Original message ----
>Date: Mon, 11 Dec 2006 18:00:53 -0500
>From: "Behnke, Stephen" <sbehnke@apa.org>
>Subject: RE: Conference Call
>To: "Brad Johnson " PRIVACY REDACTION
>
>Brad, I'd be happy to hear your feedback. Would there be a convenient
>time for us to speak on Tuesday or Wednesday?
>
>Steve
>
>-----Original Message-----
>From: Brad Johnson PRIVACY REDACTION
>Sent: Monday, December 11, 2006 4:21 PM
>To: Behnke, Stephen
>Subject: Conference Call
>
>Greetings Steve!
>
>Well, the best laid plans... I have a standing obligation Tuesday

>evennings and so planned to join in the conversation on Wednesday,
>forgetting--my wife has now reminded me- PRIVACY REDACTION
>
>Steve, I wonder if I can offer my feedback directly to you or another
>committee member on this one? I do have some reflections to contribute
>but cannot make the evenning conference calls this week.
>
>Let me know your preference.
>
>I hope you are rested!
>
>Brad



December 7, 2006

Stephen Soldz, PhD
PRIVACY REDACTION

Dear Dr. Soldz,

I have had the opportunity to read your letter of November 28, regarding your decision to withhold your APA membership dues. I respect your decision as a matter of conscience. At the same time, I must strongly dispute your characterization of APA's actions.

As an initial matter, reports regarding Guantanamo, and the international reaction, have indeed been deeply troubling. APA has been closely following developments in the courts and legislatures regarding the treatment of detainees, and will continue to do so. As noted in the Ethical Principles of the APA *Ethical Principles of Psychologists and Code of Conduct* (2002), we call upon members of the APA to protect the rights and welfare of all those with whom they work, and to respect the dignity and worth of all people. It is my understanding that the International Red Cross has unfettered access to all individual detainees at Guantanamo. APA will support developments that protect the welfare and safety of all those in US custody, such as the McCain Amendment, and will collaborate with others in this effort, such as when this September President Koocher (along with Phil Zimbardo, past-president of APA, and Bradley Olson, President of the APA Divisions for Social Justice) signed on to a letter to Senator McCain drafted by Physicians for Human Rights, and on the same day APA issued a legislative action alert for the United States Congress that called for a prohibition against abusive interrogation techniques.

Your letter states "APA kept the membership of the PENS task force secret." This statement is not correct. The names and biographical statements of the members of the PENS task force were distributed to our 170+-member Council of Representatives shortly after members were chosen, with no restrictions whatsoever placed on further distribution of this material. An APA division (Division 48; Society for the Study of Peace, Conflict, and Violence: Peace Psychology) placed these names and biographical statements on its division listserv and webpage (www.peacepsych.org). At no point did APA ever request or attempt to have this information removed. To the contrary, the APA Ethics and Public Affairs Offices referred individuals to this site when they received inquiries.

Your letter states that APA "insisted that PENS members sign a confidentiality agreement." This statement is not correct. At no point—before, during, or after the task force met—were

PENS members required to sign anything at all, and certainly there was no agreement, written or otherwise, that was a condition of participation on this task force. While it is true that during the meeting the PENS task force discussed confidentiality and determined that it would allow its Report to be the only public statement regarding task force proceedings—this discussion is reflected in the Report itself—there was never any suggestion that a refusal to abide by this agreement would result in removal from the task force. The consequence of a refusal would rather have been a more constricted discussion.

Your letter states "five of nine voting members" were from the military, yet fails to mention that one of these individuals, Dr. Mike Gelles, was hailed by medical ethicist Steven Miles for his "successful medical protest of prisoner abuse." Dr. Gelles, whose work has been discussed positively in a number of publications including the *New Yorker* in writings by Jane Mayer, continues strongly to support the PENS report and the role of psychologists in national security settings as a way to help ensure that interrogations remain safe and ethical. It is also important to note that following his actions Dr. Gelles was given a promotion.

Regarding the resolution passed at Convention in New Orleans, your letter states that "APA managed, through a last-minute revision, to define 'Cruel, Inhuman, or Degrading Treatment or Punishment' in such a manner…as to remove much of the Resolution's force." Changes to the Resolution that occurred at Council were coordinated and agreed upon by members of Council who had sponsored this Resolution in collaboration with representatives of other governance groups. Neither the APA president nor any staff member had a role in promoting changes to the text of this Resolution. Please refer to the Division 48 website for an extensive discussion of these changes by the Division 48 sponsors of the Resolution. I believe you will find their discussion of the Resolution and related issues extremely thoughtful and informed. The Division 48 sponsors believe that the revision strengthened the Resolution by removing a level of ambiguity and tying the definition to both international and domestic law.

Your letter states "the PENS report was rushed through within days to official APA approval by the Board, circumventing the usual step of debate at Council." Since the PENS report was issued, three meetings of Council have taken place. APA presidents Ron Levant and Gerald Koocher have ensured that significant time to discuss the PENS report and related issues was allotted at each of these three meetings. At the most recent Council meeting, in New Orleans, nearly one-third of the total time Council met was devoted to discussing issues related to the PENS report and to the 2006 Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. Prior to the 2006 Convention in New Orleans, Dr. Steven Reisner wrote Dr. Koocher requesting that equal time to the Army Surgeon General be given to a speaker in order to present an alternative point of view. On same day he received Dr. Reisner's letter, Dr. Koocher invited Dr. Reisner himself to speak, and Dr. Reisner was given the same amount of time as the Army Surgeon General to address Council. The *Monitor on Psychology* provided significant coverage of Convention programs sponsored by the Divisions for Social Justice on this issue. Dr. Koocher, Dr. Levant, and I have accepted numerous invitations from around the country to discuss and debate the appropriate role of psychologists in interrogations. The APA Council of Representatives has directed that a commentary/casebook be written on the PENS report. APA is fully supporting an extensive "teach-in" on ethics and interrogations at APA's annual Convention in 2007, which will be a collaboration between numerous APA groups, including the Divisions for Social Justice,

Division 19 (Military Psychology), Division 48, Division 18 (Psychologists in Public Service), the Board of Scientific Affairs, and the Ethics Committee. The suggestion that APA has attempted to inhibit open discussion and debate on this issue by APA governance, the membership, or the public is simply contradicted by the facts.

APA has worked and will continue to work to promote ethical interrogations: Psychologists must never participate in, condone, or in any manner facilitate directly or indirectly torture or other cruel, inhuman, or degrading treatment at any time, in any place, for any reason. Such behaviors are antithetical to the very identity of a healing professional and are in every instance unethical. APA condemns the use of psychology and psychological techniques to abuse any individual in any setting. Moreover, the 2006 Resolution highlights the dangers of both physical and psychological forms of torture and other cruel, inhuman, or degrading forms of treatment or punishment, and includes specific examples.

I note that you have chosen to withhold your dues, rather than to resign from APA, as a way of exerting your influence on the Association's position. Please note that this decision—to stay engaged—is precisely the position APA is taking with the military, to ensure that our influence is felt and our voice is heard on this critical issue. That the revised Army Field Manual, which binds all Department of Defense personnel and settings, is highly consistent with the PENS report is an indication that our efforts are bearing fruit, and we believe that forthcoming policies on the ethical conduct of interrogations will likewise be consistent with APA's position.

I appreciate that you are taking this stand for principled reasons and would not attempt to dissuade you from your considered decision. Your characterizations of APA's actions, however, are not supported by the facts. I would be eager to discuss any of these points with you by phone or, if you would prefer, I will come to Boston so we can speak in person.

Sincerely,

Stephen Behnke, JD, PhD
Director, Ethics Office
American Psychological Association

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Saturday, December 02, 2006 7:15:48 PM
Recipient:	'louie.morgan.banks@us.army.mil' <louie.morgan.banks@us.army.mil>
Subject:	FW: [SPSMM] Letter by Stephen Soldz to Dr. Anderson, APA CEO
Attachments:	Soldzreplyletter1202.doc

CONFIDENTIAL

Morgan, I hope you are well. Could you please read this letter below, and my draft response, and let me know if you see anything problematic in my response or any points to make it stronger?

Thanks, Morgan,

Steve

November 28, 2006

Letter to the CEO of the American Psychological Association

By Stephen Soldz

There has been considerable controversy regarding the role of psychologists in coercive national security interrogations at Guantanamo and elsewhere. The American Psychological Association (APA) has steadfastly resisted pressure to come out against psychologist participation in these interrogations.
(See my Psychologists, Guantanamo and Torture and Protecting the Torturers: Bad Faith and Distortions From the American Psychological Association.) As a result, a movement of APA members has started to withhold dues from the organization as an additional leverage to change the Association's policy.

I have been somewhat reluctant to join this movement as I feel it is important for psychologists to stay in the Association for the time being in order to continue attempts to change its policy. However, I have been reassured that withholding dues does not immediately terminate membership.

I have thus decided to sacrifice my discounted APA journals and to withhold my dues for 2007. Here is the letter I wrote to Norman B. Anderson, Chief Executive Officer of APA, explaining why I am withholding dues:

November 27, 2006

Norman B. Anderson, CEO
American Psychological Association
750 First Street Washington, DC 20002-4242

Dear Dr. Anderson:

It is with great sadness that I have decided that I can not in good conscience continue paying dues to the American Psychological

Association, an organization that uses my money to support the participation of psychologists in illegal and immoral national security interrogations at Guantanamo and other concentration camps, known and unknown.

Guantanamo is illegal according to international law as detainees are held there without due process and with no legal protections, possibly for the rest of their lives. The United Nations Committee on Torture found that detention at Guantanamo was itself tantamount to torture. Further, there are repeated credible allegations of abuse and torture against detainees held at Guantanamo and other known and secret national security detention facilities.
Psychologists, including Major John Leso, a member of APA, have reportedly participated in these abuses.

Numerous international organizations - including the European Union, Amnesty International, and Physicians for Human Rights - have condemned the existence or the nature of treatment at Guantanamo. Amnesty International, in their annual report, called Guantanamo "the gulag of our time." Psychologists participating there are thus aiding and abetting torture or abusive and dehumanizing behavior in this gulag.

The situation has become worse with the passage of the 2006 Military Commissions Act, which APA opposed. With the passage of this act, all legal protections have been overtly removed for national security detainees.
Further, this act makes it clear, as do press reports, that detention may be for the rest of detainees lives.
Additionally, the act essentially suspends United States participation in the Geneva Conventions protections against torture by allowing the President to redefine what these Conventions mean.

With these actions, along with many others, the United States government has declared itself an international outlaw. It is time for men and women of goodwill to refuse to collaborate with this outlaw in its illegal, immoral actions.

The APA has engaged in a repeated pattern of duplicitous, evasive, and illegitimate behaviors in order to protect the participation of psychologists in
Guantanamo and the other gulags. The APA appointed a Presidential Task Force (PENS) to look into these matters and recommend policy. The APA kept the membership of the PENS Task Force secret. When the membership leaked out, the reason for secrecy became clear. Five of nine voting members, a majority, were from the military. At least four of them had direct experience with the interrogations the morality of which was in question. Further, APA officials took a strong role in "guiding" the PENS Task Force to its predetermined conclusion that participation in coercive national security interrogations was ethical. Not surprisingly, the APA officials insisted that PENS members sign a confidentiality agreement, thus attempting to keep their immoral manipulation private.
Upon reaching a conclusion, the PENS report was rushed through within days to official APA approval by the Board, circumventing the usual step of debate at Council. Thus, the PENS Task Force was a farce and its conclusions are, because of the duplicity with which it was created and manipulated, null and void.

In the summer of 2006 the APA reaffirmed its opposition to Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. However, the

APA managed, through a last-minute revision, to define " Cruel, Inhuman, or Degrading Treatment or Punishment" in such a manner -by reference to the United States Reservations, Declarations and Understandings to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, the McCain Amendment, and three Amendments to the U.S. Constitution - as to remove much of the Resolution's force. Through this subtle revision, the Resolution now implicitly defines " Cruel, Inhuman, or Degrading Treatment or Punishment" using the relativistic "shocks the conscience" standard of American jurisprudence, allowing abusive behaviors to be justified through a claim of necessity to protect against harm.

The question of the treatment of national security detainees is one of those moral issues that defines a society. One either opposes these horrors or implicitly accepts them. The APA has repeatedly taken the latter path. It is part of the problem. In its response to this moral crisis, the APA has facilitated the abuse.

Therefore, I have decided that I can no longer pay dues to the APA because I cannot, in good conscience, pay to aid the APA's immoral actions. I refuse to accept the legitimacy of the leadership of the Association. Therefore, I am not at this time resigning membership. I look forward to the day when I can again in good conscience pay dues to the Association.

Thank you for your attention.

Sincerely,

Stephen Soldz, Ph.D.

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Thursday, November 30, 2006 10:30:31 AM
Recipient:	'louie.morgan.banks@us.army.mil' <louie.morgan.banks@us.army.mil>
Subject:	RE: CONFIDENTIAL--PLEASE REVIEW THIS DRAFT

Morgan, that's extremely helpful. The language in that particular clause is taken directly from the resolution that was passed in New Orleans; we had worked on that particular clause so that it reads as it does now ("… consistent with their roles"). I've discussed this text with one other individual who's doing the work and whom you've spoken highly of, so I think we're in tolerably good shape.

I'm going to pass this draft along—a joint statement signed by the two presidents would be very helpful to us. I hope it happens.

Stay safe,

Steve

From: louie.morgan.banks@us.army.mil [mailto:louie.morgan.banks@us.army.mil]
Sent: Thursday, November 30, 2006 2:34 AM
To: Behnke, Stephen
Subject: Re: CONFIDENTIAL--PLEASE REVIEW THIS DRAFT

Steve,

As you can probably guess, the only area where I have concern is the statement, "must work in accordance with international human rights instruments...," and my concern is only if the US is not a signatory to a particular instrument. I certainly understand the intent, but in this case, the devil is in the details. My fear would be that someone would make a charge that a DOD psychologist did not follow such an instrument, (even though in compliance with US law) and could be at risk. I may be overly sensitive to this, and as a statement of overall, general consensus, I certainly agree with the concept.

Take two: The more I read it, the more the condition, "consistent with their roles," seems to allay my fears. Knowing you, you have thought this out far ahead of me. Assuming that we are not putting psychologists between an agreement that the US has not signed and US law, then the statement looks good. Part of my concern is due to my ignorance of which "international ... instruments" we are talking about.

Hope all is well with you. As always, thanks for staying on this.

Morgan

----- Original Message -----

From: "Behnke, Stephen" <sbehnke@apa.org>
Date: Wednesday, November 29, 2006 5:50 pm
Subject: CONFIDENTIAL--PLEASE REVIEW THIS DRAFT

> Morgan, I have edited the statement somewhat-could you please look at
> this version? Thanks so much, Steve
>
>
> Joint Statement by Dr. Gerald Koocher, President of the American
> Psychological Association, and Dr. Pedro Ruiz, President of the
> AmericanPsychiatric Association
>
> We have reviewed the positions of our Associations regarding member
> involvement in military interrogations, and express our mutual respect
> and appreciation for the effort and thoughtfulness that these
> positionsrepresent. The positions derive from the history and
> development of our
> respective disciplines, from the unique competencies of our
> members, and
> from the values that imbue our professional lives. Each of these
> positions merits careful consideration and thoughtful analysis,
> and it
> is our hope that the positions will begin, rather than end, the
> processof thinking through the very complex ethical aspects of an
> important and
> legitimate endeavor.
>
> As our positions are read and studied, it is important to note the
> significant areas of complete agreement between our Associations
> on this
> issue. Psychiatrists and psychologists never participate in, condone,
> or in any manner facilitate torture or other cruel, inhuman, or
> degrading treatment at any time, in any place, for any reason. Such
> behaviors are antithetical to the very identity of a healing
> professional and are in every instance unethical. We condemn the
> use of
> psychology and psychological techniques to abuse any individual in any
> setting. This absolute condemnation also includes the use of
> techniquesfor interrogation such as "waterboarding," mock
> executions, sexual
> shaming and degradation, sensory deprivation and overload, forced
> nudity, prolonged sleep deprivation, stress positions, extreme
> temperatures, exploitation of phobias, and hooding. While neither
> thisnor any such list could be exhaustive, the underlying
> principle is that
> legitimate activities, such as eliciting information to prevent future
> acts of violence, never justify the use of psychology or psychological
> techniques to abuse and harm people.
>
> In addition, psychologists and psychiatrists must work in accordance
> with international human rights instruments relevant to their roles,
> must have a clear process for reporting when they become aware of acts
> of torture or cruel, inhuman, or degrading treatment or when they have
> reasonable cause to suspect that abusive techniques are being used in
> interrogation, and must never mix the roles of health care

> provider and
> consultant to an interrogation process.
>
> We strongly encourage all those who examine psychiatrists' and
> psychologists' role in military interrogations to recognize,
> appreciate,and acknowledge the substantial areas of agreement
> between our two
> Associations on this complex issue.
>
>

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Sunday, November 26, 2006 7:22:16 PM
Recipient:	'louie.morgan.banks@us.army.mil' <louie.morgan.banks@us.army.mil>
Subject:	Question

Morgan,

Would you have any objection to a statement that made no claim that any particular event or act occurred, and that condemned the use of psychology for the purposes of torturing or abusing, or engaging in cruel, inhuman, or degrading treatment? Something along the lines of:

The presidents of the American Psychological and Psychiatric Associations condemn the use of psychology and psychological techniques to torture or abuse any individual, or to subject any individual to cruel, inhuman, or degrading treatment or punishment.

Would you have any problem with such a statement?

Steve

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Friday, November 17, 2006 2:04:50 AM
Recipient:	'Dunivin, Debra L LTC WRAMC-Wash DC' <Debra.Dunivin@NA.AMEDD.ARMY.MIL>;louie.morgan.banks@us.army.mil
Subject:	RE: Trip

Debra, that is very sweet, but embarrassing when I think of what little I do in comparison to the risks and challenges you and your hardworking colleagues face, and of course Dr. Banks, who is goodness knows where.

Also, I'm frustrated that I've not been able to keep these storms clouds from continuing to gather around us. The combination of a little ignorance and a lot of passion is powerful indeed.

I hope you both are safe,

Steve

From: Dunivin, Debra L LTC WRAMC-Wash DC [mailto:Debra.Dunivin@NA.AMEDD.ARMY.MIL]
Sent: Thursday, November 16, 2006 11:24 AM
To: Behnke, Stephen; louie.morgan.banks@us.army.mil
Subject: RE: Trip

Steve: I've also been very curious to talk with you about the trip. Thanks for taking the time, not only to travel, but also in thoughtful preparation for the events of the day. My hero always! Debra

---

From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Thursday, November 16, 2006 11:18 AM
To: louie.morgan.banks@us.army.mil
Cc: Dunivin, Debra L LTC WRAMC-Wash DC
Subject: RE: Trip

Morgan, I'll fill you and Debra in—it was a good trip.

Also, please see the report at this link, which is from a conference yesterday,
http://www.psysr.org/tortureseminar.htm

Stay safe,

Steve

From: louie.morgan.banks@us.army.mil [mailto:louie.morgan.banks@us.army.mil]
Sent: Thursday, November 16, 2006 9:57 AM
To: Behnke, Stephen
Cc: Dunivin, Debra L LTC WRAMC-Wash DC
Subject: Re: Trip

Steve,

Thanks for the update.I was very curious how it worked out. Thanks for taking the time to make the trip.

Morgan

----- Original Message -----

From: "Behnke, Stephen" <sbehnke@apa.org>
Date: Thursday, November 16, 2006 8:02 am
Subject: Trip
> Hi Morgan and Debra,
>
> The trip was extremely interesting and informative-thanks so much for
> taking the time to get me prepared. I met Carrie and Pennie, but the
> schedule was such that I didn't have time to speak with either at any
> length or in private. Gerry and I had some time to speak with the
> president of the American Psychiatric Association, who was on the
> trip.I was very encouraged by some things he said, which suggested
> that he
> may think differently than his predecessor about this issue, and there
> is a possibility of the two associations coming a bit closer to one
> another. I'll let you know how things unfold.
>
> Our work continues; Vanity Fair is doing an article (Debra, have they
> tried to contact you?) What I'm hearing is making me a bit nervous.
>
> I hope you are both well,
>
> Steve
>

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Thursday, November 16, 2006 3:02:02 AM
Recipient:	'louie.morgan.banks@us.army.mil' <louie.morgan.banks@us.army.mil>;Dunivin, Debra L LTC WRAMC-Wash DC <Debra.Dunivin@NA.AMEDD.ARMY.MIL>
Subject:	Trip

Hi Morgan and Debra,

The trip was extremely interesting and informative—thanks so much for taking the time to get me prepared. I met Carrie and Pennie, but the schedule was such that I didn't have time to speak with either at any length or in private. Gerry and I had some time to speak with the president of the American Psychiatric Association, who was on the trip. I was very encouraged by some things he said, which suggested that he may think differently than his predecessor about this issue, and there is a possibility of the two associations coming a bit closer to one another. I'll let you know how things unfold.

Our work continues; Vanity Fair is doing an article (Debra, have they tried to contact you?) What I'm hearing is making me a bit nervous.

I hope you are both well,

Steve

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Tuesday, February 20, 2007 5:12:06 PM
Recipient:	Hoofman, Pennie L LTC USSOUTHCOM JTFGTMO <Pennie.L.Hoofman@jtfgtmo.southcom.mil>
Cc:	'Banks, Louie M. COL' <louie.morgan.banks@us.army.mil>
Subject:	Letter regarding trip

Pennie, I appreciate all the very hard work you are doing. In terms of our impending trip, there is a matter that I would like to bring to your attention. As you may be aware, things at APA have heated up again on the issue of interrogations. It would be very helpful for me to have a communication (could be an email message or a letter, it doesn't really matter) that makes a few points: 1) Current DoD policy now makes explicit reference to the PENS report, and this is a request for a consultation on the application of the PENS report and APA positions related to the PENS report; 2) the purpose of the consultation is: to inform psychologists and those working with psychologists on the position of the American Psychological Association; to discuss how the APA's position is put into practice; and to explore ways of ensuring that psychologists remain within the proper, ethical bounds in their work; 3) An onsite consultation is requested because of: the necessity of explaining fully the current procedures; of speaking with multiple individuals involved in the process; of observing aspects of the process in their actual physical context; and of having the opportunity to ask questions about the process from the relevant individuals as questions arise.

Would such a communication be possible? I'd be happy, of course, for any edits to the material above you think appropriate.

It will be helpful for me to be able to distinguish this trip from the other VIP tours that Drs. Koocher and Levant (and I) went on; the letter itself need not do that, but I should be able to do so based on the text of the letter. The basic criticism of the other trips coming from the "social justice" divisions, that I will need to make clear to the Board is not relevant, is that they were high profile trips designed to garner support by showing only what the administration wants visitors to see. It will be helpful if I can convey to the Board that this trip is different in both nature and purpose—not that I'll be there for any type of inspection/investigation or anything of that nature, but rather this is a request for consultation that will not be publicized and that is for the purpose of a full understanding of APA's position and exploring ways to put APA's position into practice.

Thanks very much, Pennie. I hope something of this nature is possible and, if so, I would be happy to review a draft.

Steve

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Tuesday, March 20, 2007 10:16:50 AM
Recipient:	'Hoofman, Pennie L LTC USSOUTHCOM JTFGTMO' <Pennie.L.Hoofman@jtfgtmo.southcom.mil>
Cc:	Banks, Louie M. COL <louie.morgan.banks@us.army.mil>;Dunivin, Debra L LTC WRAMC-Wash DC <Debra.Dunivin@NA.AMEDD.ARMY.MIL>
Subject:	RE: Request Ethics Consultation

Excellent, thank you, Pennie.

-----Original Message-----
From: Hoofman, Pennie L LTC USSOUTHCOM JTFGTMO [mailto:Pennie.L.Hoofman@jtfgtmo.southcom.mil]
Sent: Tuesday, March 20, 2007 7:49 AM
To: Behnke, Stephen
Cc: Banks, Louie M. COL; Dunivin, Debra L LTC WRAMC-Wash DC
Subject: RE: Request Ethics Consultation

Steve,

We have made lodging arrangements for you at GTMO.

Pennie

-----Original Message-----
From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Monday, March 19, 2007 5:45 PM
To: Hoofman, Pennie L LTC USSOUTHCOM JTFGTMO
Cc: Banks, Louie M. COL; Dunivin, Debra L LTC WRAMC-Wash DC
Subject: RE: Request Ethics Consultation

Pennie, thank you. My travel arrangements are set, although I've not yet secured lodging at GTMO.

I will forward your letter to the Board of Directors, to inform them of your invitation, and wait for their decision. Given COL. Banks very high media profile on this issue, his name may possibly draw attention.

I will get back to you as soon as I receive word from the Board.

Stay safe,

Steve

From: Hoofman, Pennie L LTC USSOUTHCOM JTFGTMO
[mailto:Pennie.L.Hoofman@jtfgtmo.southcom.mil]

Sent: Monday, March 19, 2007 5:16 PM
To: Behnke, Stephen
Subject: Request Ethics Consultation

Steve,

Attached is a copy of the letter requesting your assistance for a confidential ethics consultation. I'm still working on getting the actual orders done. But please make your travel arrangements and lodging arrangements.

What is the status of your Security Clearance? Are you still waiting for the fingerprints?

I am looking forward to your visit!

Thanks for your patience with all this!

V/R

Pennie

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Monday, March 19, 2007 5:46:15 PM
Recipient:	Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Subject:	FW: Request Ethics Consultation

Morgan, please read between the lines and take whatever action you think appropriate re: wording of the memo.

Steve

From: Behnke, Stephen
Sent: Monday, March 19, 2007 5:45 PM
To: 'Hoofman, Pennie L LTC USSOUTHCOM JTFGTMO'
Cc: Banks, Louie M. COL; 'Dunivin, Debra L LTC WRAMC-Wash DC'
Subject: RE: Request Ethics Consultation

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Steve

From: Hoofman, Pennie L LTC USSOUTHCOM JTFGTMO [mailto:Pennie.L.Hoofman@jtfgtmo.southcom.mil]
Sent: Monday, March 19, 2007 5:16 PM
To: Behnke, Stephen
Subject: Request Ethics Consultation

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What is the status of your Security Clearance? Are you still waiting for the fingerprints?

I am looking forward to your visit!

Thanks for your patience with all this!

V/R

Pennie

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Monday, March 19, 2007 5:28:42 PM
Recipient:	Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Subject:	Eyes only--please do not distribute
Attachments:	gelles response.doc

Morgan,

This is in response to a letter from Mike Gelles, strongly supporting APA's position. If you could give me two or three examples of factual inaccuracies to include in a draft response, that would be great.

If you keep between us at the moment, that would be much appreciated,

Thanks, Steve

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Monday, March 19, 2007 2:51:23 PM
Recipient:	Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Subject:	Final check
Attachments:	EC0307final.doc

Morgan, this is what the Committee approved—a couple of slight tweaks in the language (the Committee wanted to ensure that the statement would not cause a problem for SERE training).

Steve

The American Psychological Association has made no less than five statements regarding its absolute and unequivocal prohibition against torture. These include the *Against Torture: Joint Resolution of the American Psychiatric Association and American Psychological Association* (1985); *Resolution Against Torture* (1986); the *Report of the Task Force on Psychological Ethics and National Security* (2005), motions passed by the Council of Representatives in 2005, and the *2006 Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*. Based on these actions, the APA Ethics Committee further elaborates its position:

Psychologists must never participate in, condone, or in any manner facilitate torture or other cruel, inhuman, or degrading treatment. This unequivocal condemnation includes an absolute prohibition against the use of approaches and techniques to elicit information from incarcerated or detained individuals such as "water-boarding"; mock executions; sexual shaming and degradation; degradation based on culture, ethnicity or religion; sensory deprivation and overload; forced nudity; prolonged sleep deprivation and stress positions; extreme temperatures and induced hypothermia; exploitation of phobias; prolonged isolation; "hooding"; the use of dogs to threaten or intimidate, or threats to use any of the above. While neither this nor any list could be exhaustive, the underlying principle is that legitimate activities, such as eliciting information to prevent acts of violence, do not justify the use of psychology or psychological techniques to inflict abuse and harm upon individuals.

Psychologists must work in accordance with international human rights instruments relevant to their roles. In addition, psychologists must have and are mandated to follow a clear process for reporting when they become aware of acts of torture or cruel, inhuman, or degrading treatment, or when they have reasonable cause to suspect that abusive approaches or techniques such as those identified above are being used. Psychologists must never mix the roles of providing mental health care to an individual and consulting to an interrogation process.

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Thursday, March 15, 2007 9:56:38 PM
Recipient:	'Gelles, Michael (US - Washington D.C.)' PRIVACY REDACTION
Subject:	RE:
Attachments:	Gellesletter.doc

Mike, your letter lends itself to an excellent op-ed, or an article. Let's discuss at some point, and I'm sure Rhea will have some thoughts for us as well.

Steve

From: Gelles, Michael (US - Washington D.C.) PRIVACY REDACTION
Sent: Thursday, March 15, 2007 7:22 AM
To: Behnke, Stephen
Subject: Re:

Steve it is your guidance that potentiates anything that I do at this point. The letter was forward from the CS account. If you send a word document to this address I will continue to add toour thinking and use it as a talk or short article somewhere perpetuating the importance of the role of psychologists in the GWOT national security and public safety.

If you speak to Olivia and she wants to discuss the letter have her respond here.

Be around all week.

On separate note. I would go ahead and reach out to Mora. I am also going to reach out to Sen Levin's office

-----Original Message-----
From: Behnke, Stephen <sbehnke@apa.org>
To: Gelles, Michael (US - Washington D.C.)
Sent: Wed Mar 14 20:45:30 2007
Subject:

Mike, thanks. The materials are at your cs address. You are doing extremely important work, and the importance of your role extends well beyond APA. I trust you realize that.

Steve

This message (including any attachments) contains confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this message.

Any disclosure, copying, or distribution of this message, or the taking of any action based on it, is strictly prohibited. [v.E.1]

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Wednesday, March 14, 2007 6:38:37 PM
Recipient:	'Banks, Louie M. COL' <louie.morgan.banks@us.army.mil>
Subject:	RE: Could you look over?
Attachments:	EC0307.doc

Morgan, I've tweaked in light of your comments; could you take a second gander? Thanks so much,

Steve

From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Wednesday, March 14, 2007 6:16 PM
To: Behnke, Stephen
Subject: RE: Could you look over?

You asked.

Stay safe. Your mini-symposium on this. Do you think it will be helpful? And not just a bullet magnet for the speaker? I would like to see your thoughts, as I have huge respect. I am just fearful that whomever gets up and speaks supporting interrogation support will be murdered without anyone listening.

Morgan

COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Tuesday, March 13, 2007 12:59 PM
To: Banks, Louie M. COL
Subject: Could you look over?

Morgan, several months ago I asked you to look this statement over; at the time (and following the trip to Guantanamo Bay, with the president of the American Psychiatric Association), I was hopeful about a joint statement between the two APA's. They won't sign on, but the Ethics Committee is likely to make its own statement.

Could you read this over again, just to make sure we're okay? (The second paragraph is language taken from documents already approved by the Council of Representatives)

Thanks so much,

Steve

Statement of the APA Ethics Committee
March, 2007

Psychologists must never participate in, condone, or in any manner facilitate torture or other cruel, inhuman, or degrading treatment for any reason. Such behaviors are antithetical to the very identity of a psychologist, and are in every instance unethical. We unequivocally condemn the use of psychology to abuse individuals under any circumstances. This condemnation includes an absolute prohibition against the use of approaches and techniques to elicit information such as "water-boarding," mock executions, sexual shaming and degradation, degradation based on culture or ethnicity, sensory deprivation and overload, forced nudity, prolonged sleep deprivation and stress positions, extreme temperatures and induced hypothermia, exploitation of phobias, prolonged isolation, and hooding. While neither this nor any such list could be exhaustive, the underlying principle is that legitimate activities, such as eliciting information to prevent acts of violence, never justify the use of psychology or psychological techniques to inflict abuse and harm upon people.

Psychologists must work in accordance with international human rights instruments relevant to their roles, must have and are mandated to follow a clear process for reporting when they become aware of acts of torture or cruel, inhuman, or degrading treatment or when they have reasonable cause to suspect that abusive techniques are being used in interrogation, and must never mix the roles of providing health care to an individual and consulting to an interrogation process.

Sender: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent: Wednesday, March 14, 2007 5:48:52 PM
Recipient: Michael Gelles
Attachments: Gellesletter.pdf

Michael G. Gelles, Psy.D., ABPP
PRIVACY REDACTION

March 14, 2007

Dr. Neil Altman
Dr. Olivia Moorehead-Slaughter

Dear Drs. Altman and Moorehead-Slaughter,

Recently, I learned about the resolution in progress that calls for a moratorium on psychologist involvement in military interrogations conducted at centers for foreign detainees. I felt that it was important to write to you both as a psychologist who for almost twenty years was intimately involved in work related to national security and public safety (I am now no longer in government service), and as a member of the American Psychological Association. I have enormous respect for those who bring a sense of social justice to this issue. For that very reason, I respectfully request that you consider a different perspective on the resolution in progress, from a psychologist whose presence at a detention facility and involvement in interrogation consultations resulted directly in the uncovering of deeply disturbing events.

Based on my active involvement, I was able to bring forth grave concerns to senior leaders about what I had learned. These leaders then changed the methods and procedures used to elicit information. My actions are of public record in the press and in memoranda to senior public officials. My primary concern with the resolution lies in the ramifications if psychologists with appropriate training and professional guidance are not present in these settings. I firmly believe that my presence and active engagement had a significant and positive impact on the manner in which interrogations are conducted.

As you well know, there are very different and competing philosophies regarding what methods should be permissible in eliciting information from detainees. Unfortunately, at times in the past, those who have both conducted and consulted to interrogations and who have worked to develop methods for eliciting information have had little or no training, guidance, or oversight. The results have been catastrophic and the collateral damage far reaching. Interrogations left to those who are not properly trained can lead to drift and result in brutality, which is utterly contrary to the competent and effective methods for eliciting accurate and reliable information employed by those who have the appropriate training and experience.

Having worked with law enforcement, the intelligence community and correctional officers, I am very familiar with the structure and function of detention facilities. I am too aware of how easily aggression can get out of hand, and how the well intentioned can become carried away with emotion and perverse purpose and drift across boundaries, all of which may result in aggressive, violent and humiliating acts to detainees. We know that well trained professionals, clear guidelines, established procedures and scrupulous oversight serve to keep in check aggression and the tendency to over identify with a role and a method. Removing trained

professional psychologists from these settings 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.

The need for psychologists to consult in the areas of law enforcement and intelligence will continue in both domestic and foreign settings. The critical question is whether professional psychology, of which APA is the leader, will bring to the debate over interrogations, as well as to the practice of interrogations, a philosophy that leaves no room for abuse, cruelty or humiliation. APA has taken exactly the right position: Abusing anyone for any reason is unethical and antithetical to the very notion of a psychologist. APA's philosophy of interrogation, founded upon the value of building rapport, precludes abusive behavior of any kind. Rather than a reason for APA to withdraw from settings in which interrogations take place, that abuses have taken place is itself a powerful reason, and identifies a professional need, to have APA as a strong and forceful presence and voice in these settings.

Like most psychologists, I am deeply disturbed by the legal framework that has arisen regarding the detainees. I am also profoundly disturbed by the treatment of mentally ill persons in our jails and prisons. Recent media accounts of occurrences in US correctional facilities depict incidents as heinous as those recounted by the media regarding foreign facilities. Our response should not therefore be to withdraw from correctional facilities. Likewise, we must not "throw the baby out with the bath water," but we must rather examine the mistakes that have been made and the abuses that have occurred in interrogation settings, continue to develop guidelines and parameters that direct us professionally, and remain fully engaged with these difficult and complex issues.

My direct experience leads me to conclude that we should remain engaged in interrogations as a persistent voice for the right way to do things. I am deeply concerned for our profession, our communities, and our nation as a whole, should psychologists withdraw from participating in settings as professionals who bring value to a broad spectrum of activities and initiatives that, when conducted in a competent and ethical fashion, propagate humane treatment, facilitate the eliciting of accurate and reliable information, and promote peace by preventing acts of violence.

In terms of future APA initiatives, I would strongly support a document that assists psychologists in maintaining the highest ethical standards of our profession. APA has set forth multiple and clear prohibitions for psychologists consulting to interrogations. Rather than focus on what psychologists cannot do, I would respectfully suggest that it would be more productive for APA to provide guidance that promotes ethical behavior by addressing what psychologists in challenging and ambiguous ethical situations may do to ensure they remain firmly within the bounds of our ethics, and by addressing what we as colleagues can do to support their efforts. Such a positive statement would be affirming of the role that psychologists play and would make a significant contribution to psychologists in this and other areas of work, a contribution that would be especially valuable to our newest members.

Respectfully,



Mike Gelles

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Wednesday, March 14, 2007 2:50:37 PM
Recipient:	Garrison, Ellen <egarrison@apa.org>
Subject:	Letter
Attachments:	Gellesletter.pdf

Hi Ellen, here is the letter. Please let me know what you think

Steve

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Wednesday, March 14, 2007 10:38:24 AM
Recipient:	Kelly, Heather <hkelly@apa.org>
Attachments:	Gellesletter.pdf

Dear Colleagues,

Mike Gelles, as many of you are aware, is an APA member who brought abuses at Guantanamo Bay to the attention of his superiors. Dr. Gelles' actions have been discussed in the media and described by medical ethicist Steven Miles as a "successful medical protest of prisoner abuse." Attached please find a letter Dr. Gelles has written regarding the moratorium resolution.

Olivia Moorehead-Slaughter

Michael G. Gelles, Psy.D., ABPP
PRIVACY REDACTION

March 16, 2007

Dr. Neil Altman
Dr. Olivia Moorehead-Slaughter

Dear Drs. Altman and Moorehead-Slaughter,

Recently, I learned about the resolution in progress that calls for a moratorium on psychologist involvement in military interrogations conducted at centers for foreign detainees. I felt that it was important to write to you both as a psychologist who for almost twenty years was intimately involved in work related to national security and public safety (I am now no longer in government service), and as a member of the American Psychological Association. I have enormous respect for those who bring a sense of social justice to this issue. For that very reason, I respectfully request that you consider a different perspective on the resolution in progress, from a psychologist whose presence at a detention facility and involvement in interrogation consultations resulted directly in the uncovering of deeply disturbing events.

Based on my active involvement, I was able to bring forth grave concerns to senior leaders about what I had learned. These leaders then changed the methods and procedures used to elicit information. My actions are of public record in the press and in memoranda to senior public officials. My primary concern with the resolution lies in the ramifications if psychologists with appropriate training and professional guidance are not present in these settings. I firmly believe that my presence and active engagement had a significant and positive impact on the manner in which interrogations are conducted.

As you well know, there are very different and competing philosophies regarding what methods should be permissible in eliciting information from detainees. Unfortunately, at times in the past, those who have both conducted and consulted to interrogations and who have worked to develop methods for eliciting information have had little or no training, guidance, or oversight. The results have been catastrophic and the collateral damage far reaching. Interrogations left to those who are not properly trained can lead to drift and result in brutality, which is utterly contrary to the competent and effective methods for eliciting accurate and reliable information employed by those who have the appropriate training and experience.

Having worked with law enforcement, the intelligence community and correctional officers, I am very familiar with the structure and function of detention facilities. I am too aware of how easily aggression can get out of hand, and how the well intentioned can become carried away with emotion and perverse purpose and drift across boundaries, all of which may result in aggressive, violent and humiliating acts to detainees. We know that well trained professionals, clear guidelines, established procedures and scrupulous oversight serve to keep in check aggression and the tendency to over identify with a role and a method. Removing trained

professional psychologists from these settings 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.

The need for psychologists to consult in the areas of law enforcement and intelligence will continue in both domestic and foreign settings. The critical question is whether professional psychology, of which APA is the leader, will bring to the debate over interrogations, as well as to the practice of interrogations, a philosophy that leaves no room for abuse, cruelty or humiliation. APA has taken exactly the right position: Abusing anyone for any reason is unethical and antithetical to the very notion of a psychologist. APA's philosophy of interrogation, founded upon the value of building rapport, precludes abusive behavior of any kind. Rather than a reason for APA to withdraw from settings in which interrogations take place, that abuses have taken place is itself a powerful reason, and identifies a professional need, to have APA as a strong and forceful presence and voice in these settings.

Like most psychologists, I am deeply disturbed by the legal framework that has arisen regarding the detainees. I am also profoundly disturbed by the treatment of mentally ill persons in our jails and prisons. Recent media accounts of occurrences in US correctional facilities depict incidents as heinous as those recounted by the media regarding foreign facilities. Our response should not therefore be to withdraw from correctional facilities. Likewise, we must not "throw the baby out with the bath water," but we must rather examine the mistakes that have been made and the abuses that have occurred in interrogation settings, continue to develop guidelines and parameters that direct us professionally, and remain fully engaged with these difficult and complex issues.

My direct experience leads me to conclude that we should remain engaged in interrogations as a persistent voice for the right way to do things. I am deeply concerned for our profession, our communities, and our nation as a whole, should psychologists withdraw from participating in settings as professionals who bring value to a broad spectrum of activities and initiatives that, when conducted in a competent and ethical fashion, propagate humane treatment, facilitate the eliciting of accurate and reliable information, and promote peace by preventing acts of violence.

In terms of future APA initiatives, I would strongly support a document that assists psychologists in maintaining the highest ethical standards of our profession. APA has set forth multiple and clear prohibitions for psychologists consulting to interrogations. Rather than focus on what psychologists cannot do, I would respectfully suggest that it would be more productive for APA to provide guidance that promotes ethical behavior by addressing what psychologists in challenging and ambiguous ethical situations may do to ensure they remain firmly within the bounds of our ethics, and by addressing what we as colleagues can do to support their efforts. Such a positive statement would be affirming of the role that psychologists play and would make a significant contribution to psychologists in this and other areas of work, a contribution that would be especially valuable to our newest members.

Respectfully,



Mike Gelles

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Tuesday, March 13, 2007 4:20:12 PM
Recipient:	Farberman, Rhea <rfarberman@apa.org>
Subject:	edits
Attachments:	MGlettersb2.doc

Rhea, could you take a quick look at the edits? Thanks, Steve

Sender: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent: Monday, March 12, 2007 8:04:30 PM
Recipient: Kelly, Heather <hkelly@apa.org>
Subject: Thanks for proofreading!
Attachments: MGlettersb2.doc

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Sunday, March 11, 2007 11:00:15 PM
Recipient:	Farberman, Rhea <rfarberman@apa.org>
Subject:	Please read this one instead...
Attachments:	MGlettersb2.doc

Thanks…

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Sunday, March 11, 2007 10:59:36 PM
Recipient:	Kelly, Heather <hkelly@apa.org>
Subject:	Could you read this one...
Attachments:	MGlettersb2.doc

And let me know…thanks…

Sender: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent: Sunday, March 11, 2007 10:02:01 PM
Recipient: 'Jennifer Bryson' PRIVACY REDACTION
Attachments: MGlettersb2.doc

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Sunday, March 11, 2007 5:08:59 PM
Recipient:	Farberman, Rhea <rfarberman@apa.org>
Subject:	Could you review?
Attachments:	MGlettersb2.doc

Rhea, attached is a letter from Mike Gelles to the people working on the Neil Altman (moratorium) resolution.

Could you read and let me know what you think?

Thanks so much,

Steve

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Sunday, March 11, 2007 4:16:53 PM
Recipient:	Gilfoyle, Nathalie <ngilfoyle@apa.org>
Subject:	Need your eye...
Attachments:	MGlettersb2.doc

Mike G. has edited the letter I wrote—wanted to put it into his own words. I've edited his draft—I think this will do what we want. Could you read and see whether you hear any sour notes?

Thanks so much,

S.

P.S. Spent the day yesterday in Berkeley, talking about psychologists and interrogations…what a scene.

Sender: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent: Sunday, March 11, 2007 3:52:02 PM
Recipient: Kelly, Heather <hkelly@apa.org>
Subject: Let me know--
Attachments: MGlettersb2.doc



Sender: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent: Tuesday, March 27, 2007 5:08:30 PM
Recipient: [redacted]
Subject: FW: Psychologists, torture and the APA

Dear Dr. Bond,

Your letter has been forwarded to me, to respond on behalf of Dr. Brehm. Any psychologist participation in a torture interrogation is absolutely prohibited. It makes no difference whether the psychologist's participation is direct or indirect, supervisory, central or peripheral: Any psychologist participation in a torture interrogation is prohibited.

Stephen Behnke
Director, Ethics Office

-----Original Message-----
From: trudy bond [redacted]
Sent: Tuesday, March 27, 2007 9:20 AM
To: President
Subject: Psychologists, torture and the APA

Dr. Brehm:

As the new president of APA, I have not read (and may easily have missed) any statement you have made regarding this most serious issue facing APA. Your predecessor created a maelstrom of misinformation and inaccuracies that have left the profession in disarray.

What is your position regarding the use of psychologists in torture interrogations?

Dr. Trudy Bond
[redacted]

"If we refuse to investigate the . . . truth ourselves, it is because we are afraid. Afraid of seeing our true faces naked. That is where the lie is — and the excuse for the lie: yes, we lack evidence, so we cannot believe anything; but we do not seek this evidence because, in spite of ourselves, we know." ---Jean-Paul Sartre

_____
Bored stiff? Loosen up...
Download and play hundreds of games for free on Yahoo! Games.
http://games.yahoo.com/games/front

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Sunday, March 25, 2007 8:01:02 AM
Recipient:	'Banks, Louie M. COL' <louie.morgan.banks@us.army.mil>
Subject:	RE: Request for Consultation

Morgan, you know the enormous respect I have for you and your work. Nothing could diminish that, nor my commitment to continue to support all of your efforts, and the efforts of the great men and women who protect our country and our freedoms.

I'll see you in a couple of weeks.

Be safe,

Steve

From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Sunday, March 25, 2007 7:11 AM
To: Behnke, Stephen
Subject: Re: Request for Consultation

I hope this has not been too destructive on you, Steve.

All my respect,

Morgan
COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
Banksl@usasoc.socom.smil mil/banksl@soc mil
(Sent from Blackberry)

-----Original Message-----
From: Behnke, Stephen <sbehnke@apa.org>
To: Hoofman, Pennie L LTC USSOUTHCOM JTFGTMO <Pennie.L.Hoofman@jtfgtmo.southcom mil>
CC: Banks, Louie M. COL; Dunivin, Debra L LTC WRAMC-Wash DC <Debra.Dunivin@NA.AMEDD.ARMY.MIL>
Sent: Sat Mar 24 22:43:39 2007
Subject: Request for Consultation

Pennie,

Regarding the request for an ethics consultation at Guantanamo Bay, APA would be very pleased to offer an ethics consultation or training on the PENS Report in Washington, DC, to you and any of your colleagues who would find such a consultation helpful.

I recognize the considerable effort that you, Debra, and Morgan have expended on this matter, and you especially. I hope I will be able to do something to convey my deep appreciation and admiration for the work that you, and all the psychologists with whom you work, do each day on our behalf.

I hope that you are well and safe,

Steve

Sender: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent: Wednesday, April 25, 2007 1:12:23 PM
Recipient: Olivia Moorehead-Slaughter
Cc: Laumeier, Emily <elaumeier@apa.org>
Subject: letter--please do not send
Attachments: NeilAltman0806CRresolutiongovernancefeedback0407.doc

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Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Wednesday, April 25, 2007 12:26:38 PM
Recipient:	'James, Larry C COL TAMC' <larry.james@us.army.mil>
Subject:	RE: Eyes Only (UNCLASSIFIED)

Larry, thank you. I cannot overstate how helpful such a letter will be.

Please let me know if you'll be in DC before you're deployed,

Steve

-----Original Message-----
From: James, Larry C COL TAMC [mailto:larry.james@us.army.mil]
Sent: Wednesday, April 25, 2007 11:50 AM
To: Behnke, Stephen
Subject: RE: Eyes Only (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Sure.

-----Original Message-----
From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Tuesday, April 24, 2007 7:09 PM
To: James, Larry C COL TAMC
Subject: Eyes Only

Larry, I'd like to ask something of you, that I know may be difficult or impossible. On the other hand, you have been known to accomplish the impossible...

As you know, there remains considerable passion at APA regarding the issue of interrogations. You've not mentioned where you'll be deployed. My question is this. By the time convention arrives, or shortly before, would it be possible for you to write an open letter to APA, without providing any classified information or even revealing where you are, that says you are now in a setting working with interrogators and are successfully representing the position advanced by APA: That ethical and effective interrogations are based on building relationships and preclude any type of abusive behavior. (Continuing) Based on your first-hand knowledge of detention facilities and of the processes that govern interrogations, the most ethical stance APA can take is to remain fully engaged in consulting to interrogations, and that you write to convey how successful APA has been in promoting the practice and theory of "ethical* interrogations.

I would, of course, be happy to work on language with you. Yours is a very well-respected voice in the association. Would this be possible for you to consider?

Thanks so much, Larry,

Steve

-----Original Message-----
From: James, Larry C COL TAMC [mailto:larry.james@us.army.mil]
Sent: Monday, April 23, 2007 1:35 PM

To: Behnke, Stephen; morgan sammons
Subject: RE: Convention 2007 (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Hi Steve,
I have recently learned that I will be deployed in June for a year, so I won't in the U.S. in August.

Larry

-----Original Message-----
From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Monday, April 16, 2007 7:04 PM
To: James, Larry C COL TAMC; morgan sammons
Subject: Convention 2007

Hi Larry and Morgan,

I am putting together the program on ethics and interrogations for Convention; could you please tell me how you would like to be listed? (that is, how you would like you name to appear and your institution affiliation)

Thanks so much,

Steve

Classification: UNCLASSIFIED
Caveats: NONE
Classification: UNCLASSIFIED
Caveats: NONE

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Thursday, April 19, 2007 12:52:07 AM
Recipient:	'Banks, Louie M. COL' <louie.morgan.banks@us.army.mil>
Subject:	RE: Morgan, take a gander.

Morgan, another thought is for me to reply to this column in a public manner. You could then distribute. I'll not have a chance to put the finishing touches on a letter for a few days, but certainly you could inform the admiral that something will be forthcoming. If a more immediate response is necessary, absolutely send off. Tell me what's best for you, here—I'm completely flexible. Also, if having something go out under your name is helpful to you, then do it—but you'll owe me a chocolate malt when the diner reopens.

Be safe,

Steve

From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Wednesday, April 18, 2007 7:40 PM
To: Behnke, Stephen
Subject: Re: Morgan, take a gander.

Got it. I plan on using it, and don't like to plagarize.

COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
Banksl@usasoc.socom.smil mil/banksl@soc.mil
(Sent from Blackberry)

-----Original Message-----
From: Behnke, Stephen <sbehnke@apa.org>
To: Banks, Louie M. COL
Sent: Wed Apr 18 19:26:54 2007
Subject: RE: Morgan, take a gander.

Morgan, probably best to keep me on deep background, at least for the moment. Fine if it does out under someone else's name. Let's see what the admiral wants, and then we can refine if need be.

Stay safe,

Steve

From: Banks, Louie M. COL [mailto:louie morgan.banks@us.army mil]
Sent: Wednesday, April 18, 2007 6:31 PM
To: Behnke, Stephen
Subject: Re: Morgan, take a gander.

Steve,

Fantastic. As we figure out what the admiral wants, can I give you credit, or is this "deep bacground?"

Morgan
COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
Banksl@usasoc.socom.smil mil/banksl@soc.mil
(Sent from Blackberry)

-----Original Message-----
From: Behnke, Stephen <sbehnke@apa.org>
To: Banks, Louie M. COL
Sent: Wed Apr 18 17:58:17 2007
Subject: Morgan, take a gander.

In his article regarding psychologists' involvement in military interrogations, Dr. Soldz leaves out numerous facts central to the discussion, and distorts other facts that would lead a reasonable person to precisely the opposite conclusions that he appears to draw. Below are some of the more significant errors and/or omissions in his article.

First, Dr. Soldz lists a number of interrogation approaches and techniques that are explicitly identified in the revised Army Field Manual as prohibited. In fact, when psychologists are trained for the mission of behavioral science consultant, they are informed that virtually all of the approaches and/or techniques identified by Dr. Soldz—such as physical abuse, inflicting harm, prolonged sleep deprivation and isolation, degrading a detainee's culture or religion, and sexual humiliation—are illegal. Their use by DoD personnel or at a DoD facility could lead to criminal prosecution.

Second, at no point does Dr. Soldz discuss what every competent interrogator knows: Abusing an individual will lead to greater resistance, not to accurate, reliable, actionable intelligence. SERE training teaches individuals how to resist; using SERE to interrogate will have precisely the opposite of the intended effect. Interrogation is an inherently psychologist endeavor. Brutality of the sort Dr. Soldz discusses requires neither talent nor training, and the resulting information could not be relied upon for any useful purpose.

Third, regarding the work of the American Psychological Association, Dr. Soldz writes: "the APA did not release the names of PEN task force to the APA membership…" The American Psychological Association released the names and biographical statements to its entire governing body (approximately 165 individuals) weeks before the Task Force met, with no restrictions whatsoever on further distribution of the information. In addition, the names and biographical statements of the task force members were posted on an APA division website, and were easily obtainable through search engines such as "google." This information has been repeatedly provided to Dr. Soldz, yet is nowhere mentioned in his article.

Fourth, in his review of the American Psychological Association task force members, Dr. Soldz mentions Dr. Michael Gelles, whom he refers to as a "hero." Yet Dr. Soldz nowhere mentions that Dr. Gelles was given a promotion following his actions or that, having since left government service, Dr. Gelles continues strongly to support this role for psychologists. In fact, Dr. Gelles has written in an open letter: "My direct experience leads me to conclude that we should remain engaged in interrogations as a persistent voice for the right way to do things. I am deeply concerned for our profession, our communities, and our nation as a whole, should psychologists withdraw from participating in settings as professionals who bring value to a broad spectrum of activities and initiatives that, when conducted in a competent and ethical fashion, propagate humane treatment, facilitate the eliciting of accurate and reliable information, and promote peace by preventing acts of violence." (www.apa.org/ethics <http://www.apa.org/ethics>) Despite Dr. Soldz being very well aware of Dr. Gelles public position, this information is (once again) nowhere mentioned in the article.

No individual would defend any of the behaviors described in Dr. Soldz' article. But to conclude that psychologists, who have unequivocally and repeatedly condemned any such behaviors, now promote torture in order to "score a major victory over their ancient enemy, the psychiatrists" is to dispense with any semblance of journalistic integrity. Such writing does a disservice to readers and to the men and women who are trained to conduct, and who consult to those who conduct, interrogations that are safe, legal, ethical, and effective in preventing future acts of violence.

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Wednesday, April 18, 2007 7:42:24 PM
Recipient:	'Banks, Louie M. COL' <louie.morgan.banks@us.army.mil>
Subject:	RE: Morgan, take a gander.

Well Morgan, it may be my words, but it's all yours conceptually.

From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Wednesday, April 18, 2007 7:40 PM
To: Behnke, Stephen
Subject: Re: Morgan, take a gander.

Got it. I plan on using it, and don't like to plagarize.

COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
Banksl@usasoc.socom.smil mil/banksl@soc.mil
(Sent from Blackberry)

-----Original Message-----
From: Behnke, Stephen <sbehnke@apa.org>
To: Banks, Louie M. COL
Sent: Wed Apr 18 19:26:54 2007
Subject: RE: Morgan, take a gander.

Morgan, probably best to keep me on deep background, at least for the moment. Fine if it does out under someone else's name. Let's see what the admiral wants, and then we can refine if need be.

Stay safe,

Steve

From: Banks, Louie M. COL [mailto:louie morgan.banks@us.army mil]
Sent: Wednesday, April 18, 2007 6:31 PM
To: Behnke, Stephen
Subject: Re: Morgan, take a gander.

Steve,

Fantastic. As we figure out what the admiral wants, can I give you credit, or is this "deep bacground?"

Morgan

COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
Banksl@usasoc.socom.smil mil/banksl@soc.mil
(Sent from Blackberry)

-----Original Message-----
From: Behnke, Stephen <sbehnke@apa.org>
To: Banks, Louie M. COL
Sent: Wed Apr 18 17:58:17 2007
Subject: Morgan, take a gander.

In his article regarding psychologists' involvement in military interrogations, Dr. Soldz leaves out numerous facts central to the discussion, and distorts other facts that would lead a reasonable person to precisely the opposite conclusions that he appears to draw. Below are some of the more significant errors and/or omissions in his article.

First, Dr. Soldz lists a number of interrogation approaches and techniques that are explicitly identified in the revised Army Field Manual as prohibited. In fact, when psychologists are trained for the mission of behavioral science consultant, they are informed that virtually all of the approaches and/or techniques identified by Dr. Soldz—such as physical abuse, inflicting harm, prolonged sleep deprivation and isolation, degrading a detainee's culture or religion, and sexual humiliation—are illegal. Their use by DoD personnel or at a DoD facility could lead to criminal prosecution.

Second, at no point does Dr. Soldz discuss what every competent interrogator knows: Abusing an individual will lead to greater resistance, not to accurate, reliable, actionable intelligence. SERE training teaches individuals how to resist; using SERE to interrogate will have precisely the opposite of the intended effect. Interrogation is an inherently psychologist endeavor. Brutality of the sort Dr. Soldz discusses requires neither talent nor training, and the resulting information could not be relied upon for any useful purpose.

Third, regarding the work of the American Psychological Association, Dr. Soldz writes: "the APA did not release the names of PEN task force to the APA membership…" The American Psychological Association released the names and biographical statements to its entire governing body (approximately 165 individuals) weeks before the Task Force met, with no restrictions whatsoever on further distribution of the information. In addition, the names and biographical statements of the task force members were posted on an APA division website, and were easily obtainable through search engines such as "google." This information has been repeatedly provided to Dr. Soldz, yet is nowhere mentioned in his article.

Fourth, in his review of the American Psychological Association task force members, Dr. Soldz mentions Dr. Michael Gelles, whom he refers to as a "hero." Yet Dr. Soldz nowhere mentions that Dr. Gelles was given a promotion following his actions or that, having since left government service, Dr. Gelles continues strongly to support this role for psychologists. In fact, Dr. Gelles has written in an open letter: "My direct experience leads me to conclude that we should remain engaged in interrogations as a persistent voice for the right way to do things. I am deeply concerned for our profession, our communities, and our nation as a whole, should psychologists withdraw from participating in settings as professionals who bring value to a broad spectrum of activities and initiatives that, when conducted in a competent and ethical fashion, propagate humane treatment, facilitate the eliciting of accurate and reliable information, and promote peace by preventing acts of violence." (www.apa.org/ethics <http://www.apa.org/ethics>) Despite Dr. Soldz being very well aware of Dr. Gelles public position, this information is (once again) nowhere mentioned in the article.

No individual would defend any of the behaviors described in Dr. Soldz' article. But to conclude that psychologists, who have unequivocally and repeatedly condemned any such behaviors, now promote torture in order to "score a major victory over their ancient enemy, the psychiatrists" is to dispense with any semblance of journalistic integrity. Such writing does a disservice to readers and to the men and women who are trained to conduct, and who consult to those who conduct, interrogations that are safe, legal, ethical, and effective in preventing future acts of violence.

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Monday, April 16, 2007 8:04:09 PM
Recipient:	Steve Sellman [redacted]
Cc:	Olivia Moorehead-Slaughter
Subject:	FW: moratorium resolution

Steve, Olivia and I don't want to get ahead of ourselves, but we think this message is a good sign that Neil may be open to considering language that other governance groups (especially Division 19) are able to support. Please let us know if you feel the same--it may be time to roll up our sleeves.

Steve

-----Original Message-----
From: Behnke, Stephen
Sent: Monday, April 16, 2007 7:59 PM
To: 'Neil Altman'; Olivia Moorehead-Slaughter
Subject: RE: moratorium resolution

Neil, although I (obviously) can't speak for Division 19 (or any other governance group), I think the question you pose ("I wonder if there is any way to add wording that would make it clear that those who vote for the resolution respect the right of those who choose to continue working at the detention centers, even as they disapprove of the legal framework within which the centers operate?) might offer some very fruitful possibilities for moving toward a consensus position. I will be pondering and offer any language that comes to mind for your consideration.

Steve

-----Original Message-----
From: Neil Altman PRIVACY REDACTION
Sent: Monday, April 16, 2007 2:24 PM
To: Olivia Moorehead-Slaughter
Cc: Behnke, Stephen
Subject: moratorium resolution

I wrote to Steve Sellman today and as I wrote I had something of a new idea. Here is part of what I wrote:

I'm thinking that military psychologists must feel that if APA passed a moratorium resolution they would then have to choose between doing their job and belonging to APA. Is that a big problem? Would they then feel that if they worked at the detention centers that APA would be promoting disapproval of them for doing their jobs? I wonder if there is any way to add wording that would make it clear that those who vote for the resolution respect the right of those who choose to continue working at the detention centers, even as they disapprove of the legal framework within which the centers operate? Would it help to create a legal defense fund or a mechanism for legal advice for those who chose not to obey orders to consult to interrogations?

I'll see how Steve responds to that and keep you posted.
Neil

_____
MSN is giving away a trip to Vegas to see Elton John. Enter to win today.
http://msnconcertcontest.com?icid-nceltontagline

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Wednesday, April 04, 2007 12:05:45 AM
Recipient:	'Gelles, Michael (US - Washington D.C.)' PRIVACY REDACTION
Subject:	Draft 2
Attachments:	Gellesdraft2.doc

Mike, attached please find a second draft of your letter. I think your approach is exactly correct: short, to the point, say what you want to say and that's it. (Letter is addressed is Altman, Jacobs, and Miles; their three letters are posted at www.apa.org/ethics)

As you'll see, I've kept the ideas we discussed but kept the letter to about a page and a half. (It took some cutting.)

Please review, edit, and return. We'll have this off our desks by the end of the week.

Excellent response by Mora.

Thanks,

Steve

Michael G. Gelles, Psy.D., ABPP
PRIVACY REDACTION

April 6, 2007

Dr. Neil Altman, PhD
Dr. Uwe Jacobs, PhD
Dr. Steven Miles, MD

Dear Drs. Altman, Jacobs, and Miles,

Thank you for your correspondence, in response to my letter to Drs. Altman and Moorehead-Slaughter. I appreciate your commitment to this issue and hope that we can find common ground in our approach. It is clear to me that we all seek the same goal: An ethical means of eliciting information in order to prevent acts of violence. I must say, however, that based upon my extensive work at Guantanamo Bay and in other settings including Iraq and Afghanistan, the position you set forth in your letters and the questions you pose rest upon substantial misconceptions about the nature of interrogations, the role of psychologists in national security settings, and the likely impact of APA disengaging from this critical debate and of APA members withdrawing from the practice of interrogations.

Please allow me to state a preliminary position: Psychologists should *not* defer to lawyers on the question of what constitutes torture or cruel, inhuman, or degrading treatment. I believe Dr. Altman's resolution is considerably off the mark on this score. I learned that people were being abused. I took action. I didn't go through a legal analysis, nor did I consult with attorneys even though many were present and, like me, troubled by what was occurring. I became involved because *behaviors* that were wrong came to my attention, not because an attorney intervened or a definition in a legal text had been violated. APA should focus on specific behaviors, not on legal definitions.

Moreover, nothing in my experience supports your concern that psychologists will be forced to engage in behaviors they believe to be unethical. I am not aware of any psychologist who has been ordered to support a coercive interrogation or to train interrogators in abusive processes, nor am I aware of any psychologist who has been disciplined for communicating concerns or refusing to participate in a consultation. In the time since I reported concerns to my chain of command—an action that was followed by a promotion—there has been ongoing training and supervision of psychologists who consult to national security cases, with an emphasis on ethics. Current Department of Defense policy makes explicit reference to APA's PENS report and includes the actual report itself. The community of military psychologists, together with civilians who consult to national

security, have formed a tight network where peer consultation on ethics is frequent. Through the PENS Task Force and subsequent Council of Representative actions, APA is playing a critical role in bringing moral clarity to the debate over what constitutes an ethical interrogation, and science to the practice of interrogations. Removing psychology and psychologists would be to cede the steady and measurable progress we have made and are making. From my perspective, a moratorium would to abdicate rather than to embrace our responsibilities.

In his insightful letter, Dr. Jacobs asserts that "our professional organization has to protect our own." I wholeheartedly concur. Had I a question regarding how best to protect psychologists who practice psychoanalysis in a large urban area, I would ask Dr. Altman; had I a question regarding how best to protect psychologists working in a treatment center for torture survivors, I would ask Dr. Jacobs; had I a question regarding how best to protect psychologists and physicians working in a university medical center, I would ask Dr. Miles. If we wish to protect psychologists working in detention facilities, let us ask our colleagues who are most familiar with these settings: military psychologists, police psychologists, and correctional psychologists. What protection do our colleagues working in these settings believe they need? What steps do they think APA can take that will best offer that protection? Does a moratorium offer the protection that military psychologists seek? Let us begin our discussions by respecting the experience and expertise that resides within these communities—in the same manner we would proceed with a complex treatment intervention only after having consulted at length with the psychologist who knows the patient best.

Dr. Jacobs quotes Alberto Mora and asks whether I agree with his statement, "To my mind, there's no moral or practical distinction between cruelty and torture … cruelty … destroys the whole notion of individual rights." I have an enormous amount of admiration and respect for Alberto Mora. This quotation captures the essence of what we are talking about: Torture, cruelty, abuse have no role in interrogations. They are wrong. They violate human rights. They *increase*—not decrease—the long-term likelihood of violence. This is Alberto Mora's position. This is my position. This is APA's position. Let us proclaim that position at every opportunity, in every venue possible, *especially* where interrogations are taking place.

Sincerely,

Mike Gelles

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Tuesday, May 15, 2007 12:58:41 PM
Recipient:	'Banks, Louie M. COL' <louie.morgan.banks@us.army.mil>
Subject:	A question
Attachments:	EC0307Interrogationstatement.doc

Hey Morgan,

I hope you're well, and someplace safe. We're starting to take some pretty heavy fire again, in anticipation of Convention. Would prefer that we weren't meeting in San Francisco this year, but that's well above my pay grade.

I'm been working on this statement—you've seen a couple of earlier drafts. Could you take a look at see if this would be okay from your perspective? It's just slightly tweaked from what you saw last. I've tried to emphasize that the behaviors identified are when applied to incarcerated or detained individuals, and that these behaviors are prohibited when they are used as an interrogation approach or technique (and are thus not merely incidental to the incarceration/detention).

Thanks, Morgan,

Steve

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Wednesday, May 16, 2007 5:04:59 PM
Recipient:	'Banks, Louie M. COL' <louie.morgan.banks@us.army.mil>
Subject:	RE: A question

Don't know…did she ever try to reach you?

From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Wednesday, May 16, 2007 2:42 PM
To: Behnke, Stephen
Subject: Re: A question

No, I did not speak with her. What is she going to say? (Confabulate)?
COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
Banksl@usasoc.socom.smil mil/banksl@soc.mil
(Sent from Blackberry)

-----Original Message-----
From: Behnke, Stephen <sbehnke@apa.org>
To: Banks, Louie M. COL
Sent: Wed May 16 11:36:59 2007
Subject: RE: A question

Morgan, thanks.

I'm hearing that Katherine Eban, the reporter from Vanity Fair, is getting close to publication, and that a focus of her article will be SERE. I don't think it will be pretty…Did you ever actually speak with her?

Steve

From: Banks, Louie M. COL [mailto:louie morgan.banks@us.army mil]
Sent: Wednesday, May 16, 2007 10:03 AM
To: Behnke, Stephen
Subject: RE: A question

Steve,

I am in Spokane, with limited connectivity, at our annual SERE Psychology conference. We have a lot of great young psychologists doing tremendous work. Being taken hostage is a terrible thing, and these folks are working damn hard to train

folks how to survive it. (And then take care of them when we get them back under our control.)

I have just now reviewed the document, and bled on it. Here are my 2 cents.

Hope all is well with you.

Morgann

COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
banksl@usasoc.socom.smil.mil/louie morgan.banks@us.army mil

From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Tuesday, May 15, 2007 12:59 PM
To: Banks, Louie M. COL
Subject: A question

Hey Morgan,

I hope you're well, and someplace safe. We're starting to take some pretty heavy fire again, in anticipation of Convention. Would prefer that we weren't meeting in San Francisco this year, but that's well above my pay grade.

I'm been working on this statement—you've seen a couple of earlier drafts. Could you take a look at see if this would be okay from your perspective? It's just slightly tweaked from what you saw last. I've tried to emphasize that the behaviors identified are when applied to incarcerated or detained individuals, and that these behaviors are prohibited when they are used as an interrogation approach or technique (and are thus not merely incidental to the incarceration/detention).

Thanks, Morgan,

Steve

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Thursday, June 14, 2007 12:45:25 PM
Recipient:	'Jennifer Bryson' PRIVACY REDACTION
Subject:	DRAFT--not for further distribution
Attachments:	Resolution0607.doc

Do you see anything objectionable?

Thank you!

From: Jennifer Bryson PRIVACY REDACTION
Sent: Thursday, June 14, 2007 11:38 AM
To: Behnke, Stephen
Subject: RE: lunch Sat.

yep PRIVACY REDACTION

Subject: RE: lunch Sat.
Date: Thu, 14 Jun 2007 10:33:32 -0400
From: sbehnke@apa.org
To: Jennifer Bryson

Could I give you a quick call?

From: Jennifer Bryson PRIVACY REDACTION
Sent: Thursday, June 14, 2007 10:33 AM
To: Behnke, Stephen; Dawn Zimmerman ; Amy Hybels; Pauline Shams; Jim Presswood
Subject: lunch Sat.

Steve, Dawn, Amy, Pauline, and Jim--

I look forward to seeing you Saturday around noon for lunch! :) So does my eight-pawed welcome committee.

Just to make sure you can all find my place, and get in: it's PRIVACY REDACTION

If the front door to the building isn't open, buzz me from the condo. directory, or if that doesn't work give me a call: PRIVACY REDACTION.

As for your kind offers to bring something, you need only bring yourselves!

Jennifer

Hotmail to go? Get your Hotmail, news, sports and much more! Check out the New MSN Mobile

---

Live Earth is coming. Learn more about the hottest summer event - only on MSN. Check it out!

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Tuesday, June 26, 2007 6:57:51 PM
Recipient:	Gerry Koocher PRIVACY REDACTION ;Lisa Grossman PRIVACY REDACTION ;'Barry S. Anton, PRIVACY REDACTION
Cc:	'SSB' PRIVACY REDACTION ;Anderson, Norman <NAnderson@apa.org>;Strassburger, Judy <jstrassburger@apa.org>;Farberman, Rhea <rfarberman@apa.org>
Subject:	Substitute motion--Revised Draft
Attachments:	Substitute Motion 062607.doc

Dear Gerry, Lisa, and Barry,

Attached please find a revised draft of the motion based on your comments. Please let me know how this looks to you.

Thank you,

Steve

Reaffirmation and Elaboration of the American Psychological Association Position Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Motion for Consideration by the Council of Representatives

American Psychological Association Board of Directors, June 2007

WHEREAS the mission of the American Psychological Association is to advance psychology as a science and profession and as a means of promoting health, education and human welfare through the establishment and maintenance of the highest standards of professional ethics and conduct of the members of the Association;

WHEREAS the American Psychological Association is an accredited non-governmental organization at the United Nations and so is committed to promote and protect human rights in accordance with the United Nations Charter and the Universal Declaration of Human Rights;

WHEREAS subjecting individuals to torture and cruel, inhuman, or degrading treatment for any reason in any context is wholly antithetical to these goals and purposes;

BE IT RESOLVED that the American Psychological Association unequivocally condemns torture and cruel, inhuman, or degrading treatment or punishment, for any and all purposes, including interrogation;

BE IT RESOLVED that the unequivocal condemnation includes an absolute prohibition against psychologists' planning, designing, assisting or participating in any activities, including interrogations, which involve the use of torture and any form of cruel, inhuman or degrading treatment or punishment;

BE IT RESOLVED that this unequivocal condemnation includes, but is not limited to, an absolute prohibition for psychologists against direct or indirect participation during interrogation processes in: mock executions; water-boarding or any other form of simulated drowning or suffocation; sensory deprivation and over-stimulation; "hooding"; forced nakedness; sexual humiliation; cultural or religious humiliation; exploitation of phobias; stress positions; the use of dogs to threaten or intimidate; physical assault, including slapping and shaking; exposure to extreme heat or cold; induced hypothermia; mind-altering substances used for the purpose of eliciting information; isolation and sleep deprivation used in a manner that adversely affects an individual's physical or mental health; or the threatened use of any of the above techniques to the individual or to members of the individual's family;

BE IT RESOLVED that the American Psychological Association calls on the United States government—including Congress, the Department of Defense, and the Central Intelligence Agency—to prohibit the use of these methods in all interrogations and that the American Psychological Association shall inform relevant parties with the United States government that psychologists are prohibited from participating in such methods;

BE IT RESOLVED that the American Psychological Association encourages any individual with knowledge that a member of the Association has engaged in torture or cruel, inhuman, or degrading treatment or punishment, including the specific behaviors listed above, to provide this information to the Ethics Committee, and directs the Ethics Committee to take appropriate action based upon such information;

BE IT RESOLVED that the American Psychological association commends those psychologists who have taken clear and unequivocal stands against torture and cruel, inhuman or degrading treatment or punishment in the line of duty, including stands against the specific behaviors listed above;

BE IT RESOLVED that the American Psychological Association urges all psychologists with information relevant to the use of any method of interrogation constituting torture or cruel, inhuman, or degrading treatment or punishment to inform their superiors of such knowledge, to inform the relevant office of inspector generals when appropriate, and to cooperate fully with all oversight activities, including hearings by the United States Congress and all branches of the United States government, to examine the perpetration of torture and cruel, inhuman, or degrading treatment or punishment against individuals in United States custody, for the purpose of ensuring that no individual in the custody of the United States is subjected to torture or cruel, inhuman, or degrading treatment or punishment;

BE IT RESOLVED that in writing a casebook and commentary, the APA Ethics Committee shall set forth guidelines for psychologists working in contexts of war and imprisonment that are consistent with international human rights instruments, as well as guidelines developed for health professionals, including but not limited to: Common Article 3 of the Geneva Conventions; The United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; The United Nations Principles of Medical Ethics Relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; and The World Medical Association Declaration of Tokyo: Guidelines for Physicians Concerning Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in Relation to Detention and Imprisonment;

BE IT RESOLVED that the American Psychological Association, in order to protect against torture and cruel, inhuman, or degrading treatment or punishment, and in order to mitigate against the likelihood that unreliable and/or inaccurate information is entered into legal proceedings, calls upon United States legal systems to reject testimony that results from torture or cruel, inhuman, or degrading treatment or punishment.

Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Motion for Consideration by the Council of Representatives

American Psychological Association Board of Directors, June 2007

WHEREAS the mission of the American Psychological Association is to advance psychology as a science and profession and as a means of promoting health, education and human welfare through the establishment and maintenance of the highest standards of professional ethics and conduct of the members of the Association;

WHEREAS the American Psychological Association is an accredited non-governmental organization at the United Nations and so is committed to promote and protect human rights in accordance with the United Nations Charter and the Universal Declaration of Human Rights;

WHEREAS subjecting individuals to torture and cruel, inhuman, or degrading treatment for any reason in any context is wholly antithetical to these goals and purposes;

BE IT RESOLVED that psychologists must work in accordance with international human rights instruments relevant to their roles including, but not limited to, Common Article 3 of the Geneva Conventions;

BE IT RESOLVED that the American Psychological Association unequivocally condemns torture and cruel, inhuman, or degrading treatment or punishment, for any and all purposes, including interrogation;

BE IT RESOLVED that the unequivocal condemnation includes an absolute prohibition against psychologists' planning, designing, assisting or participating in any activities, including interrogations, which involve the use of torture and any form of cruel, inhuman or degrading treatment of human beings;

BE IT RESOLVED that this unequivocal condemnation includes, but is not limited to, an absolute prohibition for psychologists against direct or indirect participation during interrogation processes in: mock executions; water-boarding or any other form of simulated drowning or suffocation; sensory deprivation and over-stimulation; "hooding"; forced nakedness; sexual humiliation; cultural or religious humiliation; exploitation of phobias; stress positions; the use of dogs to threaten or intimidate; physical assault, including slapping and shaking; exposure to extreme heat or cold; induced hypothermia; mind-altering substances used for the purpose of eliciting information; isolation and sleep deprivation used in a manner that adversely affects an individual's physical or mental health; or the threatened use of any of the above techniques to the individual or to members of the individual's family;

BE IT RESOLVED that the American Psychological Association calls on the United States government—including Congress, the Department of Defense, and the Central Intelligence Agency—to prohibit the use of these methods in all interrogations and that the American Psychological Association shall inform relevant parties with the United States government that psychologists are prohibited from participating in such methods;

BE IT RESOLVED that the American Psychological Association, recognizing its own ability to conduct an investigation into events at national security-related locations is significantly limited because the Association exists as a private entity without subpoena power and because its staff do not have the necessary security clearances, therefore directs its Ethics Committee to conduct a vigorous and detailed review of all information in the public domain and all information that results from investigations and hearings conducted by the United States government, for the purpose of determining whether any APA member has engaged in behaviors constituting torture or cruel, inhuman, or degrading treatment or punishment, including the specific behaviors identified above, and directs the Ethics Committee to take appropriate action based upon such information;

BE IT RESOLVED that the American Psychological association commends those psychologists who have taken clear and unequivocal stands against torture and cruel, inhuman or degrading treatment or punishment in the line of duty, including stands against the specific behaviors listed above;

BE IT RESOLVED that the American Psychological Association urges all psychologists with information relevant to the use of any method of interrogation constituting torture or cruel, inhuman, or degrading treatment or punishment to inform their superiors of such knowledge, to inform the relevant office of inspector generals when appropriate, and to cooperate fully with all oversight activities, including hearings by the United States Congress and all branches of the United States government, to examine the perpetration of torture and cruel, inhuman, or degrading treatment or punishment against individuals in United States custody, for the purpose of ensuring that no individual in the custody of the United States is subjected to torture or cruel, inhuman, or degrading treatment or punishment;

BE IT RESOLVED that in writing a casebook and commentary, the APA Ethics Committee shall set forth guidelines for psychologists working in contexts of war and imprisonment that are consistent with both international treaties and human rights covenants, as well as guidelines developed for health professionals, including but not limited to: Common Article 3 of the Geneva Conventions; The United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; The United Nations Principles of Medical Ethics Relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; and The World Medical Association Declaration of Tokyo: Guidelines for Physicians Concerning Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in Relation to Detention and Imprisonment;

BE IT RESOLVED that the American Psychological Association, in order to protect against torture and cruel, inhuman, or degrading treatment or punishment, and in order to mitigate against the likelihood that unreliable and/or inaccurate information is entered into legal proceedings, calls upon United States legal systems to reject testimony that results from torture or cruel, inhuman, or degrading treatment or punishment.

Sender: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent: Monday, June 18, 2007 4:53:43 PM
Recipient: Larry James
Subject: Letter
Attachments: Larry James letter to APA President Dr Sharon Brehm.pdf

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June 18, 2007

Dr. Sharon Brehm
President
American Psychological Association

Dear Dr. Brehm,

I am writing to you in response to an open letter sent to you, as APA President. I have been a member of APA for nearly 20 years and I count many of my APA colleagues as dear friends. The authors of this letter—who do not know me, my values or my work—have seen fit to besmirch my reputation by associating me with the perpetration of torture.

Let me provide just a few facts for the authors' information. I have never been through "SERE" training. I do not teach "SERE" techniques. I do not use nor have I ever used "SERE" techniques in any aspect of my work related to interrogations. Dr. Morgan Banks has emphasized repeatedly that in addition to being unethical, using a "SERE" approach in an interrogation would be *counterproductive* to obtaining useful information. I strongly suspect that using a "SERE" approach to an interrogation would yield data worthless for investigative and destructive for adjudicatory purposes.

I will be as clear as I possibly can: I strongly object to, have never used, and will never use torture, cruel, or abusive treatment or punishment of any kind, for any reason, in any setting. They are antithetical to who I am as a person and as an officer in the United States military. Had any of the individuals who signed the open letter saw fit to ask me, I would have provided this information to them directly. Apparently none believed it worthwhile to give me that opportunity before using my name in a letter that they then distributed widely, including to the media.

Throughout my career, in all my work, I have done my best to adhere to the highest standards of ethical conduct. For me, that has meant treating every individual whom I have encountered—from generals in the United States Army, to custodians at military bases around the globe, to detainees in United States custody—with dignity and with respect. Never has anyone in my chain of command ordered me to do anything inconsistent with this code of behavior.

Having custody and control over an individual is an awesome responsibility. When I was sent to Abu Ghraib, following the well-publicized abuses, I relied upon psychology and well-known psychologists to help me fulfill my mission—to develop training and implement systems designed to *prevent* further acts of abuse. The support of these colleagues, whose research and materials I took with me to Iraq, was invaluable—not only in terms of their expertise, but also because of the values that imbue their approach to psychology. I will be forever grateful to them for being with me in spirit on that difficult mission.

I will likewise be grateful to other colleagues, such as Dr. Mike Gelles, who took concrete action that has been made public, to *stop* detainee abuses. It is my understanding that a United States Senate committee will hold hearings on the issue of interrogation practices. I welcome this development.

Please let me be clear: Letters such as the one sent to you do harm. APA's continuing work has given psychologists an invaluable resource to fight against ill-informed and misguided promoters of harsh and abusive interrogation techniques. *We are making excellent progress in that fight*.

Letters that name and that associate individuals with torture through innuendo have no place in an informed and responsible discussion. They are deeply painful. They are also extremely discouraging to psychologists in the military seeking to do the right thing, many of whom are early in their careers and often in dangerous settings far from family and from loved ones.

In a few days I will be deployed and so will largely be out of contact with APA for the next year. I am proud to be a member of the American Psychological Association, proud for what APA has stood for in these troubling times, and deeply grateful to the Association for supporting me and my colleagues in our quest to ensure that all in our custody are treated with human decency and respect.

Respectfully Yours,

Larry C. James
Colonel, United States Army

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Monday, June 18, 2007 12:01:15 PM
Recipient:	'Banks, Louie M. COL' <louie.morgan.banks@us.army.mil>
Subject:	Confidential: Please read and delete
Attachments:	replyletter.doc

Morgan, does this letter look okay to you?

June 18, 2007

Dr. Sharon Brehm
President
American Psychological Association

Dear Dr. Brehm,

I am writing to you in response to an open letter sent to you, as APA President. I have been a member of APA for nearly 20 years and I count many of my APA colleagues as dear friends. The authors of this letter—who do not know me, my values or my work—have seen fit to besmirch my reputation by associating me with the perpetration of torture.

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Respectfully Yours,

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Sunday, June 17, 2007 5:48:47 PM
Recipient:	Morgan Banks
Subject:	RE: Your eyes only

Double deleted

From: Morgan Banks
Sent: Sunday, June 17, 2007 5:48 PM
To: Behnke, Stephen
Subject: Your eyes only

Steve, (Please delete this after reading it. It is for your eyes only.)

I still owe you an answer on that. I completely forgot to ask. My expectation is that it will be OK, but I want to make absolutely sure. There is some REAL politics going on here. I mean REALLY naked politics. There are a couple things I want to run past my lawyer first, based on some of the things they said. I am 95% sure I will give you a bunch that you can say, but not until late tomorrow.

Overall, though, I believe that I was able to give an accurate picture of my behavior, and I think they actually already were predisposed to believe me. They are doing a lot of homework, although some of it is open to interpretation. I did not pick up ANY real issue about the use of psychologists per se; in fact, I was able to articulate how the value of a psychologist in a training environment directly corresponded to that of an operational role. My strong sense (after 3 hours and 20 minutes) was that they fully understood that, and saw the value in it. I gave them a copy of the PENS report, although I expect they were already fully aware of it. They did not question me at all on it, other than a final ethical question that I answered by referring to the report.

Let's talk during the week.

PLEASE DELETE this email after you have read it. Thanks.

Morgan

In a message dated 6/17/2007 3:19:56 P.M. Eastern Daylight Time, sbehnke@apa.org writes:

> Thanks, Morgan—
>
> I look forward to hearing about the interview. Is it okay to mention that you have spoken with staff from the Senate Armed Services Committee? That would be helpful to us.
>
> Steve

> **From:** Morgan Banks
> **Sent:** Sunday, June 17, 2007 2:44 PM
> **To:** Behnke, Stephen
> **Subject:** Fwd: Fw: Please read this version instead
>
> Steve,
>
> See my comments. No issues with your comment reference mind altering substances. I had a successful interview, (I think....)
> Talk to you later in the week.

Morgan

See what's free at AOL.com.

See what's free at AOL.com.

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Sunday, June 17, 2007 12:24:39 PM
Recipient:	Farberman, Rhea <rfarberman@apa.org>
Subject:	DRAFTS
Attachments:	Resolution0607draft2.doc

Hi Rhea, could you please review the note below, and the attached draft of the substitute motion? I need to examine one issue just a bit more, but if you think these are okay I'll send to the Board later in the day.

Thanks,

Steve

Send to: Sharon, Alan, Gerry, Norman, copy to you, Judy S., and Ellen Garrison

Dear Sharon, Alan, Gerry, and Norman,

Attached please find a draft of the substitute motion from the Board, which was discussed at the Board meeting. The substitute motion has a slightly different emphasis that had been discussed by the Board (the discussion had focused on civil rights), for two reasons. First, having spent considerable time working on this substitute motion this week, I was impressed (once again) with the complexity of the legal issues involved. Even something as apparently straightforward as habeas corpus has an entire jurisprudence of its own. I strongly believe that APA will do best by staying away from addressing legal issues such as the legal status of detainees and their legal rights, in a resolution; the risk of going outside our competence is high, which would likely not serve APA well. (That said, I do believe we can comfortably say that the legal system should not rely upon testimony that results from torture or cruel, inhuman, or degrading treatment). Regarding APA's support for the civil rights of the detainees, it may be highly appropriate for APA to explore ways to support legislation that protects detainee rights—there are currently several bills in Congress on point.

Second, as you know, there have been several groups critical of APA's work on interrogations. SPSSI and Physicians for Human Rights have been outspoken in this regard. The attached substitute motion draws primarily from two texts: A letter from Len Rubenstein (executive director of Physicians from Human Rights) to Sharon, received this past week, and a SPSSI policy document. Please note that our ability to draw from these two documents underscores a very important point: Our areas of agreement on this issue are far greater than our areas of disagreement.

Of course, there is a contingent that will not be satisfied regardless of what we do. But I believe the attached substitute motion is a strong statement of our position—in some respects a reiteration of our position and in other respects an elaboration— that stays firmly within the bounds of our competence. I also believe that people whose minds are open will see it as a very positive development of APA's work on this issue.

Steve

WHEREAS the mission of the American Psychological Association is to advance psychology as a science and profession and as a means of promoting health, education and human welfare through the establishment and maintenance of the highest standards of professional ethics and conduct of the members of the Association;

WHEREAS the American Psychological Association is an accredited non-governmental organization at the United Nations and so is committed to promote and protect human rights in accordance with the United Nations Charter and the Universal Declaration of Human Rights;

WHEREAS subjecting individuals to torture and cruel, inhuman, or degrading treatment for any reason in any context is wholly antithetical to these goals and purposes;

BE IT RESOLVED that psychologists must work in accordance with international human rights instruments relevant to their roles including, but not limited to, Common Article 3 of the Geneva Conventions;

BE IT RESOLVED that the American Psychological Association unequivocally condemns torture and cruel, inhuman, or degrading treatment or punishment, for any and all purposes, including interrogation;

BE IT RESOLVED that the unequivocal condemnation includes an absolute prohibition against psychologists' planning, designing, assisting or participating in any activities, including interrogations, which involve the use of torture and any form of cruel, inhuman or degrading treatment of human beings;

BE IT RESOLVED that this unequivocal condemnation includes an absolute prohibition for psychologists against direct or indirect participation during interrogation processes in: mock executions; water-boarding or any other form of simulated drowning or suffocation; sensory deprivation and over-stimulation; "hooding"; forced nakedness; sexual humiliation; cultural or religious humiliation; exploitation or exacerbation of phobias or psychopathology such as anxiety or depression; stress positions; the use of dogs to threaten or intimidate; physical assault, including slapping and shaking; exposure to extreme heat or cold; induced hypothermia; mind-altering substances used for the purpose of eliciting information; isolation and sleep deprivation used in a manner that adversely affects an individual's physical or mental health; or the threatened use of any of the above techniques to the individual or to members of the individual's family;

BE IT RESOLVED that the American Psychological Association calls on the United States government—including Congress, the Department of Defense, and the Central Intelligence Agency—to prohibit the use of these methods in all interrogations and that the American Psychological Association shall inform relevant parties with the United States government that psychologists are prohibited from participating in such methods;

BE IT RESOLVED that in writing a casebook and commentary, the APA Ethics Committee shall set forth guidelines for psychologists working in contexts of war and imprisonment that are consistent with both international treaties and human rights covenants, as well as guidelines developed for health professionals, including but not limited to: Common Article 3 of the Geneva Conventions; The United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; The United Nations Principles of Medical Ethics Relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; The World Medical Association Declaration Concerning Support for Medical Doctors Refusing to Participate in, or to Condone, the Use of Torture or Other Forms of Cruel, Inhuman or Degrading Treatment; and The World Medical Association Declaration of Tokyo: Guidelines for Physicians Concerning Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in Relation to Detention and Imprisonment;

BE IT RESOLVED that the American Psychological Association urges all psychologists with information relevant to the use of any method of interrogation constituting torture or cruel, inhuman, or degrading treatment or punishment to inform their superiors of such knowledge, to inform relevant office of inspector generals when appropriate, and to cooperate fully with all oversight activities, including hearings by the United States Congress to examine the perpetration of torture and cruel, inhuman, or degrading treatment or punishment against individuals in United States custody, for the purpose of ensuring that no individual in the custody of the United States is subjected to torture or cruel, inhuman, or degrading treatment or punishment;

BE IT RESOLVED that the American Psychological Association, in order to protect against torture and cruel, inhuman, or degrading treatment or punishment, and in order to mitigate against the likelihood the unreliable and/or inaccurate information is entered into legal proceedings, calls upon United States legal systems to reject testimony that results from torture or cruel, inhuman, or degrading treatment or punishment.

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Sunday, June 17, 2007 3:52:42 PM
Recipient:	'SSB' PRIVACY REDACTION ;alan kazdin PRIVACY REDACTION ;Gerry Koocher PRIVACY REDACTION ;Anderson, Norman <NAnderson@apa.org>
Cc:	Strassburger, Judy <jstrassburger@apa.org>;Garrison, Ellen <egarrison@apa.org>;Farberman, Rhea <rfarberman@apa.org>;Gilfoyle, Nathalie <ngilfoyle@apa.org>
Subject:	Draft of substitute motion
Attachments:	SubstituteMotion.doc

Dear Sharon, Alan, Gerry, and Norman,

Attached please find a draft of the substitute motion from the Board, which was discussed at the Board meeting. The substitute motion has a slightly different emphasis that had been discussed by the Board (the discussion had focused on civil rights), for two reasons. First, having spent considerable time working on this substitute motion this week, I was impressed (once again) with the complexity of the legal issues involved. Even something as apparently straightforward as habeas corpus has an entire jurisprudence of its own. I strongly believe that APA will do best by staying away from addressing legal issues such as the legal status of detainees and their legal rights, in a resolution; the risk of going outside our competence is high, which would likely not serve APA well. (That said, I do believe we can comfortably say that the legal system should not rely upon testimony that results from torture or cruel, inhuman, or degrading treatment). Regarding APA's support for the civil rights of the detainees, it may be highly appropriate for APA to explore ways to support legislation that protects detainee rights—there are currently several bills in Congress on point.

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Please also note that the motion requires adherence to Common Article 3 of the Geneva Conventions.

Of course, there is a contingent that will not be satisfied regardless of what we do. But I believe the attached substitute motion is a strong statement of our position—in some respects a reiteration of our position and in other respects an elaboration— that stays firmly within the bounds of our competence. I also believe that people whose minds are open will see it as a very positive development of APA's work on this issue.

Steve

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Saturday, June 16, 2007 8:51:33 PM
Recipient:	'Banks, Louie M. COL' <louie.morgan.banks@us.army.mil>
Subject:	Please read this version instead
Attachments:	Resolution0607draft2.doc

Thanks, Morgan. Also, do you have any problems with including the reference to “mind-altering substances” in the list?

Steve

WHEREAS the mission of the American Psychological Association is to advance psychology as a science and profession and as a means of promoting health, education and human welfare through the establishment and maintenance of the highest standards of professional ethics and conduct of the members of the Association;

WHEREAS the American Psychological Association is an accredited non-governmental organization at the United Nations and so is committed to promote and protect human rights in accordance with the United Nations Charter and the Universal Declaration of Human Rights;

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BE IT RESOLVED that this unequivocal condemnation includes an absolute prohibition for psychologists against direct or indirect participation during interrogation processes in: mock executions; water-boarding or any other form of simulated drowning or suffocation; sensory deprivation and over-stimulation; "hooding"; forced nakedness; sexual humiliation; cultural or religious humiliation; exploitation or exacerbation of phobias or psychopathology such as anxiety or depression; stress positions; the use of dogs to threaten or intimidate; physical assault, including slapping and shaking; exposure to extreme heat or cold; induced hypothermia; mind-altering substances used for the purpose of eliciting information; isolation and sleep deprivation used in a manner that adversely affects an individual's physical or mental health; or the threatened use of any of the above techniques to the individual or to members of the individual's family;

BE IT RESOLVED that the American Psychological Association calls on the United States government—including Congress, the Department of Defense, and the Central Intelligence Agency—to prohibit the use of these methods in all interrogations and that the American Psychological Association shall inform relevant parties with the United States government that psychologists are prohibited from participating in such methods;

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Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Friday, June 15, 2007 9:15:53 PM
Recipient:	'Banks, Louie M. COL' <louie.morgan.banks@us.army.mil>
Subject:	Confidential Draft--please do not distribute
Attachments:	Resolution0607draft2.doc

Morgan, I hope things went well today.

Could you please review and let me know if you see anything problematic? (You have seen almost everything in here before; last summer we included the phrase “relevant to their roles” after “human rights instruments,” which makes clear that standards for treater-patient relationships do not apply)

Thanks,

Steve

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Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Thursday, July 05, 2007 11:00:55 PM
Recipient:	Steven Reisner [redacted]
Cc:	Bernice Lott [redacted];Brad Olson [redacted];Melba Vasquez
Subject:	RE: [Division56] A clarification about our ethics code--

Steven, please let me be as clear and emphatic as I can be: It is unethical to abuse detainees. It is unethical to engage in abusive interrogation techniques. The PENS task force was in complete agreement on this point. Every member of the task force with whom I have discussed this issue has indicated that abuse does not lead to good information, but rather has precisely the opposite effect as that intended by the interrogator. Members of the PENS task force, such as Mike Gelles, Robert Fein, and Larry James, whose work is now in the public domain, have all expended considerable efforts to emphasize this messge: Abuse is unethical. And ineffective. This is APA's message, wherever interrogations are taking place.

Stephen

From: Steven Reisner [redacted]
Sent: Thu 7/5/2007 7:44 PM
To: Behnke, Stephen
Cc: Bernice Lott; Brad Olson; Melba
Subject: Re: [Division56] A clarification about our ethics code--

Stephen,

I am going to try again. I am asking a simple and straightforward question: ***is it unethical, according to the APA code of ethics, for a psychologist to follow the memorandum, signed by the Secretary of Defense in April 2003, which permits specific abuses of detainees?***

Steven

"Behnke, Stephen" <sbehnke@apa.org> writes:
Steven,

I just don't see either complexity or ambiguity in the item Council passed. Council directed the Ethics Committee to review language in the Ethics Code and to make a recommendation, following the process set forth in the Association rules. Consulting with the presidents of the DSJ, meeting with boards and committees at the Consolidated meetings, and reviewing how other health and mental health association codes of ethics address this issue are all part of that process.

Stephen

From: Steven Reisner [redacted]
Sent: Thu 7/5/2007 3:37 PM
To: Behnke, Stephen
Cc: Bernice Lott; Brad Olson; Melba
Subject: Re: [Division56] A clarification about our ethics code--

Stephen,

Having debated these issues for quite awhile, I have learned that we can address the real questions, or we can fall into petty semantics. Here are the issues as I see them (the issues that you have raised, about "directed" or the date of change are really beside the point):

Can we agree that the Council passed a resolution expressing the wish of Council that the ethics code be changed and clarified, so that psychologists may "follow only those laws that are 'in keeping with basic principles of human rights?" If we are agreed on that, then what follows is that it has been almost two years and this has not been done. Meanwhile, as the public record makes clear, psychologists have been abetting human rights violations as part of the military regulations guiding detainee interrogation processes.

Which brings me to my question, which is quite specific:

There have been military psychologists who protested certain abusive interrogation conditions at Guantanamo at the end of 2002 and in early 2003. As a result, Secretary of Defense Donald Rumsfeld temporarily suspended the abusive techniques. He called together a 'working group' to determine if and how such techniques might be used. What came from this group was a recommendation for turning 23 of the harsh techniques into DoD/Intelligence Standard Operating Procedures for detainee interrogations. These are the very techniques condemned as "abusive" by the Office of the Inspector General of the Defense Department in a recently declassified internal investigation.

So my question is this: would it have been unethical for a psychologist to employ or supervise the employment of these techniques in a detainee interrogation, during the period when such techniques were 'standard operating procedure?' Would it be unethical for a psychologist to employ these techniques today at CIA Black sites, where the President continues to permit such harsh techniques?

Please answer this specific question.It is clear that Council "requested" that 1.02 be changed in a specific fashion for a specific human rights purpose. I believe there is no clearer example of why it should be changed than Secretary Rumsfeld's memorandum.I believe further that the delay in changing 1.02 has put the APA in a position of sharing responsibility with the psychologists who were involved in abusive interrogations processes while following military standard operating procedure.

Steven

This would not be as pressing an issue as it is, were it not for the fact that all this time, psychologists have been abetting these violations in the interrogation of detainees (again, this is not opinion, but facts in the public record), and the APA stands alone among the

"Behnke, Stephen" <sbehnke@apa.org> writes:

Steven,

Please understand that my message addressed two factual inaccuracies that I have seen disseminated: 1: That Council directed the Ethics Committee to change the language in ethical standard 1.02; and 2) that the change in language to ethical standard 1.02 was in any manner related to the interrogation issue. Both of these are simply incorrect. Below you state that APA is "alone among the health professional organizations in permitting its members" to engage in interrogation "violations." Again, this statement is not correct; APA is absolute and unequivocal that "violations" entailing abuse are unethical and prohibited. Finally, the statement that APA is alone among health professional organizations in allowing members to consult to interrogations is also incorrect; when the American Psychiatric Association released its report, its president said that the association position is not an ethical rule and that psychiatrists following orders would not get into trouble with the psychiatic association.

Goodness there is a great deal of misinformation being disseminated on this issue.

Please feel free to post on the Division listserv.

Stephen (Behnke)

From: Steven Reisner PRIVACY REDACTION
Sent: Thu 7/5/2007 1:15 PM
To: Behnke, Stephen
Cc: Bernice Lott; Brad Olson; Melba
Subject: Re: [Division56] A clarification about our ethics code--

Hi Stephen (and all),

Thanks for the clarification. I think, however, that this clarification actually obscures the meaning of the Council directive, which was to repair the gap in the ethics code that was opened with the change in 1.02. A fair understanding of what the Council was seeking from the Ethics committee comes from the APA's own press release from September, 2005, describing the Council meeting:

"The Council of Representatives directed the Ethics Committee to review a proposed change to the Association's Ethics Code, which would assure that psychologists faced with a conflict between ethics and law follow only those laws that are 'in keeping with basic principles of human rights.'"

The issue continues to be that what the Council was after is clear, and that the continuing delay perpetuates a policy where psychologists are not prohibited from following a law or regulation that violates basic human rights.

As for the meaning of 1.02, here are your own comments from your appearance on Democracy Now

as to what takes priority in such situations, ethics or military regulations:

AMY GOODMAN: Dr. Stephen Behnke, when it comes to the Geneva Conventions, A.P.A. ethics standards, as well as law, where does the A.P.A. stand on international law, when it is in conflict with U.S. law? And what about the ethics of the A.P.A., the ethics standards?
DR. STEPHEN BEHNKE: Well, the ethical standards are that psychologists obey the law. Psychologists do not violate the law. Now, the task force report discussed both U.S. law and international law, and the task force makes a very clear statement that international law, international standards are critical. The task force states that psychologists have an absolute ethical obligation never to violate any United States law. And then, in addition, the task force said that psychologists must adhere -- and they used four words to describe psychologist involvement: safe, legal, ethical and effective.

It really doesn't matter when the APA rewrote the standard; what matters is that this rewriting opened an ethical hole in our standards, the Council "requested" that this hole be repaired "expeditiously", and, after nearly two years, nothing has been done to repair it.

This would not be as pressing an issue as it is, were it not for the fact that all this time, psychologists have been abetting these violations in the interrogation of detainees (again, this is not opinion, but facts in the public record), and the APA stands alone among the health professional organizations in permitting its members to do so. It puts us collectively to shame.

Steven

PS I hope no one objects to posting this continuation of the discussion on the 56 listserv

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Bernice,

Thank you for attaching the actual item from Council. PRIVACY REDACTION and so have not been able to forward the actual language.

There have been two factual inaccuracies regarding standard 1.02 that seem to have taken on a life of their own. The first is that Council directed the Ethics Committee to change the language of the standard, which the actual item makes clear is not the case. The item calls upon the Committee to make a recommendation concerning proposed language in accordance with Association Rule 30-8, which of course requires board and committee review, review by the Office of General Counsel, and an invitation to all divisions and all psychological associations to provide comments.

Brad, Olivia, and I spent considerable time discussing this issue following the Consolidated meetings this past fall, when Brad came to DC to meet with boards and committees. One follow-up to those discussions is that the Ethics Office has been reviewing how health and mental health codes of ethics address the issue of conflicts between ethics and law. Brad and Bernice, let's find a place in the

program-it need not be terribly long-to present this review. I think it will be very helpful for people to learn how other codes of ethics address this important issue.

The second inaccuracy is that the change in the language of standard 1.02 from the 1992 Code is in any matter related to the interrogation issue. The language in standard 1.02, allowing psychologists to follow "law" or "regulations," was included in draft 4 of the Ethics Code revision, which the Ethics Code task force approved at its October 2000 meeting, before the November 2000 elections. Thus, this language is not in any manner related to this administration or to the interrogations issue. (It may be that this language appeared in an even earlier draft of the code revision-the revision process began in 1997-which I am attempting to find out.)

Steve

From: Bernice Lott PRIVACY REDACTION
Sent: Wed 7/4/2007 10:01 AM
To: Steven Reisner
Cc: Brad Olson; Behnke, Stephen; Melba
Subject: Re: [Division56] A clarification about our ethics code--

Here is the language approved by COR at the Aug 2005 meeting: [PLEASE save since I have sent this out before]

"Council requests that the APA Ethics Committee review the discrepancy between the the language of the Introduction and Applicability section of the Ethical Principles of Psychology and Code of Conduct and Ethical Standard 1.02, and make a recommendation to the Board of Directors concerning adding the words "in keeping with basic principles of human rights" to Ethical Standard 1.02. Council requests that this process move forward as expeditiously as reasonably possible, recognizing that a proposed amendment to the Ethical Principles of Psychologists and Code of Conduct will be subject to the review procedures required by Association Rule 30-8, Standards and Guidelines, and final Council action."

This motion was introduced by DSJ reps and was approved.

bernice

On Jul 3, 2007, at 3:23 PM, Steven Reisner wrote:

> Dear Bernice and Brad,

Melba forwarded to Stephen Behnke a question I posted on the Division 56 listserv. Stephen has replied (see the sequence below) describing events about which the two of you have first hand knowledge. I wonder if you can offer some fuller details about the issues that I could post from you on the Division 56 list. If you are okay with this, I will let the list know that I've forwarded the posts to you. Let me know.

Steven

----- Original Message -----

PS--the following is an update to the status of changes to APA Ethics Code Standard 1.02, from Stephen Behnke:

In terms of the standard 1.02 issue, Council did *not* direct the Ethics Committee to change the standard, but rather to review the standard and make a recommendation. To that end, the Ethics Committee has been in extensive discussions with the leadership of the DSJ. I hope that this issue will get discussed at the interrogation program this summer. One aspect of our work in that area is a review of health and mental health association codes of ethics. I hope that material will be presented this summer at Convention, so we will be able to discuss how other ethics codes address conflicts between ethics and law.

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Thursday, July 05, 2007 2:46:08 PM
Recipient:	Farberman, Rhea </O=APA/OU=DC/CN=RECIPIENTS/CN=Rzf>
Subject:	FW: [Division56] A clarification about our ethics code--

I may have been a little bit bad here.

From: Behnke, Stephen
Sent: Thu 7/5/2007 2:16 PM
To: Steven Reisner
Cc: Bernice Lott; Brad Olson; Melba
Subject: RE: [Division56] A clarification about our ethics code--

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Steven

----- Original Message -----

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In terms of the standard 1.02 issue, Council did *not* direct the Ethics Committee to change the standard, but rather to review the standard and make a recommendation. To that end, the Ethics Committee has been in extensive discussions with the leadership of the DSJ. I hope that this issue will get discussed at the interrogation program this summer. One aspect of our work in that area is a review of health and mental health association codes of ethics. I hope that material will be presented this summer at Convention, so we will be able to discuss how other ethics codes address conflicts between ethics and law.

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Thursday, July 12, 2007 10:47:23 PM
Recipient:	Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>
Subject:	RE: convention issue

Excellent, I'll call in the am. Good night.

From: Kelly, Heather
Sent: Thu 7/12/2007 10:35 PM
To: Behnke, Stephen
Subject: RE: convention issue

Correct on all 3. And, 4) you're in Wisconsin, aren't mid-Westerners supposed to be asleep early; 5) I'll be in the office all morning; and 6) you and I need to drink a lot at convention.

From: Behnke, Stephen
Sent: Thu 7/12/2007 10:33 PM
To: Kelly, Heather
Subject: RE: convention issue

Okay, excellent--so, 1) you're buddies with him; 2) he views us a friendlies; 3) he'll let us know what feels right for the division...

From: Kelly, Heather
Sent: Thu 7/12/2007 10:29 PM
To: Behnke, Stephen
Subject: RE: convention issue

I'm happy to convey all of that, and he will be very honest about what if any of it seems overreaching -- he will not hesitate to dump any sections that do not feel "right" coming from Div 19, believe me, but in a very gracious way.

From: Behnke, Stephen
Sent: Thu 7/12/2007 10:26 PM
To: Kelly, Heather
Subject: RE: convention issue

Okay, excellent. Could you reach out to him tomorrow, tell him that I think we can turn this to our advantage, and let him know that I'll be working on a draft of a letter for us to discuss when we speak on Monday? Are there any concerns that he would think that is overreaching on my part?

From: Kelly, Heather
Sent: Thu 7/12/2007 10:24 PM
To: Behnke, Stephen
Subject: RE: convention issue

Yes, absolutely, he's the soul of discretion, has been around the political block a million times.
H

From: Behnke, Stephen
Sent: Thu 7/12/2007 10:19 PM
To: Kelly, Heather
Subject: RE: convention issue

Correct. The more I ponder this, I believe the letter gives an opportunity to get several points into the discussion. You are buddies with Bill, correct? I'd like to keep my involvement under the radar screen--would Bill appreciate that discretion would be helpful in this situation, do you think?

Steve

From: Kelly, Heather
Sent: Thu 7/12/2007 9:51 PM
To: Behnke, Stephen
Subject: RE: convention issue

Steve,

You traveling nut, why did you ask me to get in touch with Bill if you had already sent this? I'm assuming no more immediate follow up from me necessary tonight,
Heather

From: Behnke, Stephen
Sent: Thu 7/12/2007 12:49 PM
To: Bill Strickland
Cc: Kelly, Heather; Bill Strickland
Subject: RE: convention issue

Bill, yes, I'll forward to you. I'm on the road, but would very much like to discuss with you.

Steve

From: Bill Strickland
Sent: Thu 7/12/2007 8:57 AM
To: Behnke, Stephen
Cc: Kelly, Heather; Bill Strickland
Subject: RE: convention issue

Steve
I have not seen that letter (and I'm certain that our division president would have sent it to me if he had seen it).

We'd be happy to follow-up/respond, and we'd never turn down an opportunity to have expert help in drafting language. Could you send me the letter to presidents, please?

Bill

William J. Strickland, Ph.D.
Vice President and Director, Workforce
Analysis and Training Systems Division
Human Resources Research Organization
PRIVACY REDACTION

PRIVACY REDACTION

www.humrro.org (Web)

"Behnke, Stephen"
<sbehnke@apa.org>

07/11/2007 11:26 PM

To: "Kelly, Heather" <hkelly@apa.org>, Bill Strickland

cc:

Subject: RE: convention issue

Bill and Heather,

Have you seen the letter to Division presidents from Richard Wagner, president of psychologists for social responsibility, asking divisions to support the moratorium resolution? Bill, would Division 19 consider any kind of follow-up letter? I would be very happy to draft language for your consideration, if that would at all be of interest or helpful to you.

Steve

From: Kelly, Heather
Sent: Wed 7/11/2007 12:45 PM
To: Bill Strickland
Cc: Behnke, Stephen
Subject: convention issue

Hi, Bill:

I want to give you a heads up that you may be hearing from Steve Behnke (I'm cc'ing him on this), our APA Director of Ethics, regarding what likely will be a crazy floor debate at convention on the psychologists and interrogation issue. We'd like to talk to you in your role as council rep for Division 19 about what might come up and whether you all can be prepared ahead of time with some responses.

Best,

Heather

Heather O'Beirne Kelly, PhD

Senior Legislative & Federal Affairs Officer

Government Relations Office, Science Directorate

American Psychological Association

750 First Street, NE, 5th Floor

Washington, DC 20002

phone 202.336.5932

fax 202.336.6063

hkelly@apa.org

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Sunday, July 08, 2007 6:43:11 PM
Recipient:	Morgan Banks
Subject:	RE: Draft of letter

Whoa, Morgan, that is one smokin' letter.

Let me share a few thoughts, solely for your consideration. Feel free to file in the circular file if they don't work—your judgment will be better than mine.

1. The letter is great, but nonetheless carries a tinge of a defensive tone. (e.g., "I will not back away from…") I would try to frame this a bit more positively, something that conveys that we can be proud of an interrogation done correctly. Just thinking out loud: "There is a long and honorable history of the United States military conducting interrogations that have prevented violence and saved lives. An interrogation, when conducted properly, is inherently a *psychological* endeavor. It is based upon the premise that within every individual is a motivation to talk; the challenge for the interrogator is to connect with that aspect of the person. The challenge for the consulting psychologist is to assist the interrogator in finding that motivation. A successful interrogation entails understanding the person's psychology and bringing that motivation to the fore. This takes great skill and patience." (You'll be able to say better than I.)

2. In the fifth paragraph, you may want to make explicit reference to Jane Mayer. Something like (following the third sentence): "Jane Mayer, in the New Yorker Magazine (February 2007, "Whatever it takes"), chronicled the great concern on the part of experienced interrogators over how popular media is depicting successful interrogations. Her article captures an ongoing debate about what constitutes an appropriate interrogation, and the great damage that the media can do in conveying that torture is ever ethical or effective. In fact, torture is neither—and it is illegal."

3. At the end, you might consider adding a sentence to the effect that we should never treat anyone in our custody different than we would want one of our citizen soldiers to be treated.

4. Consider in paragraph two, two last sentences: "Certain media accounts and the "open letter" have resorted to innuendo and guilt-by-association to imply that I have either participated in or supported torture or abusive treatment of detainees. A significant part of my career has been working to ensure that individuals who have committed crimes against humanity are brought to justice. I have seen first-hand what torture does to people. Torture is contrary to everything that I believe our country stands for, and to everything that I as a military officer and a person stand for. Let me say as emphatically as I can: I have and will never countenance torture or abuse of anyone in our custody."

5. Consider a brief ending, such as these two paragraphs: "The recent report of the DoD Inspector General has generated much discussion and debate. As I have explained, I take issue with some of the facts presented in the report. Nonetheless, I do believe the report captures a truth: A conflux of factors led to behaviors that fall beneath the dignity of the United States and that have placed a stain on our country's reputation. It is essential that we as a profession and we as a country understand what occurred, to ensure that those in our country's custody are never treated in any manner other than with dignity and respect. To that end I am giving the Senate Armed Services Committee my full cooperation and I encourage all of my colleagues to do likewise.

   "At the same time, I must implore you, as President of the Association, and those who are writing these letters, that besmirching the reputations of psychologists will not serve any worthy goal. There are psychologists—several of whom served on the PENS task force—who have expended considerable professional efforts at great personal cost to uphold our core values and to ensure the humane treatment of all detainees. It is a tragedy that some of these courageous individuals have now had their reputations tarnished based on conjecture, speculation and innuendo. The tragedy is compounded because some of these individuals, by virtue of their positions, are not able to speak out in their own

defense.

Respectully,

MB

From: Morgan Banks
Sent: Sunday, July 08, 2007 7:05 AM
To: Behnke, Stephen
Subject: Re: Draft of letter

Yes. Talk to you then.

Morgan

In a message dated 7/7/2007 6:01:00 P.M. Eastern Daylight Time, sbehnke@apa.org writes:

Morgan, I definitely will. You around Monday am for a call?

Steve

From: Morgan Banks
Sent: Saturday, July 07, 2007 1:24 PM
To: Behnke, Stephen
Subject: Draft of letter

Tell me what you think.

Morgan

See what's free at AOL.com.

See what's free at AOL.com.

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Saturday, July 07, 2007 11:13:47 AM
Recipient:	'Banks, Louie M. COL' <louie.morgan.banks@us.army.mil>
Subject:	FW: [Division56] A clarification about our ethics code--

Hey Morgan,

I'm back in DC; I hope you're well and finding some time to enjoy the weekend. I was wondering whether I might ask you to take a quick gander at the message below, which follows a long line of exchanges (which would not be a good use of your time to read, trust me on that one). I would like to respond in the following matter:

Steven,

The answer to your question is an emphatic "Yes." Specific interrogation techniques identified in the report of the DoD Inspector General as "abusive" violate both the PENS report and the APA Ethics Code.

Stephen

That response okay? Thanks, Morgan,

Steve

From: Steven Reisner PRIVACY REDACTION
Sent: Friday, July 06, 2007 7:52 AM
To: Behnke, Stephen
Cc: Bernice Lott; Brad Olson; Melba
Subject: Re: [Division56] A clarification about our ethics code--

Stephen,

You are being very clear, but you are not being specific as to what constitutes "abusive interrogation techniques." Are you saying that, were an APA member to implement or supervise the implementation of the specific techniques authorized in the Rumsfeld memorandum of April 16, 2003, which the DoD Inspector General labeled "abusive," that APA member would be in violation of the APA Code of Ethics as well as the PENS Task Force Report? Are you saying that to your best understanding, Larry James, Robert Fein and Mike Gelles would agree with that conclusion?

Steven

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Monday, August 13, 2007 11:56:29 AM
Recipient:	'Banks, Louie M. COL' <louie.morgan.banks@us.army.mil>
Subject:	FW: latest version of amendments
Attachments:	[COR] Request to Sign-On

Hey Morgan,

If you could look these over that would be great--it's the Board's motion, plus amendments.

Steve

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Thursday, August 09, 2007 2:16:58 AM
Recipient:	morgan sammons PRIVACY REDACTION
Subject:	Points for discussion
Attachments:	Points for discussion.doc

Morgan, attached please find "Points for discussion," which seems a bit less political/politicized than "talking points." Please review carefully. I've gone over pretty extensively and I think they are in good shape but you should definitely review and proofread before sending to the Council members you have identified.

You might also consider sending them as an FYI to Gerry Koocher, Barry Anton, and Doug Haldeman and indicate that they should feel free to share with the Board for the Board's information if they believe doing so would be appropriate.

Steve

From: morgan sammons PRIVACY REDACTION
Sent: Wed 8/8/2007 6:37 PM
To: Behnke, Stephen
Subject: talking points

Steve, the response to the request to attend caucuses has been universally positive. Are the talking points ready to go out? Also, the phone conversation was not terribly controversial or enlightening. The main concern was whether there would be enough time to discuss starting at 1045 on Sunday. Sharon will, I believe, call on both Neil and I to more or less lay out our positions – then the free-for-all begins.

Neil promised he would forward to me a copy of the consolidated amendments to the Substitute motion.

Best
Morgan

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Tuesday, August 07, 2007 10:25:06 AM
Recipient:	Gilfoyle, Nathalie </O=APA/OU=DC/CN=RECIPIENTS/CN=NPG>;Farberman, Rhea </O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>;Strassburger, Judy </O=APA/OU=DC/CN=RECIPIENTS/CN=JAS>;Beavers, Donna </O=APA/OU=DC/CN=RECIPIENTS/CN=DJB>
Subject:	RE: A question
Attachments:	Dr. Lott Reply.doc

Attached please find Robin's letter to Bernice. (will be put on letterhead, sent to Bernice, and posted at www.apa.org/ethics with the other materials related to the moratorium resolution)

Steve

From: Gilfoyle, Nathalie
Sent: Mon 8/6/2007 4:14 PM
To: Farberman, Rhea; Behnke, Stephen; Strassburger, Judy; Beavers, Donna
Subject: RE: A question

Just to reflect my phone call with Steve this morning, I agree that a communication to the effect that there is not time for the Ethics Committee as a group to address this and take a position before Council , is fine . I beleive that the Ethics Committee should be the center of gravity for interpretations of the Ethics Code and that those interpretations are best made with distance from the political process and in a deliberative manner . Nathalie

---

From: Farberman, Rhea
Sent: Monday, August 06, 2007 2:47 PM
To: Behnke, Stephen; Strassburger, Judy; Gilfoyle, Nathalie; Beavers, Donna
Subject: RE: A question

Steve – Sharon has gotten a similar communication from Laurel Wagner asking for Board feedback on same. I've suggested to Sharon that she wait to see what happens on the Neil/Morgan front before responding. I agree that an appropriate response would be that it's not possible to give feedback in the next week – maybe we'll also have something constructive to say based on the Sharon/Neil/Morgan call.

The latest re: Neil and Morgan is that Sharon has sent them an email (not the letter text) asking for a time that they (Sharon/Judy/Neil/Morgan) can talk by phone to brain storm about process issues.

Rhea

From: Behnke, Stephen
Sent: Monday, August 06, 2007 10:22 AM
To: Strassburger, Judy; Farberman, Rhea; Gilfoyle, Nathalie; Beavers, Donna
Subject: A question

Everyone,

Robin Deutsch, chair of the ethics committee, has received a message like myself and the COLI folks (and I assume others) from individuals in the DSJ, asking for feedback on extensive proposed amendments to the Board's substitute motion. The feedback is requested by August 8.

Now, this spring Olivia wrote Neil a letter, in which she "strongly advised" Neil not to move forward, because more governance process was needed. Neil decided to move forward nonetheless, and now we are in precisely the position Olivia foresaw, with folks attempting to deal with very complex issues in a very short--too short, in my opinion--period of time.

Robin and Olivia will consider writing (in the case, Bernice) a letter indicating that it will simply not be possible to provide feedback from the Ethics Committee in the time they have requested. Robin's letter may also include a reference to Olivia's earlier letter to Neil. Would that outcome not be acceptable from anyone's perspective?

Thank you,

Steve

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Tuesday, August 07, 2007 1:08:46 AM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>;Deutsch, Robin PRIVACY REDACTION ;Olivia Moorehead-Slaughter
Subject:	RE: BOD's Substitute Motion to Moratorium Resolution, Agenda item #5
Attachments:	Dr. Lott Reply.doc

Hi Robin and Olivia,

Please review this draft response to Bernice. I'd like to get out and place on the ethics website, today if at all possible. (We'll put on APA letterhead once you approve)

Thanks!

From: Behnke, Stephen
Sent: Mon 8/6/2007 10:04 AM
To: Deutsch, Robin; Olivia Moorehead-Slaughter
Subject: RE: BOD's Substitute Motion to Moratorium Resolution, Agenda item #5

Hi Robin,

I'm in Florida; let's talk a bit later on. Could you give me a call on my cell, PRIVACY REDACTION

Thanks!

From: Deutsch, Robin PRIVACY REDACTION
Sent: Mon 8/6/2007 9:55 AM
To: Behnke, Stephen; Olivia Moorehead-Slaughter
Subject: FW: BOD's Substitute Motion to Moratorium Resolution, Agenda item #5

comments from me?

Robin M. Deutsch, Ph.D.
Director of Forensic Services
Children and the Law Program
Department of Psychiatry
Massachusetts General Hospital
388 Commonwealth Avenue
Boston, MA 02215

Assistant Clinical Professor of Psychology
Harvard Medical School

PRIVACY REDACTION

From: Bernice Lott PRIVACY REDACTION
Sent: Mon 8/6/2007 9:03 AM
To: Deutsch, Robin

Cc: Laurel B Wagner
Subject: Re: BOD's Substitute Motion to Moratorium Resolution, Agenda item #5

Robin Deutsch
Ethics Committee
APA
>>
>>
>> Dear Robin,
>>
>> I am writing to you as chair of the Ethics Committee on
>> behalf of a group of Council Representatives, most of whom are
>> co-sponsors of Dr. Altman's Moratorium Resolution. We want to share
>> with you our thoughts and suggestions with regard to Substitute
>> Motion #2. We appreciate the Board of Directors efforts to be
>> responsive to the Moratorium Resolution, as well as the concerns of
>> many APA members, but we do not see Substitute Motion #2 as meeting
>> the criteria for a substitute motion. The Council of Representatives
>> Handbook (p.19) reads, "In order to warrant consideration...substitute
>> motions should be germane to the issue. They should not be used to
>> change an affirmative main motion into a negative proposal to not
>> take that action...They also should not contradict the intent of the
>> main motion." Substitute Motion #2 appears to negate taking the
>> action (a moratorium on psychologists' participation in
>> interrogations of detainees) called for by the main motion. As
>> written, the substitute motion may be a step backwards from APA's
>> 2006 Resolution Against Torture and other Cruel, Inhumane and
>> Degrading Treatment or Punishment.
>>
>> We want to work with the BOD on the substitute motion by
>> offering amendments which both meet the criteria for a substitute
>> motion and which reaffirm and elaborate on the 2006 APA Resolution
>> against Torture. These amendments were crafted in large part by the
>> leadership of Division 48, Drs. Okorodudu, Van Horne and Woolf, who,
>> as you know, were sponsors of the 2006 Resolution Against Torture and
>> other Cruel, Inhumane and Degrading Treatment or Punishment. We
>> view some of the amendments as clearly "friendly," while other
>> amendments are more substantive in that they explain how APA's policy
>> applies to psychologists' work in detention centers with "enemy
>> combatants."
>>
>> In addition to asking the Board of Directors to review
>> these amendments we are writing to COLI, your Committee, Division 19,
>> and Steve Behnke for any suggested modifications which would enable
>> you and them to support these amendments to the substitute motion.
>> Please see the attachment. Since we became aware of the BOD's
>> substitute motion we have worked quickly, but thoughtfully, to find
>> amendments which would allow us to support it. In view of the time
>> constraints, we would appreciate a response as soon as possible,
>> hopefully no later than August 8.
>>
>> Best Regards,
>> Bernice Lott
>> Council Representative, Division 9
>>
>>

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Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Monday, August 06, 2007 9:52:44 PM
Recipient:	morgan sammons PRIVACY REDACTION
Subject:	RE: Confidential

Morgan, that's a good list. (Although in a conversation I had with Nadine in New Orleans she voiced a pretty strong opinion saying that psychologists ought not to be at GTMO; I'm not sure if she still thinks that. I think her mother would be strongly opposed to the moratorium)

Now, a couple of things. First we need to be mindful that once the points are sent to anyone but the people whom you know best, it may well get forwarded. I'm going over the talking points tomorrow very mindful of that possibility.

Second, you may have already done this, but I have you sent your introductory message to these folks? I think that message will yield some useful intelligence, and I would be inclined to wait until the person cues you for the talking points before actually sending.

I'd be happy to touch base by phone before the call, if that would be helpful--just let me know,

Steve

From: morgan sammons PRIVACY REDACTION
Sent: Mon 8/6/2007 8:01 PM
To: Behnke, Stephen
Subject: RE: Confidential

Steve, to this list I'd add

Jennifer Kelly
Matty Canter
Sallie Hildebrant
John Moritsugu (?)
Norm Abeles
Henry Taylor
Barry Hong (?)
Nadine Kaslow
Florence Kaslow
John Norcross
Ron Fox
Bob Resnick
Neal Morris
Erica Wise
Patrick Stone
Ron Brown

I'm not sure of all of their opinions, but I know I could approach each of them and they would listen to my request.

Please let me know where you are with the revisions, I'll start sending out right away.

BTW I got a message from Sharon Brehm today, she wants a conference call on Wednesday with Neil Altman. Apparently she's concerned that the timing of the item, scheduled for late Sunday morning, isn't optimal (I think it's OK…)

Let me know, and do enjoy some vacation…
Morgan

From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Friday, August 03, 2007 10:27 AM
To: morgan sammons
Subject: Confidential

Morgan, here is a list of folks whom I think would be very receptive to your outreach. (There are clearly many more, but these are folks I've either discussed the issue with or have heard them make some remarks about it). Their email address are available at:

http://cor.apa.org/corlist.cfm

Rodney Lowman (12)

Sandra Shullman (17) (I've not discussed this issue with Sandy, but she is extremely thoughtful and reasonable)

Kathleen McNamara (18)

Walter Penk (18)

Bill Strickland (19) (duh)

Brian Wilcox (27)

Elena Eisman (31)
Neil Massoth (51)

Beth Rom-Rymer (55)

Glenn Ally (Louisiana)

Sanford Portnoy (Massachusetts)

Nancy Klein (Utah)

In your outreach, you might ask them if they know of any other Council members it would be good to contact as well. Definitely consider sending a message to Barry Anton on the Board; Barry was a Board liaison to the PENS task force, and is a strong supporter. These folks will also have ideas about other things you could/should be doing.

To additional thoughts:

Jaine Darwin is a Council rep. for Division 39, which has been on the forefront of supporting the moratorium. Nonetheless, she works with military families, and you may want to acknowledge that if you call; she's very proud of her work, and understandably so. So, if you have time, it may be worthwhile to reach out to her and ask if you can discuss this issue. She's reasonable, and would listen to arguments about why the moratorium will place

military psychologists in a very difficult situation and may well have precisely opposite of its intended effect. She'll likely let her colleagues know of the call, but I don't really think that's a problem.

Martha Banks (45) may be another good person to reach out to. I think division 45 is supporting the moratorium, but also know she has military connections and she would certainly be open to a discussion, if indeed she's not in agreement with you.

Finally, I would definitely reach out to Laura Brown. She's the sponsor of the close GTMO resolution, but I think she would be VERY open to a discussion of how the supporters of the moratorium resolution neither understand nor appreciate the position of military psychologists.

Steve

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Monday, August 06, 2007 3:22:39 AM
Recipient:	Strassburger, Judy </O=APA/OU=DC/CN=RECIPIENTS/CN=JAS>;Farberman, Rhea </O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>
Subject:	RE: Council and resolutions

Three thoughts: First, I think Doris Day is quite apt; it seems clear that *the* central issue Council needs to address is the moratorium. The moratorium is generating the discussion and the controversy, and I think Council needs to address it head-on and make a decision one way or the other. I don't think it's possible for APA to do any work on ethics/interrogations until Council has either adopted, or rejected, a moratorium. It's just creating too much noise; the issue needs to be settled.

Second, Reisner et. al are going to go on the attack if they don't get what they want--there is no question about that. In my estimation, the likelihood that they are going to get what they want is exceedingly small. At this point, I just don't think we can (or should) factor in the possibility of bad press from them or their media colleagues in making our plans. Short of APA chartering a plane to GTMO and bringing the detainees back for pizza, we're going to stay the bad guys.

Finally, I think our goal should be to provide Council the setting to have its discussion and debate over the moratorium issue. I think if it wants to take the full hour on this issue, that should be allowed. We should tape the discussion/debate, and following Council we should put a link up to the discussion/debate on the APA website so it will be available to members, the public and interested media.

Now, here is why I *would* give 10 minutes to Neil and Morgan: What we hope is that the debate will set forth APA's position in a clear and compelling fashion, so that a reasonable person would say "Oh, that's APA's position and thinking--that makes sense." Morgan is extremely articulate and I would *absolutely* want him having 10 minutes on that tape--knowing that it will be listened to by many people--so he can lay out a set of reasons why the moratorium is a bad idea and why APA's position is the right one. He will be our best PR--but I would not want to see him get lost in a sea of cacaphony. After Neil and Morgan speak we'll have up to 40 minutes for other members of Council to speak to this issue--if that's how Council wants to spend the time. If the end result is that we have an hour-long tape of Council engaging in a discussion/debate, where multiple perspectives are presented, and then a vote is taken, I think it will be okay for us; certainly it will be a compelling testimony that APA is not ducking this issue and we're dealing with it in an open, democratic fashion, where reason and debate preceed a decision. Reasonable people can tolerate a decision they don't like if they think the process was fair--and to recall, the severest criticism has been over the PENS process. To the extent that APA is criticized, we can refer people to the tape and invite them to listen to the discussion/debate. Now, while I think we need to step back and let Council tackle this issue, I also want our strongest player to have a bit of extra game time.

In terms of the working group, I have no strong feelings one way or the other at this point; Rhea, do you have the energy to deal with...??

Steve

From: Strassburger, Judy
Sent: Sun 8/5/2007 7:02 PM
To: Farberman, Rhea; Behnke, Stephen; Strassburger, Judy
Subject: RE: Council and resolutions

What will be will be.. From the notes, Sharon will not change her mind, me thinks.

Extending the meeting on either end is not possible. Women's Caucus meets Sunday morning and the convention continues after Council and members have places to be.

Agree that 10 minutes is too long for Reisner and Sammons.

Judy

-----Original Message-----
From: "Farberman, Rhea" <rfarberman@apa.org>
To: "Behnke, Stephen" <sbehnke@apa.org>; "Strassburger, Judy" <jstrassburger@apa.org>
Sent: 8/5/07 4:05 PM
Subject: RE: Council and resolutions

I see your point Steve (and Judy) – sometimes you just have to let the process happen. My concern is that I'm sure Reisner and company will go into full attack mode if the moratorium is defeated; having passed the board substitute motion would give us something to change the tone of the coverage. Without it the coverage and email track will be ugly.

I still think the working group is a good plan but what will be, will be. We've dealt with ugly before.

One thought (maybe a crazy one) – is there any possibility of extending the Sunday meeting time by let's say 45 minutes – begin at 8:15 or adjoining at 12:45? An extra 45 minutes could make a difference.

Also, I think 10 minutes is too long for the opening remarks from Neil and Morgan – 5 minutes each seems plenty to me.

Rhea

From: Behnke, Stephen
Sent: Sunday, August 05, 2007 10:48 AM
To: Farberman, Rhea; Strassburger, Judy
Subject: Council and resolutions

Rhea, Judy,

Having read Sharon's messages, I'm once again very mindful of Judy's comment, that we're working too hard here. The reality is that there is a group of our membership strongly in support of a moratorium, and I think Council needs to address that issue head-on and put it to rest, one way or the other. I think our strategy, of providing a substitute motion, is sound, but before we get there I think the moratorium issue needs taken up and given a full discussion, and I think we need to step back and let that happen.

I think Neil should be given time to speak, and I would give him 10 minutes, with Morgan being given 10 as well to respond. Morgan is an extremely articulate spokesperson, and he'll lay out APA's position. Larry James will be present, and I think at some point before the vote on the moratorium resolution takes place, Sharon should recognize Larry and allow him to speak--no reasonable person could argue that Larry should not be given that opportunity (he is directly affected by the proposed resolution, and he's been associated with torture by individuals on the forefront of the movement for the moratorium).

Morgan and Larry will explain what APA is doing, why it is important, and why the moratorium is not a good idea. There will be a number of Council members who will want to speak on behalf of the moratorium.

I absolutely understand Rhea's point about "APA is disarray," and I'd like this issue put to rest as much as anyone, but I think this other process needs to take place before we can work on further statements. There will be many Council members who will speak against the moratorium, and any fair press present will hear those remarks; for Levin, Benjamin, Soldz, et al., rational arguments won't make a difference.

I'll be on the road today, but eager to hear your thoughts,

Steve

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Friday, August 03, 2007 11:52:36 PM
Recipient:	'morgan sammons' PRIVACY REDACTION
Subject:	Initial thoughts--
Attachments:	Preliminarythoughts.doc

Morgan, in terms of talking points, I have a few preliminary thoughts for your consideration (realizing, of course, that you may also believe the Board's motion needs work).

I have attached them for your review, to use or not as you think helpful. Your grasp of the issues and eloquence far surpass mine, so please trust your instinct. These are merely some ideas for you to incorporate as you think best.

Probably best if these are presented as originating from you, and I am left out of the equation.

Thanks,

Steve

First, keep them simple. The opposition has a way of making things ridiculously complex. Have three to five simple and clear points.

One point: Seven governance groups have reviewed the moratorium resolution. None support it. Their feedback is very thoughtful and is available on the APA website (also, I will have hardcopies at the caucus should you need any).

A second point: The sponsor of the resolution says he has two goals: to address an ambiguous legal framework and to protect military psychologists. COLI has done an extensive legal analysis indicating that the sponsor has an incorrect understanding of the law. Division 19 has stated that this resolution will not protect military psychologists and may in fact have the opposite effect (this point could use some elaboration). Thus the moratorium resolution will not achieve either of the sponsor's two stated goals.

A third point: The Board's substitute motion will, in fact, achieve the sponsor's stated goals. The Board's motion will provide a level of guidance and specificity that will be helpful to military psychologists—that's what military psychologists are looking for. The Board's motion will actually accomplish what the resolution sponsor wants the moratorium resolution to do.

(A fourth point: We are psychologists, not lawyers. What is helpful to military psychologists is to have guidance regarding specific behaviors, not complex statements about the law that will require an attorney to interpret.)

An elaboration: A moratorium resolution misses the entire point of what military psychologists need. Military psychologists need guidance, of the sort the Board's resolution provides. A moratorium—a pause until adequate legal guidance is available—delays the very thing we need most and hence has precisely the opposite effect it is intended to achieve.

The folks supporting the moratorium are prone to misstating facts. It is essential that if they speak to the caucuses, someone knowledgeable be present to correct the facts.

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Friday, August 03, 2007 10:20:17 PM
Recipient:	'Banks, Louie M. COL' <louie.morgan.banks@us.army.mil>
Subject:	Hope you're sailing
Attachments:	APAResolution.doc

Hey Morgan,

I hope you're well, and I hope you're sailing. As you may have expected, things are heating up considerably in anticipation of Convention (http://ethicalapa.com/) The Board's motion (attached) seems to be largely overshadowing the "moratorium" resolution, but vigilance remains in order.

I'd be eager to hear what, if anything, you're hearing.

I'm on the road, heading to visit my uncle, but will be checking email often.

Steve

Sender: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent: Tuesday, August 28, 2007 1:08:30 AM
Recipient: 'Olivia Moorehead-Slaughter' PRIVACY REDACTION
Subject: Hi Olivia, please review, thanks!
Attachments: GoodmanArrigo.doc

August 28, 2007

Dr. Sharon Brehm
President
American Psychological Association

Dear Dr. Brehm,

I am writing in response to a listserv post regarding APA's Task Force on Psychological Ethics and National Security (PENS) that is composed of writings by Amy Goodman, host of the radio program "Democracy Now," and Dr. Jean Maria Arrigo, who was a member of the PENS Task Force. While I have not spoken outside of APA venues in my role as chair of the PENS Task Force, the Goodman/Arrigo post presents such a gross distortion of the PENS process—a process that concluded over two years ago—that I simply cannot remain silent. Please distribute this letter as you deem appropriate.

First, I want to be clear: I have never worked in any capacity for the CIA, the FBI, or the Department of Defense. I am a psychologist for a kindergarten through 12th grade private school. I also serve on the training faculty for a university-based, multicultural center. Like hundreds of other APA members, I have volunteered my time for APA activities. I have never received any monies from APA nor will I ever accept compensation from APA for my time. While my employers have supported my involvement in APA activities, these involvements have never been counted toward any manner of professional advancement. When I was asked to chair the PENS Task Force, I accepted. At no point was there any mention of compensation, reward, benefit, or other inducement for serving in this role or for coming to any particular position on the substantive issues. Any other suggestion is, quite frankly, an insult to my integrity.

Second, the names and biographical statements of the Task Force members were provided to the APA Council of Representatives and posted on an APA division listserv weeks before the Task Force met. This information was readily available through the Internet. On the night the PENS Task Force began its work in Washington, a journalist contacted the director of the Ethics Office and asked for hotel information for specific members of the Task Force, by name. The notion that the Task Force membership was not publicly available until "a year later" is completely false.

Third, as PENS Task Force Chair, I responded immediately when Dr. Arrigo raised allegations of "irregularities" in the PENS process. Dr. Arrigo refused to provide any substantive response to my numerous requests over several months that she explain what she viewed as task force irregularities, which I believed should be discussed by the individuals involved. What are finally raised in the Goodman/Arrigo post as examples of irregularities are, in fact, not irregularities at all. Other APA task forces have had multiple observers. In regard to the question of an investigation, the president-elect of APA pointed out that APA has neither subpoena power nor the necessary security clearances, so an "investigation" would be pointless—and would only serve to demonstrate that APA did not understand what a competent investigation would require.

The Task Force itself agreed that its discussion would remain confidential, with Dr. Arrigo providing the *sole* dissenting vote on this question. The Goodman/Arrigo letter states "No task force member was permitted to speak about the PENS report." Dr. Arrigo has spoken a great deal about the report. She has spoken most recently at an APA Convention program, the planning for which was funded by the APA Board of Directors.

Fourth, in terms of the composition of the PENS task force, the Goodman/Arrigo post fails to address how several of the task force members have been described in publicly available documents as taking central roles in fighting detainee abuse. Dr. Mike Gelles has been hailed for a successful protest of prisoner abuse in Guantanamo Bay. The work of Dr. Larry James in implementing procedures to prevent further abuses at Abu Ghraib has been described in a recent book by a former APA president. Dr. Robert Fein, chair of the Intelligence Science Board study on educing information, is on the forefront of demonstrating that harsh interrogation techniques are not effective; his work has been discussed in the *New York Times*. Dr. Morgan Banks has been described by Jane Mayer in the *New Yorker* magazine as taking a clear and unequivocal position against "reverse-engineering" of SERE techniques; Dr. Banks has repeatedly stated that "reverse SERE engineering" is both unethical and ineffective. Dr. Scott Shumate is portrayed in a recent *Vanity Fair* article as "disgusted" in reaction to detainee abuse. The Goodman/Arrigo post states "Six of the ten members were highly placed in the Department of Defense" (an inaccurate statement), and then goes on to ignore entirely the publicly available information about what these individuals have done to fight the abuse of detainees. The post likewise ignores how Mike Gelles has since left government service and remains a strong supporter of the PENS task force conclusions. It is exceedingly unfortunate that Amy Goodman and Dr. Arrigo do not so much as acknowledge the efforts of these PENS task force members against abuse.

Fifth, immediately following the PENS task force meeting, after task force members had left Washington, a final draft of the report was distributed for approval. Dr. Arrigo's response reads in its entirety: "The depth, scope, and wisdom of this document are indeed impressive, and I approve it as a Task Force member. Also, I appreciate its literary grace (owing to Steve). As mentioned previously, I have felt uneasy with some elements, primarily omissions. Fulfillment of the Task Force recommendations would relieve my concerns, and I hope for an opportunity for further participation. Thanks to the APA ethics committee, board, and staff members who have mobilized for swift review and dissemination of the PENS report. Jean Maria Arrigo" (Given that Dr. Arrigo has now provided this information to multiple individuals and entities, including an investigative journalist, I will assume that she has waived any expectation of her own privacy regarding these materials.) In 2006, the year following when the PENS report was issued, a majority of PENS task force members determined that the APA Ethics Committee was the appropriate body to write a casebook/commentary on the PENS report. Dr. Arrigo dissented vigorously and argued that the PENS task force should continue its involvement in PENS-related work.

Six and finally, I note with dismay that nowhere on the Democracy Now website was I able to find any material from the many voices at Convention and on APA Council who

spoke strongly in support of APA's position and eloquently against a limitation of psychologists' roles in detention centers. I contrast this "silencing" to APA's behavior over the past year.

In response to continued member interest in this issue, the APA Board of Directors funded a group to plan an extensive program on ethics and interrogations at the 2007 Convention in San Francisco. The program consisted of nine, two-hour sessions. The majority of members on the program planning group were affiliated with the Divisions for Social Justice. Some of the harshest critics of APA's position were on the Convention program—with the full knowledge and support of the APA leadership. Democracy Now filmed several of the sessions, including the Town Hall meeting. The Board of Directors was fully committed to ensuring that a proposal limiting the roles of APA members in detention facilities would be discussed at the Council of Representatives meeting. The discussion took place on the day requested by the chair of the Divisions for Social Justice.

I suggest that were one truly interested in a democratic process, how APA leadership handled this issue in San Francisco would provide an excellent example of democracy in action.

Sincerely,

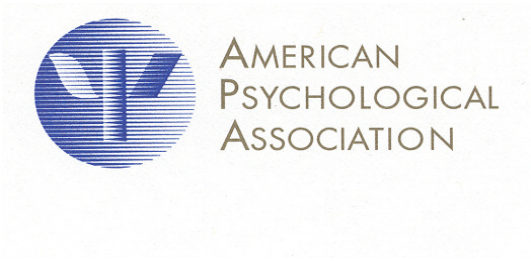
Olivia Moorehead-Slaughter, PhD
Chair, PENS Task Force

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Thursday, August 02, 2007 12:38:22 AM
Recipient:	Farberman, Rhea <rfarberman@apa.org>;Strassburger, Judy <jstrassburger@apa.org>
Subject:	Draft of letter #1
Attachments:	Council07item#5group.doc

Hi Rhea and Judy,

Here is a draft of letter #1. Please let me know what you think. (I've placed this on electronic letterhead, which doesn't appear much of the time. I'm not sure how to fix)

Steve



August 7, 2007

Dr. Neil Altman
Dr. Morgan Sammons

Dear Drs. Altman and Sammons,

I am writing to ask you for your assistance on an issue that has significantly challenged APA. As you are well aware, APA has been addressing the issue of psychologists' involvement in military interrogations for over two years. Council has heard discussion and debate at each of its last four meetings; last year, in New Orleans, Council spent nearly one-third of its entire meeting time on this and related issues. I fully anticipate that the issues facing Council in San Francisco will likewise be complex and not easily given to quick or simple resolutions. That is the reason I write to you.

Council has two motions to consider on its agenda item #5. One has been submitted by Dr. Altman; the other, by the Board of Directors. It is my understanding that multiple groups wish to offer amendments to the Board's motion.

It is increasingly clear to me that the number and complexity of issues in these motions and their related amendments will preclude Council from addressing item #5 in the allotted time in the thoughtful manner this item both requires and deserves. I believe that Council will benefit from a working group that reviews the Board's motion and the proposed amendments and organizes the material for Council. I would like you to serve as co-chairs of this group. Please let me emphasize that this process in no manner precludes Dr. Altman from addressing Council in support of the moratorium resolution.

The goal of the working group is to review all of the proposed amendments to the Board's motion and indicate which of these represent consensus positions, such that they currently receive wide support across the association. As part of this task, the group will also identify which proposed amendments do not represent consensus positions and therefore require further discussion. One could conceptualize this process as organizing Council's agenda before a meeting, when certain items are placed on a "consent agenda." In this framework, the goal of the working group is to identify amendments for the consent agenda, as well as to identify amendments that could not be placed on the consent agenda. I am hopeful that the product of this group will allow us to view our areas of agreement clearly and will deepen our understanding of where we as an Association do not yet share common ground. Given the amount of material the Board's motion has generated, the task for your group is considerable.

I am inviting as members of your working group psychologists who represent a range of perspectives on this issue, and/or who have special expertise: Dr. Mike Gelles, Dr. Doug Haldeman, Dr. Olivia Moorehead-Slaughter, Dr. Corann Okorodudu, Dr. Brad Olson, Dr. Judith Van Hoorn, Dr. Elizabeth Wiggins, and Dr. Linda Woolf. I ask that you not discuss this group until I have reached these individuals and extended an invitation to join.

I hope that you will accept this invitation to serve as a co-chair. I would value and appreciate your contribution to APA. I ask that you respond to me at your earliest convenience. To be effective, the group will need to begin its work almost immediately.

Thank you, and I look forward to your response.

Sincerely,

SB
President

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Wednesday, August 01, 2007 12:19:54 AM
Recipient:	'SSB' Sharon Brehm
Cc:	Anderson, Norman <NAnderson@apa.org>;Strassburger, Judy <jstrassburger@apa.org>;Farberman, Rhea <rfarberman@apa.org>
Subject:	RE: Moratorium resolution

Sharon, this afternoon we discussed a plan that I'd like to talk to you about tomorrow. Painting with broad brushstrokes, it is the following:

At this point in time, there appear to be four possible resolutions: Neil's moratorium resolution, the Board's resolution, and two amended versions of the Board's resolution being worked on by two related but separate groups in the social justice/human rights community. We are approximately two and one-half weeks away from Council. There is little-to-no discussion going on between "camps" on this issue. The risk, which I judge to be fairly high, is that Council is going to be overwhelmed by the number and complexity of the issues involved and without some direction simply won't know what to do. There is not going to be enough time for Council to address these issues in a serious and substantive manner regardless of when the item comes up during the meeting.

I think there needs to be some control exerted over this process, so that there is an organizing principle attempting to bring a measure of coherence to the competing voices, in the hope of presenting a text to Council that is the result of collaboration between stakeholders. The only person with the political and moral authority to exert this kind of control over different aspects of the Association and shape the process is you.

The plan would be for you to write a message to Council (we will draft for your review), in which you set the context (i.e., Council will need to address this critical and very complex issue, time is short, and there simply won't be time on the floor of Council to grapple with the substance of the different possible resolutions and their alternatives), and say that you want a group to assemble and meet over the course of Convention, ideally beginning Wednesday afternoon or evening, to review the proposals that have come forth. The group will then work on drafting a text, for the purpose of determining whether members coming together from different perspectives can agree on and recommend some wording for adoption by Council.

In terms of logistics, the plan would be for you to appoint a chair or co-chairs. Olivia would be a good candidate since she's been involved and knows the issues and the people, and is held in high esteem across APA. It would be advisable, I think, to consider appointing a co-chair as well. Linda Woolf would be an excellent possibility. (Corann is also held in very high regard by folks working on this issue in the human rights/social justice communities; we would need to discuss.) There would be a group of 8-10 members invited (not "appointed") to participate in this working group. You would then step back, allow the group to do its work, and the chair (or "person(s) leading the group") would inform you periodically how the work was progressing leading up to Sunday.

This plan is a mechanism for you to step forward and take charge of the situation. My sense is that people are feeling increasingly anxious over how this issue is going to unfold at Council, and I believe that there needs to be some way of bringing coherence to an increasingly fractious discussion. Of course, this group does not preclude Council from doing anything it wants to do, but it will carry the weight of your imprimatur and that's quite a lot.

Please let us know if you think this plan is sound, and if so we'll discuss next steps.

Steve

-----Original Message-----
From: SSB Sharon Brehm
Sent: Tuesday, July 31, 2007 8:00 PM
To: Strassburger, Judy; Behnke, Stephen; Farberman, Rhea
Cc: Anderson, Norman
Subject: RE: Moratorium resolution

Many thanks! Sharon

-----Original Message-----
From: Strassburger, Judy [mailto:jstrassburger@apa.org]
Sent: Tuesday, July 31, 2007 3:06 PM
To: SSB; Behnke, Stephen; Farberman, Rhea
Cc: Anderson, Norman
Subject: RE: Moratorium resolution

Steve, Norman and I just met about this and he will lbe writing you shortly. Judy

Judy A. Strassburger, Executive Director
Governance Affairs
American Psychological Association
750 First Street, NE
Washington, DC 20002-4242
(202) 336-6088
(202) 336-6157 Fax
jstrassburger@apa.org

-----Original Message-----
From: SSB Sharon Brehm
Sent: Tuesday, July 31, 2007 3:05 PM
To: Behnke, Stephen; Farberman, Rhea
Cc: Strassburger, Judy
Subject: RE: Moratorium resolution

So when are we going to be able to figure out how much time will be allocated? I'd rather wait until we've decided that before I respond to him. Sharon

-----Original Message-----
From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Tuesday, July 31, 2007 2:27 PM
To: SSB; Farberman, Rhea
Subject: RE: Moratorium resolution

Hi Sharon, let's reword just slightly, since I'm quite sure Trish Crawford has forwarded your response from yesterday to Neil. How about:

Dear Neil, thank you for role in planning the ethics and interrogations program at Convention. I realize how important this issue is to you and how much time and energy you have put into working on the moratorium resolution. As Council approaches, I will be attempting to organize the discussion of this and many other items. As I'm sure you are aware, a request has been made to have Council take up this item on Sunday. Given the limited time available and the likelihood that a number of Council members will want to speak on this issue, I will need to consider carefully what the available time will realistically allow. I am very excited about the ethics and interrogation programs, and to a constructive conversation at Council. When I have a better sense of how much time we will likely have for this item, I will be in touch with you about your request. Best regards, Sharon

-----Original Message-----

From: SSB [redacted]
Sent: Tuesday, July 31, 2007 11:08 AM
To: Behnke, Stephen; Farberman, Rhea
Subject: FW: Moratorium resolution
Importance: High

Dear Steve and Rhea, I just received the email below from Neil. I'd like you to vet my response to him. If you want me to revise it, just let me know. I'm hoping to respond today if at all possible.

PROPOSED RESPONSE: Dear Neil, I know how important this issue is to you and I appreciate your taking a central role in planning the ethics and interrogations program at Convention. In preparation for Council, I will be trying to figure out how best to structure the discussion at Council, given the limited time available and the likelihood that there will be a number of Council members who will want to speak on this issue. In any event, I do hope for a useful educational experience at the E&I programs and a constructive conversation at Council. Best regards, Sharon

-----Original Message-----
From: Neil Altman [redacted]
Sent: Monday, July 30, 2007 10:02 PM
To: SSB
Subject: Moratorium resolution

Dear Dr. Brehm,
As you are aware, I introduced a resolution in council asking APA to call for a moratorium on psychologist participation in interrogations in detention centers holding "illegal enemy combatants". The Board has offered a proposed substitute resolution that would displace my resolution. I am no longer a member of the council, so I request your permission to speak in behalf of retaining the resolution that I introduced in the debate as to whether to substitute the Board's motion. Thank you for your consideration. Neil Altman

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http://im.live.com/messenger/im/home/?source=hmtextlinkjuly07

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Tuesday, July 24, 2007 11:46:03 PM
Recipient:	'Dunivin, Debra L LTC WRAMC-Wash DC' <Debra.Dunivin@NA.AMEDD.ARMY.MIL>
Subject:	RE: Prohibition of specific interrogation techniques (UNCLASSIFIED)

Debra, this is a fast-moving target at the moment; I'll know more where things stand at the end of the week and will check in with you then.

I'm quite sure that Russ is making a good move, but it's a very significant loss for APA. His presence gave me a significant measure of comfort that someone who knew what he was doing was in charge of Practice...

Steve

-----Original Message-----
From: Dunivin, Debra L LTC WRAMC-Wash DC [mailto:Debra.Dunivin@NA.AMEDD.ARMY.MIL]
Sent: Tuesday, July 24, 2007 5:33 PM
To: Behnke, Stephen
Subject: RE: Prohibition of specific interrogation techniques (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Hi, Steve. I can only echo Bryan's comments below. We really cannot be put in position of outlining vaguely defined prohibitions. Can you derail that particular train? Debra

-----Original Message-----
From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Monday, July 23, 2007 10:32 PM
To: Davidson Bryan M Maj 10 MDOS/SGOPF
Cc: Dunivin, Debra L LTC WRAMC-Wash DC
Subject: RE: Prohibition of specific interrogation techniques

Bryan,

Thank you for your very thoughtful message. And yes, of course I remember you!

You make excellent points below, and I will ensure that your message-with no attribution to you-is conveyed to the Ethics Committee. As you know, this issue has continued to spark intense debate in the Association, and I want to ensure that your voice, and that of our military colleagues, is heard loudly and clearly by all concerned.

I'm not able to write at length at the moment, but let me ask whether you will be able to attend Convention. If so, let's find a time to get together and talk.

I consider the Association honored by the contributions you make to APA

and to our country, and I'm enormously proud of the work you and all psychologists who serve in the military do. APA will be working on this issue for some time to come, and I'll work hard to make sure that our actions are helpful and supportive to you. I'll be checking in with you as time goes on, and will be very eager for your feedback.

Stay safe,

Steve Behnke

From: Davidson Bryan M Maj 10 MDOS/SGOPF
[mailto:bryan.davidson@usafa.af.mil]
Sent: Monday, July 23, 2007 11:33 AM
To: Behnke, Stephen
Cc: Dunivin, Debra L LTC WRAMC-Wash DC
Subject: Prohibition of specific interrogation techniques

Dr. Behnke,

Good morning, Sir.

I'm not sure if you remember me, but met you in March in Ft. Huachuca as we helped prepare the next round of deployers.

I was the one who told you that it is folks like you who keep me paying my APA dues. Without voices like yours that see the ethical role psychologists can have in situations such as detention settings, I think I would not be a part of APA due to its apparently imbalanced views in this arena.

Dr. Behnke, these are my thoughts and are not the view of the AF or DoD. I am writing to you as a colleague I regard very highly. I would ask that you consider the above information in your position of leadership. Please do not quote me or refer to me because my goal is not to represent any governmental opinion. Should you desire that, please contact LTC Dunivin or others in leadership who may be able to make statements blessed through public affairs. I have CCed her on this email - attempting to demonstrate that I'm not trying to go outside of any appropriate bounds. I rather simply hope to add another voice to this ongoing and very important issue.

Anyway, while I have not actually seen the Vanity Fair article yet (I can't access it on my government computer, but will look it up tonight at home) I did see your response.

Several "specific interrogation" techniques you mentioned that may be explicitly prohibited give me pause. I wanted to write to you to share my thoughts even though I'm sure other more senior leadership have probably already done so.

I want to qualify that I didn't see any of these techniques used when I was deployed, so I am not trying to defend the methods as good options for interrogation, but the consequences of making them explicitly prohibited could be more than we bargain for.

First, if we make something vague prohibited have we really protected anyone? How do you define stress position, for example? Could a detainee be asked to stand rather than sit? Is that a stress position? What if the interrogator also stands, is that then okay? What if the detainee considers sitting in a chair to be stressful because in their culture they are used to sitting on the ground - is that now a stress position? What about sleep deprivation? What would constitute that? If it is too noisy in a detention facility and a detainee cannot sleep - have we now tortured them? Will a pillow eventually be required for those who feel they need that in order to sleep? A bed? What about "extreme temperature"? Who defines that? Will we eventually always be required to have air-conditioned facilities? Even hooding - often this has been used for security purposes to keep a detainee from seeing something they should not. Will we also prohibit blindfolding? Who will give the actual definition of "hooding"?

It just seems that definitional problems are going to become very difficult if the APA attempts to get in the business of prohibiting specific techniques.

And doesn't specificity somehow also lend itself to loopholes wherein people may be meeting the letter but not the spirit of a mandate?

Also, I can see it now. Say the APA prohibits hooding, but the government does not. I am then deployed to a setting where hooding is happening. I am an APA member. I am also and AD Major. What do I do? Or the APA's definition of sleep deprivation is different than the government's...what should my course of action be? Right now I feel as though I can meet both APA and government guidelines, but if APA gets very specific, could we end up losing psychologist support in detention facilities? I think you and I both agree that having psychologists in these facilities is a GOOD thing because it very likely helps us prevent abuses that did occur in the past. APA guidance is good because it also helps government make good decisions on what it should support, but how specific is too specific?

Finally, to what end could terrorist organizations use the specific mandates of APA for interrogations should APA come out with them? It would obviously be public domain. I see two ways - First, they could use it as a sign of our timidity, weakness, and cowing to public pressure - thus seeing us as more vulnerable to attack and legitimizing further attacks as well as gaining recruits for such attacks. Second, if the limits we put on ourselves are so stringent (to the point of things that are not cruel or inhumane being called such) then we put ourselves at further risk of media warping that we are cruel and inhumane - thus feeding the fire of anti-American sentiment and again helping the terrorists' cause.

Please take these thoughts into consideration as you proceed.

Very respectfully,

Bryan

Bryan Davidson, Maj, USAF, BSC

USAFA 10th Medical Group

Behavioral Health Consultant

Bryan.Davidson@usafa.af.mil

DSN: 333-5797

Commercial: 719-333-5797

Classification: UNCLASSIFIED
Caveats: NONE

Sender: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent: Thursday, September 13, 2007 8:33:28 PM
Recipient: 'Levant,Ronald F' PRIVACY REDACTION
Subject: RE: [SPSMM] Report from San Francisco--I

I have to say, it's just hard for me to imagine that more than a handful of people--if that--are reading through these messages any more. Have there been any replies?

-----Original Message-----
From: Levant,Ronald F PRIVACY REDACTION
Sent: Thursday, September 13, 2007 8:32 PM
To: Behnke, Stephen
Subject: RE: [SPSMM] Report from San Francisco--I

Yes, but...
He wasn't so nice to Larry James and Olivia, and the Board for that matter.
Also, there is also an enveloping quality to his writing where he wraps his agenda around the division as if it were there own.
Wonder how many he takes in?

-----Original Message-----
From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Thursday, September 13, 2007 5:50 PM
To: Levant,Ronald F
Subject: RE: [SPSMM] Report from San Francisco--I

It's interesting Ron (and thanks for sending); For Ed, this is a pretty tempered and even-handed message; while things clearly did not go the way he would have preferred, he has a number of positive things to say about APA and the process...it's a much different tone than that of many of his other listserv postings.

-----Original Message-----
From: Levant,Ronald F PRIVACY REDACTION
Sent: Thursday, September 13, 2007 2:00 PM
To: Behnke, Stephen
Subject: FW: [SPSMM] Report from San Francisco--I

another long one from Ed T (aka "the windbag")

-----Original Message-----
From: Facilitate discussion of topics related to the psychology of men & masculinity. [mailto:SPSMM@LISTS.APA.ORG]
On Behalf Of Ed Tejirian
Sent: Thursday, September 13, 2007 12:38 PM
To: SPSMM@LISTS.APA.ORG
Subject: [SPSMM] Report from San Francisco--I

Dear SPSMM colleagues,

This is the first of two "reports" by me, as DSJ liaison for our division, on events that transpired at San Francisco last month. This one deals with the outcome of the vote on the Moratorium at the final Council of Representatives meeting on Sunday, Aug.

19th. The second will be on the convention-within-the convention called "Ethics and Interrogation:
Confronting the Challenge," which consisted of eight panels that ran from Thursday through Monday.

As some of you might recall, before the Convention, I'd written to the list about a plan by the Board of Directors to present a motion that would substitute for the Moratorium Resolution and effectively prevent it from getting to the floor to be voted on.

This was of particular interest to our division since a majority our Board had voted to endorse the Moratorium Resolution.

However, at the eleventh hour, as Neil Massoth predicted, an alternative process was agreed to by the different parties that would (1) bring to the floor a new Board of Directors motion which was called "Substitute Motion #3 and (2) permit a vote on a Moratorium AMENDMENT to this motion.

The title of Substitute Motion #3 was: "Reaffirmation of the American Psychological Association Position Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and Its Application to Individuals Defined in the United States Code as "Enemy Combatants"

The Moratorium Resolution was now transformed into a Moratorium AMENDMENT to Substitute Motion #3 and would be voted on BEFORE "Substitute Motion #3. The "Moratorium Amendment" stipulated that the APA would call for a moratorium on psychologists'
participation-- EXCEPT as health-care providers-in detention settings where detainees' legal and human rights were not adequately protected or acknowledged.
This was intended to apply to Guantanamo and other military detention centers.

The motion and the amendment were discussed and debated for over an hour and then a vote was taken. I was present, as an observer, at the debate and the vote. The Council of Representatives consists of
(about) 160 members.

The outcome was: (1) the moratorium amendment was defeated by a roughly 3 to 1 margin, (judging from a show of hands--no actual count was taken.) Substitute Motion #3-henceforth referred to as the 2007 Resolution--was carried almost unanimously.

I want first to look at the 2007 Resolution-which appears in its entirely at the end of this message:

The 2007 resolution is obviously not a perfect document. It is, however, a vast improvement over Substitute Motion #2.

In several significant respects, I see its language as raising the bar of the consciousness of human rights as an integral part of the APA mission. It builds on the 2006 Resolution but goes beyond it to target facts of the political here-and-now that were not specified in the 2006 Resolution.

Building on the 2006 Resolution, the 2007 Resolution uses the second paragraph of the document to highlight--from the get-go--the status of the APA as an accredited NGO at the United Nations and its consequent commitment to uphold human rights; It went on from there to do the following:

It explicitly recognized that, apart from interrogations, the CONDTIONS of detention can constitute torture or cruel, inhuman, or degrading treatment or punishment; That is not stated with such succinctness and clarity in the 2006 Resolution nor was it addressed at all in the PENS report.

It expressed "grave concern" over settings in which detainees are deprived of human rights protections. I think that is a first in terms of rebuking the current government's policy on detentions--and a welcome change from inviting the army Surgeon General to fly in with his entourage to make his pitch to Council for psychologists' participation in interrogations at Guantanamo, as occurred in 2006 at the New Orleans convention.

It affirms the "prerogative" of psychologists to REFUSE to work in such settings. While it's true that this leaves them to continue to do so if they choose, so did the Moratorium Resolution. However, it does NOT say that psychologists SHOULD participate in interrogations in order to keep them "safe, legal, ethical, and effective" as did the PENS report. In contrast, it promises to support psychologists if they decline to do so.

By informing the U.S. government that psychologists are PROHIBITED from participating in torture or CIDT under ANY conditions, including in the interrogation of "unlawful enemy combatants, it kills two birds with one stone.

A "prohibition" leaves no wiggle room for psychologists to choose to follow the law if asked to participate in torture or CIDT. Thus, it seems to close the loophole in Ethical Standard1.02, which does allow psychologists to do that. In fact, one colleague said that Ethics Office Director Steve Behnke remarked at the "Town Meeting" after the vote that the 2007 Resolution "trumped1.02. "

The 2007 Resolution promises to support psychologists who refuse to work in the kinds of problematical settings over which it expresses "grave concern" as well as those who disobey orders that would require them to collaborate in unethical though

LAWFUL conduct.

And in another rebuke to the current administration, it signals that it does not accept that so-called "unlawful enemy combatants" are in a separate category that can be treated with looser ethical standards. In fact, the name of the resolution signals its specific concern for those persons defined as "enemy combatants" whether "lawful" or "unlawful."

However, there is one jarring note on the negative side. Among a detailed list prohibited techniques that psychologists may never use or collaborate with, it lists:

"...isolation, sensory deprivation and over-stimulation and/or sleep deprivation used in a manner that represents significant pain or suffering or in a manner that a reasonable person would judge to cause lasting harm."

Brief isolation might be justifiable under certain conditions (though never as punishment) but sensory deprivation, over-stimulation, or sleep deprivation are unqualifiedly abusive and should NEVER be permitted. I think that a motion ought to be introduced at the next meeting of Council to remove these qualifiers; in fact, I think the Board of Directors itself should introduce such a motion.

I also have some thoughts on the vote that defeated the Moratorium Amendment at Sunday's meeting for those who might like to think about that as well.

Listening to the discussion and debate at the meeting, I had a kind of "epiphany." I realized that the American Psychological Association is not PRIMARILY a human rights organization. In a sense, it's a guild--not exclusively maybe, but a guild nevertheless--to promote the interests of psychology as a profession and of its individual members. (In principle, there is nothing wrong with that-in fact, we've all benefited from it.)

As part of the promotion of professional self-interest, the PENS process effectively endorsed the maintenance of a close, mutually advantageous relationship between psychology as the primary provider of behavioral science consultative services to the intelligence and counter-intelligence communities of the American military and security services. This threat to this relationship was, I believe, a major-if not THE major UNSTATED motivation-in the Board of Directors' opposition to the Moratorium Resolution. By saying that, I in no way disbelieve the sincerity of the STATED motivation-that the participation of psychologists in interrogations at Guantnamo and other military detention centers is intended to keep interrogations within the bounds of safety and ethics. I do, however, hold that this assertion remains unproven and that the report of the Inspector General of the Department of Defense demonstrates that psychologists' knowledge can be used to hurt as well as to help.

My impression is, however, that the motivations of the rank and file are rather more complex. Several times, I heard the fear of a "slippery slope" expressed-the fear that other APA members, as individual psychologists-might face a curtailment of their own professional activities if the moratorium amendment were to be approved. A therapist working with children (of all people!) expressed the fear that she might face some kind of restrictions placed on her; and a forensic psychologist who did psychological evaluations in death-penalty cases expressed (perhaps with more justification) a similar concern--I heard him say that in a private conversation between himself and a young naval psychologist after one of the panels.

Apropos, of the young naval psychologist: I was sitting behind him in one of Sunday's panels and I could see that he was very opposed to the moratorium idea by his reactions to various points made by the speakers. But, handsome in his immaculate white uniform, he looked like such a clean-cut, upstanding, idealistic young man that one could not imagine him doing anything unethical. Of course, we know that appearances mean very little in this area, but I suspect there are those who sincerely believe that they can trust their military colleagues to do the right thing under any circumstance.

When one speaker at that panel asserted that individual psychologists--particularly young, career-oriented ones--might find themselves going along with the pressure to fall into line in supporting unethical procedures, another military psychologist (a marine) who was older than his naval colleague, called out, "Not in MY military!"

At the Council meeting prior to the vote, Naval Captain Morgan Sammons, also a psychologist, said that, if the moratorium amendment were to be passed, "people will be at risk." Col. Larry James said at least twice that if the amendment were passed, "people will die." I assumed he meant victims of terrorism, but Laurie Wagner, one of our DSJ colleagues learned from him that, in fact, he meant DETAINEES! It's difficult to know how persuasive these warnings were. Personally, I discounted them, and Dr. Wagner remarked that, if Larry James was right, psychologists should definitely NOT be in such situations.

My interpretation of what Col. James said was that thes train he has been under was beginning to show, but others might have seen this as a plaintive "cri de coeur" that should be listened to. We might recall how some people came to Col. James' defense at the mere implication that he might have collaborated with unethical practices while serving as Chief of

Psychological Intelligence under the redoubtable Gen.
Geoffrey Miller who famously went on to "Gitmo-ize"Abu Ghraib.

In fact, in her reply to Jean Maria Arrigo's convention presentation (more on that in Report from SF II) Olivia Moorehead-Slaughter also cited Col.
James--as have others before her--for his role in applying Geneva Convention practices to Abu Ghraib after Gen. Miller had trashed them, without mentioning his previous service at Guantanamo under the same boss. This is not to impugn Larry James's integrity but rather to highlight the fact that the constant assertion by the leadership that military psychologists can be trusted to do the right thing has, perhaps, had a "trickle-down" effect.

But, turning to the moratorium amendment, I'm not sure how many people understood that the moratorium was NOT a prohibition, and that it applied ONLY to detention centers, although Council member Bernice Lott of SPSSI made a clear announcement about the latter fact on Sunday morning. The language of the amendment itself was broader than the language of the original Moratorium Resolution. The amendment did not specifically mention military detention centers and perhaps that contributed to the confusion, if confusion it was instead of deliberate misrepresentation. Capt. Sammons seemed to take advantage of any possible ambiguity in people's minds to announce, on Monday, that the Council had defeated an amendment that could have limited psychologists'
freedom to work in a variety of settings (that he did not specify.) That did seem to me like a knowing misrepresentation.

Again, returning to Sunday's Council meeting, I had several other reactions. The first was, "Well, this is the APA that we have." The second was that I was glad that, even if it was defeated, the moratorium amendment came to the floor for a vote--that the Board had backed off from its ill-advised attempt to prevent it from doing so. Third, I thought that, given the roughly 3-1 vote against it, a moratorium resolution was, at least for the near future, not one that could be revived.

However, later, when I had the chance to seriously read the text of the resolution that an overwhelming majority voted FOR, I felt encouraged. The 2007 Resolution is light years better than the PENS report; it takes the good things in the 2006 Resolution, builds on them, and takes them further in some important and concrete ways that apply--as I've said--to the political here-and-now.

I think one can apply psychoanalytic concepts to organizations to some degree. Using a psychoanalytic model--loosely, to be sure--in the passage of the 2007 Resolution, the Council demonstrated that the organization's ego ideal affirms the value of human rights, and the ego identifies with the ego ideal in that respect.

However, the "id" of self-interest remains a strong contender. Hence we have the possibility of conflict.
I think the moratorium amendment was seen by too many--and in my view, mistakenly--as threatening self-interest.

I think most APA members don't want to be seen-by others or themselves-as opposing human rights; some, however, might fear that a strong human rights commitment might jeopardize their livelihoods.

In panel 7, Dr. Robert Kinscherff was speaking of the mind-crushing regimens of some "super-max"
prisons, observing that psychologists working there were, by and large, unwilling or powerless to do anything to ameliorate these conditions. Perhaps people working in such settings might fear that a strong human rights orientation on the part of APA might jeopardize their ability to work there.

I don't think that fear is justified. APA IS still a guild and it's not going to lightly put its members out of work.

However, perhaps the time has come to have a concern for human rights permanently built into the APA governance structure in the form of a standing committee on human rights; and perhaps SPSMM and the other Divisions for Social Justice can begin to work toward that goal.

Finally, I think a vote of thanks is due to the group that worked so hard on what turned out to be the 2007 Resolution. It is infinitely better than the warmed over plate of spaghetti that was Substitute Motion #2.

I believe Neil Altman and others who worked on the Moratorium Resolution have made a difference. There would have been no teach-in on "Ethics and Interrogation" without the Moratorium Resolution having been introduced and pushed all year long. And an incredible vote of thanks is due to those who worked so assiduously in setting up the "convention within a convention," I attended all the panels and participated in one; I saw the enthusiasm and commitment in the audience. The work of all those people-including DSJ Chair Brad Olson and the DSJ colleagues who worked with him-as well as the honest brokering bof Ethics Director Steve Behnke-gave those who felt that support for human rights were critical to APA's future visibility and a voice.

The APA is like a huge ocean liner that can't be turned on a dime. But I really think that the MOVEMENT that found expression in the Moratorium Resolution has given it a nudge. My inner cynic says, "don't get your hopes up." I hope that this time, at least, he's wrong.

Ed

Here is the text of the 2007 Resolution. Caps within the text are mine.

Substitute Motion 3

Reaffirmation of the American Psychological Association Position Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and Its Application to Individuals Defined in the United States Code as "Enemy Combatants"i

WHEREAS the mission of the American Psychological Association is to advance psychology as a science and profession and as a means of promoting health, education and human welfare through the establishment and maintenance of the highest standards of professional ethics and conduct of the members of the Association;

WHEREAS the American Psychological Association is an accredited non-governmental organization at the United Nations and so is committed to promote and protect human rights in accordance with the United Nations Charter and the Universal Declaration of Human Rights;

WHEREAS the American Psychological Association passed the 2006 Resolution Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, a comprehensive and foundational position applicable to all individuals, in all settings and in all contexts without exception;

WHEREAS in 2006, the American Psychological Association defined torture in accordance with Article l of the United Nations Declaration and Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment,

[T]he term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted upon a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official [e.g., governmental, religious, political, organizational] capacity. It does not include pain or suffering arising only from, inherent in, or incidental to lawful sanctions [in accordance with both domestic and international law];

WHEREAS in 2006, the American Psychological Association defined the term "cruel, inhuman, or degrading treatment or punishment" to mean treatment or punishment by a psychologist that, in accordance with the McCain Amendment, is of a kind that would be "prohibited by the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, as defined in the United States Reservations, Declarations and Understandings to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment done at New York, December 10, 1984." Specifically, United States Reservation I.1 of the Reservations, Declarations and Understandings to the United Nations Convention Against Torture stating, "the term 'cruel, inhuman or degrading treatment or punishment' means the cruel, unusual and inhumane treatment or punishment prohibited by the Fifth, Eighth, and/or Fourteenth Amendments to the Constitution of the United States."ii

BE IT RESOLVED that the American Psychological Association reaffirms unequivocally the 2006 Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment in its entirety in both substance and content (see Appendix A);

BE IT RESOLVED that the American Psychological Association affirms that there are no exceptional circumstances whatsoever, whether induced by a state of war or threat of war, internal political instability or any other public emergency, that may be invoked as a justification for torture or cruel, inhuman, or degrading treatment or punishment, including the invocation of laws, regulations, or orders;

BE IT RESOLVED that the American Psychological Association unequivocally condemns torture and cruel, inhuman, or degrading treatment or punishment, under any and all conditions, including detention and interrogations of both lawful and unlawful enemy combatants as defined by the US Military Commissions Act of 2006;

BE IT RESOLVED that the unequivocal condemnation includes an absolute prohibition against psychologists' knowingly

planning, designing, and assisting in the use of torture and any form of cruel, inhuman or degrading treatment or punishment;

BE IT RESOLVED that this unequivocal condemnation includes all techniques defined as torture or cruel, inhuman or degrading treatment under the 2006 Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, the United Nations Convention Against Torture, and the Geneva Convention. This unequivocal condemnation includes, but is by no means limited to, an absolute prohibition for psychologists against direct or indirect participation in interrogations or in any other detainee-related operations in mock executions, water-boarding or any other form of simulated drowning or suffocation, sexual humiliation, rape, cultural or religious humiliation, exploitation of phobias or psychopathology, induced hypothermia, the use of psychotropic drugs or mind-altering substances used for the purpose of eliciting information; as well as the following used for the purposes of eliciting information in an interrogation process: hooding, forced nakedness, stress positions, the use of dogs to threaten or intimidate, physical assault including slapping or shaking, exposure to extreme heat or cold, threats of harm or death; and isolation, sensory deprivation and over-stimulation and/or sleep deprivation used in a manner that represents significant pain or suffering or in a manner that a reasonable person would judge to cause lasting harm; or the threatened use of any of the above techniques to the individual or to members of the individual's family;

BE IT RESOLVED that the American Psychological Association calls on the United States government-including Congress, the Department of Defense, and the Central Intelligence Agency-to prohibit the use of these methods in all interrogations and that the American Psychological Association shall inform relevant parties with the United States government that psychologists are prohibited from participating in such methods ;

BE IT RESOLVED that the American Psychological Association, in recognizing that torture and other cruel, inhuman or degrading treatment and punishment can result not only from the behavior of individuals, BUT ALSO FROM THE CONDITIONS OF CONFINEMENT, EXPRESSES GRAVE CONCERN OVER SETTINGS IN WHICH DETAINEES ARE DEPRIVED OF ADEQUATE PROTECTION OF THEIR HUMAN RIGHTS, AFFIRMS THE PREROGATIVE OF PSYCHOLOGISTS TO REFUSE TO WORK IN SUCH SETTINGS, and will explore ways to support psychologists who refuse to work in such settings or who refuse to obey orders that constitute torture;

BE IT RESOLVED that the American Psychological Association asserts that any APA member with knowledge that a psychologist, whether an APA member or non-member, has engaged in torture or cruel, inhuman, or degrading treatment or punishment, including the specific behaviors listed above, has an ethical responsibility to abide by Ethical Standard 1.05, Reporting Ethical Violations, in the Ethical Principles of Psychologists and Code of Conduct (2002) and directs the Ethics Committee to take appropriate action based upon such information, and encourages psychologists who are not APA members also to adhere to Ethical Standard 1.05;

BE IT RESOLVED that the American Psychological Association commends those psychologists who have taken clear and unequivocal stands against torture and cruel, inhuman or degrading treatment or punishment, especially in the line of duty, and including stands against the specific behaviors (in lines 81 through
100) or conditions listed above; and that the American Psychological Association affirms the prerogative of psychologists under the Ethical Principles of Psychologists and Code of Conduct (2002) to disobey law, regulations or orders when they conflict with ethics ;

BE IT RESOLVED that the American Psychological Association asserts that all psychologists with information relevant to the use of any method of interrogation constituting torture or cruel, inhuman, or degrading treatment or punishment have an ethical responsibility to inform their superiors of such knowledge, to inform the relevant office of inspector generals when appropriate, and to cooperate fully with all oversight activities, including hearings by the United States Congress and all branches of the United States government, to examine the perpetration of torture and cruel, inhuman, or degrading treatment or punishment against individuals in United States custody, for the purpose of ensuring that no individual in the custody of the United States is subjected to torture or cruel, inhuman, or degrading treatment or punishment;

BE IT RESOLVED that the APA Ethics Committee shall proceed forthwith in writing a casebook and commentary that shall set forth guidelines for psychologists that are consistent with international human rights instruments, as well as guidelines developed for health professionals, including but not limited to:
Common Article 3 of the Geneva Conventions; The United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; The United Nations Principles of Medical Ethics Relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; and The World Medical Association Declaration of Tokyo: Guidelines for Physicians Concerning Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in Relation to Detention and Imprisonment;

BE IT RESOLVED that the American Psychological Association, in order to protect against torture and cruel, inhuman, or

degrading treatment or punishment, and in order to mitigate against the likelihood that unreliable and/or inaccurate information is entered into legal proceedings, calls upon United States legal systems to reject testimony that results from torture or cruel, inhuman, or degrading treatment or punishment.

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i Defined as both unlawful enemy combatants and lawful enemy combatants as set forth in the U.S. Military Commissions Act of 2006 (Chapter 47A; Subchapter I: § 948a. Definitions)

"(1) UNLAWFUL ENEMY COMBATANT.-(

A) The term 'unlawful enemy combatant' means-
"(i) a person who has engaged in hostilities or who has purposefully and materially supported hostilities against the United States or its co-belligerents who is not a lawful enemy combatant (including a person who is part of the Taliban, al Qaeda, or associated forces); or
"(ii) a person who, before, on, or after the date of the enactment of the Military Commissions Act of 2006, has been determined to be an unlawful enemy combatant by a Combatant Status Review Tribunal or another competent tribunal established under the authority of the President or the Secretary of Defense.
"(B) CO-BELLIGERENT.-In this paragraph, the term 'cobelligerent', with respect to the United States, means any State or armed force joining and directly engaged with the United States in hostilities or directly supporting hostilities against a common enemy.

"(2) LAWFUL ENEMY COMBATANT.-The term 'lawful enemy combatant' means a person who is-
"(A) a member of the regular forces of a State party engaged in hostilities against the United States;

"(B) a member of a militia, volunteer corps, or organized resistance movement belonging to a State party engaged in such hostilities, which are under responsible command, wear a fixed distinctive sign recognizable at a distance, carry their arms openly, and abide by the law of war; or
"(C) a member of a regular armed force who professes allegiance to a government engaged in such hostilities, but not recognized by the United States.

ii Article V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Article VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Article XIV.

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the

State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Building a website is a piece of cake. Yahoo! Small Business gives you all the tools to get online.
http://smallbusiness.yahoo.com/webhosting

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Tuesday, September 04, 2007 7:49:32 PM
Recipient:	SSB Sharon Brehm ;Olivia Moorehead-Slaughter PRIVACY REDACTION
Subject:	Letter
Attachments:	Olivia0905letter.doc

Dear Sharon and Olivia,

I write this letter from a little inn on 95 North, so I'll not be able to check in until much later this evening.

Attached please find our letter after revisions following conversations between Sharon and me. The letter is tighter and I believe stronger. Please read through the letter carefully--goodness, Sharon, I feel like we've gotten far more than our fair share of time from you.

I had to reformat just slightly (change in the margins) to fit it on three pages. I've tweaked in a couple of other spots (e.g., I numbered all the paragraphs; it seemed odd to skip over that second paragraph, and I edited the reference to Robert Fein's work, which wasn't quite right).

Please let me know how this looks. If there are just minor things, we're in good shape to get out in the morning.

Excellent work,

Steve

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Tuesday, September 04, 2007 3:17:53 AM
Recipient:	Olivia Moorehead-Slaughter PRIVACY REDACTION ;Brasfield, Stephanie </O=APA/OU=DC/CN=RECIPIENTS/CN=SXB>;Dixon, Pat </O=APA/OU=DC/CN=RECIPIENTS/CN=PAG>;Royster, Jennifer </O=APA/OU=DC/CN=RECIPIENTS/CN=JMR>
Subject:	RE: Urgent Action Required!
Attachments:	Oliviafinalfinal.doc

Okay, I cannot help my tweaking self. (Olivia, there were 6 (six!) "any"s in the second paragraph. I took two out. Also, the end of the fourth paragraph called for an "either or," rather than a "both and").

Please go with the attached ("Oliviafinalfinal").

Thank you. I am going to enter a twelve step program for editors soon.

Steve

From: Olivia Moorehead-Slaughter PRIVACY REDACTION
Sent: Mon 9/3/2007 9:52 PM
To: Brasfield, Stephanie; Dixon, Pat; Royster, Jennifer
Cc: Behnke, Stephen
Subject: Urgent Action Required!

Hi Stephanie, Pat, and Jennifer,

I am on the phone with Steve :) and we have a request for you as soon as you arrive in the office on Tuesday morning. Could whoever arrives first please convert this Word document into a pdf file with the title "Moorehead-Slaughter response to Goodman-Arrigo"? Please send the file to Steve and me as soon as you have this done. If anything is uncertain, MIS should be able to help. Generally, Steve has found that the setting "600dpi" makes for the clearest pdf. Please feel free to call Steve at PRIVACY REDACTION

Thank you!

Olivia

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Wednesday, January 09, 2008 7:50:00 PM
Recipient:	'Banks Louie M. COL' <louie.morgan.banks@us.army.mil>;'Dunivin, Debra L LTC WRAMC-Wash DC' <Debra.Dunivin@amedd.army.mil>
Subject:	More from California
Attachments:	Resolution - Torture and Health Professionals.doc

Dear Morgan and Debra,

I hope you are both well and that you had a relaxing holiday. Attached is a resolution before the California Senate Business and Professions Committee.

I will be traveling to California to testify on this resolution. There is one phrase (the underlined phrase below) in the resolution that I would very much like your help on. A "whereas" reads:

WHEREAS, Current United States Department of Defense guidelines authorize the participation of certain military health personnel, especially psychologists, in the interrogation of detainees as members of "Behavioral Science Consulting Teams" in violation of professional ethics. <u>These guidelines also permit the use of confidential clinical information from medical records to aid in interrogations</u>; and

Could you give me a citation or language from a DoD policy that speaks to this issue? I believe DoD policy has an absolute firewall (even more stringent than the PENS report), but I can't recall for certain and don't want to make any statements until I have the actual language in front of me.

There are a number of other inaccuracies in the text, which I think I'm in a good position to address, but I could use some help on this one.

Thanks so much,

Steve

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Wednesday, February 20, 2008 3:59:49 PM
Recipient:	'Luckie, Lorenzo F LTC AMEDDCS' <Lorenzo.Luckie@AMEDD.ARMY.MIL>
Cc:	Randolph, Sylvester SFC AMEDDCS <sylvester.randolph@amedd.army.mil>
Subject:	RE: schedule

Thank you, Lorenzo. Yes, the check should be made out to APA--thank you for taking care of that.

If I could get a count of students and faculty present for Tuesday and Wednesday, that would be great.

Steve

-----Original Message-----
From: Luckie, Lorenzo F LTC AMEDDCS [mailto:Lorenzo.Luckie@AMEDD.ARMY.MIL]
Sent: Wednesday, February 20, 2008 3:42 PM
To: Behnke, Stephen
Cc: Randolph, Sylvester SFC AMEDDCS
Subject: RE: schedule

Steve,
Thanks for the note. I'll have your check in hand by the end of the week
and will bring it to you. It is made out to the APA which is, I
believe, what you were after. Am I right? We did have 12 students, but I
believe we've lost a couple for various reasons so I'm referring this
question to SFC Randolph who has a more up to date count than I do.
Again thanks for coming and I look forward to seeing you there.

Lorenzo F. Luckie
LTC, MS
Chief, Mental Health Specialist Branch
Army Medical Department Center and School
PRIVACY REDACTION

-----Original Message-----
From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Wednesday, February 20, 2008 1:23 PM
To: Luckie, Lorenzo F LTC AMEDDCS
Subject: RE: schedule

Luckie, how many students and faculty will be present Tuesday and
Wednesday for the ethics discussions? I want to make sure to have
enough materials.

Thank you,

Steve Behnke

From: Luckie, Lorenzo F LTC AMEDDCS
[mailto:Lorenzo.Luckie@AMEDD.ARMY.MIL]
Sent: Friday, February 08, 2008 11:10 AM

To: Behnke, Stephen
Cc: Dunivin, Debra L LTC WRAMC-Wash DC
Subject: schedule

Dr. Behnke,
I hope all is well and that your travels have been successful and enjoyable. I wanted to let you know the scheduled dates and times of your presentations at the next BSCT iteration. We plan on having you present on 4 (1030-1200) and 5 MAR (0800-1200), so travel days would be 3 and 6. Would you please reply to confirm if the times work for you? Thanks. Looks like we've come full circle with our payment efforts. After all our efforts, I'm now told we'll do a convenience check or credit card purchase for your services one more time before long-term contracts can be developed. What a journey it has been. I don't have final approval on your purchase request, but expect it next week. Thanks.

Lorenzo F. Luckie
LTC, MS
Chief, Mental Health Specialist Branch
Army Medical Department Center and School
PRIVACY REDACTION

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Tuesday, February 19, 2008 8:42:11 PM
Recipient:	[redacted]
Subject:	FW: [COR] Proposed addition to COR agenda
Attachments:	Proposed amendment to the August 2007 resolution.doc

Hi Larry,

When do you arrive in town? I'd like to touch base with you about the proposed paragraph; I've been working pretty hard with these folks and I think this language is good—let's talk,

Steve

From: Council Representatives List [mailto:COR@LISTS.APA.ORG] **On Behalf Of** William Strickland
Sent: Tuesday, February 19, 2008 8:38 PM
To: COR@LISTS.APA.ORG
Subject: [COR] Proposed addition to COR agenda
Importance: High

Dear Council Members,

We represent Divisions 19 (Military Psychology), 39 (Psychoanalysis), 41 (Psychology and Law), and 48 (Peace Psychology). We are writing to let you know about an action we'll ask Council to take during the February meeting. This action involves making a change to the August 2007 Reaffirmation of the American Psychological Association Position Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and Its Application to Individuals Defined in the United States Code as "Enemy Combatants."

Language for the 2007 Resolution was drafted in an intensive effort over a period of several days. There was general consensus that the Resolution was a good and positive step, but also that language regarding prohibited techniques was ambiguous. Some members believed that the language, as drafted and adopted, provided loopholes that could permit unethical behavior and that subverts the Resolution's intent. While there has been no evidence that any psychologist has exploited this language, we are in agreement that the paragraph in the 2007 resolution prohibiting specific techniques can, and should, be clarified. The language in the attached paragraph, which we all support, prohibits specific techniques, but is written so as *not* to interfere with usual, accepted and lawful practices in correctional and detention facilities. The attached paragraph, which represents consensus language achieved over the course of several weeks and has the support of our various constituencies, much better captures the intent of the Resolution drafters than does the current language.

At Council, we will ask that a paragraph from the 2007 Resolution be rescinded and replaced with the attached, re-worded paragraph. We have been in touch with the Parliamentarian, Andy Benjamin, who has led us through how the process will work. Andy has assured us that this can be done in keeping with APA parliamentary procedures.

We will be visiting caucuses on Thursday evening, and will be available on Friday morning from 7-9 am in the breakfast room for anyone who would like to discuss the 2007 Resolution or the wording of the proposed paragraph.

Bill Strickland (Div 19)

Laurie Wagner (Div 39)

Beth Wiggins (Div 41)

Corann Okorodudu (Div 48)

Judy Van Hoorn (Div 48)

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Saturday, February 16, 2008 2:39:35 PM
Recipient:	Vasquez Melbia PRIVACY REDACTION
Cc:	'Linda Campbell' PRIVACY REDACTION
Subject:	Ken Pope response--confidential draft
Attachments:	KenPopereplyletterdraft#2.doc

Dear Melba,

Attached please find a draft of the letter Linda and I have worked on in response to Ken Pope. Could you please let us know what you think? We want the letter to be collegial and respectful, but also want to communicate some important information that Ken's letter did not contain.

Thanks, Melba,

Steve

February 16, 2008

Linda Campbell, PhD
Member, APA Council of Representatives

Dear Dr. Campbell,

I am writing in response to your request that I address issues raised in Ken Pope's letter of resignation from APA. Please let me say at the outset that I have an enormous amount of respect for Dr. Pope. I have been reading his writings on ethics for many years and will undoubtedly study them for many years to come. Dr. Pope has made enormous contributions to APA and to the field of psychology, and I myself have benefitted greatly from his perspective and vision.

In his letter, Dr. Pope raises two issues concerning the APA Ethics Code that form the basis for his resignation. The first issue concerns Ethical Standard 1.02, which addresses conflicts between ethics and law and allows psychologists to follow the law if the conflict is irreconcilable and the psychologist has engaged in a process of attempting to resolve the conflict. Concerning the second issue, Dr. Pope writes that "in its ethics code, APA chose not to recognize any humane treatment requirements governing psychologists work with detainees as enforceable standards." Dr. Pope closes his letter by stating "For me, the two examples above represent defining issues for APA. Steps that APA has taken or avoided since 9-11 mark a sharp shift in values and directions."

I think it is very important to emphasize that, contrary to the implication in Dr. Pope's letter, there is no connection whatsoever between the language of Ethical Standard 1.02 and the events of September 11 or the Bush administration's war on terror. As Dr. Pope notes, the current version of the Ethics Code was adopted in August 2002. A review of the Ethics Code revision process, however, indicates that language of the current Standard 1.02 was drafted in the fall of 2000 and thereafter remained unchanged. Thus, the conclusion that there is any connection between the language of Standard 1.02 and September 11—for example, that the standard was written to allow military psychologists to follow unethical orders during post-9/11 interrogations—is mistaken. Moreover, the task force revising the Ethics Code placed a great emphasis on providing APA members and the public ample opportunity to comment on revision drafts and ensured that the current language in Standard 1.02 was available for member and public comment on at least three occasions.

I would also emphasize that civil disobedience is entirely consistent with Ethical Standard 1.02. A psychologist may absolutely refuse to obey laws or orders that he or she believes are unethical. While none of the comments regarding Ethical Standard 1.02 during the Ethics Code revision process provided an example from the military (most of the examples involved legal mandates to disclose records), Council's 2007 Resolution addresses civil disobedience specifically in the context of military interrogations:

> BE IT RESOLVED that the American Psychological Association, in recognizing that torture and other cruel, inhuman or degrading treatment and punishment can result not only from the behavior of individuals, but also from the conditions of confinement, expresses grave concern over settings in which detainees are deprived of adequate protection of their human rights, *affirms the prerogative of psychologists to refuse to work in such settings, and will explore ways to support psychologists who refuse to work in such settings or who refuse to obey orders that constitute torture* (emphasis added)

In regard to his second example, Dr. Pope writes "APA's decision to adopt an enforceable standard regarding "humane treatment" of animals but not to adopt an enforceable standard regarding "humane treatment" of detainees turns APA away from its ethical foundation, historic traditions, and basic values that should endure even in the midst of post-9-11 risks and realities." As an initial matter, it is important to realize that over the past three years, the APA Council of Representatives has spent substantially more time examining the rules that govern military interrogations and the treatment of detainees than it has spent addressing any other issue. I fully expect that Council's focus on this issue will continue. In addition, at this year's convention in San Francisco, APA sponsored *Ethics and Interrogations: Confronting the Challenge*, a program with nine, two-hour sessions and 44 speakers with subject matter expertise who held widely divergent views on what position APA should adopt.

I also must respectfully state that Dr. Pope's assertion about the lack of enforceability is incorrect. In 2005, the Ethics Committee determined that the statements in the *Task Force Report on Psychological Ethics and National Security* are appropriate interpretations and applications of the APA Ethics Code and are thus enforceable. The prohibition against torture and cruel, inhuman, or degrading treatment; the obligation to report any such acts; and the prohibition against mixing the roles of health care provider and consultant to an interrogation, among others, *are enforceable applications of ethical standards*.

In closing, I would like to emphasize that regarding the treatment of detainees, APA has explicitly rejected a post-9/11 justification for torture or abuse in an interrogation. The 2007 resolution states:

> BE IT RESOLVED that the American Psychological Association affirms that there are no exceptional circumstances whatsoever, whether induced by a state of war or threat of war, internal political instability or any other public emergency, that may be invoked as a justification for torture or cruel, inhuman, or degrading treatment or punishment, including the invocation of laws, regulations, or orders;

Following orders can *never* justify or excuse torture under the APA Ethics Code.

I hope this letter is responsive to your concerns. These are extraordinarily challenging times for psychology, and I want to assure you that APA has fully embraced this issue as a cause for our continued and intense focus of discussion and action.

Sincerely,

Stephen Behnke
Director, APA Ethics Office

Sender: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent: Wednesday, February 13, 2008 11:58:30 AM
Recipient: Bill Strickland
Subject: FW: Revisions Comments & Suggestions 1-3
Attachments: Revision suggestions 2.13 email.doc

Hi Bill,

Have you had a chance to touch base with Morgan Sammons or Debra Dunivin? I was going to run our current draft by them...that okay by you?

Thanks, Bill,

Steve

From: Judith Van Hoorn PRIVACY REDACTION
Sent: Wednesday, February 13, 2008 10:50 AM
To: Beth Wiggins; Bill Strickland Corann Okorodudu Laurel Bass Wagner; Behnke, Stephen
Cc: Judith Van Hoorn
Subject: Revisions Comments & Suggestions 1-3

Hi all,

I hope you all received the feedback I forwarded from Ellen Garrison at APA.

Here are the three comments & suggestions Laurie and I have received. We do not expect others since we asked that folks reply by yesterday. If I understand correctly, Bill wrote that he does not expect others and Beth wrote that she is waiting to hear from one person.

How should we deal with this? We could each begin by sending our comments, either in a note or as comments on the attachment.

Judy

ps - I will ask #1 for suggested wording addressing the sentences found problematic, and send a copy of our previous draft that provides examples

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Friday, January 11, 2008 12:29:23 AM
Recipient:	'Stolrow, Jeffrey P LTC MIL USA TRADOC' <jeffrey.stolrow@us.army.mil>
Cc:	Dunivin, Debra L LTC WRAMC-Wash DC <Debra.Dunivin@NA.AMEDD.ARMY.MIL>
Subject:	RE: DOD/ARMY BSCT INSTRUCTIONS, POLICIES, DIRECTIVES

Jeff,

Thanks so much for getting me these materials; they are extremely helpful.

And thanks as well for your kind words. I'm privileged to play a supporting role to the work you and your colleagues do, for which I have the greatest admiration. If the few words I'm allowed to say are at all helpful, I'll be very pleased.

I hope I'll see you in March.

Stay safe,

Steve

-----Original Message-----
From: Stolrow, Jeffrey P LTC MIL USA TRADOC [mailto:jeffrey.stolrow@us.army.mil]
Sent: Thursday, January 10, 2008 9:41 AM
To: Behnke, Stephen
Cc: Dunivin, Debra L LTC WRAMC-Wash DC
Subject: DOD/ARMY BSCT INSTRUCTIONS, POLICIES, DIRECTIVES
Importance: High

Hi, Steve,

Morgan Banks and I are sending you some important attachments to use in California.

Good luck; you are our Knight in Shining Armor:-)

More to follow....

Happy New Year and hope you are doing well,

Jeff

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Tuesday, March 04, 2008 10:46:54 PM
Recipient:	[redacted]
Subject:	RE: Steven & Melba: your request for a suggested rewording of section 1.02

Hi Melba,

Let's talk,

Steve

From: [redacted]
Sent: Tue 3/4/2008 5:27 PM
To: [redacted] Behnke, Stephen
Subject: Re: Steven & Melba: your request for a suggested rewording of section 1.02

Hi Ken

I know that you made a similar request a few days ago, and I'm sorry that I've not been able to respond. I've not had time to truly think through, look for materials, etc. that would provide answers to your questions or jog my memories. My best recollection is that the previous standard left practitioners (especially those in agencies as I recall) left feeling that they could face situations where they would have to leave their jobs or face an ethical violation if they perceived a policy that was in contradiction to an ethical standard. We must have perceived requests for what it meant to resolve the conflict "in a responsible manner." It was perceived with the change that psychologists could engage in attempts to change inappropriate policies, practices, etc. over time. If I come across something else, I'll let you know.

Melba

PS My assumption is that you had a suggestion about 1.02 or an idea of how you thought it should be worded. I appreciate your attempt to design a standard that would be responsive to the perceived problem of the 1992 standard. See, by the way, the last sentence of "Introduction and Applicability" aspirational section of the 2002 Ethics Code (p. 301 of our book)...it is similar to standard 1.02 except it suggests that "....psychologists may adjere to the requirements of the law....in keekping with basic principles of human rights."

-----Original Message-----
From: Ken Pope [redacted]
To: Melba Vasquez [redacted] Steve Behnke <sbehnke@apa.org>
Sent: Tue, 4 Mar 2008 2:01 pm
Subject: Steven & Melba: your request for a suggested rewording of section 1.02

Hi, Steve and Melba--

I thought I'd address this to both of you because I'd appreciate any cites or other information you could pass along.

I have been giving a lot of thought to your request that Melba passed along on Feb 18 for suggestions I might have for rewording the second sentence in 1.02 (i.e., the sentence added in 2002). I appreciate your

asking.

In order to suggest a rewording that would still accomplish APA's purposes(s) in adding that second sentence while not <IMHO> causing problems, I need to understand clearly the reasons APA added that sentence. What problems or issues was the association trying to address?

In searching the literature, I haven't been able to find any articles discussing the rationale, intended purpose, etc., of adding such an absolute and unqualified statement to the enforceable standards (i.e., 1.02 does not set aside *any* ethical responsibilities that cannot be violated when in irreconcilable conflict with a law, regulation, or controlling legal authority), though there are numerous discussions of virtually all other topics addressed by the code's enforceable standards.

If I somehow just missed the articles noting the rationale, intended purpose, etc. of making the change absolute and unqualified, I'd *greatly* appreciate help from either one of you in finding the cite(s).

Because I was unable to find the rationale, intended purpose, etc., discussed in the literature, I circulated widely -- to my list (which includes some members of the revision task force) and some others -- a request for help in locating any publication that provided a discussion of the ethical reasoning, practical considerations, or other factors leading APA to adopt the new enforceable standard in 2002. So far no one has sent along a cite. However, some have expressed opinions (e.g., that the change came about because of complaints pressed by the FTC or individual psychologists for which the associated legal expenses of any other course than adopting the new sentence would have been prohibitive; that because we live in a democracy rather than a dictatorship, the Nuremberg ethic is not necessary or relevant; that the Nuremberg ethic is not practical given post-9-11 threats). Of course I have no idea how widespread any of these opinions are, and whether they played any role in the 2002 change in 1.02 or in decisions not to amend that enforceable standard in the 5 years since adoption (as you know, an attempt to modify Standard 1.02 was placed only in the nonenforceable section).

I am eager to respond to your request for a way to approach reworking the sentence that was added to 1.02 in 2002 -- and thanks again for inviting me to make a suggestion -- but my suggestion needs to be based on a clear understanding of the reasons leading to the adoption of the second sentence. That will enable me to make sure that the approach I pass along will address those reasons.

Thanks to either of you who can provide me with a cite or other information. As soon as I read that material I'll be able to suggest an approach to rewording that takes the reasons into account.

Warm regards,

Ken

Supercharge your AIM. Get the AIM toolbar for your browser.

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Tuesday, March 04, 2008 8:21:42 PM
Recipient:	Ken Pope PRIVACY REDACTION ;Melba Vasquez PRIVACY REDACTION
Subject:	RE: Steven & Melba: your request for a suggested rewording of section 1.02

Hi Ken,

Really, I do think we're two ships passing in that dark night...

What I'm asking is to understand as clearly as I can your reasons for resigning from APA, as those reasons relate to ethical standard 1.02. Can you elaborate what about the language of standard 1.02 contributed to your resignation, or what about the way APA has addressed standard 1.02 contributed to your resignation? Also, to the extent that you find the language of standard 1.02 problematic, what language would have allowed you to stay in the Association?

Thanks, Ken,

Steve

From: Ken Pope PRIVACY REDACTION
Sent: Tue 3/4/2008 2:01 PM
To: Melba Vasquez; Behnke, Stephen
Subject: Steven & Melba: your request for a suggested rewording of section 1.02

Hi, Steve and Melba--

I thought I'd address this to both of you because I'd appreciate any cites or other information you could pass along.

I have been giving a lot of thought to your request that Melba passed along on Feb 18 for suggestions I might have for rewording the second sentence in 1.02 (i.e., the sentence added in 2002). I appreciate your asking.

In order to suggest a rewording that would still accomplish APA's purposes(s) in adding that second sentence while not <IMHO> causing problems, I need to understand clearly the reasons APA added that sentence. What problems or issues was the association trying to address?

In searching the literature, I haven't been able to find any articles discussing the rationale, intended purpose, etc., of adding such an absolute and unqualified statement to the enforceable standards (i.e., 1.02 does not set aside *any* ethical responsibilities that cannot be violated when in irreconcilable conflict with a law, regulation, or controlling legal authority), though there are numerous discussions of virtually all other topics addressed by the code's enforceable standards.

If I somehow just missed the articles noting the rationale, intended purpose, etc. of making the change absolute and unqualified, I'd *greatly* appreciate help from either one of you in finding the cite(s).

Because I was unable to find the rationale, intended purpose, etc., discussed in the literature, I circulated widely -- to my list (which includes some members of the revision task force) and some others -- a request for help in locating any publication that provided a discussion

of the ethical reasoning, practical considerations, or other factors leading APA to adopt the new enforceable standard in 2002. So far no one has sent along a cite. However, some have expressed opinions (e.g., that the change came about because of complaints pressed by the FTC or individual psychologists for which the associated legal expenses of any other course than adopting the new sentence would have been prohibitive; that because we live in a democracy rather than a dictatorship, the Nuremberg ethic is not necessary or relevant; that the Nuremberg ethic is not practical given post-9-11 threats). Of course I have no idea how widespread any of these opinions are, and whether they played any role in the 2002 change in 1.02 or in decisions not to amend that enforceable standard in the 5 years since adoption (as you know, an attempt to modify Standard 1.02 was placed only in the nonenforceable section).

I am eager to respond to your request for a way to approach reworking the sentence that was added to 1.02 in 2002 -- and thanks again for inviting me to make a suggestion -- but my suggestion needs to be based on a clear understanding of the reasons leading to the adoption of the second sentence. That will enable me to make sure that the approach I pass along will address those reasons.

Thanks to either of you who can provide me with a cite or other information. As soon as I read that material I'll be able to suggest an approach to rewording that takes the reasons into account.

Warm regards,

Ken

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Friday, July 25, 2008 10:47:39 AM
Recipient:	Anderson, Norman </O=APA/OU=DC/CN=RECIPIENTS/CN=NBA>;Garrison, Ellen </O=APA/OU=DC/CN=RECIPIENTS/CN=EGG>;Honaker, Michael </O=APA/OU=DC/CN=RECIPIENTS/CN=MYH>;Gilfoyle, Nathalie </O=APA/OU=DC/CN=RECIPIENTS/CN=NPG>;Farberman, Rhea </O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>;Mills, Kim </O=APA/OU=DC/CN=RECIPIENTS/CN=KIM>;Strassburger, Judy </O=APA/OU=DC/CN=RECIPIENTS/CN=JAS>
Cc:	Nordal, Katherine </O=APA/OU=DC/CN=RECIPIENTS/CN=KCN>
Subject:	RE: Streak of Inquiries from Military Psychologists about Petition

I can only write briefly at the moment, but I would strongly caution against the Board doing anything to make it appear to favor one side (or disfavor the other). Dr. Reisner kept referring to the "con" position in our conversation as "APA's position," and he and his colleagues will be looking for any and all evidence to confirm their belief.

Steve

From: Anderson, Norman
Sent: Fri 7/25/2008 9:40 AM
To: Garrison, Ellen; Honaker, Michael; Gilfoyle, Nathalie; Farberman, Rhea; Behnke, Stephen; Mills, Kim; Strassburger, Judy
Cc: Nordal, Katherine
Subject: RE: Streak of Inquiries from Military Psychologists about Petition

Ellen,

Thanks for your thoughts on this. I do think we need to determine what list of items we want to communicate to all interested parties, including to military psychologists. So far, I think that list includes:

1. The petition Q and A
2. Referendum materials (resolution; pro/cons; rebuttals)
3. Any documents that "correct the record"; that is, those that correct some of the misinformation there. This is could be versions of (or actual) letters we have sent recently to media outlets. It could also be the more global APA statement on its position vis a vis torture.
4. Anything else?

Some of the information on the aforementioned list can be highlighted for specific audiences, like military psychologists or state associations, and to help correct the record. Thus, we do need a baseline "electronic package of information" that can be sent out as a whole or part at a moments notice.

I do have some concerns about the Board proactively taking an explicit position on the referendum (that is, the Board as a body getting into the politicking that is occurring). The

Board, via Council's votes, implicitly endorses the con perspective since this is currently APA policy. If the question comes up about what the Board's view is, then it can be stated that the Board endorses the current policy of the Association, as reflected by the con statement. Individual Board members can send out part of the package on information as needed. This might be a middle ground.

Norman

Norman B. Anderson, Ph.D.
Chief Executive Officer
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Washington, DC 20002
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nanderson@apa.org
www.apa.org

From: Garrison, Ellen
Sent: Thu 7/24/2008 10:54 PM
To: Honaker, Michael; Gilfoyle, Nathalie; Farberman, Rhea; Anderson, Norman; Behnke, Stephen; Mills, Kim; Strassburger, Judy
Subject: RE: Streak of Inquiries from Military Psychologists about Petition

Here are some additional late nite reflections:

1) **Council** - We should circulate the petition Q & A , along with the actual petition with pro, con, and rebuttals, to Council tomorrow (via Barry?). We need to provide our leaders with more information about the process and get folks to start thinking about some of the unanticipated consequences of the petition, which could significantly restrict the scope of practice of psychologists in forensic settings. While Reisner might tell Steve Behnke that the con argument is "bogus," he's already preparing for defeat and a possible replay -- certainly doesn't speak to his confidence in the outcome.

2) **Board** - Ideally, I would like to see this petition as an up or down vote of the membership uninfluenced by the leadership of the association, which apparently is seen by the proponents of the petition with some skepticism. It would then be unequivocal that the members have spoken. Yet, I hear the concern of Carol, Melba, Michael, and others. How do we think a recommendation from the Board of Directors to the membership would be perceived? -- hopefully as safeguarding psychological practice in a responsible way and not as squashing ethically minded dissent. Given the incredibly vocal opposition being orchestrated by Reisner, Soldz, et al., leadership from the Board might now be in order. Certainly the Board provides guidance to Council on critical issues -- why not to the membership on this one? The question will be whether the Board should be advised to stick to the con arguments or to take on some of the controversial issues at the heart of the petition as intended. Best I can tell from media, congressional and other reports, at most a handful of psychologists may have been involved in some highly questionable practices -- three of the four not even APA members. Is this petition the proper response for such conduct? Are folks even aware that assignment to detention facilities like Guantanamo are voluntary on the part of military personnel?

3) **Media/Blogs** - I defer to Rhea and Kim if there's any hope of getting a fair hearing -- perhaps the response to Marty's statement should be a lesson to us. I sincerely question whether anything we say will be weighed and fairly considered and not torn to shreds. What's driving the interest here? The media (take the Post, for instance) -- with daily front page stories on some aspect of interrogation/torture/Guantanamo, or the public's distrust and growing antipathy to the Bush administration or most likely both?!?

We might want to run this by the rest of EMG, especially Katherine and Steve (and some others -- like Dan

through Nathalie's meeting tomorrow morning) to get some fresh perceptions before approaching the Board with a recommendation...

Ellen

From: Honaker, Michael
Sent: Thu 7/24/2008 9:24 PM
To: Gilfoyle, Nathalie; Farberman, Rhea; Garrison, Ellen; Anderson, Norman; Behnke, Stephen; Mills, Kim; Strassburger, Judy
Subject: RE: Streak of Inquiries from Military Psychologists about Petition

I lean towards staff being seen as neutral as possible. I worry if we are seen as influencing the process. I'm less concerned that the Board remains neutral as they are part of the governance process and to me have a responsibility to look out for what's best for the association. Part of me wishes the Board could take a vote either endorsing or recommending rejection of the motion. What kind of problems would that create? Is there anything in the rules/bylaws that would preclude that? If they voted against it they could then speak with a united voice. Just some thoughts (from a brain that is worn out from other issues... :-))

-----Original Message-----
From: Gilfoyle, Nathalie
Sent: Thursday, July 24, 2008 7:44 PM
To: Farberman, Rhea; Garrison, Ellen; Anderson, Norman; Honaker, Michael; Behnke, Stephen; Mills, Kim; Strassburger, Judy

Subject: RE: Streak of Inquiries from Military Psychologists about Petition

I had a call from Elena Eisman who asked if she could forward my posts to Council to the MPA state listserv where they were seeming to be in favor of the petition language but were confused by various things. I told her that the communications were not confidential. I also told her that I thought we had Q&A's on this (which will surely be more comprehensible than the legal posts to Council which were in response to random questions).

In light of Melba's post from Carol re the NJPA list serv and the "wildfire" of support, do we need to do more than a Q&A ? Should we have a link to all the policies that have been passed along with the Q&A (that is probably already there). I think the Board has sought to play a neutral role but that may not be doable -- see Melba's post.

I have a meeting with Dan Abrahamson tomorrow at 10 about Steve's request that he give all the State psych associations a heads up ---if anyone wants to join in or wants to channel thoughts through me you are welcome. Clearly the proponents are using the internet to get their point of view across before the ballots go out and there is a fair question about neutrality in the face of some misstatements and the broader issue of merit.

Nathalie

-----Original Message-----
From: Farberman, Rhea
Sent: Thursday, July 24, 2008 3:19 PM
To: Garrison, Ellen; Anderson, Norman; Honaker, Michael; Behnke, Stephen; Mills, Kim; Strassburger, Judy; Gilfoyle, Nathalie

Subject: Re: Streak of Inquiries from Military Psychologists about Petition

Ellen: don't forget that we also have the Q nd A on the petition process. Kim may have the final version; if not I will get to it on monday.

Saw obama speech tonight in Berlin; very cool.

Rhea

----- Original Message -----
From: Garrison, Ellen
To: Anderson, Norman; Honaker, Michael; Behnke, Stephen; Farberman, Rhea; Mills, Kim; Strassburger, Judy; Gilfoyle, Nathalie

Sent: Thu Jul 24 13:07:08 2008
Subject: Streak of Inquiries from Military Psychologists about Petition

FYI -- Yesterday, I received two separate notes of concern about the petition from Mark Paris, a military psychologist with the DoD Office of Health Affairs, who apparently just learned of it after being out of town for months. (I had alerted him to it some time ago, and have consulted with the psychology consultants across services, as you may recall.) He sent an alarm out to Sharon Brehm, copying the APA military task force (of which he is a member), and numerous psychologists and others at DoD.

I responded immediately to both lists (received a prompt thank you from Sharon for doing so!), sent an advance copy of the petition mailing, and responded directly to Mark's key concern (voiced sequentially in follow-up emails by each military service) whether placement at Guantanamo or some other detention site would be actionable under the Ethics Code if this petition were to pass. I definitively stated that this would not be the case based on the Bylaws provision that does not allow for the Ethics Code to be amended through the petition process.

Also, at Steve's suggestion, I forwarded Mark's follow-up note regarding possible action by states that do not adhere to APA's Ethics Code to Bill Strickland at HUMRRO and received a thank you note from Joyce Adkins (Mark's supervisor) who was cc'd on the note. I have yet to hear back from Bill -- just sent the note last night.

Never a dull moment, truly...

Ellen

-----Original Message-----
From: Garrison, Ellen
Sent: Thursday, July 24, 2008 12:48 PM
To: 'Crow, Bruce E COL BAMC-Ft Sam Houston TX'; Mark.Paris@tma.osd.mil
Cc: Joyce.Adkins@ha.osd.mil; petrillo@usna.edu; Richard.Bergthold@med.navy.mil; jack.smith@ha.osd.mil; Scott.Marrs@LACKLAND.AF.MIL; robert.ireland@ha.osd.mil; debra.dunivin@us.army.mil; Porter, Rebecca I LTC WRAMC-Wash DC; rick.malone@us.army.mil

Subject: RE: Effort to ban all military psychologists from detention centers

Bruce, your understanding about the genesis of the petition is correct.

In response to your question, the petition resolution, if passed, would NOT be enforceable by APA's Ethics Committee (or the association as a whole) due to a provision in the APA Bylaws that does not allow for changes to the APA Ethics Code through this petition process.

Thus, I can state definitively, based on guidance from our APA General Counsel, that were this resolution to be voted on favorably by the membership, it would not make it an ethical violation for DoD psychologists to serve as a Behavioral Science Consultant at the detention facility at Guantanamo Bay or elsewhere.

Ellen

-----Original Message-----
From: Crow, Bruce E COL BAMC-Ft Sam Houston TX [mailto:BRUCE.CROW@US.ARMY.MIL]
Sent: Thursday, July 24, 2008 11:10 AM
To: Garrison, Ellen; Mark.Paris@tma.osd.mil
Cc: Joyce.Adkins@ha.osd.mil; petrillo@usna.edu; Richard.Bergthold@med.navy.mil; jack.smith@ha.osd.mil;

Scott.Marrs@LACKLAND.AF.MIL; robert.ireland@ha.osd.mil; debra.dunivin@us.army.mil; Porter, Rebecca I LTC WRAMC-Wash DC; rick.malone@us.army.mil

Subject: Re: Effort to ban all military psychologists from detention centers

Ellen,

Thanks for the information. I understand this is a petition that emanated from association members and according to APA bylaws there were enough signatories to permit sending it to the general membership for a vote.

I anticipate that DoD will have questions about what actions APA may take if the petition is approved? Specifically, would APA initiate sanctions against DoD psychologists that would affect their license to practice if they serve as a Behavioral Science Consultant at the detention facility at Guantanamo Bay or elsewhere?

I realize I'm asking a rhetorical question at this point.

Bruce

****

mobile from my blackberry

Colonel Bruce E. Crow, Psy.D.
Clinical Psychology Consultant
to the U.S. Army Surgeon General

Chief, Dept. Behavioral Medicine
Brooke Army Med Ctr
San Antonio, Tx 78234

Director
Warrior Resiliency Program
San Antonio Military Med Ctr

PRIVACY REDACTION
Bruce.Crow@us.army.mil

----- Original Message -----

From: Garrison, Ellen <egarrison@apa.org>

To: Paris, Mark, CAPT, OASD(HA)/TMA <Mark.Paris@tma.osd.mil>; Breham, Sharon <ssb@indiana.edu>

Cc: Adkins, Joyce, Col, OASD(HA)/TMA <Joyce.Adkins@ha.osd.mil>; Crow, Bruce E COL BAMC-Ft Sam Houston TX; Nichols-Howarth, Beth <bnichols-howarth@apa.org>; petrillo@usna.edu <petrillo@usna.edu>; Col James Favret <jamesv.favret@pentagon.af.mil>; Bergthold, Richard D. CDR BUMED <Richard.Bergthold@med.navy.mil>; APAMILITARYTF@LISTS.APA.ORG <APAMILITARYTF@LISTS.APA.ORG>; Smith, Jack, Dr., OASD(HA) <jack.smith@ha.osd.mil>

Sent: Wed Jul 23 16:07:08 2008

Subject: RE: Effort to ban all military psychologists from detention centers

<<2008 BOD Petition memo.doc>> Everyone, I just called Mark in response to his question below about the petition resolution, which will be sent to APA Fellows, members, and voting associates on August 1.

Attached is an advance copy of the petition, with the pro and con statements and the rebuttals, for your information.

I had spoken about the pending petition with Bruce, Jim, and Marty when we met here at APA in June -- which was incredibly helpful! (Thank you, all!) Please let me know if you, too, would like some additional background information.

Per Mark's question, I would like to definitively state that this resolution, if passed, would NOT make it an ethical violation for any military psychologist to work in any of our detention centers with detainees, since the Ethics Code cannot be amended through the petition process.

Ellen

Ellen G. Garrison, Ph.D. | Senior Policy Advisor
Executive Office
American Psychological Association
750 First Street NE, Washington, DC 20002-4242
Tel: (202) 336-6066 | Fax: (202) 336-6069
email: egarrison@apa.org | www.apa.org

Ellen

-----Original Message-----
From: Paris, Mark, CAPT, OASD(HA)/TMA [mailto:Mark.Paris@tma.osd.mil]
Sent: Wednesday, July 23, 2008 4:22 PM
To: Breham, Sharon
Cc: Adkins, Joyce, Col, OASD(HA)/TMA; Crow, Bruce E COL BAMC-Ft Sam Houston TX; Nichols-Howarth, Beth; petrillo@usna.edu; Col James Favret; Bergthold, Richard D. CDR BUMED; Garrison, Ellen; APAMILITARYTF@LISTS.APA.ORG; Smith, Jack, Dr., OASD(HA)
Subject: FW: Effort to ban all military psychologists from detention centers

Sharon,

Do you know anything about this? Is this being brought up for a vote at APA Council??

http://www.ethicalapa.com/

Mark

CAPT Mark Paris, Ph.D., ABPP
Deputy Director, Psychological Health
Strategic Operations
Force Health Protection & Readiness
Office of the Assistant Secretary of Defense
(Health Affairs)

PRIVACY REDACTION

There is apparently a new resolution being put forward to ban the involvement of psychologists in any "settings where persons are held outside of, or in violation of, either International Law (e.g., the UN Convention Against Torture and the Geneva Conventions) or the US Constitution (where appropriate), unless they are working directly for the persons being detained or for an independent third party working to protect human rights."

My understanding is that this resolution would make it an ethical violation for any military psychologist to work in any of our detention centers with detainees.

Here is a website with some of the information.
http://www.ethicalapa.com/

Sender: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent: Friday, July 11, 2008 7:47:44 PM
Recipient: 'Dr. Robert J. Resnick' PRIVACY REDACTION
Cc: Markham PhD Markham
Bonnie Markham ; Bill Strickland
Subject: RE: Con to pro statement
Attachments: rebuttalfeedback.doc

Hi Bob (and Bonnie and Bill),

Please look over the attached, for your consideration. As with the con statement, I've taken what I see as the core and the strongest points in your draft, and elaborated on them. I'm not sure it's productive to spend much effort on addressing their allegations against psychologists—you risk sounding defensive, and you have less space for arguments that support your position.

I think the numbers worked very well in your con statement, but the rebuttal is brief enough that they're not necessary.

Please use however you think most helpful,

Steve

From: Dr. Robert J. Resnick PRIVACY REDACTION
Sent: Friday, July 11, 2008 6:32 PM
To: Behnke, Stephen
Cc: Markham PhD Markham; Bill Strickland
Subject: Con to pro statement

Hello Steve,

I have cleaned up the con statement so it may be a bit easier for you to review. It is attached.

Robert J. Resnick, Ph.D., ABPP
Professor of Psychology
PRIVACY REDACTION

As psychologists, we are dedicated to serving vulnerable and at risk individuals and populations. Were this petition adopted, APA members who work in hospitals, correctional facilities, and rehabilitation programs across the country would now need to assess whether they are out of compliance with APA policy. This burden will neither promote ethical practice nor protect vulnerable populations.

The petition's "Be it resolved" clause goes *far* beyond the sponsors' intent as expressed in their "pro" statement. While the petition's introductory "Whereas" clauses refer to specific work sites, the "Be it resolved" clause contains no limiting language whatsoever regarding context. The clause makes no reference to interrogations, torture, the military, or the CIA, and thus applies broadly to wherever "persons are held" outside of international law or the US Constitution. This exclusive focus on settings makes little sense given the "pro" statement's emphasis on specific unethical behaviors—all of which APA has *already* prohibited.

The ambiguous criteria for distinguishing permissible from impermissible work settings compound this problem for ethical psychologists. The "Be it resolved" clause indicates the defining criteria are either international law or the US Constitution "where appropriate"—yet fails to indicate when using the Constitution, as opposed to international law, is "appropriate." APA members cannot reasonably be expected to determine whether their work setting complies with ill-defined, legal standards.

Moreover, much institutional reform in this country has been brought about by claims of Constitutional violations. It would be a bitter irony if psychologists who support reform now risk violating APA policy because they work in a setting, such as a hospital or a prison, alleged to violate the Constitution. Such an outcome would hardly benefit vulnerable populations or psychology.

Their humanitarian intentions notwithstanding, the sponsors' goals cannot be reconciled with the petition's language. The "pro" statement argument, that the petition will "protect" psychologists, dangerously assumes that APA policy will be understood and applied in precisely the manner intended. Rather, entities far removed from APA would now have a broad and ambiguous "Be it resolved" to apply against APA members.

This petition threatens ethical APA members who work each day in less-than-ideal settings to serve vulnerable populations. Our colleagues should be praised—not punished—for their efforts.

We strongly urge a "no" vote on this petition.

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Friday, July 11, 2008 5:15:22 PM
Recipient:	Farberman, Rhea <rfarberman@apa.org>;Gilfoyle, Nathalie <ngilfoyle@apa.org>
Cc:	Garrison, Ellen <egarrison@apa.org>
Subject:	rebuttal feedback
Attachments:	rebuttalfeedback.doc

Hi Rhea and Nathalie,

The attached is the feedback regarding the rebuttal draft. I need to get this out pretty quickly; please let me know if you see anything you consider problematic. (exactly 375 words)

Thank you,

Steve

As psychologists, we are dedicated to serving vulnerable and at risk individuals and populations. Were this petition adopted, thousands of ethical psychologists who work in hospitals, correctional facilities, and rehabilitation programs across the country would now need to assess whether they are out of compliance with APA policy. APA should not place this burden on its members.

The petition's "Be it resolved" clause goes *far* beyond the sponsors' intent as expressed in their "pro" statement. While the petition's introductory "Whereas" clauses refer to specific work sites, the "Be it resolved" clause contains no limiting language whatsoever regarding context. The clause makes no reference to interrogations, torture, the military, or the CIA, and thus applies broadly to wherever "persons are held" outside of international law or the US Constitution. This exclusive focus on settings makes little sense given the "pro" statement's emphasis on specific unethical behaviors—all of which APA has *already* prohibited.

The ambiguous criteria for distinguishing permissible from impermissible work settings compound this problem for ethical psychologists. The "Be it resolved" clause indicates the defining criteria are either international law or the US Constitution "where appropriate"—yet fails to indicate when using the Constitution, as opposed to international law, is "appropriate." Do the petition sponsors really expect APA members to know whether their work setting complies with these ill-defined, legal standards?

Moreover, much institutional reform in this country has been brought about by claims of Constitutional violations. It would be a bitter irony if psychologists who support reform now risk violating APA policy because they work in a setting, such as a hospital or a prison, alleged to violate the Constitution. Such an outcome would hardly benefit vulnerable populations.

Their humanitarian intentions notwithstanding, the sponsors' goals cannot be reconciled with the petition's language. The "pro" statement argument, that the petition will "protect" psychologists, dangerously assumes that APA policy will be understood and applied in precisely the manner intended. Rather, entities far removed from APA would have a broad and ambiguous "Be it resolved" to apply against APA members.

This petition threatens ethical APA members who work each day in less-than-ideal settings to serve vulnerable populations. Our colleagues should be praised—not punished—for their efforts.

We strongly urge a "no" vote on this petition.

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Saturday, July 05, 2008 7:05:10 PM
Recipient:	Garrison, Ellen <egarrison@apa.org>
Subject:	RE: APA Referendum

Ellen, I think you and I are very much on the same page, Steve

---

From: Garrison, Ellen
Sent: Saturday, July 05, 2008 6:39 PM
To: Gilfoyle, Nathalie; Behnke, Stephen; Anderson, Norman; Farberman, Rhea; Strassburger, Judy; Honaker, Michael
Subject: RE: APA Referendum

I might be a lone voice here, but I must admit that I find Joel's intervention as a self-appointed mediator a bit troubling. And is the mutually desired solution truly, "...that there ought to be a resolution against psychologists whose own behavior directly contributes to violations of the constitution or international law?" As if we implicitly/outwardly would support such behavior? Are there not other means through our court system to bring such individuals to justice? How would such a petition sound to our membership and the larger public?

Do we want to embark on yet another round of negotiations with Reisner et al.? Is success possible without some enforcement mechanism (which cannot be achieved through the petition route)?

I naturally defer to Nathalie and others to properly interpret the relevant Bylaws provisions. At this point, my inclination would be to move forward with the petition, unless Reisner et al. decide to withdraw it, given that this is indeed a permissible action (which it seems like it should be). Presumably, it would then be up to them to explain to their co-signors why such an action was taken.

While moving forward with the petition presents its own risks, I'm confident that we have a strong "con" statement that will carry the day.

Ellen

From: Gilfoyle, Nathalie
Sent: Sat 7/5/2008 5:50 PM
To: Behnke, Stephen; Anderson, Norman; Farberman, Rhea; Garrison, Ellen; Strassburger, Judy; Honaker, Michael
Subject: RE: APA Referendum

Hi All,
Joel called me about this and caught me on my cell while I was in town. Since he sent the below email he has spoken to Reisner again and Reisner has put him in touch with two of the three sponsors who are going to call him tonight.
I think Joel is intent on trying to not have the petition adopted as policy in order to protect the constituencies he mentions but he has some novel ideas about how to settle this. E.g. the Board and/or council will adopt a compromise policy before the sponsors withdraw the petition. I told Joel to be careful embarking on this , that there was a lot of background and that there was the potential that election politics are driving any effort to delay this . I also said that I am not involved in the decisions about timing and that it was important for him to hear from Norman and Steve.
I think we need to have a full discussion of the idea that the "Board's hands are tied" . In addition ,
I have to raise a flag here at least for discussion purposes, which is whether the sponsors have the authority to withdraw the petition. I will review the bylaws and rules again when I am back tomorrow night. Is there anything there that explicitly empowers sponsors to control what happens once the requisite signatures are

obtained .There may be something implicit in the power to agree to amendments etc. With the goal of finding sponsor control ,I'll review the controlling language . In any event , I could imagine some group of signers being upset the that the petition that they signed doesn't go forward because a few people pulled it back and we need to have the answer for that in terms of who is empowered to control the petition.
Nathalie

From: Behnke, Stephen
Sent: Saturday, July 05, 2008 4:19 PM
To: Anderson, Norman; Gilfoyle, Nathalie; Farberman, Rhea; Garrison, Ellen; Strassburger, Judy; Honaker, Michael
Subject: FW: APA Referendum

This is an extremely interesting development. However, I think it needs to be made clear to Joel (to everyone), that the petition sponsors have invoked the Bylaws, so that at this point the process is moving forward (quickly). I think ***many*** people would welcome this development, but at this point the petition sponsors would have to withdraw the petition—that's the only way to stop (or even pause) the process. How about something like,

Dear Joel,

Thank you for telling us about this extremely interesting development. My strong sense is that ***many*** people would welcome this development for many reasons, not the least of which is that the sheer breadth of the petition will potentially affect hundreds if not thousands of ethically minded, well intentioned psychologists who are doing good work. What's most important at this moment, however, is that a provision of the Bylaws has been invoked, and the process is moving forward. The only way to put the process on hold is for the sponsors to withdraw the petition. The sponsors can always resubmit, but by virtue of the Bylaws provision APA's hands are tied. Again, I think many people on all sides of this issue would see this as a very welcome development, and of course Convention would provide an ideal opportunity for people to sit down and talk to one another.

Steve

From: Joel Dvoskin PRIVACY REDACTION
Sent: Saturday, July 05, 2008 3:46 PM
To: Anderson, Norman; Gilfoyle, Nathalie; Behnke, Stephen
Subject: APA Referendum

Dear Norm, Nathalie, and Steve:

I just got off the phone with Stephen Reisner. I read him the draft I had completed before APA decided to have Dr. Resnick prepare the "con" statement. Dr. Reisner said that he agreed with my statement, almost in its entirety. He is in the process of trying to reach the two authors of the referendum to see if he can talk them into talking with me. He thinks that a negotiated statement along the lines of my draft (included IN CONFIDENCE below) would be a great idea if APA is willing. He will try to talk them into agreeing to a delay (if such a thing is possible) to allow for such negotiations to take place. Neither of us was sure as to what is possible, but one suggestion was the APA decide to postpone this referendum briefly to allow for some negotiation, perhaps in Boston.

I made it very clear to Dr. Reisner that I have no authority or right to say anything on behalf of APA, and that I am only speaking for myself. However, if I can help, I remain willing to play some mediation role to resolve this. Like many of the mediation situations in which I have worked, the perceived differences greatly outweigh the actual policy differences between Dr. Reisner and APA. Needless to say, there is great mistrust on both sides, but that is neither rare nor intimidating.

I realize that I am being very presumptuous, but the stakes here are high, and an all-or-nothing vote will be disastrous to APA and its members, whatever the outcome. If the referendum passes, for the reasons I outline below, almost all of the public service psychologists in jails, hospitals, and prisons will be vulnerable to unjustified attacks and allegations that they are in violation of APA policy. If the referendum fails, I believe that people will falsely view it as an APA endorsement of violations of human rights. An all-or-nothing vote on a poorly worded referendum is a disaster for all concerned.

I am available by phone almost all day today at PRIVACY REDACTION I'll also be available after 11 AM eastern time on Monday at the same number. If you happen to get a message, try my cell phone at PRIVACY REDACTION PRIVACY REDACTION Sorry to bother you on a Saturday, but the time limit is fast approaching.

Warm regards,
Joel

Here is my CONFIDENTIAL draft:

Here's the resolution itself:

"Be it resolved that psychologists may not work in settings where persons are held outside of, or in violation of, either International Law (e.g., the UN Convention Against Torture and the Geneva Conventions) or the US Constitution (where appropriate), unless they are working directly for the persons being detained or for an independent third party working to protect human rights."

DRAFT of "Con" Statement by Joel Dvoskin

In some ways, I am an odd person to write the "con" statement regarding this resolution, because in many ways I agree with its spirit. I also appreciate very much the obvious care that went into its drafting, and the fact that its sponsors have apparently participated in the dialogue about this issue with open minds and open hearts; this version is far more carefully drafted than its predecessors.

While I agree with what I believe to be the intent of this resolution, I am opposing it only because I believe it needs to be amended in order to prevent some serious and unintended consequences, which I will explain in this statement. As written, this proposal would have drastic, negative, and very much unintended consequences for psychologists in a variety of public service settings, and more importantly, for their clients. First, however, let me say what I agree with.

I agree with an intention to prevent psychologists from actively contributing to any violations of the US Constitution, the Geneva Convention, International Law, or basic human decency. If a psychologist has been proven to have fostered, facilitated, or directly committed an act that violates these various codes, I would agree with a proposal to hold that person harshly accountable.

I also agree with the underlying notion that fear-mongering is a poor excuse for suspension or defiance of the most sacred rights that have defined this country since its inception. As I said, I agree with my perception of the intent of this proposal. So why do I oppose it? Let me begin with a few pointed questions.

My first question is, “Who gets to decide?” Virtually every prison and jail in the United States is the subject of at least one allegation of unconstitutional conditions. Would such an allegation be sufficient to require all of the psychologists to quit? Or, is a finding by a court required to invoke this resolution? What happens when a case is settled, with no admission of constitutional deprivations? At what point would a prison psychologist be in violation of this proposal?

Of course, some jails, prisons, and hospitals have either settled lawsuits or been found by courts to be in violation of the constitution. Most of them employ psychologists; in fact, it is often the dearth of adequate mental health staff that is the reason for the finding of unconstitutional conditions in the first place. Ironically, then, if psychologists were to quit upon a finding of unconstitutional conditions, the conditions would become more unconstitutional, not less. If a facility is unconstitutional for having too few psychologists, how can it help to make the rest quit?

In my opinion, the flaws in this proposal, though quite serious and career threatening to hospital and correctional psychologists, they would seem easy to fix. Unfortunately, I am told that this proposal must be voted up or down in its exact and current state, and there is no room for “friendly amendments.”

My conclusion is that there ought to be a resolution against psychologists whose own behavior directly contributes to violations of the constitution or international law. It just can’t be *this* proposal. In its current form, this proposal must be voted down, and hopefully soon replaced with one that is even more skillfully written.

I do not believe that these authors intend to force most correctional psychologists to quit; such an act would not force any prison to close; it would simply leave the inmates much worse off than they were before. I applaud the authors of this proposal for their devotion to the individual rights that our political leaders are sworn to protect. I agree with the notion that psychologists cannot use their professional identity to skirt basic moral questions; indeed, our Ethical Standards already require us to advocate for the rights of our clients. I hope that the authors of this proposal will not take its defeat as a rejection of their values, but as a speed bump on the road to a meaningful, practical, and enforceable moral consensus among all psychologists, wherever they work.

The Famous, the infamous, the lame - in your browser. Get the TMZ Toolbar Now!

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Wednesday, July 02, 2008 4:06:04 PM
Recipient:	Anderson, Norman <NAnderson@apa.org>;Farberman, Rhea <rfarberman@apa.org>;Garrison, Ellen <egarrison@apa.org>;Gilfoyle, Nathalie <ngilfoyle@apa.org>;Strassburger, Judy <jstrassburger@apa.org>
Subject:	RE: Con Statement
Attachments:	CON Statement.doc

This may be easier to open.

I believe there are two statements that we may want to address:

1. The statement that the petition is essentially the same as what council voted down in San Francisco. There are very important differences between the two—Council voted down a ***moratorium*** on psychologists working in centers for ***foreign detainees.*** The petition has no time limit and is much broader in scope.
2. The statement that APA's efforts have had no apparent effect. In fact, everyone agrees that the Revised Army Field manual is a great improvement, and there is considerable discussion in congressional hearings regarding the non-effectiveness of abusive interrogation techniques, a point APA has been emphasizing since the beginning of our discussions.

Steve

From: Behnke, Stephen
Sent: Wednesday, July 02, 2008 3:37 PM
To: Anderson, Norman; Farberman, Rhea; Garrison, Ellen; Gilfoyle, Nathalie; Strassburger, Judy
Subject: FW: Con Statement

Bob Resnick just circulated this draft of the con statement to Bonnie Markham and Bill Strickland, copy to me.

Steve

From: Dr. Robert J. Resnick PRIVACY REDACTION
Sent: Wednesday, July 02, 2008 3:27 PM
To: Markham PhD Markham; Bill Strickland
Cc: Behnke, Stephen
Subject: Con Statement

Bonnie and Bill,

Attached is a draft for your comments.

Best,

Bob

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Saturday, June 21, 2008 6:52:44 PM
Recipient:	Farberman, Rhea <rfarberman@apa.org>;Garrison, Ellen <egarrison@apa.org>;'Barry S Anton' PRIVACY REDACTION Alan Kazdin' PRIVACY REDACTION
Cc:	Gilfoyle, Nathalie <ngilfoyle@apa.org>;Anderson, Norman <NAnderson@apa.org>;Strassburger, Judy <jstrassburger@apa.org>;Honaker, Michael <mhonaker@apa.org>
Subject:	RE: Pro/Con statements

I think our pro/con discussion is an excellent illustration of how this issue continually places us between a rock and a hard place.

Several months ago, we sent the sponsors a message with the relevant Bylaw and Association rule. In June, the Board reviewed the rule and decided there would be pro/con statements; we sent a letter to the sponsors setting forth a timetable, and they responded by asking for additional publication of the pro/con statements. Council was then informed of the process for moving the petition forward, including the deadlines for the pro/con statements.

On what basis does one now change the process that the Board has developed according to an Association rule, to which the sponsors have not objected, and about which Council has been informed?

Had the sponsors objected to the pro/con statements, it would seem to make good sense for the Board to revisit the issue. At this point, a single individual has raised this issue in a backchannel communication. Assuming that individual is a Council member, should he/she be encouraged to bring the concern up on the Council listserv and let a discussion take place in that forum?

Steve

From: Farberman, Rhea
Sent: Saturday, June 21, 2008 1:52 PM
To: Behnke, Stephen; Garrison, Ellen; 'Barry S Anton'; 'Alan Kazdin'
Cc: Gilfoyle, Nathalie; Anderson, Norman; Strassburger, Judy; Honaker, Michael
Subject: RE: Pro/Con statements

I think Ellen's proposal might be a solution but as Steve notes it will also be viewed as a political document. If we (Monitor staff) attempt to do balanced reporting on the subject we'll never be able to satisfy both sides. I'd be very uncomfortable attempting reporting. The only sensible plan would be to **invite submissions** from people on both sides of the issue – i.e. de facto pro/con statements, as Steve said. Which is fine and a potential solution to the criticism that we "fixed" the vote by including a pro/con statement with the ballot.

Rhea

From: Behnke, Stephen
Sent: Saturday, June 21, 2008 12:49 PM
To: Garrison, Ellen; 'Barry S Anton'; 'Alan Kazdin'
Cc: Gilfoyle, Nathalie; Anderson, Norman; Farberman, Rhea; Strassburger, Judy; Honaker, Michael
Subject: RE: Pro/Con statements

In terms of pro/con statements, I think it will be very important to place our thinking in the context of this issue's history and the language of the petition itself.

1. In terms of the history, APA was ***intensely*** criticized for the process surrounding the PENS task force. Since that time, three years ago, we have expended considerable efforts to ensure that all perspectives on this issue have been heard, and we have repeatedly emphasized the importance of process and ensuring that there is not even the perception that any voice will be excluded. APA's emphasis on process has been noted and positively commented upon by even our harshest critics. Not to have pro/con statements would be entirely out of keeping with how we have approached this issue in crafting our position over the past several Council meetings and Conventions.
2. In terms of the petition's language, it is extremely important to look carefully at the "Be it Resolved," which does not use the word "military" or the word "interrogation." Whatever the drafters' intentions, the language itself applies to any setting "where persons are held." This gives the petition a hugely broad scope—it could be applied to state or federal jails and prisons, psychiatric hospitals, juvenile detention centers, potentially even therapeutic camps for troubled children and adolescents. When people understand the true scope of the petition's language, there are going to be (at least some) APA members who feeling strongly that there should be a con statement.

I think Ellen's thought of an overview/description of the resolution is a good one, but even an overview/description is likely to become highly politicized. My guess is that such a statement will evolve into a de facto pro/con statement as we attempt to be fair to differing perspectives, which we will then be in the (difficult) position of having to draft.

Steve

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Sent: Saturday, June 21, 2008 12:11 PM
To: Barry S Anton; Alan Kazdin; Behnke, Stephen
Cc: Gilfoyle, Nathalie; Anderson, Norman; Farberman, Rhea; Strassburger, Judy; Honaker, Michael
Subject: RE: Pro/Con statements

Here's an out of the (ballot) box suggestion:

Given the widespread belief in this "Council wisdom" of death by pro/con statement and our desire to give this petition a fair review (and be perceived as doing so), could we consider an alternative approach that would involve a brief overview/description of the resolution on the ballot with a link to a MONITOR article on this issue, which would provide for a full airing of the issues. Both a link and hard copy citation would appear on the ballot with a note of encouragement to our members to review the article before casting their vote. This way, we would avoid the pro/con statement, while providing for a full airing of the issues, and no one/few people would face criticism by the petition sponsors for drafting the pro/con. This approach would be in keeping with the desire of Aalbers as voiced in his note to us:

> Also, while we are pleased that you have proceeded so quickly, the timeline you propose for the balloting process does raise a question: will there be time for the pro and con statements to appear in the APA Monitor? As you are aware, this is an unprecedented action on a critically important issue and we believe that the balloting should be preceded by discussions and announcements in the Monitor in much the same way that presidential elections are preceded by informed discourse.

Need I add that Nathalie and Judy (and their review of the ByLaws) will be critical regarding what would be permissible and desirable. Have a nice weekend all!

Ellen

From: Barry S Anton PRIVACY REDACTION
Sent: Sat 6/21/2008 11:28 AM
To: Alan Kazdin; Behnke, Stephen

Cc: Gilfoyle, Nathalie; Anderson, Norman; Farberman, Rhea; Strassburger, Judy; Honaker, Michael; Garrison, Ellen
Subject: Pro/Con statements

Hi Alan:
I'm not sure there are data on this point. It seems to me to be "Council Wisdom." I started hearing it when I was a COR rookie in 1998. Whenever there is an issue that goes before the membership for a vote, this mantra is spoken. Maybe it's a myth. I agree though, that the issues raised here are so complex that they warrant a pro/con statement.

Best,

Barry
****

-----Original Message-----
From: Alan Kazdin PRIVACY REDACTION
Sent: Sat 6/21/2008 7:56 AM
To: Behnke, Stephen
Cc: Barry S Anton; Gilfoyle, Nathalie; Anderson, Norman; Farberman, Rhea; Strassburger, Judy; Honaker, Michael; Garrison, Ellen
Subject: Re: draft response from me to Council's questions

Steve and Barry, All very helpful. Do we have any data at all on whether the verdict on any proposal, by-law change, or anything is more likely to pass with or without a pro/con statement. I realize that if there were, the items with a pro/con statement are likely to be different in some way from those without. Either way do we have any information (data). It is important to know what we have so a belief of the kind Barry noted from an email we can address and correct if possible. Data might be only chance to override a cognitive heuristic here. And the absence of data here too would be fine. A minor point in this overall issue, but one for which the BOD and COR should have information if any is available.
On Nathalie and Ellen correspondence, yes please await until Monday.
Best wishes, Alan

Behnke, Stephen wrote:
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> Hi Barry,
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> Two quick thoughts:
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> 1. In the response we received, the sponsors of the petition
> themselves indicate they "are not committed to seeing the
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> 2. In terms of pro/con statements, given the **extensive** debate
> and discussion this issue has received over the past three
> years, it would seem virtually untenable not to have pro/con
> statements regarding a new proposal.
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>
> Steve
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> *From:* Barry S Anton PRIVACY REDACTION
> *Sent:* Friday, June 20, 2008 5:33 PM
> *To:* Gilfoyle, Nathalie; Alan Kazdin
> *Cc:* Anderson, Norman; Farberman, Rhea; Strassburger, Judy; Honaker,
> Michael; Behnke, Stephen; Garrison, Ellen
> *Subject:* RE: draft response from me to Council's questions
>
>
>
> Hi Nathalie:
> Thank you for your analysis. I think one issue in your analysis
> that is going to be controversial is the interpretation of the
> intersection of the petition and the Ethics code. I think there will
> be some conversation about this issue on the COR listserv.
> Also, I received an email, and subsequent call, from a COR member
> who noted that it has been raised many times at COR that items sent
> with pro/con statements usually fail. He noted that it may seem
> "disingenuous" of APA to want to include such statements with the
> petition. I told him we would discuss this issue on the BoD
> conference call. He said he appreciated what he perceived as a
> "thoughtful" approach.
>
> Best,
>
> Barry
> *****
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>
> -----Original Message-----
> From: Gilfoyle, Nathalie [mailto:ngilfoyle@apa.org]
> Sent: Fri 6/20/2008 2:04 PM
> To: Alan Kazdin; Barry S Anton
> Cc: Anderson, Norman; Farberman, Rhea; Strassburger, Judy; Honaker,
> Michael; Behnke, Stephen; Garrison, Ellen
> Subject: draft response from me to Council's questions
>
> Dear Alan and Barry,
>
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>
> Attached is the draft of my message to Council which has been reviewed
> internally here by the team, prior to posting. I'll wait for your
> reactions before posting to Council. Nathalie
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> This responds to several questions from Council members regarding legal
> issues regarding the pending petition under the provisions of Article
> IV.5 of the Bylaws that asks members to adopt as Association policy a
> resolution restricting the locations in which psychologists may work.
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> Article IV. 5 of the Bylaws provides
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> Upon petition of 1% of the Members in good standing, a request for a
> mail vote of the voting Members of the Association upon any matter, but
> not involving an amendment to the Bylaws, may be addressed to Council,
> which shall present the matter covered by the petition, if it is not
> inconsistent with the Certificate of Incorporation or these Bylaws, to
> the voting Members of the Association for a mail vote. Council shall
> take such action as may be necessary to implement the result of any such
> vote.
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>
> Through Association Rule 30-3.1, Council delegated to the Board of
> Directors the following duties regarding petitions under this provision.
> The key provisions of that rule provide
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>
>
> The APA Recording Secretary... shall determine if the signatures on the
> petition meet the requirements of the APA Bylaws. When this condition is
> met ..the presiding officer of the Board shall determine if the petition
> represents a proper motion under the APA Bylaws and Association Rules.
> If it is determined that the motion is proper, the Board shall proceed
> to fix the time and manner in which the vote is to be conducted and
> shall notify the Election Committee of its responsibility. The Board
> shall determine when and in what form the ballot is to be mailed; any
> material that is to accompany the ballot such as information and pro and
> con statements; and the closing date of the vote. In setting a time for
> mailing the ballot, the Board may consider other mailings that are
> planned. Action on a petition is not complete until the next annual
> meeting. .... Council, in receiving the report of the Election
> Committee, shall make a minute of the action taken regarding the
> petitioned motion or of its defeat.
>
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>
> A petition, once submitted, is not subject to amendment. Minor editorial
> changes may be made by the Board of Directors with agreement of the
> sponsor of the petition, but such changes must not alter the sense of
> the petition. If substantial changes appear to be indicated, a
> reformulated petition should be submitted in proper form with new
> signatures.
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>
> To the best of our knowledge there has never been a member petition
> under Article IV.5 and thus neither it nor the provisions of the related
> Association Rule has ever been applied.
>
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>
> The Bylaw provides limited reasons to disallow an otherwise appropriate
> petition to the Members of the Association for a vote. The petition
> process under Article IV.5 may not be used if the substance of the
> petition is either 1) an amendment to the Bylaws or 2) for any matter
> that is inconsistent with the certificate of incorporation or the
> Bylaws. Other substantive issues going to the merits of a petition are
> left to the voting process to resolve.
>
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> The Association policy proposed in the petition by its terms provides
> that psychologists may not work in certain detention settings. The
> petition was not viewed as an effort to amend the Ethics Code, however,
> and therefore the Board did not need to address the question of whether
> the Bylaws provisions establishing the Ethics Committee's scope of
> authority were in conflict with the terms of the petition.
>
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>
> There are many issues regarding the wording of the petition, some of
> which have already been posed by Council members. Should APA make policy
> statements about where psychologists may work? Would a psychologist be
> able to make the threshold determinations called for in the petition
> about the legal status of the venue in which they are working or are
> considering working ? What enforcement actions from entities outside
> APA might flow from having the petition adopted as APA policy? (An
> affirmative vote on the resolution would set official APA policy,
> similar to a Council resolution, which would mean that the Ethics
> Committee could refer to the policy in adjudicating cases or other work
> of the Committee, such as developing revisions to APA's Code of Conduct,
> but it would not amend the Code of Conduct's enforceable standards. It
> is unclear what enforcement effects could come from third parties who
> would use the policy in other settings.)
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>
> These questions can be addressed in the pro/con statements and
> rebuttals that will accompany the ballot on this petition but do not bar
> the petition from going forward under the thresholds established by the
> governing Bylaw provisions.
>
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>
> From a procedural perspective, if the policy set forth in the petition
> had been presented to Council as a new business item, at a minimum it
> would be deemed to be a guideline under Rule 30-8 ("Guidelines include
> pronouncements, statements, or declarations that suggest or recommend
> specific professional behavior, endeavor, or conduct for psychologists
> or for individuals or organizations that work with psychologists...") if
> not a standard ("specifications...for conduct in psychology..."). Under
> that rule, such a proposed policy would normally be referred to the
> governance review and public comment process spelled out in Rule 30-8
> for proposed policy that prescribes professional conduct by members. But
> the policy set forth in the petition has not been proposed as a new
> business item to Council for action, but rather is presented for a vote
> of Members under the provisions of Article IV.5. Again, the pertinent
> inquiry for purposes of whether the petition goes forward for a vote
> under Article IV.5 is whether it conflicts with the certificate of
> incorporation or Bylaws or constitutes a Bylaw amendment. Because those
> hurdles are cleared, the petition is not subjected to the process
> specified in the Association Rules for standards or guidelines.
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>
> Nathalie Gilfoyle
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> Nathalie Gilfoyle | General Counsel
>
> American Psychological Association <http://www.apa.org/>
> 750 First Street NE, Washington, DC 20002-4242
> Tel: (202) 336-6186 | email: ngilfoyle@apa.org
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> APA Logo<http://www.apa.org/emailtemplate/e-mail_signature_logo.gif>
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> The information contained in this e-mail message may be privileged,
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> recipient, any dissemination, distribution or copying is strictly
> prohibited. If you think that you have received this e-mail message in
> error, please e-mail the sender at ngilfoyle@apa.org.

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Alan E. Kazdin, Ph.D., ABPP

President, American Psychological Association
John M. Musser Professor of Psychology
and Child Psychiatry
Department of Psychology
Yale University
PO Box 208205
New Haven, CT 06520-8205
Tel: 203-432-9993; Fax: 203-432-4525

www.yale.edu/psychology/FacInfo/Kazdin.html
www.yale.edu/childconductclinic
www.alankazdin.com
www.apa.org/about/president

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Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Saturday, June 21, 2008 12:48:52 PM
Recipient:	Garrison, Ellen <egarrison@apa.org>;'Barry S Anton' PRIVACY REDACTION 'Alan Kazdin' PRIVACY REDACTION
Cc:	Gilfoyle, Nathalie <ngilfoyle@apa.org>;Anderson, Norman <NAnderson@apa.org>;Farberman, Rhea <rfarberman@apa.org>;Strassburger, Judy <jstrassburger@apa.org>;Honaker, Michael <mhonaker@apa.org>
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> *From:* Barry S Anton PRIVACY REDACTION
> *Sent:* Friday, June 20, 2008 5:33 PM
> *To:* Gilfoyle, Nathalie; Alan Kazdin
> *Cc:* Anderson, Norman; Farberman, Rhea; Strassburger, Judy; Honaker,
> Michael; Behnke, Stephen; Garrison, Ellen
> *Subject:* RE: draft response from me to Council's questions
>
>
>
> Hi Nathalie:
> Thank you for your analysis. I think one issue in your analysis
> that is going to be controversial is the interpretation of the
> intersection of the petition and the Ethics code. I think there will
> be some conversation about this issue on the COR listserv.
> Also, I received an email, and subsequent call, from a COR member
> who noted that it has been raised many times at COR that items sent
> with pro/con statements usually fail. He noted that it may seem
> "disingenuous" of APA to want to include such statements with the
> petition. I told him we would discuss this issue on the BoD
> conference call. He said he appreciated what he perceived as a
> "thoughtful" approach.
>
> Best,
>
> Barry
> *****
>
>
> -----Original Message-----
> From: Gilfoyle, Nathalie [mailto:ngilfoyle@apa.org]
> Sent: Fri 6/20/2008 2:04 PM
> To: Alan Kazdin; Barry S Anton
> Cc: Anderson, Norman; Farberman, Rhea; Strassburger, Judy; Honaker,
> Michael; Behnke, Stephen; Garrison, Ellen
> Subject: draft response from me to Council's questions
>
> Dear Alan and Barry,
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>
> Attached is the draft of my message to Council which has been reviewed
> internally here by the team, prior to posting. I'll wait for your

> reactions before posting to Council. Nathalie
>
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> This responds to several questions from Council members regarding legal
> issues regarding the pending petition under the provisions of Article
> IV.5 of the Bylaws that asks members to adopt as Association policy a
> resolution restricting the locations in which psychologists may work.
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> Article IV. 5 of the Bylaws provides
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> Upon petition of 1% of the Members in good standing, a request for a
> mail vote of the voting Members of the Association upon any matter, but
> not involving an amendment to the Bylaws, may be addressed to Council,
> which shall present the matter covered by the petition, if it is not
> inconsistent with the Certificate of Incorporation or these Bylaws, to
> the voting Members of the Association for a mail vote. Council shall
> take such action as may be necessary to implement the result of any such
> vote.
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> Through Association Rule 30-3.1, Council delegated to the Board of
> Directors the following duties regarding petitions under this provision.
> The key provisions of that rule provide
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> The APA Recording Secretary... shall determine if the signatures on the
> petition meet the requirements of the APA Bylaws. When this condition is
> met ..the presiding officer of the Board shall determine if the petition
> represents a proper motion under the APA Bylaws and Association Rules.
> If it is determined that the motion is proper, the Board shall proceed
> to fix the time and manner in which the vote is to be conducted and
> shall notify the Election Committee of its responsibility. The Board
> shall determine when and in what form the ballot is to be mailed; any
> material that is to accompany the ballot such as information and pro and
> con statements; and the closing date of the vote. In setting a time for
> mailing the ballot, the Board may consider other mailings that are
> planned. Action on a petition is not complete until the next annual
> meeting. .... Council, in receiving the report of the Election
> Committee, shall make a minute of the action taken regarding the
> petitioned motion or of its defeat.
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> A petition, once submitted, is not subject to amendment. Minor editorial
> changes may be made by the Board of Directors with agreement of the
> sponsor of the petition, but such changes must not alter the sense of
> the petition. If substantial changes appear to be indicated, a
> reformulated petition should be submitted in proper form with new
> signatures.
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> To the best of our knowledge there has never been a member petition
> under Article IV.5 and thus neither it nor the provisions of the related
> Association Rule has ever been applied.
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>
> The Bylaw provides limited reasons to disallow an otherwise appropriate
> petition to the Members of the Association for a vote. The petition
> process under Article IV.5 may not be used if the substance of the
> petition is either 1) an amendment to the Bylaws or 2) for any matter
> that is inconsistent with the certificate of incorporation or the
> Bylaws. Other substantive issues going to the merits of a petition are
> left to the voting process to resolve.
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>
> The Association policy proposed in the petition by its terms provides
> that psychologists may not work in certain detention settings. The
> petition was not viewed as an effort to amend the Ethics Code, however,
> and therefore the Board did not need to address the question of whether
> the Bylaws provisions establishing the Ethics Committee's scope of
> authority were in conflict with the terms of the petition.
>
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>
> There are many issues regarding the wording of the petition, some of
> which have already been posed by Council members. Should APA make policy
> statements about where psychologists may work? Would a psychologist be
> able to make the threshold determinations called for in the petition
> about the legal status of the venue in which they are working or are
> considering working ? What enforcement actions from entities outside
> APA might flow from having the petition adopted as APA policy? (An
> affirmative vote on the resolution would set official APA policy,
> similar to a Council resolution, which would mean that the Ethics
> Committee could refer to the policy in adjudicating cases or other work
> of the Committee, such as developing revisions to APA's Code of Conduct,
> but it would not amend the Code of Conduct's enforceable standards. It
> is unclear what enforcement effects could come from third parties who
> would use the policy in other settings.)
>
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>
> These questions can be addressed in the pro/con statements and
> rebuttals that will accompany the ballot on this petition but do not bar
> the petition from going forward under the thresholds established by the
> governing Bylaw provisions.
>
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>
> From a procedural perspective, if the policy set forth in the petition
> had been presented to Council as a new business item, at a minimum it
> would be deemed to be a guideline under Rule 30-8 ("Guidelines include
> pronouncements, statements, or declarations that suggest or recommend
> specific professional behavior, endeavor, or conduct for psychologists
> or for individuals or organizations that work with psychologists...") if
> not a standard ("specifications...for conduct in psychology..."). Under
> that rule, such a proposed policy would normally be referred to the
> governance review and public comment process spelled out in Rule 30-8
> for proposed policy that prescribes professional conduct by members. But
> the policy set forth in the petition has not been proposed as a new
> business item to Council for action, but rather is presented for a vote

> of Members under the provisions of Article IV.5. Again, the pertinent
> inquiry for purposes of whether the petition goes forward for a vote
> under Article IV.5 is whether it conflicts with the certificate of
> incorporation or Bylaws or constitutes a Bylaw amendment. Because those
> hurdles are cleared, the petition is not subjected to the process
> specified in the Association Rules for standards or guidelines.
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> Nathalie Gilfoyle
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> Nathalie Gilfoyle | General Counsel
>
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> 750 First Street NE, Washington, DC 20002-4242
> Tel: (202) 336-6186 | email: ngilfoyle@apa.org
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> APA Logo<http://www.apa.org/emailtemplate/e-mail_signature_logo.gif>
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www.yale.edu/psychology/FacInfo/Kazdin.html
www.yale.edu/childconductclinic
www.alankazdin.com
www.apa.org/about/president

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Sender: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent: Monday, May 05, 2008 4:43:58 PM
Recipient: [redacted]
Subject: RE: [DIV17DISCUSS] petition APA

Melba, I've drafted this response for your consideration (please use however you think appropriate)

Dear Michael,

Thank you for your very thoughtful message. Please let me emphasize two points: first, you are absolutely correct that "all persons, including prisoners of war, are endowed with certain inalienable rights." I don't know a single APA member who would not strongly support that statement. Second, APA members should follow their consciences with regard to the petition—that would be my advice to any colleague who came to me and asked what to do.

Let me say why I object to the petition. The Washington Post called APA's 2007 resolution a "rebuke" of Bush administration interrogation policies. APA has taken a clear and emphatic stance ***against*** abusive interrogations. This past week, the ACLU made available new information from a department of defense report. In the ACLU materials (13 pages in all), there is one instance cited related to the behavior of a specific psychologist. The report states that when the psychologist believed he had "observed or suspected detainee abuse," the psychologist "recommended that the interrogation not proceed and brought in medical personnel to evaluate the detainee." Thus, a psychologist behaves *precisely* as one would hope and want, intervening to stop an abusive interrogation.

All of this, of course, follows the very public actions of psychologist (and APA member) Mike Gelles, whose actions at Guantanamo Bay were hailed by a medical ethicist as a successful protest of detainee abuse. Moreover, another psychologist (and APA member) is chair of the Intelligence Science Board project that has shown how research does ***not*** support the use of abusive interrogation techniques. I believe that all three are excellent examples of precisely what we want: the involvement of psychologists to end torture and abuse. This petition would seriously impede psychologists' efforts to ensure that interrogations are conducted in a safe and ethical manner.

Certainly I agree that good people can do bad things. But it seems to me that the way to ensure bad things will happen is to remove good people. I don't think the petition accomplishes what we want.

Sincerely,

From: [redacted]
Sent: Monday, May 05, 2008 7:19 AM
To: Behnke, Stephen
Subject: Fwd: [DIV17DISCUSS] petition APA

Hi Steve,

Any suggestions for how to respond to this latest request for members to sign the petition? The intensity of the emotion by

very bright, articulate folks takes my breath away. It is also on the Div 45 listserv, and I think on the Div 56, probably more.

melba
In a message dated 5/4/08 1:19:36 AM, Michael Loewy writes:

Dr. Douce,

I appreciate your willingness to engage in this dialog. As Council Representative, you may know more about this than others. People for whom I have much admiration fall on both sides of this argument. I am trying to understand APA's position from a social justice perspective.

I understand that APA recently strengthened its position against torture, listing specific behaviors that psychologists are not allowed to engage in and offering support to any military psychologist who refuses to take part in torture. It is a very strong statement against torture.

You say this new resolution is about settings, not torture, but these settings have been internationally condemned. They are inherently objectionable and we should protest their existence even if the ICRC had not declared the conditions at Guantanamo "tantamount to torture". All persons, including prisoners of war, are endowed with certain inalienable rights, not this administration's assertion that these detainees are only entitled to the few privileges that the US decides to grant them.

I understand, too, that we are told by military officers who are psychologists, that if psychologists are there, people will be better off for it, maybe even lives saved.

However, no evidence has been shown to indicate that psychologists play any part in ensuring the safety of detainees. It is more likely is that psychologists are simply providing legitimacy and a false sense of safety to the outside world by playing these roles. According to an FBI investigation, most of the abuses at Guantanamo occurred under the direction of Behavioral Science Consultation Teams (BSCTs), which were led by psychologists and psychiatrists. Psychiatrists have since been removed from the teams.

Most important, psychologists know from decades of research that good people do bad things in bad situations (cf. Ross and Nisbett, 1991). Psychologists subject to the chain of command in an inherently abusive environment like the black sites and Guantanamo Bay are no less vulnerable to "drift" than anyone else; it is time to start applying the long lessons of psychology to psychologists. I can't imagine the depth of the conflict between ethics and organizational demands that military officers who are psychologists face, but it must be tremendous.

Dr. Larry James, a frequent and outspoken supporter of APA's current policy was recently quoted by the Associated Press as saying "I learned a long, long time ago, if I'm going to be successful in the intel community, I'm meticulously — in a very, very dedicated way — going to stay in my lane. So if I don't have a specific need to know about something, I don't want to know about it. I don't ask about it."

All I have heard from you and other leaders in the division is that you respect the ethics of the military psychologists YOU KNOW. Do you think that one or two ethical psychologists (be they any race, Dr. Vasquez) have control over this situation? Do you think that psychologists set military policy? Do you forget what our government and military are capable of? Do you think that psychologists in the military are psychologists first and military officers second?

In short, APA's current position is better, but still not good enough. For what was once the most progressive large professional organization, this is a very conservative stance. It supports the current administration's goals and the status quo. Even more puzzling to me is Division 17 toeing the party line.

Last, why not support the petition? Why are APA and the Council so sure that the current position is the correct one when so many others are convinced otherwise? All the petition asks for is that psychologists not be involved in ILLEGAL interrogations. What's wrong with that?

I hope we can continue this dialog here, in Boston, and at NMCS.

Sincerely,
Michael

Michael I Loewy PhD
Associate Professor & Chair
University of North Dakota - Department of
Counseling Psychology and Community Services
290 Centennial Drive Stop 8255
Grand Forks ND 58202-8255

PRIVACY REDACTION
http://www.counseling.und.edu/facultypages/michael.htm

----- Original Message -----
From: "Douce, Louise A." PRIVACY REDACTION
Date: Friday, May 2, 2008 5:01 am
Subject: Re: [DIV17DISCUSS] petition APA

> I absolutely agree that we need to be respectful of different
> perspectives on how to be most effective in social action.
>
> I chose not to sign the petition for two reasons:
>
> 1. This is about facilities, not about interrogations techniques.
> We have already taken a strong stand that psychologists may not
> participate in interrogations that involve torture and have been
> very specific about what constitutes torture. This states that
> psychologists may not work in settings to which they have been
> assigned.
> 2. I respect the professionalism and ethics of the military
> psychologists I have met and believe they deserve the respect of
> their colleagues as they care for their clients/patients and do
> their work wherever they are assigned.
>
> I am opposed to the US having any facilities outside of
> international law. I do not believe that telling psychologists they
> may not work in such settings is an effective strategy to close them.
>
> Some believe we must take this stand and express our professional
> stand against these facilities by banning presence.
>
> Some believe that our military psychologists affect the climate and
> culture in these facilitites and their absence makes the postential
> situations worse.
>
> I chose the latter perspective.
>
> Thanks for the thoughtful dialogue.
>
> Louise Douce
>
> _____
>
> From: Division 17 Discussion list on behalf of Jonathan D. Raskin
> Sent: Fri 5/2/2008 7:08 AM
> To: DIV17DISCUSS@LISTS.APA.ORG
> Subject: Re: [DIV17DISCUSS] petition APA
>
>
>
> Hi everyone. I agree that the role of psychologists in military
> interrogations is a complicated political issue. When discussing such
> an emotionally volatile subject, we must all be careful to behave
> respectfully towards colleagues with whom we disagree. That said, my

> reading of the resolution is that it only disallows psychologists from
> participating in settings where interrogations violate International
> Law or the US Constitution. The exact quote from the resolution
> (http://www.ipetitions.com/petition/apademocracy/index.html) is as
> follows:
>
> "Be it resolved that psychologists may not work in settings where
> persons are held outside of, or in violation of, either International
> Law (e.g., the UN Convention Against Torture and the Geneva
> Conventions) or the US Constitution (where appropriate), unless they
> are working directly for the persons being detained or for an
> independent third party working to protect human rights."
>
> Once interrogations reach the point of violating International Law or
> the US Constitution, wouldn't it be ethically problematic for
> psychologists (or anyone, for that matter) to participate? Why
> wouldn't psychologists want to endorse what strikes me as quite a
> moderate view?
>
> This is my opinion and it is why I signed the petition. I'm curious
> about other people's opinions, however, and hope people can share them
> in a way that feels safe and respectful.
>
> Regards,
>
> Jonathan Raskin
>
> On Thu, May 1, 2008 at 4:40 PM, Melba Vasquez, Ph.D.
> < PRIVACY REDACTION wrote:
>> Alan, Louise and others,
>>
>> Thank you for this discussion. I strongly encourage members who are
>> interested to explore these issues very carefully. APA has been
> very clear
>> about the unethicality of psychologist's involvement in torture
> in any way,
>> shape or form. The issue addressed in the proposed resolution
> about which
>> Alan is supportive includes disallowing psychologists to be
> involved in
>> consulting with those who are involved in interrogations per se.
> Our> military psychologists (including those of color) have
> informed us that
>> there are legitimate and ethical ways to conduct interrogations,
> and that in
>> fact, if psychologists are not involved, negative consequences can
>> ensue.Several of our military psychologists were involved in
> helping to
>> "clean up" some of the negative events that happened in the past.
>>
>> Most of us are opposed to this war in Iraq, and to many of the
> horrific> so-called strategies on the war on terrorism conducted by
> the current
>> administration. However, this particular issue is not so
> dichotomous (good
>> vs bad) in my mind, and the endorsement of it might have unintended
>> consequences.
>>
>> Melba Vasquez
>>
>>

> >
> > -----Original Message-----
> > From: Douce, Louise A. PRIVACY REDACTION
> > To: DIV17DISCUSS@LISTS.APA.ORG
> >
> > Sent: Thu, 1 May 2008 12:55 pm
> > Subject: Re: [DIV17DISCUSS] petition APA
> >
> >
> > APA has taken a strong stance against torture and listed very
> specific> examples.
> > It is not accurate to say we have not taken a stance against
> torture.>
> > _____
> >
> > From: Division 17 Discussion list on behalf of ALLEN IVEY
> > Sent: Thu 5/1/2008 9:55 AM
> > To: DIV17DISCUSS@LISTS.APA.ORG
> > Subject: Re: [DIV17DISCUSS] petition APA
> >
> >
> > Dear Colleagues,
> >
> > Division 17 has always been slow to act. The ExCommittee refused
> to endorse
> > Derald Wing Sue's report on the competencies when I was
> president. This
> > should
> > be compared with the fact that ALL other reports were endorsed. The
> > competencies
> > sat ignored for years until Gerry became president. And, it took
> an activist
> > group who also were members of 45 to make it happen under Gerry.
> It was not
> > the
> > Division 17 mainstream that supported the competencies. While our
> record now
> > looks good on paper, we are still way behind the curve.
> >
> > The whole field of psychology is rather timid, despite "liberal
> > pretentions".
> >
> > It is time to take a stand. I'm amazed that I am the only
> psychologist who
> > turned down an invitation to conduct a training workshop for the
> CIA. And,
> > you'd
> > be amazed to see how my life has intertwined with the CIA ever since
> > 1957--for
> > both good an ill. If they have focused on me, they must have a
> BIG staff
> > looking
> > around at all of us.
> >
> > Torture is torture and we always can find psychologists who will
> be glad to
> > earn
> > a living compromising themselves and the profession.
> >
> > Support the petition!
> >

> > Allen PRIVACY REDACTION
> > Allen E. Ivey, EdD, ABPP
> > Distinguished University Professor (Emeritus)
> > University of Massachusetts, Amherst
> > and
> > Professor (Courtesy Appointment)
> > University of South Florida, Tampa
> >
> >
> > President, Microtraining Associates, Inc.
> >
> >
> >
> >
> >
> >
> >
> >
> > On May 1, 2008, at 12:16 AM, Douce, Louise A. wrote:
> >
> >
> > This is actually a complicated issue. Some people contend that
> removing> psycholoists from all US facilities that would fall in
> this definition would
> > acutally cost lives versus the opporunity to take ethical
> positions within
> > such
> > military facilities. I urge you to study the issue is some depth
> before> signing
> > this petition.
> >
> > Louise Douce
> > Council Representative
> >
> > _____
> >
> > From: Division 17 Discussion list on behalf of Michael Loewy
> > Sent: Wed 4/30/2008 3:58 PM
> > To: DIV17DISCUSS@LISTS.APA.ORG
> > Subject: [DIV17DISCUSS] petition APA
> >
> >
> >
> > Colleagues,
> >
> > There is a referendum initiative underway in the American
> > Psychological Association. I hope you would take a look at it and
> > consider signing it to support the resolution being put to the
> > membership for a vote. Please pass it on to your executive other
> listservs> as well.
> >
> > This is a wonderful opportunity to support an effort in
> participatory> democracy.
> >
> > Here is the URL (you may need to paste it into your browser):
> >
> > http://www.ipetitions.com/petition/apademocracy/index.html
> > <http://www.ipetitions.com/petition/apademocracy/index.html>
> >
> > The main "Be it resolved" clause is as follows:
> >

> > Be it resolved that psychologists may not work in settings where
> > persons are held outside of, or in violation of, either
> International> Law (e.g., the UN Convention Against Torture and
> the Geneva
> > Conventions) or the US Constitution (where appropriate), unless
> they> are working directly for the persons being detained or for an
> > independent third party working to protect human rights.
> >
> > Thank you.
> > _____
> > Michael I Loewy PhD
> > Associate Professor & Chair
> > University of North Dakota - Department of
> > Counseling Psychology and Community Services
> > 290 Centennial Drive Stop 8255
> > Grand Forks ND 58202-8255
> > _____
> > PRIVACY REDACTION
> > http://www.counseling.und.edu/facultypages/michael.htm
> >
> >
> >
> > ********** Division 17 information can be found at
> > http://www.div17.org/
> >
> > Information on LISTSERVs may be found at
> > http://www.div17.org/about_listserv.html
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> --
> Jonathan D. Raskin, Ph.D.
> Professor and Graduate Coordinator
> Psychology Department
> State University of New York at New Paltz
> 600 Hawk Drive
> New Paltz, NY 12561-2440 USA
>
> PRIVACY REDACTION
> Home: http://www.jonathanraskin.com
> <http://www.jonathanraskin.com/>
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>
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Division 17 information can be found at
http://www.div17.org/

Information on LISTSERVs may be found at
http://www.div17.org/about_listserv.html

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Melba J. T. Vasquez, PhD, ABPP
Board of Directors, American Psychological Association
Past-President, Texas Psychological Association
Anderson House at Heritage Square
PRIVACY REDACTION

****

Wondering what's for Dinner Tonight? Get new twists on family favorites at AOL Food.
(http://food.aol.com/dinner-tonight?NCID=aolfod00030000000001)

Sender:	Behnke, Stephen
Sent:	Friday, October 17, 2008 8:46:05 AM
Recipient:	Gilfoyle, Nathalie <ngilfoyle@apa.org>;Garrison, Ellen <egarrison@apa.org>;Anderson, Norman <NAnderson@apa.org>;Honaker, Michael <mhonaker@apa.org>;Strassburger, Judy <jstrassburger@apa.org>;Farberman, Rhea <rfarberman@apa.org>;Mills, Kim <kmills@apa.org>
Subject:	RE: REVISED: For Review: Advisory Group Suggestions

Yes, point well taken; Beth, though, has been part of the Council "gang of five" (Laurie Wagner, Judy Van Hoorn, Corann Okorodudu, Bill Strickland, Beth) who have put in hundreds hours on the 2007 resolution and 2008 amendment...she's been one of the key players putting these materials together...that's never been an issue in any of our discussions or work together...also, she knows the issues extremely well. Must run to ethics committee meeting...
-----Original Message-----
From: Gilfoyle, Nathalie
Sent: Thursday, October 16, 2008 10:45 PM
To: Garrison, Ellen; Anderson, Norman; Honaker, Michael; Strassburger, Judy; Behnke, Stephen; Farberman, Rhea; Mills, Kim
Subject: Re: REVISED: For Review: Advisory Group Suggestions

I am concerned about beth wiggins in that we have already had one staff hysband/ governance wife issue. I know you must have sorted through that and wonder what your thinking is. Nathalie

----- Original Message -----
From: Garrison, Ellen
To: Anderson, Norman; Honaker, Michael; Strassburger, Judy; Behnke, Stephen; Farberman, Rhea; Mills, Kim; Gilfoyle, Nathalie
Sent: Thu Oct 16 18:10:32 2008
Subject: REVISED: For Review: Advisory Group Suggestions

Hi, all. Please review this version – includes suggestions for chair, as well as reordered list of Board members, per discussion with Steve. Priority was given to Board members who are most familiar with the issues.

Thanks! I sent the advisory group overview to Alan for his consideration about an hour ago and will send this list tomorrow pending your review and comment.

Ellen

From: Garrison, Ellen
Sent: Thursday, October 16, 2008 5:02 PM
To: Anderson, Norman; Honaker, Michael; Strassburger, Judy; Gilfoyle, Nathalie; Farberman, Rhea;

Mills, Kim; Behnke, Stephen
Subject: For Review: Advisory Group Suggestions

Hi, all. Here's a draft of the list of suggested nominees for the advisory group to go to Alan -- some of which he has already seen and discussed with me at the Board retreat....

The list was constructed as follows:

1) Six key divisions were designated for representation per our earlier conversations (i.e., 9, 18, 19, 31, 41, and 48)

2) Council members representing these divisions who were self or other nominated, as well as other Council reps for these divisions who were not nominated, were considered for these slots by Steve and me, based in large measure on earlier discussions with you all.

3) The Council members are listed in three tiers by division and state association. Divisions are presented in numerical order with members prioritized within division listings. The list accounts for all Council members in the targeted divisions, whether nominated or not. The second and third tiers also include a few nominated Council members representing SPAs.

4) Board members are listed roughly in order of priority with consideration (per Alan) given to whether folks were on the PENS Task Force (Barry) or perhaps considering higher APA office. Alan was thinking that perhaps Suzanne and Armand would be best.

5) As you'll recall, Alan had signaled his intent in the first memo to Council to invite Dan Aalbers to participate on the advisory group. Despite Dan's earlier reluctance to do so, it is clear from the letter that the three petitioners (Dan, Ruth Fallenbaum and Brad Olsen) sent to Alan that they are all self nominating for the advisory group. The concern with Dan is that he is still not a member of APA – just checked with membership office/database today. Do we want to include Dan no matter his membership status? One or both of the other two as well? Steve recommends just Dan provided he rejoins APA. (I don't know the other two.)

6) None of the other psychologists recommended by the petitioners in their letter are Council members. Their nominees are: Ghislaine Boulanger, Steve Reisner, Steve Soldz, Frank Summers, Craig Haney, Bernice Lott, and Anthony Marsella. Do we want to include any of them? I would think not. They might better serve as consultants to the petitioner(s) on the advisory group.

Thoughts? Ready to send to Alan?

Ellen

Sender:	Behnke, Stephen
Sent:	Wednesday, October 22, 2008 12:59:05 PM
Recipient:	'Judith Van Hoorn' PRIVACY REDACTION ;Beth Wiggins Laurel B Wagner PRIVACY REDACTION Corann Okorodudu Bill Strickland
Cc:	Brad Johnson PRIVACY REDACTION Jeff Barnett PRIVACY REDACTION
Subject:	RE: Ethical Standard 1.02

Thanks, Judy; I'll ask Paul to get us information about the call.

Judy, do you have any time today or tomorrow? If so, I wonder... I think it would be helpful to have, say, three or four possibilities to put on a page (2 sides) to pass around to groups, as possibilities to consider. Would you have time to help me put those together? (I think a very simply listing as Draft #1, etc., so people will have some language to look at, that will perhaps stimulate more thinking and ideas).

Thanks, Steve

From: Judith Van Hoorn PRIVACY REDACTION
Sent: Wednesday, October 22, 2008 12:46 PM
To: Behnke, Stephen; Beth Wiggins Laurel B Wagner; Corann Okorodudu Bill Strickland
Cc: Brad Johnson; Jeff Barnett
Subject: RE: Ethical Standard 1.02

Hi all,

Brad and Jeff, please thank the Committee for all their work on this. I agree that it seems more clear when the language refers back to the language of the Code. It would be useful to know more about how 3.04 is interpreted. 3.04 and other standards include phrases that call for judgment and consultation with others as well as with resources - such as "reasonable", "appropriate", and "potentially." Similarly, following up on Beth's comment (as cynic or pollyanna) about whether there is, indeed, a need to define basic human rights? Lastly, what is the meaning of "human rights" as currently used in the Code? What was the understanding of those who drafted the Code and how do you interpret it?

Steve -Yes - please! A list of the possibilities seems essential now that we're generating more. We could then keep a record of our comments (with the date) related to each suggestion to help us review everyone's suggestions/questions/concerns. It would certainly help me so I don't retread and repeat.

Re. Friday's call.

1. Who among us will be at the meetings? Will other movers of the NBI or Ethics Committee members be there?

2. Steve, could you provide the info on the conference call info (and a reminder about the time).

3, Since there's been confusion re. the suggested wording in the NBI - when you who are there make the rounds, could you call people's attention to the language in the - BE IT RESOLVED section so that comments relate specifically to the NBI and be addressed specifically.

4. Should we be discussing other suggested wording here?

Judy

-----Original Message-----

From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Tue 10/21/2008 6:24 PM
To: Beth Wiggins Judith Van Hoorn; Laurel B Wagner; Corann Okorodudu Bill Strickland
Cc: Brad Johnson; Jeff Barnett; Judith Van Hoorn
Subject: RE: Ethical Standard 1.02

I think we should start to make a list of all the possibilities we are drafting (I'll begin to do that). Ideally, consensus will begin to build around one that we can focus on.

Steve

From: bethwiggins@att.net [mailto:bethwiggins@att.net]
Sent: Tue 10/21/2008 3:00 PM
To: Judith Van Hoorn; Laurel B Wagner; Behnke, Stephen; Corann Okorodudu Bill Strickland
Cc: Brad Johnson; Jeff Barnett; Judith Van Hoorn
Subject: RE: Ethical Standard 1.02

Hi all,

Reluctantly (since elegant solutions are always nice), I think the proposal is too round-about in addressing the issue and agree with Laurie, that its indirectness may produce perceived or actual loopholes.

Something like Judy's third proposal, which defines basic human rights with reference to resolutions and other APA policy, might work, but I wonder if that is too limiting. APA certainly hasn't addressed all possible types of human rights violations in its various resolutions/polciies and so this option might also produce loopholes.

The cynic (or is it the pollyanna) in me asks why we have to define "basic human rights". There are many terms in the Ethics Code to which the Ethics Committee must give life depending on the circumstances in which they arise. If a situation came up in the interrogations area, the resolutions are there to provide guidance. If a situation arises in another area, another resolution/policy may be in place, or perhaps not. Then the Ethics Committee will have to draw on common sense, etc. basic principals in bringing meaning to it.

- Beth

---------- Original message from "Judith Van Hoorn" PRIVACY REDACTION ----------

Hi all,

1. First, my apologies to all of you. It's taken me a while to notice that, at least in the conference calls, we haven't been discussing the NBI suggested phrasing (as Laurie noted):
"This Standard can never be interpreted to justify violations of basic human rights.
Rationale: We borrowed Steve's language re. never justifying torture or CIDTP by invoking 1.02 and made it broader to cover all situations.
That changes the "flow chart" I proposed earlier in significant ways. However, the definition of basic human rights is still not addressed.

2. The simplicity of referring to 3.04 is elegant: Avoid Harm. Steve has summarized the reasons why this is so strong well. I'm concerned about possible problems. I agree with Laurie that 3.04 is complex and open to interpretation. That's an inherent part of the standards, that they are complicated and require ethical judgments and knowledge. I'm particularly concerned about interpretations of "reasonable" and "minimize" - in cases when psychologists face legal mandates to behave in a way that they think is in conflict with 3.04.

> 3.04 Avoiding Harm
> Psychologists take reasonable steps to avoid harming their
> clients/patients, students, supervisees, research participants,

organizational clients, and others with whom they work, and to minimize harm where it is foreseeable and unavoidable.

What suggestions do you all have for addressing this?
One might add:(they can comply with the legal mandate UNLESS doing so would violate 3.04 IN WHICH CASE THEY MUST OBEY ETHICAL STANDARDS, NOT LEGAL MANDATES.

But this wording may be circular because it may get us back to "reasonable" and "Minimize"

3. A MIDDLE WAY??

PROPOSED LANGUAGE: What happens when we combine reference to 3.04 with the language from the NBI (albeit somewhat modified)

A. ".....UNLESS DOING SO WOULD violate Ethical Standard 3.04, Avoiding Harm IN WHICH CASE THEY MUST OBEY ETHICAL STANDARDS, NOT LEGAL MANDATES.
ADD
B, "Standard 1.02 can never be interpreted to justify violations of basic human rights rights as enacted in APA HUMAN RIGHTS policy resolutions related to the psychologists roleS and responsibilities.*

*Note: this would operationalize basic human rights to include protections from key APA resolutions rather than various documents which are interpreted in various ways at different times, e.g. 2006, 2007 resolutions against torture; numerous resolutions against discrimination; and other human rights resolutions

With apologies and warm regards,

Judy

-----Original Message-----
From: Laurel B Wagner PRIVACY REDACTION
Sent: Mon 10/20/2008 8:54 PM
To: Behnke, Stephen; Judith Van Hoorn; Corann Okorodudu Beth Wiggins ; Bill Strickland
Cc: Brad Johnson; Jeff Barnett
Subject: Re: Ethical Standard 1.02

Steve and all,

I'd like to start the conversation by giving my initial reactions.

The language we are considering here is:
1.02 Conflicts Between Ethics and Law, Regulations, or Other Governing Legal Authority

If psychologists' ethical responsibilities conflict with law, regulations, or other governing legal authority, psychologists make known their commitment to the Ethics Code and take steps to resolve the conflict. If the conflict is unresolvable via such means, psychologists may adhere to the requirements of the law, regulations, or other governing legal authority, provided that psychologists do not violate Ethical Standard 3.04, Avoiding Harm.

3.04 reads:
3.04 Avoiding Harm
Psychologists take reasonable steps to avoid harming their clients/patients, students, supervisees, research participants, organizational clients, and others with whom they work, and to minimize harm where it is foreseeable and unavoidable.

My first reaction is that for me this solution does not get to the

heart of the matter. Adhering to basic principles of human rights and trying to avoid harm do not seem to me to be equal concepts. When I think of basic principles of human rights I think of the right to be treated with dignity and respect and the right to not be humiliated or degraded, much less physically and/or emotionally harmed.

Two questions I have to everyone here is what does 3.04 mean and what does it require of the psychologist? It just seems to me it allows an awful lot of leeway, that I am afraid would be seen by many as providing (please excuse the dreaded wording here) "loopholes."

Also, Judy looked closely at the NBI and in the body of the resolution the "Be It Resolved" with suggested rewording of 1.02 and 1.03 reads:

BE IT RESOLVED that the language proposed for Council's action communicate clearly that Standards 1.02 and 1.03 can never be interpreted to justify violations of basic human rights. Council suggests the addition of the following text to both Standard 1.02 and 1.03: "This Standard can never be interpreted to justify violations of basic human rights."

This is different and IMO better wording than what we have been discussing, namely adding the wording "in keeping with basic principles of human rights."

I certainly see the advantages as articulated by Steve below, but it doesn't quite seem right to me. I am more than happy to hear from others if they have a different reading than do I. I am going to be away from email all day and most of the evening tomorrow so I wanted to go ahead and start the discussion with my reactions.

Laurie

At 11:56 AM 10/20/2008, Behnke, Stephen wrote:
>Hello Everyone,
>
>During our call on Saturday, the Ethics Committee came up with what
>may be a brilliant solution. The attached is language we discussed
>(adding the words "provided that psychologists do not violate
>Ethical Standard 3.04, Avoiding Harm" to the end of the
>standard). In pondering the new language, I see a number a very
>positive things:
>
> * The language uses text already in the Ethics Code. There is no
> reference to outside sources (so we don't need to revisit the
> debate over whether the Ethics Code should make reference to
> external documents.)
> * The change uses a mechanism used throughout the Ethics Code
> (i.e., referring to another standard in the Code).
> * The new language gives the principle "Do No Harm" center stage
> by incorporating the "Avoiding Harm" standard into standard 1.02.
> * The change is very short (an additional 10 words).
> * The new language is broader than just "torture" and "cruel,
> inhuman, and degrading."
> * The language allows the Ethics Committee to rely on Council
> resolutions in its definition of harm (e.g., working in a setting

> that violates international law), so that it address both the
> concerns about the current wording of standard 1.02 and gives the
> recently passed petition/resolution "teeth."
>
>I'll be very interested in your thoughts. I would like to begin
>getting reaction to this possibility.
>
>Steve

Sender: Behnke, Stephen
Sent: Wednesday, October 22, 2008 5:40:04 PM
Recipient: 'Jeff Barnett' PRIVACY REDACTION
Subject: RE: Ethical Standard 1.02

Hi Jeff, I have meetings prior to the Friday 5 o'clock meeting, so I can't this time around. Are you around tomorrow for a call?

Steve

-----Original Message-----
From: Jeff Barnett PRIVACY REDACTION
Sent: Wednesday, October 22, 2008 4:39 PM
To: Behnke, Stephen
Subject: Fw: Ethical Standard 1.02

Hi Steve. The more I read these e-mails the more concerned and confused about the process I become. Is there a time when we can speak by phone? I'm home now at PRIVACY REDACTION if you're available. If not, then perhaps we can meet prior to the conference committee meeting on Friday. I can easily be there an hour early. Thanks - Jeff

----- Original Message -----
From: "Laurel B Wagner" PRIVACY REDACTION
To: "Behnke, Stephen" <sbehnke@apa.org>; "Judith Van Hoorn" PRIVACY REDACTION Beth Wiggins ; Corann Okorodudu Bill Strickland
Cc: "Brad Johnson" PRIVACY REDACTION 'Jeff Barnett" PRIVACY REDACTION
Sent: Wednesday, October 22, 2008 3:58 PM
Subject: RE: Ethical Standard 1.02

> Steve, I don't have suggested wording right now. I was wanting to know
> what are our parameters. I am copying below 1992 and 2002 1.02 and 1.03.
> The purpose of the wording in 2002 1.02 (may adhere) is to allow civil
> disobedience in the case of confidentiality? It is a very backhanded way
> of allowing civil disobedience while clearly and forthrightly articulating
> that ethics may take a second seat behind an order or law. Was there
> some question that arose in the 1992 or other parts of the 2002 ethics
> code which would lead someone to question if psychologists are " ethically
> allowed" civil disobedience? Looking at 1992 1.02 I don't seen anything
> in it that would lead a psychologist to believe they couldn't ethically
> refuse to provide confidential information even if ordered to by a judge.
> This whole way of thinking seems backwards to me. For ethics to really
> mean anything at all, don't they "trump" or transcend law?
> Laurie
>
>
>

> 1992
> 1.02 Relationship of Ethics and Law.
>
> If psychologists' ethical responsibilities conflict with law,
> psychologists make known their commitment to the Ethics Code and take
> steps to resolve the conflict in a responsible manner.
>
> 1.03 Professional and Scientific Relationship.
>
> Psychologists provide diagnostic, therapeutic, teaching, research,
> supervisory, consultative, or other psychological services only in the
> context of a defined professional or scientific relationship or role. (See
> also Standards 2.01, Evaluation, Diagnosis, and Interventions in
> Professional Context, and 7.02, Forensic Assessments.)
>
> 2002
> 1.02 Conflicts Between Ethics and Law, Regulations, or Other Governing
> Legal Authority
> If psychologists' ethical responsibilities conflict with law, regulations,
> or other governing legal authority, psychologists make known their
> commitment to the Ethics Code and take steps to resolve the conflict. If
> the conflict is unresolvable via such means, psychologists may adhere to
> the requirements of the law, regulations, or other governing legal
> authority.
>
> 1.03 Conflicts Between Ethics and Organizational Demands
> If the demands of an organization with which psychologists are affiliated
> or for whom they are working conflict with this Ethics Code, psychologists
> clarify the nature of the conflict, make known their commitment to the
> Ethics Code, and to the extent feasible, resolve the conflict in a way
> that permits adherence to the Ethics Code.
>
>
>
>
> At 01:48 PM 10/22/2008, Behnke, Stephen wrote:
>>Hi Laurie,
>>
>>That wording ("may" adhere) makes clear that the Code allows for civil
>>disobedience...in terms of confidentiality, I need to think about this
>>more, but I think Ken Pope has made a good point, that standard 4.05
>>addresses the confidentiality issue.
>>
>>Do you have specific language in mind?
>>
>>Stev
>>
>>-----Original Message-----
>>From: Laurel B Wagner PRIVACY REDACTION
>>Sent: Wednesday, October 22, 2008 2:18 PM
>>To: Behnke, Stephen; Judith Van Hoorn; bethwiggins@att.net;

>> Corann Okorodudu Bill Strickland
>>Cc: Brad Johnson; Jeff Barnett
>>Subject: RE: Ethical Standard 1.02
>>
>>Steve, Do you think it is necessary to have
>>wording in 1.02 that says psychologists may
>>adhere to the law, governing authority or order,
>>regardless of what qualifiers we come up with
>>regarding basic human rights? If so, why is it
>>needed? Isn't psychologists being ordered to
>>break confidentiality by a judge covered
>>elsewhere? I would like to see us expand this
>>discussion to include whether or not this wording
>>of "may adhere to the law.." is necessary or useful.
>>Thanks,
>>Laurie
>>
>>At 11:59 AM 10/22/2008, Behnke, Stephen wrote:
>> >Thanks, Judy; I'll ask Paul to get us information about the call.
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>> >Judy, do you have any time today or
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>> >Sent: Wednesday, October 22, 2008 12:46 PM
>> >To: Behnke, Stephen Beth Wiggins ; Laurel
>> >B Wagner; Corann Okorodudu Bill Strickland
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>> >Subject: RE: Ethical Standard 1.02
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>> >Sent: Tue 10/21/2008 6:24 PM
>> >To[redacted] Judith Van Hoorn;
>> >Laurel B Wagner; [redacted]
>> >Cc: Brad Johnson; Jeff Barnett; Judith Van Hoorn
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>> >From: Beth Wiggins [redacted]
>> >Sent: Tue 10/21/2008 3:00 PM
>> >To: Judith Van Hoorn; Laurel B Wagner; Behnke,
>> >Stephen; Corann Okorodudu Bill Strickland
>> >Cc: Brad Johnson; Jeff Barnett; Judith Van Hoorn
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>> >- Beth
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>> > ---------- Original message from
>> > "Judith Van Hoorn" PRIVACY REDACTION ----------
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>> > Rationale: We borrowed Steve's language
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>> > PROPOSED LANGUAGE: What happens when
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>> > >may be a brilliant solution. The attached is language we
>>discussed
>> > >(adding the words "provided that psychologists do not violate
>> > >Ethical Standard 3.04, Avoiding Harm" to the end of the
>> > >standard). In pondering the new language, I see a number a
>>very
>> > >positive things:
>> > >
>> > > * The language uses text already in the Ethics Code.
>>There is no
>> > > reference to outside sources (so we don't need to revisit
>>the
>> > > debate over whether the Ethics Code should make reference to
>> > > external documents.)
>> > > * The change uses a mechanism used throughout the Ethics
>>Code
>> > > (i.e., referring to another standard in the Code).
>> > > * The new language gives the principle "Do No Harm"
>>center stage
>> > > by incorporating the "Avoiding Harm" standard into standard
>>1.02.
>> > > * The change is very short (an additional 10 words).
>> > > * The new language is broader than just "torture" and
>>"cruel,
>> > > inhuman, and degrading."
>> > > * The language allows the Ethics Committee to rely on
>>Council
>> > > resolutions in its definition of harm (e.g., working in a

>>setting
>> > > that violates international law), so that it address both
>>the
>> > > concerns about the current wording of standard 1.02 and
>>gives the
>> > > recently passed petition/resolution "teeth."
>> > >
>> > >I'll be very interested in your thoughts. I would like to
>>begin
>> > >getting reaction to this possibility.
>> > >
>> > >Steve
>> >
>> >
>> >
>

Sender:	Behnke, Stephen
Sent:	Wednesday, October 22, 2008 9:12:22 PM
Recipient:	Garrison, Ellen <egarrison@apa.org>;Anderson, Norman <NAnderson@apa.org>;Honaker, Michael <mhonaker@apa.org>;Strassburger, Judy <jstrassburger@apa.org>;Farberman, Rhea <rfarberman@apa.org>;Gilfoyle, Nathalie <ngilfoyle@apa.org>
Subject:	RE: Seeking Input on Critical Advisory Group Decisions

Ellen, you have done an enormous amount of work here and that is evident in how thoroughly and carefully all this is being done.

I've made on minor tweak on the language, for you to consider.

In terms of members, I think we need to be very mindful that this group will be compared to PENS, and so we need to count bodies. Even though the memo makes crystal clear that the group is not going to bring forth specific recommendations, the "pro" people will be counting bodies. For that reason, I think at least half the people on the group must be considered "pro" the resolution. I think there will be considerable backlash if that is not the case.

I think the six people for the task force are good choices; I would encourage Alan to invite all three sponsors. Doing so has three advantages: 1. It does not then appear as if APA is trying to find the one person whom we can "roll" (e.g., the student member); 2. It removes any question of bona fides, by inviting all three sponsors to participate; 3. It will help even out the numbers. If we invite the three sponsors, and then have only 1 board member, that will mean we have 5 clear "pro" people on the group out of 10; I think if we have any other balance there's likely to be problems.

Steve

From: Garrison, Ellen
Sent: Wednesday, October 22, 2008 5:34 PM
To: Anderson, Norman; Honaker, Michael; Strassburger, Judy; Behnke, Stephen; Farberman, Rhea; Gilfoyle, Nathalie
Subject: Seeking Input on Critical Advisory Group Decisions

Hi, all. I met with Alan earlier today for advisory group planning and had some brief follow-up with Judy and Steve. Here's where we're at and where I need your input:

Decided:

1) Meeting to be held Nov. 14-15 (if possible)

2) Brief report due to Alan by Nov. 31 to be sent to Board and then to Council

3) Six Council division reps designated on my earlier note (see attached) will be invited to serve on advisory group (i.e., Allen Omoto (9), Kathy McNamara (18), Bill Strickland (19), Elena Eisman (31), Beth Wiggins (41) and Corann Okorodudu (48)). Alternates will be selected, as needed, from next two tiers.

4) Invitations to be extended by Alan via email on Monday -- chair to be contacted by phone first

4) Chair -- shouldn't be Board member or McNamara (due to VA connection).

As yet to decide:

1) Whether to invite petitioners to select rep for the trio or do we invite all three (Alan thinks former, Steve latter)

2) Whether to invite Elena Eisman to chair? Other possibles are Norinne Johnson and Louise Douce from Council. Do other Council members occur to you? Perhaps someone great not on Council?

3) Whether attached revised charge to the advisory group is ready to go.

All thoughts welcome and pronto on the three outstanding issues! By noon tomorrow would be outstanding! Thank you!!!

Ellen

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Wednesday, November 12, 2008 2:20:12 PM
Recipient:	Gilfoyle, Nathalie <ngilfoyle@apa.org>;Garrison, Ellen <egarrison@apa.org>
Subject:	RE: [PRESIDENTIAL] Lessons from the PENS process for the Implementation process

---

I had a very good talk with Steve; there are four important ways this situation is distinguishable:

1. Debra was doing the very work that was under consideration;
2. The goal of the PENS task force was to develop specific guidelines; the goal of the advisory is ***not*** to draft policy, but rather to identify options;
3. The relationship was not disclosed (Beth is very comfortable doing so at the outset of the meeting; she thinks that it is appropriate to disclose both her relationship with Steve and with the Federal Judicial Center)
4. Beth has a good working relationship with people central to the DSJ/Division 39/Peace Psychology communities.

Steve

From: Gilfoyle, Nathalie
Sent: Wednesday, November 12, 2008 10:08 AM
To: Garrison, Ellen; Behnke, Stephen
Subject: FW: [PRESIDENTIAL] Lessons from the PENS process for the Implementation process
Importance: High

You all discussed the problem of targeting Russ and Debra with Steve prior to her appointment, right?

Nathalie

From: Breckler, Steve
Sent: Tuesday, November 11, 2008 9:35 PM
To: Behnke, Stephen; Garrison, Ellen; Anderson, Norman; Honaker, Michael; Gilfoyle, Nathalie; Farberman, Rhea; Strassburger, Judy
Cc: Kelly, Heather
Subject: RE: [PRESIDENTIAL] Lessons from the PENS process for the Implementation process
Importance: High

At the risk of complicating matters further, I think one matter needs to be addressed. My wife, Beth Wiggins, agreed to serve on the committee. As most know, Beth has been active on Council (as Div 41 rep) in helping to address the interrogation issues. She has always had some concern about the potential conflict that creates, given my position at APA. She worried about this when Alan asked her to serve on the committee. Dr. Arrigo (and no doubt others, soon) are likely to sieze on this relationship as yet another example of the kinds of conflicts of interest that are troublesome.

Beth is happy to serve on the committee, and agreed to do so because of both her history with the issue in APA and her expertise on judicial matters. She does not, however, want to become embroiled in accusations of conflict of interest. If others feel that this could present a problem, Beth is happy to step down and to work hard to find another representative of Div 41 (a Division that she feels strongly needs to be represented).

Personally, I don't feel that her serving on this committee creates a problemmatic conflict of

interest. If she does serve, though, I think it needs to be acknowledged. Still, others may feel that it does create a problem. If that's the consensus, then it should be addressed quickly. Beth will be working at home on Wednesday, and can be reached during the day at 410-308-3751.

Steve Breckler

From: Behnke, Stephen
Sent: Tue 11/11/2008 9:18 PM
To: Breckler, Steve; Garrison, Ellen; Anderson, Norman; Honaker, Michael; Gilfoyle, Nathalie; Farberman, Rhea; Strassburger, Judy
Cc: Kelly, Heather
Subject: RE: [PRESIDENTIAL] Lessons from the PENS process for the Implementation process

Steve's restriction seems very reasonable…what about recording devices? (I can hardly believe we're having this discussion, but it's likely to come up)

Steve Behnke

From: Breckler, Steve
Sent: Tuesday, November 11, 2008 9:14 PM
To: Behnke, Stephen; Garrison, Ellen; Anderson, Norman; Honaker, Michael; Gilfoyle, Nathalie; Farberman, Rhea; Strassburger, Judy
Cc: Kelly, Heather
Subject: RE: [PRESIDENTIAL] Lessons from the PENS process for the Implementation process

I too received the message (being on the PENS listserv). I agree with Steve; I think it should be open. The only restriction I may put on it is that observers must either be APA members or APA staff.
Steve Breckler

From: Behnke, Stephen
Sent: Tue 11/11/2008 9:04 PM
To: Garrison, Ellen; Anderson, Norman; Honaker, Michael; Gilfoyle, Nathalie; Farberman, Rhea; Strassburger, Judy
Cc: Breckler, Steve; Kelly, Heather
Subject: RE: [PRESIDENTIAL] Lessons from the PENS process for the Implementation process

I think a decision has to be made to go one of two ways: No observers, or anyone who wants to attend may.

I would be in favor of the latter; A note should come from Elena to the group that the process is completely open and transparent, and anyone who would like to attend may be present (at their own expense, of course).

I would also recommend that Elena be ***very*** clear; ***only*** members of the group may speak at the meeting. If observers have a point they wish to make, they may find a participant during a break and ask the participant to speak to the issue. Otherwise the group is opening itself up to some significant potential problems.

Steve

From: Garrison, Ellen
Sent: Tuesday, November 11, 2008 8:58 PM
To: Behnke, Stephen; Anderson, Norman; Honaker, Michael; Gilfoyle, Nathalie; Farberman, Rhea; Strassburger, Judy

Cc: Breckler, Steve; Kelly, Heather
Subject: RE: [PRESIDENTIAL] Lessons from the PENS process for the Implementation process

This is as far from a holiday as it gets! Now they're coming out of the woodwork with the same old, unrelenting accusations about the PENS Task Force. I would advise Alan to write back (and will no doubt be doing so for him) to assure her and those cc'd that this will be a transparent, open process, with all three petitioners involved. Accordingly, there would be no need for an independent monitor to oversee the proceedings.

She does raise an issue, though, that I would like to run by you all regarding observers. I intend to send my earlier Council note to staff liaisons to distribute to their governance groups tomorrow morning. It is possible that some of them might want to attend the meeting -- as well as other staff. For instance, Heather, who is cc'd on this note, has expressed an interest in attending, and I responded that she is welcome since it is an open meeting. Yet, especially, if she were the only observer, I could see that this might be seen as a problem by some given that she is one of those referred to in Jean Maria's note. But I don't want those bizarre perceptions on the part of Jean Maria to alter our process. How do we want to proceed on this front?

Ellen

From: Behnke, Stephen
Sent: Tue 11/11/2008 8:23 PM
To: Anderson, Norman; Honaker, Michael; Garrison, Ellen; Gilfoyle, Nathalie; Farberman, Rhea; Strassburger, Judy
Cc: Breckler, Steve; Kelly, Heather
Subject: FW: [PRESIDENTIAL] Lessons from the PENS process for the Implementation process

Yikes—this came across the PENS listserv from Jean Maria Arrigo, which I thought had been shut down long ago…

Has anyone else seen it?

From: Presidential Task Force on Psychological Ethics and National Security [mailto:PENS@LISTS.APA.ORG] **On Behalf Of** Jean Maria Arrigo
Sent: Tuesday, November 11, 2008 7:57 PM
To: PENS@LISTS.APA.ORG
Subject: [PRESIDENTIAL] Lessons from the PENS process for the Implementation process

Dear President Kazdin:
We, Jean Maria Arrigo and Mike Wessells, are writing in response to news of your formation of the *Presidential Advisory Group on the Implementation of the Petition Resolution.* With this committee, the APA has a new opportunity to unite the organization by effectively implementing the policies widely adopted by vote of the membership.
Yet we also see that setting up the organizational structure, charge, and guidelines for communication and transparency warrants caution. As members of the 2005 *Presidential Task Force on Psychological Ethics in National Security* (PENS), we wish to warn of certain procedural irregularities in the PENS process that are potential pitfalls for successful implementation of the referendum. These irregularities led to a fraudulent process that undermined the ostensible purpose of PENS: to develop ethical guidelines for psychologists in national security interrogations.
It appears to us that the fraudulent PENS process was the root cause of many of the APA's difficulties in the past three years because it prevented true deliberation. As much as anything else, it deprived thoughtful, honest advocates for psychologists' involvement in interrogations of the opportunity to present a credible case for their position.
Many of the stakeholders to the PENS process are involved in the Implementation process, directly or indirectly. It is therefore crucial that the actual Implementation process — as opposed to the public face

of the process — be transparent, fair, and deliberative. To illustrate both the subtlety and the gravity of violations in the PENS procedures, and the potential for violations in the Implementation process, we offer four examples from among a dozen that equally de-legitimized the PENS effort. All of these can be substantiated. Not one has been publicly acknowledged by APA authorities. There were other— in some ways more dramatic and egregious—violations of independent, democratic process, but the following examples particularly signal risks to the work of the new Advisory Committee.

1. As psychologists we are aware that majority influence plays a great role in group decision-making. The undisclosed "observers" to the PENS task force meeting included: the Assistant Director of Social, Behavioral, and Educational Sciences for the White House Office of Science and Technology Policy; the Executive Director for APA Science Policy; a second APA Science Policy staff member; a former National Security Agency psychologist and former director of the Navy Internship Program; and the Director of the APA Practice Directorate. At least the first four of these five had been closely involved in securing defense-related funding for APA programs. And all received the PENS listserv communications. Their presence and involvement was inconsistent with what anyone would understand by the "public face" of the PENS task force.

2. An APA Board liaison to the PENS task force was the first to suggest that the Director of the APA Practice Directorate attend the PENS meeting as an "observer," because, as he wrote on the pre-meeting PENS listserv, "this TF has direct implications for practice." In the morning of the first day of the June 26-29, 2005 task force meeting, it was this same Board liaison who proposed confidentiality of the task force proceedings, although no sensitive issues had yet arisen. This subtle intrusion by the APA Board exceeds the official role of Board liaison.

3. The Director of the APA Practice Directorate indeed attended, but not as mere observer. This Director articulated the task force mission as "putting out the fires" of controversy at APA, rather than resolving complex questions in psychological ethics. With cooperation from the task force chair (who was simultaneously vice-chair of the APA Ethics Committee), the Director steered the task force toward policy to be made in extreme haste, secrecy, with only an appearance of unanimity, and with no concrete examples to substantiate the policy.

Further the Director of the Practice Directorate was married to a BSCT psychologist who had served at Guantánamo, one of the theaters of concern to the task force. His spouse was closely involved with Army Surgeon General Kiley and, along with two other task force members, was part of the almost immediate military review of the PENS report with General Kiley. Other task force members employed by the military and intelligence agencies and APA task force organizers were surely aware of these profound conflicts of interest, although the Director disclosed no such influential relationships at the meeting.

4. As is now publicly known, one military member of the task force had been involved in the so-called "reverse engineering" of the *Survival Evasion Resistance and Escape* (SERE) training program to produce abusive techniques for terror suspects and prisoners of war. At least one of his colleagues on the task force was certainly aware of his severe conflict of interest. Further, four of the task force members served in the chains of command that had been accused of abuses.

The PENS process generated cadres of fierce critics of APA policy, whose researches eventually exposed many of the specific instances and mechanisms of fraud. These same cadres of APA members, international psychologists, human rights scholars, and journalists have their eyes on the

Implementation process.
To fulfill the promise of your Presidential Advisory Group on the Implementation of the Petition Resolution, and because the PENS process so deeply damaged trust in APA institutional process, we think three things are needed: (a) a fair and transparent process, (b) committee participants who are free from overt conflicts of interest (whether disclosed or undisclosed), and (c) a reputable, *independent* monitor. We do not at all question your sincerity. This is not the point. Nevertheless, however far down the path you feel you are to a fair and transparent process, we urge you to arrange for a reputable, independent monitor. Such a practice will finally help put out the fires of controversy at APA over psychological ethics in interrogations.
Thank you very much for your time in considering our letter.
Sincerely,
Jean Maria Arrigo, PhD
Michael Wessells, PhD

cc: PENS Task Force members
Coalition for an Ethical Psychology
Psychologists for Social Responsibility
International Rehabilitation Council for Torture Victims

Jean Maria Arrigo, PhD
PRIVACY REDACTION

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Thursday, February 12, 2009 12:26:10 AM
Recipient:	Garrison, Ellen <egarrison@apa.org>
Subject:	RE: [PRESIDENTIAL] a motion to accept the report in its entirety

Ellen, I had a thought…I think some expectation management is needed, and here's a possibility.

It might be useful for you to write a brief note to the group, that does three things, the first of which is simply to describe the process.

Second, I would reassure the group that the Petition Resolution ***is*** APA policy, and remind the Group that APA has already notified officials in the US Government of the new policy in the letters everyone worked so hard on. There is no equivocation on this central point whatsoever and there will be no "pulling back" from the Petition Resolution as APA policy.

Finally, I would work to temper expectations about what's going to happen when Council meets next week. I say that we (I would use the word "we") need to recognize that this discussion will take place in a very different political context than we've had for the past 8 years. Given the new political context, in light of actions the Obama Administration has taken in the past three weeks and people it has nominated for key positions, it may be that there will not be the same sense of urgency to move beyond the Petition Resolution as there might otherwise have been, so that Council may choose to move in a more deliberate fashion. (I would use the phrase "move beyond" or "take additional steps," to make clear that the Petition Resolution is APA policy). I would emphasize that you (obviously) cannot speak for Council, but that anyone who has been following this issue would wonder how the Obama Administration's actions will effect Council's discussion. (If there is any pushback, I'd point out that two days into his Administration Obama issued three executive orders directly on point, which of course could not have been known when the Advisory Group was appointed.) ***No*** reasonable person could disagree with this point, but I think it needs to be put into words for this particular group.

Steve

From: Garrison, Ellen
Sent: Wednesday, February 11, 2009 10:36 PM
To: Gilfoyle, Nathalie; Farberman, Rhea; Behnke, Stephen; Honaker, Michael; Anderson, Norman; Strassburger, Judy; O'Brien, Maureen
Subject: RE: [PRESIDENTIAL] a motion to accept the report in its entirety

I agree wholeheartedly. I'm only responding to the notes that are addressed directly to me -- and there are enough of those!

In this regard, I just got a note from Dan asking once again for the day that the advisory group report is to be discussed. I responded that it's slated for Saturday and won't be discussed on Friday -- per his specific follow-up question. He's now planning to come here from CO for the Council meeting -- given his concerns, and wasn't earlier.

Something just occurred to me -- do we need to explain to the advisory group members about Council needing to vote to suspend the rules to discuss the report given that it wasn't on the Council agenda? They are not aware of this. I would feel badly if the petitioners were to attend and then the report was not even discussed.

How best to handle? Ideas?

Ellen

From: Gilfoyle, Nathalie
Sent: Wed 2/11/2009 7:43 PM

To: Farberman, Rhea; Behnke, Stephen; Garrison, Ellen; Honaker, Michael; Anderson, Norman; Strassburger, Judy; O'Brien, Maureen
Subject: RE: [PRESIDENTIAL] a motion to accept the report in its entirety

Totally agree with this plan but also that this is a terrible idea.
Nathalie

-----Original Message-----
From: Farberman, Rhea
Sent: Wednesday, February 11, 2009 7:10 PM
To: Behnke, Stephen; Garrison, Ellen; Honaker, Michael; Anderson, Norman; Strassburger, Judy; O'Brien, Maureen; Gilfoyle, Nathalie

Subject: RE: [PRESIDENTIAL] a motion to accept the report in its entirety

My two cents is that we should allow the working group members to do whatever they want do to. If they can agree, and if they can get a Council member to propose the motion, and if council suspends the rules to hear the motion -- then the wisdom of Council to adopt or reject the motion will prevail.

Rhea

-----Original Message-----
From: Behnke, Stephen
Sent: Wednesday, February 11, 2009 6:44 PM
To: Garrison, Ellen; Honaker, Michael; Anderson, Norman; Strassburger, Judy; O'Brien, Maureen; Farberman, Rhea; Gilfoyle, Nathalie

Subject: RE: [PRESIDENTIAL] a motion to accept the report in its entirety

Ellen, I think I'd want to respond that such a motion wouldn't really make sense, given the framing of the recommendations...For example, it wouldn't make sense to have as APA policy that the Ethics Committee is going to consider taking certain actions...

Steve

-----Original Message-----
From: Garrison, Ellen
Sent: Wednesday, February 11, 2009 6:05 PM
To: Honaker, Michael; Anderson, Norman; Behnke, Stephen; Strassburger, Judy; O'Brien, Maureen; Farberman, Rhea; Gilfoyle, Nathalie

Subject: FW: [PRESIDENTIAL] a motion to accept the report in its entirety

Hi, all. No sooner did I send my note to you than I received this one. I'm getting several notes a day from the advisory group members -- all generated by the petitioners.

Ellen

-----Original Message-----
From: Presidential Advisory Group Forum [mailto:PRESADVISEGRP@LISTS.APA.ORG] On Behalf Of Brad Olson
Sent: Wednesday, February 11, 2009 5:45 PM

To: PRESADVISEGRP@LISTS.APA.ORG
Subject: [PRESIDENTIAL] a motion to accept the report in its entirety

Dear All:

Would it be possible to have members of this group write up a motion, and have Council members on this list put forth that motion at the meeting? - a motion to accept the report in its entirety as APA policy.

Brad

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Thursday, February 12, 2009 6:49:35 PM
Recipient:	Banks Louie M COL <louie.morgan.banks@us.army.mil>
Subject:	RE: Documents
Attachments:	Colleagues (2).doc

Morgan, take a gander. I've used a couple of specific examples that I think people will find compelling, and I've tempered your language somewhat. The reason for the tempering is that we've got friendlies who have colleagues on the advisory group, and we don't want to alienate any potential allies.

Use as is helpful to you.

Steve

From: Banks Louie M COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Thursday, February 12, 2009 6:48 PM
To: Behnke, Stephen
Subject: RE: Documents

You killing me, man.....

COL L. Morgan Banks
Director, Psychological Applications
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
Banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Thursday, February 12, 2009 6:44 PM
To: Banks Louie M COL
Subject: RE: Documents

Morgan, just a couple more minutes, almost there

From: Banks Louie M COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Thursday, February 12, 2009 6:02 PM
To: Behnke, Stephen
Subject: RE: Documents

I continue to wordsmith.

COL L. Morgan Banks
Director, Psychological Applications
US Army Special Operations Command

DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
Banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Thursday, February 12, 2009 5:55 PM
To: Banks Louie M COL
Subject: RE: Documents

Absolutely, Morgan.

Let me ask, when do you want to send the letter? I'd like to get more specific about what precisely in the report is problematic, but will have to do so later this evening—more specificity will be helpful for our purposes.

If the letter went out tomorrow or Saturday, would that work for you?

Thanks, Morgan,

Steve

From: Banks Louie M COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Thursday, February 12, 2009 4:46 PM
To: Behnke, Stephen
Subject: Documents

Thanks again for you time and tremendous energy.

Morgan

COL L. Morgan Banks
Director, Psychological Applications
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
Banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Thursday, February 12, 2009 10:58:14 PM
Recipient:	Garrison, Ellen <egarrison@apa.org>
Subject:	RE: Recent APA Advisory Group Document

Ellen, I'm getting a bit paranoid... I'd actually prefer not to put anything in writing, but rather to let folks know directly that I had seen an earlier draft and edited for mistakes and softened what was some pretty harsh language...

From: Garrison, Ellen
Sent: Thursday, February 12, 2009 10:50 PM
To: Behnke, Stephen
Subject: FW: Recent APA Advisory Group Document

Steve, you should write to explain and quickly... makes more sense for you to do than me. This is better than before (good work) but still confuses the report and the resolution... In retrospect, I probably should have sent my note to the specialty leaders before they got this.

Ellen

From: Kelly, Heather
Sent: Thu 2/12/2009 9:09 PM
To: Mumford, Geoff; Breckler, Steve; Behnke, Stephen; Garrison, Ellen; Anderson, Norman; Farberman, Rhea
Subject: FW: Recent APA Advisory Group Document

Hi, all:

See below, which was sent to about 50 military and intelligence community psychologists (I have removed their names and addresses), one of whom forwarded it to me just now.

Begin forwarded message:

From: "Banks Louie M COL" <louie.morgan.banks@us.army.mil>
Date: February 12, 2009 7:13:35 PM EST
To:
Subject: Recent APA Advisory Group Document

Colleagues,

I have attached a very unpleasant document for your review, the *Report of the APA Presidential Advisory Group on the Implementation of the Petition Resolution*. Unfortunately, the authors of this document, an APA presidential advisory group, have seen fit to produce this document, and it will be presented to council next week. I have asked for legal review from a series of military JAGs, and I am awaiting their formal responses. So far, I have received consistent feedback that the options identified in the report for Council's consideration are inconsistent with military service. In particular, the informal legal opinions I have received imply that the recommendations in the report, if adopted as APA policy, would require a violation of your oath of office and of the UCMJ. I should note that the duties (other than mental health care to other service members) that psychologists perform are not addressed in the document, only the location of the duty. In other words, this would limit mental health care to detainees as well as limit any intelligence support at the specified locations. At this point the

document is an advisory document and would become policy only if Council acts to make it such. I personally believe (consistent with the legal advice that I have so far received) that the document is incompatible with military service, and would violate our oath of office (to the US Constitution) if enacted into policy. (Paragraphs 3., 4., & 6.). As an example, the advisory report states

A determination of whether a particular detention setting is "in violation of international law" is to be derived from multiple sources. The U.N. and its committees can declare a site to be in violation of international law, as can any international body that the U.N. takes to be authoritative. A setting that has been censured due to reasons reflected by this policy by the Council of Europe, the International Committee of the Red Cross (ICRC), or other internationally accepted body as "outside of, or in violation of, international law" would also be considered a proscribed or prohibited setting.

The effect is that any one of a number of international entities would have the authority to determine where U.S. service personnel could be deployed. No military psychologist could function with such uncertainty, if an undetermined international entity could declare a site out-of-bounds. Military psychologists would face a stark choice: Remain a member of military service or resign from APA.

The report continues

The determination of whether a particular detention setting is operating 'outside of international law' rests on whether the authority governing the site declares itself to be unbound by the relevant international or constitutional law, thereby indicating its unwillingness to abide by such laws. Relevant examples include a nation stating it will treat detainees 'consistent' with the law rather than in compliance with the law; a state that accepts the law in part or with reservations…

This statement represents another insurmountable obstacle for service personnel remaining members of APA. The United States has reservations to many treaties. If anything less than full acceptance to a treaty renders a site prohibited, military psychologists are again in an untenable situation and would have to choose between remaining in military service and membership in APA.

Finally, I believe the report would impose a condition that itself runs afoul of our ethics. The report limits psychologists' work in a prohibited setting to providing care for military personnel. Of course, I fully support providing care to military personnel. Yet, the report then says that military psychologists may not provide assistance to detainees in a setting that an undetermined international body has deemed prohibited. Taken at face value, a military psychologist who is able and willing to do so could nonetheless not provide assistance to a detainee in significant psychological distress. I believe that this position is contrary to the finest traditions of military service and is itself unethical.

Some military psychologists are much more concerned about possible changes to the ethics code than on what this document states. I agree that this is an area of significant concern. However, I also believe that we must stand up to this type of inappropriate intimidation now, and do what is right. The current APA ethics code is one of the very finest documents of its kind in existence. My strong expectation is that any change to such a document would be very carefully considered by the APA, and we would have ample time to address any concerns that a change would make.

You are among the very best, most ethical, most competent, and most motivated psychologists with whom I have had the pleasure of working. Continue to press on, and do not let the misinformed actions of a few demoralize you, or deter you from doing what you know to be right.

Please feel free to share this as you believe is appropriate.

Very respectfully,

Morgan Banks

COL L. Morgan Banks
Director, Psychological Applications
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
Banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Thursday, February 12, 2009 11:27:38 PM
Recipient:	Kelly, Heather <hkelly@apa.org>
Subject:	RE: Recent APA Advisory Group Document

Can you give me a quick call?

From: Kelly, Heather
Sent: Thursday, February 12, 2009 11:26 PM
To: Garrison, Ellen; Mumford, Geoff; Breckler, Steve; Behnke, Stephen; Anderson, Norman; Farberman, Rhea
Subject: RE: Recent APA Advisory Group Document

Yes, I think you should -- Bruce Crowe was cc'd on the note from Morgan, so he's already aware of this now.
Heather

From: Garrison, Ellen
Sent: Thu 2/12/2009 11:19 PM
To: Kelly, Heather; Mumford, Geoff; Breckler, Steve; Behnke, Stephen; Anderson, Norman; Farberman, Rhea
Subject: RE: Recent APA Advisory Group Document

Heather, we recently became aware before seeing this note of a movement afoot to stir up concern about the report among military personnel. As you can see, the heart of the concern stems mostly from the wording of the resolution itself, rather than from the implementation options offered in the report. With respect to the most central report-related concern raised in Morgan's note, the advisory group and we all here struggled to come up with some body to help determine whether a particular site was in compliance with the provisions of the resolution or not. We certainly didn't want APA to be such a body, and decided that the UN would be the best in determining compliance with international law.

All, we had decided earlier that it would be better to wait until after the Council meeting to follow up with the psychology specialty leaders (Army, Air Force, and Navy) and DoD Office of Health Affairs regarding the report. I had last formally briefed them in November when we met before the advisory group did. Now, I'm wondering whether it would be a good idea to reach out to them sooner rather than later.

Thoughts?

Ellen

From: Kelly, Heather
Sent: Thu 2/12/2009 9:09 PM
To: Mumford, Geoff; Breckler, Steve; Behnke, Stephen; Garrison, Ellen; Anderson, Norman; Farberman, Rhea
Subject: FW: Recent APA Advisory Group Document

Hi, all:

See below, which was sent to about 50 military and intelligence community psychologists (I have removed their names and addresses), one of whom forwarded it to me just now.

Begin forwarded message:

From: "Banks Louie M COL" <louie.morgan.banks@us.army.mil>
Date: February 12, 2009 7:13:35 PM EST
To:
Subject: Recent APA Advisory Group Document

Colleagues,

I have attached a very unpleasant document for your review, the *Report of the APA Presidential Advisory Group on the Implementation of the Petition Resolution*. Unfortunately, the authors of this document, an APA presidential advisory group, have seen fit to produce this document, and it will be presented to council next week. I have asked for legal review from a series of military JAGs, and I am awaiting their formal responses. So far, I have received consistent feedback that the options identified in the report for Council's consideration are inconsistent with military service. In particular, the informal legal opinions I have received imply that the recommendations in the report, if adopted as APA policy, would require a violation of your oath of office and of the UCMJ. I should note that the duties (other than mental health care to other service members) that psychologists perform are not addressed in the document, only the location of the duty. In other words, this would limit mental health care to detainees as well as limit any intelligence support at the specified locations. At this point the document is an advisory document and would become policy only if Council acts to make it such. I personally believe (consistent with the legal advice that I have so far received) that the document is incompatible with military service, and would violate our oath of office (to the US Constitution) if enacted into policy. (Paragraphs 3., 4., & 6.). As an example, the advisory report states

A determination of whether a particular detention setting is "in violation of international law" is to be derived from multiple sources. The U.N. and its committees can declare a site to be in violation of international law, as can any international body that the U.N. takes to be authoritative. A setting that has been censured due to reasons reflected by this policy by the Council of Europe, the International Committee of the Red Cross (ICRC), or other internationally accepted body as "outside of, or in violation of, international law" would also be considered a proscribed or prohibited setting.

The effect is that any one of a number of international entities would have the authority to determine where U.S. service personnel could be deployed. No military psychologist could function with such uncertainty, if an undetermined international entity could declare a site out-of-bounds. Military psychologists would face a stark choice: Remain a member of military service or resign from APA.

The report continues

The determination of whether a particular detention setting is operating 'outside of international law' rests on whether the authority governing the site declares itself to be unbound by the relevant international or constitutional law, thereby indicating its unwillingness to abide by such laws. Relevant examples include a nation stating it will treat detainees 'consistent' with the law rather than in compliance with the law; a state that accepts the law in part or with reservations…

This statement represents another insurmountable obstacle for service personnel remaining members of APA. The United States has reservations to many treaties. If anything less than full acceptance to a treaty renders a site prohibited, military psychologists are again in an untenable situation and would have to choose between remaining in military service and membership in APA.

Finally, I believe the report would impose a condition that itself runs afoul of our ethics. The report limits psychologists' work in a prohibited setting to providing care for military personnel. Of course, I fully support providing care to military personnel. Yet, the report then says that military psychologists

may not provide assistance to detainees in a setting that an undetermined international body has deemed prohibited. Taken at face value, a military psychologist who is able and willing to do so could nonetheless not provide assistance to a detainee in significant psychological distress. I believe that this position is contrary to the finest traditions of military service and is itself unethical.

Some military psychologists are much more concerned about possible changes to the ethics code than on what this document states. I agree that this is an area of significant concern. However, I also believe that we must stand up to this type of inappropriate intimidation now, and do what is right. The current APA ethics code is one of the very finest documents of its kind in existence. My strong expectation is that any change to such a document would be very carefully considered by the APA, and we would have ample time to address any concerns that a change would make.

You are among the very best, most ethical, most competent, and most motivated psychologists with whom I have had the pleasure of working. Continue to press on, and do not let the misinformed actions of a few demoralize you, or deter you from doing what you know to be right.

Please feel free to share this as you believe is appropriate.

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Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Friday, February 13, 2009 12:14:16 AM
Recipient:	Kelly, Heather <hkelly@apa.org>
Subject:	RE: Recent APA Advisory Group Document

Confidential

Why in the world ***wouldn't*** they lobby?? Have they not noticed a-n-y-t-h-i-n-g about what's happened in the last 18 Council meetings?? (He asks rhetorically)

From: Kelly, Heather
Sent: Friday, February 13, 2009 12:03 AM
To: Behnke, Stephen
Subject: RE: Recent APA Advisory Group Document

Yeah, tell me why you think Council won't do that. I got a separate note from someone who understands that their chance may lie in lobbying Council members against adopting these options.

From: Behnke, Stephen
Sent: Thu 2/12/2009 11:57 PM
To: Kelly, Heather
Subject: RE: Recent APA Advisory Group Document

Confidential, please do not distribute further

I saw an earlier draft of Morgan's note. I corrected some inaccuracies regarding the Petition Resolution, and recommended tempering the language. Some of these folks have very strong feelings about the Advisory Report. My sense is that there is a feeling they can live with the Resolution. Abiding by the Convention Against Torture and the Geneva Conventions, the documents explicitly cited in the "Be It Resolved," does not seem problematic to them. They see the Advisory Report recommendations as going well beyond the Resolution (e.g., the large group of entities that can declare a site off limits) and that is what they seem to be finding quite unsettling.

Of course, this is all moot unless Council adopts the advisory group's recommendations as policy, which I don't think is likely to happen.

From: Kelly, Heather
Sent: Thursday, February 12, 2009 11:33 PM
To: Behnke, Stephen
Subject: RE: Recent APA Advisory Group Document

no, you can hear a pin drop here and everyone's asleep, so would not be cool. can you chat via email instead?

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Sent: Thu 2/12/2009 11:27 PM
To: Kelly, Heather
Subject: RE: Recent APA Advisory Group Document

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Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Tuesday, June 30, 2009 4:58:37 PM
Recipient:	Garrison, Ellen <egarrison@apa.org>
Cc:	Farberman, Rhea <rfarberman@apa.org>
Subject:	RE: Ethics Committee 1.02 recommendation

Ellen, I think the Board is sufficiently familiar; if not, the item spells it out quite clearly.

In terms of alternatives, I think the Committee does a very nice job of seeing this issue as the beginning of the next ethics code revision, so it is not a firm "don't do this," but rather a "this should be done in the context of a full ethics code revision," making for a much softer landing.

Steve

From: Garrison, Ellen
Sent: Tuesday, June 30, 2009 4:49 PM
To: Behnke, Stephen
Cc: Farberman, Rhea
Subject: RE: Ethics Committee 1.02 recommendation

Steve, this looks fine to me. You might just want to spell out the proposed additional language a bit more fully, unless you sense that the Board is very familiar with this, which they indeed may be.

Just curious, since I have not had a moment to review the item, whether the Committee also considered other ways to modify the item to address the underlying concern of the new business item writers. The note below sounds like they did not.

Ellen

From: Behnke, Stephen
Sent: Tuesday, June 30, 2009 3:26 PM
To: Garrison, Ellen
Cc: Farberman, Rhea
Subject: RE: Ethics Committee 1.02 recommendation

Attached is the Ethics Committee's recommendation, that will be an exhibit to the Council item on 1.02.

How does the following sound as a letter from Jeff to the Board:

Dear Members of the Board,

As you are aware, Ethical Standard 1.02 in the Ethics Code, which addresses conflicts between law and ethics, has been the subject of a great deal of attention. In August of 2008, a New Business Item was submitted to Council that requested the Ethics Committee make a recommendation regarding adding language from the aspirational section of the Code ("basic principles of human rights") to this Ethical Standard. Attached please find the Ethics Committee's response to the New Business Item.

The Ethics Committee statement "No Defense to Torture under the APA Ethics Code," is one aspect of the Committee's response to the New Business Item. Another aspect is the Committee's analysis of the issues, and recommendation against adding additional language to Standard 1.02 at the current time.

I hope you find that the Committee's response offers a thoughtful and comprehensive discussion of the issues.

Respectfully,

Jeff Barnett
Chair, Ethics Committee

From: Garrison, Ellen
Sent: Tuesday, June 30, 2009 2:59 PM
To: Behnke, Stephen
Cc: Farberman, Rhea
Subject: RE: Ethics Committee 1.02 recommendation

Steve, could you send me this item as well?

Thanks!

Ellen

From: Behnke, Stephen
Sent: Tuesday, June 30, 2009 2:34 PM
To: Garrison, Ellen; Farberman, Rhea; Moore, Nancy; O'Brien, Maureen
Cc: Laumeier, Emily
Subject: Ethics Committee 1.02 recommendation

I believe that the agenda will be available for Council to review on Thursday; Maureen, is that correct?

The movers of the New Business Item on 1.02/1.03 have requested that they be given the Committee's recommendation in advance, to review. Maureen has said this would be okay (say, 24 hours), and the Ethics Committee Chair would very much like to do this.

I think it would make sense for the Chair to send the Committee's recommendation to the Board, perhaps tonight, to give the Board a heads-up, and then to the movers of the New Business Item (there are 9 total), tomorrow. The text will then be available for Council on Thursday.

How does that sound?

Steve

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Tuesday, June 30, 2009 5:06:48 PM
Recipient:	Garrison, Ellen <egarrison@apa.org>
Cc:	Farberman, Rhea <rfarberman@apa.org>
Subject:	RE: Ethics Committee 1.02 recommendation

Well, the last ethics code revision took 5 years…

From: Garrison, Ellen
Sent: Tuesday, June 30, 2009 5:06 PM
To: Behnke, Stephen
Cc: Farberman, Rhea
Subject: RE: Ethics Committee 1.02 recommendation

Steve, I know this is difficult, but I think we need to have some more definitive answers here as to when any revised provisions would be likely to take effect…

Ellen

From: Behnke, Stephen
Sent: Tuesday, June 30, 2009 5:04 PM
To: Garrison, Ellen
Cc: Farberman, Rhea
Subject: RE: Ethics Committee 1.02 recommendation

Jeff sees this as the beginning of that process.

From: Garrison, Ellen
Sent: Tuesday, June 30, 2009 5:02 PM
To: Behnke, Stephen
Cc: Farberman, Rhea
Subject: RE: Ethics Committee 1.02 recommendation

I see, and when are we expecting that next ethics code revision to occur?

Ellen

From: Behnke, Stephen
Sent: Tuesday, June 30, 2009 4:59 PM
To: Garrison, Ellen
Cc: Farberman, Rhea
Subject: RE: Ethics Committee 1.02 recommendation

Ellen, I think the Board is sufficiently familiar; if not, the item spells it out quite clearly.

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To: Garrison, Ellen
Cc: Farberman, Rhea
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How does that sound?

Steve

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Tuesday, June 30, 2009 5:09:24 PM
Recipient:	Farberman, Rhea <rfarberman@apa.org>;Garrison, Ellen <egarrison@apa.org>
Subject:	RE: Ethics Committee 1.02 recommendation

Yes, it will definitely be the subject of criticism. But we can look to the history: The last ethics code revision took place from 1996 through 2002. Also, we need to be mindful that we've been hearing mostly from a single constituency. When a revision of the ethics code gets going, there will be *__many__* constituencies weighing in

---

From: Farberman, Rhea
Sent: Tuesday, June 30, 2009 5:06 PM
To: Behnke, Stephen; Garrison, Ellen
Subject: RE: Ethics Committee 1.02 recommendation

Sorry to be doom and gloom but I'm not sure this decision (no specific change to the code now) will provide a soft landing; in fact I think it will be criticized as foot-dragging. That's not to say it's the wrong decision but let's be prepared for the criticism.

Rhea

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Sent: Tuesday, June 30, 2009 4:59 PM
To: Garrison, Ellen
Cc: Farberman, Rhea
Subject: RE: Ethics Committee 1.02 recommendation

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Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Thursday, July 16, 2009 12:14:22 PM
Recipient:	Gilfoyle, Nathalie <ngilfoyle@apa.org>
Subject:	RE: Proposed Language to Address Concerns re: 1.02

Yes--I can get you up to speed quickly.
Everyone else I am trying to slow down.

-----Original Message-----
From: Gilfoyle, Nathalie
Sent: Thursday, July 16, 2009 12:12 PM
To: Behnke, Stephen
Subject: RE: Proposed Language to Address Concerns re: 1.02

I am lost as to what language is being discussed and how much if any public comment has occurred. Are you in this meeting/call with Stan at 3? Can we talk after that?

Nathalie

-----Original Message-----
From: Behnke, Stephen
Sent: Thursday, July 16, 2009 11:30 AM
To: Garrison, Ellen; Farberman, Rhea; Anderson, Norman; Gilfoyle, Nathalie
Cc: Honaker, Michael; Moore, Nancy
Subject: RE: Proposed Language to Address Concerns re: 1.02
I'll let him know that the Board is looking at the Committee's recommendation very carefully, and that the Committee should wait to hear from the Board before taking any further steps...basically a "sit tight" until the Committee hears from the Board...

-----Original Message-----
From: Garrison, Ellen
Sent: Thursday, July 16, 2009 11:28 AM
To: Behnke, Stephen; Farberman, Rhea; Anderson, Norman; Gilfoyle, Nathalie
Cc: Honaker, Michael; Moore, Nancy
Subject: Re: Proposed Language to Address Concerns re: 1.02
Maybe we should wait on Jeff. Melba was the only one who responded to my query and not strongly.

Ellen

----- Original Message -----
From: Behnke, Stephen
To: Garrison, Ellen; Farberman, Rhea; Anderson, Norman; Gilfoyle, Nathalie
Cc: Honaker, Michael; Moore, Nancy
Sent: Thu Jul 16 11:18:08 2009
Subject: RE: Proposed Language to Address Concerns re: 1.02
Ellen, let's touch base...I'd like to think through when would be the best time to bring Jeff in. I'm not sure the most helpful time will be when the Board is subgroup is hashing this out...I just don't know. Steve

-----Original Message-----

From: Garrison, Ellen
Sent: Thursday, July 16, 2009 10:53 AM
To: Farberman, Rhea; Anderson, Norman; Gilfoyle, Nathalie
Cc: Honaker, Michael; Moore, Nancy; Behnke, Stephen
Subject: Re: Proposed Language to Address Concerns re: 1.02
Tuesday at 4. I'll confirm with the Board shortly. Let's you, Steve and me meet in my office and I'll call the four. Steve, will Jeff be joining us as well? If this gets any larger a group, I will need help from Cassandra with a call-in number.

Thanks all!

Ellen

----- Original Message -----
From: Farberman, Rhea
To: Garrison, Ellen; Anderson, Norman; Gilfoyle, Nathalie
Cc: Honaker, Michael; Moore, Nancy; Behnke, Stephen
Sent: Thu Jul 16 10:44:48 2009
Subject: RE: Proposed Language to Address Concerns re: 1.02
Ellen – I've lost track of the timing for the conference call – when is it? (I'm on travel this afternoon and tomorrow morning).

Concerning the issue of moving faster than our normal process, etc. We have two competing needs: we need to be responsive to the concerns of members re: 1.02 and do so in a relatively speedy manner (at least show progress toward a solution) or will be spending countless hours dealing with our critics. (I was on a conference call with the Membership Board yesterday afternoon – they are going to be requesting a report from the Board as to its plan to respond to the criticisms still being issued about interrogation and 1.02, etc)

We also need to be mindful of the fact that working outside of our normal review process got us into this mess in the first place.

Would it be possible, based on the Board's recommendation (language Ellen and the BoD sub-committee are working on) and maybe some further massaging during the meeting, for Council to support in principle modifications to 1.02 and a few other standards pending additional governance review and public comment?

That will show real progress, give us something positive to say, and allow for additional Ethics, COLI etc expertise on the actual wording of the amendments.

Rhea

Rhea K. Farberman, APR | Executive Director
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Tel: (202) 336-5709 | Email: RFarberman@apa.org
APA Logo <http://www.apa.org/emailtemplate/e-mail_signature_logo.gif>

P Please consider the environment before printing this email.

From: Garrison, Ellen
Sent: Wednesday, July 15, 2009 10:45 PM
To: Anderson, Norman; Gilfoyle, Nathalie; Farberman, Rhea
Cc: Honaker, Michael; Moore, Nancy; Behnke, Stephen
Subject: RE: Proposed Language to Address Concerns re: 1.02

Norman, I'm not sure but a brief pre-conference call meeting among us might help. Our discussion is a microcosm of the various complexities of the issue. We're struggling with content -- focus on torture (include cruel, inhuman... whether defined or not), clause to abide by ethics or not when conflicts with laws (or just take a pass for now on resolving), and/or with conflicts with organizational demands -- as well as with process (resolve now on floor of Council or go through process).

Steve, with respect to the latter, I would like to know how many, if any, of these 81 comments focused on alternatives to the "human dignity" language -- and who said what -- to see if James' argument that we already got public comment on this issue has any weight at all. Thanks!

If we want to meet, I could be available between 1-2:30 tomorrow (Thurs) and on Monday. It's looking like Tuesday at 4 for the Board call, but waiting to hear from Suzanne.

Thanks, all.

Ellen

From: Anderson, Norman
Sent: Wed 7/15/2009 9:18 PM
To: Gilfoyle, Nathalie; Garrison, Ellen; Farberman, Rhea
Cc: Honaker, Michael; Moore, Nancy
Subject: RE: Proposed Language to Address Concerns re: 1.02

Do we need another staff discussion of this?

Norman B. Anderson, Ph.D.

Chief Executive Officer

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From: Gilfoyle, Nathalie
Sent: Wed 7/15/2009 6:50 PM
To: Garrison, Ellen; Farberman, Rhea
Cc: Anderson, Norman; Honaker, Michael; Moore, Nancy
Subject: FW: Proposed Language to Address Concerns re: 1.02

I am coming in way, way late on this . I don't understand how taking the second sentence out helps-- we need to remember who it was designed to protect. The psychologist whose records/test data are subpoenaed who fights to quash it, loses , and then is faced with violating the Code or following a court order. Taking it out leaves that person in limbo and the EC with no basis to tell them not to worry. Requiring conscientious objection seems nuts to me (to use legal terminology) . My preference would be to add the language re no defense to torture. That is clear and enforceable and really hard to argue with. I have probably missed some other email that addresses all this. Sorry !!

Nathalie

From: Rosie P Bingham [redacted] PRIVACY REDACTION
Sent: Wednesday, July 15, 2009 6:08 PM
To: Jean Carter | Suzanne Johnson Garrison, Ellen
Cc: Melba Vasquez Bray, James; Anderson, Norman; Farberman, Rhea; Gilfoyle, Nathalie; Moore, Nancy; Honaker, Michael
Subject: RE: Proposed Language to Address Concerns re: 1.02

I am not available on Monday. I could do a Tuesday evening call beginning around 4 pm. I do agree with Jean and Suzanne, but like the idea of trying it out on the resolution people. Though I have to admit just deleting the sentence is not quite even satisfying to me.

Rosie

From: Jean Carter
Sent: Wednesday, July 15, 2009 4:03 PM
To: Suzanne Johnson egarrison@apa.org; Rosie P Bingham PRIVACY REDACTION
Cc: Melba Vasquez James Bray NAnderson@apa.org; rfarberman@apa.org; ngilfoyle@apa.org; nmoore@apa.org; mhonaker@apa.org
Subject: Re: Proposed Language to Address Concerns re: 1.02

I agree with Suzanne's take on this. I could do a conference call Monday 1:45-2:45, 4-6.

Jean

-----Original Message-----
From: Johnson, Suzanne PRIVACY REDACTION
To: Garrison, Ellen <egarrison@apa.org>; Jean Carter Rosie Bingham
Cc: Melba Vasquez , Bray, James PRIVACY REDACTION Anderson, Norman <NAnderson@apa.org>; Farberman, Rhea <rfarberman@apa.org>; Gilfoyle, Nathalie <ngilfoyle@apa.org>; Moore, Nancy <nmoore@apa.org>; Honaker, Michael <mhonaker@apa.org>
Sent: Wed, Jul 15, 2009 4:59 pm
Subject: RE: Proposed Language to Address Concerns re: 1.02
I agree that this would be much better if it came from the Ethics Committee with BOD support. It is fine by me to run the "solution" by the ethics committee.

Please clarify what exactly the solution is. Are you proposing to drop both of the sentences below or only the last sentence? I hope it is only the last sentence

If psychologists' ethical responsibilities conflict with law, regulations, or other governing legal authority, psychologists make known their commitment to the Ethics Code and take steps to resolve the conflict. If the conflict is irresolvable via such means, psychologists may adhere to the requirements of the law, regulations, or other governing legal authority.

I am not convinced that dropping the last sentence will satisfy the proponents of the resolution. Now we are just silent on what to do in a conflict between law and ethics, other than "trying to resolve it." My guess is they will want a more affirmative stance but if the ethics committee agrees with this proposal, we can float it by resolution folks to see if they are ok with it.

If I understand this proposal correctly, you will make add no mention of torture, cruel, inhuman, degrading treatment/punishment to the ethics code. I doubt this will be acceptable to the proponents of the resolution either but we can certainly ask them.

Re conference calls: Monday is possible between 10 and 3, at 4pm or after 9pm.

Suzanne Bennett Johnson, Ph.D.

Distinguished Research Professor and Chair

Department of Medical Humanities and Social Sciences

Florida State University College of Medicine

1115 West Call Street

Tallahassee FL 32306-4300

telephone: 850 644 3457

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PRIVACY REDACTION

From: Garrison, Ellen [mailto:egarrison@apa.org <mailto:egarrison@apa.org?>]
Sent: Wednesday, July 15, 2009 3:39 PM
To: Johnson, Suzanne; Jean Carter ; Rosie Bingham
Rosie Bingham
Cc: Melba Vasquez ; Bray, James; Anderson, Norman; Farberman, Rhea; Gilfoyle, Nathalie; Moore, Nancy; Honaker, Michael
Subject: RE: Proposed Language to Address Concerns re: 1.02

Hi, everyone. As follow-up to my earlier note, I would like to offer a rationale for this new approach (i.e., to strike=2 0the last sentence of Standard 1.02), along with some reflections about the reasonable and predictable issues that you have raised concerning my earlier proposal.

In short, I am increasingly convinced that presenting a proposal to Council to add language to the Ethics Code—outside the regular revision process—may create far more problems than it would solve, and in a worst case scenario could result in attempts to wordsmith the Ethics Code on the floor of Council. The core problem we are trying to address, as defined by key "opinion leaders" among APA's critics, is a sentence that was added in the 2002 revision, which has been repeatedly and erroneously regarded as introducing (intentionally or otherwise) the "Nuremberg Ethic" into the Ethics Code. Therefore, the most efficient and productive way to move forward in the short term might be to delete the sentence that has been seen as the cause of this withering criticism. Recommending that a sentence be deleted is a much different strategy (with less risks) than attempting to modify the Ethics Code by adding language.

In the 2002 revision of the Ethics Code, the Ethics Committee added the last line in Standard 1.02, as indicated below:

1.02 Conflicts Between Ethics and Law, Regulations, or Other Governing Legal Authority
If psychologists' ethical responsibilities conflict with law, regulations, or other governing legal authority, psychologists make known their commitment to the Ethics Code and take steps to resolve the conflict. If the conflict is irresolvable via such means, psychologists may adhere to the requirements of the law, regulations, or other governing legal authority.
As you know, this line to amend the Ethics Code was proposed by the Ethics Committee in the fall of 2000 and approved by the Council at their August 2002 meeting. At this time, the possibility that U.S. psychologists might be ordered to follow unjust legal authority (as in the form of the Bush Justice Department memos proclaiming the legality of torture) was not foreseen. In light of events in our country's recent history, it is advisable for this sentence to be removed from the Ethics Code. Per Nathalie's guidance, this could be accomplished collaboratively by the Board and Ethics Committee approaching Coun cil with a joint proposal to revise the Ethics Code in this narrow way. With Council's approval, this proposed change would be put forward for public comment, with an anticipated Council vote in February.

This recommendation would clearly resolve the matter of the Ethics Code being seen as providing what proved to be an unsuccessful "Nuremberg defense" of following orders as a justification to torture. With this change, it would no longer be necessary to modify Standard 3.04 "Avoiding Harm" to include an express prohibition against torture. Based on this standard, it is clearly against the Ethics Code to commit torture. The current standard 1.02 was seen as a way to circumvent this provision. While my earlier suggestion to modify the Avoiding Harm Standard would provide an unequivocal prohibition to torture, it is not necessary and presents its own problems (see below). The Ethics Committee's statement clearly addresses this as well.

Per my earlier suggestion, I don't think it's necessary to revise Standard 1.03 (see below) given that it doesn't include the problematic language about following the law, etc.

1.03 Conflicts Between Ethics=2 0and Organizational Demands
If the demands of an organization with which psychologists are affiliated or for whom they are working conflict with this Ethics Code, psychologists clarify the nature of the conflict, make known their commitment to the Ethics Code, and to the extent feasible, resolve the conflict in a way that permits adherence to the Ethics Code.
And now I would like to offer a few comments about the very significant issues that were raised in our early communications:

1) Proposed addition of "cruel, inhuman, or degrading treatment or punishment." I agree that it is important that this broader term be included. I attempted to accomplish this, as did the Ethics Committee, by referencing the 2008 Council resolution that defines these behaviors and the related prohibitions for psychologists. I actually was about to suggest the inclusion of the term in the Avoiding Harm Standard itself before seeing Suzanne's suggestion, though I understand the concerns raised by Jean.

2) Inclusion of footnote to explain torture and cruel, unusual… As I explained earlier, footnotes are not included in the Ethics Code out of concern that they would be too hard to track and could go out of usage. (Even the Web link I had provided was defunct – see correct link below.) Yet, Nathalie explained

that this would be a possibility to do. This particular approach also raises the issue of citing a Council resolution in the Ethics Code and might create difficult precedents of its own.

3) Issue of advocacy to change the law. Section 1.02 advises psychologists to take steps to resolve a conflict that arises between law and ethics, but doesn't specifically say that they "should work to change the law" as does the AMA. Jean raised this as a concern, while Suzanne saw this as positive guidance.

4) Adoption of AMA term of "unjust laws." While this term may sound good on its face, its inherent vagueness may pose problems of its own. For example, if Roe v. Wade were to be overturned, would all agree that compliance with this new law would be "unjust?"

5) Issue of civil disobedience. As raised by the Ethics Committee, do we want to state that in essence psychologists should (always) engage in civil disobedience when conflicts arise with laws, etc., and not abide by the law?

In short, there is no magic bullet here. While we could fu rther improve the draft language we've been working on, it will be a challenge to address all concerns and not introduce others. Also, we do not want to encourage wordsmithing on the floor of Council. The proposed modification of deleting one sentence of the Ethics Code to return it to its pre-2002 state would appear to be the most prudent option to address the "following orders to torture" or to engage in other unethical acts accusation that has been leveled against the current code.

What do you think? If this sounds like a viable approach, Steve could run it by Jeff Barnett for his reaction. I am available for a conference call up until 5:30 pm or at 9 pm this evening or for a brief call during tomorrow's conference on primary care that I will be attending with James. I will be out of town on Friday for the weekend and difficult to reach by phone. Monday is also a possibility for a conference call. Or we could continue to collaborate via email. Just let me know what would be best for you.

Much thanks!

Ellen

p.s. Here's the link to that 2008 Council resolution that I had included in a footnote:
http://www.apa.org/governance/resolutions/amend022208.html
<http://www.apa.org/governance/resolutions/amend022208.html>

From: Johnson, Suzanne [redacted]
Sent: Wednesday, July 15, 2009 11:25 AM
To: [redacted]; Garrison, Ellen; [redacted]
Cc: [redacted]; Bray, James; Anderson, Norman; Farberman, Rhea
Subject: RE: Proposed Language to Address Concerns re: 1.02

The Resolution that was passed by the membership included both torture and cruel and inhuman degrading treatment/punishment. If we don't include these words, I think we will be accused of supporting waterboarding etc

For me, the idea that if you are faced with an ethical dilemma, it is "ethical" to work to change the law causing the dilemma has much appeal. Otherwise, you are left with only refusing to follow the law. I think it increases psychologist's options for an ethical response, rather than decreasing them.

Suzanne Bennett Johnson, Ph.D.

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PRIVACY REDACTION

From: Jean Carter

Sent: Wednesday, July 15, 2009 11:10 AM
To: Johnson, Suzanne; egarrison@apa.org <mailto:egarrison@apa.org> ; Rosie Bingham
PRIVACY REDACTION
Cc: Melba Vasquez ; James Bray
James Bray NAnderson@apa.org <mailto:NAnderson@apa.org> ;
rfarberman@apa.org <mailto:rfarberman@apa.org>
Subject: Re: Proposed Language to Address Concerns re: 1.02

Sorry, this came in while I was writing my response. So, here are my comments on Suzanne's comments.

Does adding "other cruel...etc." create further problems? It seems like it might, as it requires more interpretation. Does it add enough to make that worth while? Although I like the spirit, I think it might be problematic. This I could be persuaded on, however.

Adding working to change the law to the enforceable code requires advocacy. I'm reluctant about that, although it could be helpfully included in the aspirational portion. I'm not sure I can be persuaded on this.

Jean

-----Original Message-----
From: Johnson, Suzanne PRIVACY REDACTION
To: Garrison, Ellen <egarrison@apa.org <mailto:egarrison@apa.org> >; JeanCarter,Phd
PRIVACY REDACTION >; Rosie Bingham
PRIVACY REDACTION
Cc: Melba Vasquez PRIVACY REDACTION >; Bray, James
PRIVACY REDACTION > >; Anderson, Norman <NAnderson@apa.org
<mailto:NAnderson@apa.org> >; Farberman, Rhea <rfarberman@apa.org
<mailto:rfarberman@apa.org> >
Sent: Wed, Jul 15, 2009 9:52 am
Subject: RE: Proposed Language to Address Concerns re: 1.02
My comments are in red below. If we go with this, we should site all other organizations who take this stand in our rationale

Suzanne Bennett Johnson, Ph.D.

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Department of Medical20Humanities and Social Sciences

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PRIVACY REDACTION

From: Garrison, Ellen=2 0[mailto:egarrison@apa.org <mailto:egarrison@apa.org?>]
Sent: Tuesday, July 14, 2009 3:55 PM
To: JeanCarter,Phd; Johnson, Suzanne; Rosie Bingham
Cc: Melba Vasquez; Bray, James; Anderson, Norman; Farberman, Rhea
Subject: Proposed Language to Address Concerns re: 1.02

Greetings, Subcommittee members, and other interested parties. I am writing as follow-up to the Board's discussion last night about Ethical Standard 1.02, as captured in James' summary=2 0below:

3. Ethics issue: There was a sense of the board that we needed

> to recommend to Council some kind of change in language of rule 1.02.

> A sub-committee of the board (Jean, Rosie, Suzanne) and Ellen Garrison

> will work on alternative language that will be discussed via email.

> The Board will vote on an alternative motion for Council to consider.

> The Board also agreed that this item will be on the agenda for

> Wednesday. We also need to clarify if any changes passed at Council

> can be finalized at the August Council meeting or whether any language

> changes have to be put out for public comment after the Council

> meeting.

>

I would like to suggest the following language to address both=2 0the matter of any involvement with torture, as well as the matter of following unjust orders. (This wording was already approved by Rhea, and by Norman in concept.)

With respect to torture, I would suggest adding the following sentence from the Ethics Committee statement to the end of Standard 3.04 "Avoiding Harm" – "No exceptional circumstances whatsoever may be invoked as a justification for torture or other cruel, inhuman, or degrading treatment or punishment under the Ethics Code." The current text of Standard 3.04 is as follows: "Psychologists take reasonable steps to avoid harming their clients/patients, students, supervisees, research participants, organization clients, and others with whom they work, and to minimize harm where it is foreseeable an d unavoidable."

It would be important to include a footnote for this provision referencing the February 2008 Council Resolution (as does the Ethics Committee in their statement), which defines torture and the related prohibitions for psychologists. This footnote could read as follows: "This provision references the

prohibition against torture as set forth in the APA Council of Representatives' 2008 Resolution, Amendment to the Reaffirmation of the American Psychological Association Position Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and Its Application to Individuals Defined in the United States Code as "Enemy Combatants" (http://www.apa.org/governance/resolution/amend022208.html <http://www.apa.org/governance/resolution/amend022208.html>). this link did not work for me… if cruel inhuman degrading treatment/punishment is defined as torture in this document we may not need the additional wording but we may want to keep it so it is crystal clear.

With respect to following unjust orders, I would suggest modifying the last line of Standard 1.02 with a slight and more comprehensive variant of the last line of the AMA language. The sentence would now read, "In exceptional circumstances of conflict arising from unjust laws, regulations, or other governing legal authority, ethical responsibilities should supersede legal obligations." What's mis sing here that is in the AMA standard – which I like –is the statement that "when physicians believe a law is unjust, they should work to change the law." This actually recognized the efforts of those who wish to work to change the law or regulation – as many military psychologists may have tried to do and for which they are not given any recognition..I can imagine many other work settings where the psychologist may want to work to change something they believe is unethical

If it is also deemed desirable to modify Section 1.03 accordingly, I would suggest adding the following sentence to the end of that provision, "In exceptional circumstances involving unjust organizational demands, ethical responsibilities should supersede organizational obligations." Same comment as above

Thoughts?

Ellen

Ellen G. Garrison, Ph.D. | Senior Policy Advisor

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Tel: (202) 336-6066 | Fax: (202) 336-6069
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Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Friday, July 24, 2009 10:53:36 PM
Recipient:	[redacted]
Subject:	Re: *Harper's Magazine*: "APA's Nuremberg Defense"; Ethics Code sec.1.02 & Directive 3115.09

Thanks, Morgan. Is there any way to find out when 3115.09 was first drafted?
Steve

----- Original Message -----
From: Morgan Banks [redacted]
To: Behnke, Stephen
Sent: Fri Jul 24 22:46:36 2009
Subject: RE: *Harper's Magazine*: "APA's Nuremberg Defense"; Ethics Code sec.1.02 & Directive 3115.09

I guess people can confabulate whatever they want. Here is a copy (I think it is the current one) of the DOD Directive. If anyone had the sense to read it, it specifically prohibits the kind of stuff they seem to say we are doing. The document simply says exactly the opposite of what this guy says it says. Just read it. The other part that is in error, is that he is purposely confusing the CIA and DoD. All of the allegations, to include the most recent, rather detailed reports, that talk about the CIA and two psychologists, do not implicate in any way DOD. In fact, DoD was not at all linked to any of these allegations about psychologists using the waterboard. The author is purposely confusing the issue.

Anyway, I think the best reply is to simply read the DODI. He is REALLY twisting the verbiage and intent of the following:

3.1. All captured or detained personnel shall be treated humanely, and all intelligence interrogations, debriefings, or tactical questioning to gain intelligence from captured or detained personnel shall be conducted humanely, in accordance with applicable law and policy. Applicable law and policy may include the law of war, relevant international law, U.S. law, and applicable directives, including DoD Directive 2310.01, (under revision), (reference (d)), instructions or other issuances. Acts of physical or mental torture are prohibited.

This is what he says allows us to torture people. Not much I can say, other than he has an awesome fantasy life.

I am very sorry you are having to put up with this.

Morgan

-----Original Message-----
From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Friday, July 24, 2009 8:46 PM
To: Morgan Banks; Morgan Banks
Subject: FW: *Harper's Magazine*: "APA's Nuremberg Defense"; Ethics Code sec.1.02 & Directive 3115.09

Hey Morgan, I hope you're well.

Can you give any history on Directive 3115.09?

It continues. (http://www.harpers.org/archive/2009/07/hbc-90005399)

There now seems to be a concerted push to go after me personally.

Glad Carroll's giving a workshop in Toronto same day I am...I may just

ask him to wear my name tag!

Thanks,

Steve

-----Original Message-----

From: Ken Pope PRIVACY REDACTION

Sent: Friday, July 24, 2009 2:23 PM

To: Ken Pope

Subject: *Harper's Magazine*: "APA's Nuremberg Defense"; Ethics Code sec.1.02 & Directive 3115.09

Harper's Magazine has placed on its web site a brief article: "The APA's Nuremberg Defense."

The author is Scott Horton, an attorney who is Contributing Editor for *Harper's Magazine.*

Here are some excerpts:

[begin excerpt]

[T]he APA modified Section 1.02 of its ethics rules, to state that in the event of conflict between ethics standards and law as interpreted by government organs like the Department of Defense or CIA, psychologists are free to disregard the requirements of applicable ethics guidelines and "may adhere to the requirements of the law, regulations, or other governing legal authority."

This provision was curiously passed just as psychologists undertook their key role in the torture program.

<snip>

It is a full-throated repudiation of the rule fashioned at Nuremberg under which individuals involved in the torture or abuse of prisoners are not entitled to rely on a defense of superior orders.

<snip>

Stephen Behnke, the APA's Director of Ethics, claims that this provision is "written largely in response to conflicts regarding confidentiality, arising most often when courts issue subpoenas for psychologists' records."

In fact, the provision's direct relationship to the Defense Department's efforts to vitiate professional ethics rules, shown in Directive 3115.09, could not be clearer.

The modification reflected an effort by APA leaders to give psychologists who were preparing to participate in the torture program an ethical "out."

Since the Bush Administration held "legal opinions" issued by the likes of John Yoo, Jay Bybee, and Stephen G. Bradbury, under the reasoning of this amended ethics provision psychologists were entitled to rely upon those opinions -- notwithstanding any restrictions contained in their professional ethics code.

The rationale that Behnke claims as cover could easily be handled in a provision authorizing psychologists to comply with legal process concerning the turnover of records -- a garden-variety provision already found in commercial agreements.

[end excerpts]

This short article is online at:

<http://www.harpers.org/archive/2009/07/hbc-90005399>

PLEASE FORWARD THIS MESSAGE to any lists or individuals who are interested in these ethical issues.

Ken Pope

RESOURCES FOR U.S. TROOPS, VETERANS, THEIR FAMILIES, & THOSE WHO PROVIDE SERVICES TO THEM:

<http://kspope.com/torvic/war.php>

"Let your heart feel for the affliction and distresses of every one..."

--George Washington (1732-1799), Leader of the Continental Army & First President of the United States

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Sender: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent: Saturday, August 01, 2009 4:25:49 PM
Recipient: Garrison, Ellen <egarrison@apa.org>
Subject: RE: APA, torture, detainees, 1.02, PENS, etc.

Actually, I thought James' response was pretty good. Of course, it's absolutely incorrect that the Ethics Office would not have investigated an ethics complaint, and our table on how other associations address conflicts between ethics and law includes the actually verbiage from the relevant ethics codes, for *precisely* the reason the people could reach their own conclusions if they disagreed with the Ethics Committee's analysis.
But really, at this point I just don't think saying any of that would make a difference.

-----Original Message-----
From: Garrison, Ellen
Sent: Saturday, August 01, 2009 4:23 PM
To: Behnke, Stephen
Subject: Re: APA, torture, detainees, 1.02, PENS, etc.

Unrelenting...

----- Original Message -----
From: Behnke, Stephen
To: Garrison, Ellen
Sent: Sat Aug 01 15:33:27 2009
Subject: RE: APA, torture, detainees, 1.02, PENS, etc.

I have NO idea what he is talking about; I wrote a column in 2006 comparing and contrasting the 3 positions on interrogations (APA, ApA, and AMA), but I just haven't a clue as to what he's talking about here...unless it's some reference to the table we created for 1.02 on the website (that may be it).

-----Original Message-----
From: Garrison, Ellen
Sent: Saturday, August 01, 2009 3:22 PM
To: Behnke, Stephen
Subject: Fw: APA, torture, detainees, 1.02, PENS, etc.

Steve, what's that about the Ethics Committee and the AMA code?

----- Original Message -----
From: John Neafsey PRIVACY REDACTION
To: John Neafsey PRIVACY REDACTION
Cc: Bray, James; Garrison, Ellen; Anderson, Norman; Behnke, Stephen
Sent: Sat Aug 01 14:38:43 2009
Subject: Re: APA, torture, detainees, 1.02, PENS, etc.
Dear Dr. Bray,

I'm writing to follow up on my previous emails from last week (copied below).
Since then, even more concerns have arisen about the Ethics Committee

mischaracterizing the AMA ethics code instead of accurately noting that it clearly places the moral duty of professional ethics/ conscience above following unjust laws or orders. Also, in addition to all the other glaring irregularities and conflicts of interest that attended the PENS process, there is now a public report that a prior ethics complaint against PENS member Dr. Michael Gelles involving abuse of a detainee was never investigated by the Ethics Office. Is this acceptable to you? Does it concern you?

Dr. Bray, if the focus of your presidential year is the Future of Psycology Practice and Science, it seems to me that attempting to help the APA extricate itself from the shadow of this disgraceful period--so that it can recover it's reputation as a decent organization and get back onto a decent ethical track--would be a good start.

Again, I would appreciate specific responses to each of the six concerns I raised in my 7/24 letter to you.
Sincerely,

John Neafsey

Sent from my iPhone

On Jul 25, 2009, at 9:49 AM, "John Neafsey" PRIVACY REDACTION wrote:

> Dr. Bray,
>
> Thanks for your response. It is encouraging that there is some
> shared concern among the Board of Directors that the "following
> orders/law" defense has weakened and compromised our professional
> code of ethics.
>
> Your response, however, only addressed one of the six concerns I
> raised in my letter.
>
> I would very much appreciate a more specific response to each of
> the concerns I raised. In summary, these are:
>
> 1) The "Nuremberg" defense must be discarded.
> 2) The language of the referendum prohibiting psychologists from
> any involvement with detainees who are held outside the bounds of
> the law must be built into the new ethics code, so that it will be
> considered a violation of professional ethics to work in illegal
> settings or with any prisoner anywhere whose human and legal rights
> are not guaranteed and respected (regardless of whether or not one
> assists with torture or inhumane treatment).
> 3) The APA must publicly repudiate and nullify the PENS report.
> 4) APA officials, including Dr. Behnke, must be replaced by
> credible personnel.
> 5) Past ethics complaints against psychologists involved in the
> detention and interrogation of prisoners (or who clearly had command

> responsibility for other personnel involved with such prisoners)
> must be re-opened and re-investigated. This must include complaints
> filed regarding members of the PENS Task Force.
> 6) The APA leadership must provide evidence to the membership that
> the Referendum has been fully implemented, i.e., that any
> psychologists found to be assisting in the detention and
> interrogation of unjustly held prisoners will be sanctioned for
> violation of professional ethics.
>
> Dr. Bray, my concerns are serious and are shared by many. Please
> take the opportunity to address each of them in detail.
>
> Sincerely,
>
> John Neafsey
>
> John P. Neafsey, Psy.D.
> PRIVACY REDACTION
>
>
>
>
>
>>>> "James H. Bray, Ph.D." PRIVACY REDACTION 07/25/09 8:09 AM >>>
> Dr. Neafsey,
>
> Thank you for your email. The focus of my Presidential year is on the
> Future of Psychology Practice and Science.
>
> Psychologists who have violated our ethical codes and the licensing
> laws
> should be held accountable. Your concern about a possible ³following
> orders" or "following the law² defense to violations of human rights
> based
> on the current language of Ethical Standard 1.02 is a concern shared
> by some
> of our members, including the APA Board of Directors.
>
> While the Ethics Committee has publicly stated that there is no
> defense to
> engaging in torture, this statement does not appear to go far
> enough. This
> President and the APA Board of Directors plans to support a business
> item at
> the APA Council of Representatives meeting in August that will
> direct the
> APA Ethics Committee to propose language by a time certain this fall
> that
> will appropriately and effectively amend this Ethical Standard.
> After a
> public comment period, the Council will act on the proposed revision

> to
> Ethical Standard 1.02 at its February 2010 meeting.
>
> Warm regards,
> James
>
> **********
> James H. Bray, Ph.D.
> Department of Family & Community Medicine
> Baylor College of Medicine
> 3701 Kirby Drive, 6th Floor
> Houston, TX 77098
> PRIVACY REDACTION
> President, American Psychological Association
> **********
>
>
>> From: John Neafsey PRIVACY REDACTION
>> Date: Fri, 24 Jul 2009 13:35:45 -0500
>> To: James Bray
>> Cc: <egarrison@apa.org>, <Nanderson@apa.org>, <sbehnke@apa.org>
>> Subject: APA, torture, detainees, 1.02, PENS, etc.
>>
>> Dear Dr. Bray,
>>
>> I am a clinical psychologist in private practice in Chicago. I
>> also teach
>> each semester in the areas of interdisciplinary studies and human
>> rights in
>> the Department of Theology at Loyola University Chicago. I
>> received my
>> doctorate in clinical psychology from the Graduate School of
>> Applied and
>> Professional Psychology at Rutgers University (1992). A few years
>> ago I wrote
>> a book on the psychology, spirituality, and ethics of vocation and
>> social
>> responsibility titled "A Sacred Voice is Calling: Personal
>> Vocation and
>> Social Conscience" (Obis Books, 2006).
>>
>> I have been deeply ashamed that for the past several years the
>> American
>> Psychological Association has given its official blessing to the
>> involvement
>> of psychologists in interrogations with detainees in illegal
>> detention
>> settings such as those at Guantanamo Bay, Bagram Air Force Base in
>> Afghanistan, and Abu Ghraib in Iraq. These disgraceful places have
>> given our
>> country and our profession a bad name.

>>
>> Over the years I have had numerous frustrating and disappointing
>> contacts
>> (phone, email, and in-person) with Dr. Behnke, beginning with the
>> first
>> revelations of psychologist involvement with the BSCT teams,
>> through the
>> embarrassing PENS process, the "Nuremberg Defense" clause in the
>> current
>> Ethics Code, the defeat of the Moratorium Resolution, and the
>> eventual passing
>> of the Referendum in spite of the obvious resistance of the APA
>> leadership.
>>
>> As a result, I have withheld my dues for the past two years. My
>> understanding
>> is that I will no longer be considered an APA member if I do not
>> resume paying
>> my dues before the end of this calendar year. My position has been
>> to hold
>> out to see if the leadership of the APA comes around on several
>> important
>> issues.
>>
>> The following are some of the things I will need to see happen
>> before I can
>> resume paying my dues in good conscience:
>>
>> 1) The Ethics Code must be revised to do away with the "Nuremberg
>> Defense"
>> that could be used by psychologists to evade ethical responsibility
>> for their
>> actions (i.e., "I was just following orders," "Secretary Rumsfeld
>> and Alberto
>> Gonzalez and John Yoo and Dick Cheney wrote Memos saying it was
>> legal," etc.).
>> Sadly, psychologists could use the current ethics code to justify
>> illegal and
>> unethical behavior.
>>
>> 2) The Ethics Code should include the language of the recent
>> Referendum that
>> prohibits psychologists from working with detainees whose
>> fundamental human
>> and legal rights are not protected and guaranteed. This includes all
>> "unlawful combatants" in the so-called "War on Terror," including
>> all those
>> who remain in a kind of legal limbo under the Obama
>> adminstration. Even if
>> they are not directly involved with aiding or abetting torture,
>> psychologists

>> should not work in such settings or with such prisoners, period.
>> This needs
>> to be spelled out in the Ethics Code. Psychologists who are found
>> to be
>> working in such settings or with such prisoners should be
>> sanctioned. The
>> Ethics Code should include the following statement from the
>> Referendum
>> verbatim:
>>
>> "...psychologists may not work in settings where persons are held
>> outside of,
>> or in isolation of, either International law (e.g., the UN
>> Convention Against
>> Torture and the Geneva Conventions) or the US Constitution (where
>> appropriate), unless they are working directly for the persons
>> being detained
>> or for an independent third party working to protect human rights."
>>
>> 3) The APA must publicly repudiate the PENS process, publicly
>> acknowledging
>> the damage it has done to our profession. This includes the many
>> widely known
>> irregularities and obvious conflicts of interest that led to a
>> biased report
>> in favor of psychologists remaining involved in illegal and
>> inhumane and
>> unethical activities and settings.
>>
>> 4) Dr. Behnke and other APA officials who have been involved with
>> facilitating or covering up this disaster should be fired or should
>> resign.
>> The Ethics Office has lost all credibility. For years Dr. Behnke
>> has served
>> as an apologist and damage control person for inexcusable APA
>> policies.
>>
>> 5) All ethics complaints filed against psychologists involved in
>> interrogations with detainees in illegal detention centers (including
>> complaints against members of the PENS Task Force) should be
>> reviewed and
>> re-evaluated. There is widespread concern that the Ethics Office
>> has not
>> taken such complaints seriously over the last several years.
>>
>> 6) The APA leadership must provide evidence to the membership that
>> the
>> Referendum prohibiting psychologist involvement in illegal
>> detention centers
>> or with detainees who are deprived of their fundamental human
>> rights has been

>> fully implemented, and that any psychologist found to be working in
>> such
>> settings or assisting in any way in the detention or interrogation
>> of such
>> prisoners will be held accountable for violation of their
>> professional ethics.
>>
>> Dr. Bray, I would appreciate your response to each of my concerns.
>>
>> Sincerely,
>>
>> John P. Neafsey, Psy.D.
>> PRIVACY REDACTION
>>
>>
>>
>>
>>
>
>

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Monday, January 24, 2011 11:27:39 PM
Recipient:	Anderson, Norman </O=APA/OU=DC/CN=RECIPIENTS/CN=NBA>;Honaker, Michael </O=APA/OU=DC/CN=RECIPIENTS/CN=Myh>;Gilfoyle, Nathalie </O=APA/OU=DC/CN=RECIPIENTS/CN=Npg>;Farberman, Rhea </O=APA/OU=DC/CN=RECIPIENTS/CN=Rzf>;Mills, Kim </O=APA/OU=DC/CN=RECIPIENTS/CN=Kim>;Breckler, Steve </O=APA/OU=DC/CN=RECIPIENTS/CN=SJB>
Cc:	Garrison, Ellen </O=APA/OU=DC/CN=RECIPIENTS/CN=EGG>
Subject:	Casebook/commentary
Attachments:	Ethics_Committee_Responses_012411.doc

Hello Everyone,

Several weeks ago, Ellen and I sent around a draft of the Ethics Committee's responses to the questions, comments, and vignettes submitted regarding national security-related activities. You'll recall that there had been some discussion about the advisability of writing this text at all in light of the possible pitfalls, but given Council's directive everyone felt that it was important to complete.

Since we distributed the draft, Ellen and I have spent a considerable amount of time refining the responses, which have been a bit more of a challenge to write than we imagined. Our primary focus was to write responses that would not cause us any problems, and we think we've done a reasonable job in achieving that goal. (It's fairly easy to see from reading the submissions that many were written in an attempt to get the Ethics Committee to make a statement that could then be used in an ethics complaint; also, the submissions are pretty repetitive.) The format follows the Ethics Committee's usual way of responding to requests for consultations, which is to write in terms of processes rather than provide directive advice, as the introduction to this text makes clear.

There has been virtually no discussion of this piece of the interrogation issue for some time, which is probably a good thing. Our plan is to post this text, quietly, very quietly, on the Ethics webpage in the carousel by next Monday, January 31 (the information item to Council indicated it was posted in January).

If you see anything in the text which you think is problematic, please let us know by the end of this week.

Thanks so much,

Steve and Ellen

Sender:	Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent:	Monday, March 13, 2006 11:38:01 AM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	Re: Eyes Only

Steve,

I am traveling right now, and will try to sit down and give you more when I return.

There have been no official releases, and you know my concerns. You can say that I emphatically deny that I have any knowledge of any abuse of detainees by DoD psychologists (see how legalistic that sounds). I continue to emphatically state that the presence of psychologists reduces the likelihood of abuse.

I will try to call you to see if there is more I can give you. Thanks for staying in the fight.

Morgan
COL L. Morgan Banks
Director Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION

-----Original Message-----
From: Behnke, Stephen <sbehnke@apa.org>
To: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent: Sun Mar 12 22:17:34 2006
Subject: RE: Eyes Only

Morgan, I am again getting asked about the Jane Mayer articles. Do you have anything that would be an "official" response to either of her articles (last July is the most pertinent) that I could share with members who contact the office?

Thanks Morgan,

Steve

From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Friday, March 10, 2006 7:46 AM
To: Behnke, Stephen
Subject: RE: Eyes Only

Steve,

I should be in the office most of the day. Look forward to talking to you. I hope all is well.

Morgan

COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Friday, March 10, 2006 12:28 AM
To: Banks, Louie M. COL
Subject: RE: Eyes Only

Hey Morgan—will you be in tomorrow? I've been in the middle of preparing for an Ethics Committee meeting, but will be speaking with Sharon Brehm tomorrow afternoon, & want to touch base with you first.

Thanks Morgan,

Steve

From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Wednesday, March 08, 2006 5:41 AM
To: Behnke, Stephen
Subject: Re: Eyes Only

I am in town this week. I should be in my office most of the afternoon, and on the cell phone otherwise.

Morgan
COL L. Morgan Banks
Director Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION

-----Original Message-----
From: Behnke, Stephen <sbehnke@apa.org>
To: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent: Tue Mar 07 20:17:11 2006
Subject: Eyes Only

Morgan, would you be around tomorrow? Sharon Brehm is our president-elect; I'd like to touch base before I speak with her. Thanks, Steve

From: Behnke, Stephen [PRIVACY REDACTION]
Sent: Tuesday, March 07, 2006 8:13 PM
To: Behnke, Stephen
Subject: FW: PLease note references to psychologists

-----Original Message-----
From: [Sharon Brehm]
Sent: Tue 3/7/2006 5:41 PM
To: Behnke, Stephen ; sbehnke@apa.org
Cc:
Subject: FW: PLease note references to psychologists

Steve, I was just sent the article below. It's not a new article, but one published late in 05. It repeats some of what was in the 05 New Yorker article. I'd like to talk with you by phone about this. Are you available tomorrow or Friday? If not, how about next week? As always, it will be very helpful to me to have access to your knowledge and expertise. All best regards, Sharon

Interrogation: Doing Unto Others as They Did Unto Us

The New York Times, November 14, 2005

M. Gregg Bloche, Visiting Fellow, Economic Studies
Jonathon H. Marks, Bioethics Fellow, Georgetown University and Johns Hopkins University

M. Gregg Bloche
How did American interrogation tactics after 9/11 come to include abuse rising to the level of torture? Much has been said about the illegality of these tactics, but the strategic error that led to their adoption has been overlooked.

The Pentagon effectively signed off on a strategy that mimics Red Army methods. But those tactics were not only inhumane, they were ineffective. For Communist interrogators, truth was beside the point: their aim was to force compliance to the point of false confession.

Fearful of future terrorist attacks and frustrated by the slow progress of intelligence-gathering from prisoners at Guantánamo Bay, Pentagon officials turned to the closest thing on their organizational charts to a school for torture. That was a classified program at Fort Bragg, N.C., known as SERE, for Survival, Evasion, Resistance, Escape. Based on studies of North Korean and Vietnamese efforts to break American prisoners, SERE was intended to train American soldiers to resist the abuse they might face in enemy custody.

The Pentagon appears to have flipped SERE's teachings on their head, mining the program not for resistance techniques but for interrogation methods. At a June 2004 briefing, the chief of the United States Southern Command, Gen. James T. Hill, said a team from Guantánamo went "up to our SERE school and developed a list of techniques" for "high-profile, high-value" detainees. General Hill had sent this list - which included prolonged isolation and sleep deprivation, stress positions, physical assault and the exploitation of detainees' phobias - to Secretary of Defense Donald Rumsfeld, who approved most of the tactics in December 2002.

Some within the Pentagon warned that these tactics constituted torture, but a top adviser to Secretary Rumsfeld justified them by pointing to their use in SERE training, a senior Pentagon official told us last month.

When internal F.B.I. e-mail messages critical of these methods were made public earlier this year, references to SERE were redacted. But we've obtained a less-redacted version of an e-mail exchange among F.B.I. officials, who refer to the methods as "SERE techniques." We also learned from a Pentagon official that the SERE program's chief psychologist, Col. Morgan Banks, issued guidance in early 2003 for the "behavioral science consultants" who helped to devise

Guantánamo's interrogation strategy (we've been unable to learn the content of that guidance).

SERE methods are classified, but the program's principles are known. It sought to recreate the brutal conditions American prisoners of war experienced in Korea and Vietnam, where Communist interrogators forced false confessions from some detainees, and broke the spirits of many more, through Pavlovian and other conditioning. Prolonged isolation, sleep deprivation, painful body positions and punitive control over life's most intimate functions produced overwhelming stress in these prisoners. Stress led in turn to despair, uncontrollable anxiety and a collapse of self-esteem. Sometimes hallucinations and delusions ensued. Prisoners who had been through this treatment became pliable and craved companionship, easing the way for captors to obtain the "confessions" they sought.

SERE, as originally envisioned, inoculates American soldiers against these techniques. Its psychologists create mock prison regimens to study the effects of various tactics and identify the coping styles most likely to withstand them. At Guantánamo, SERE-trained mental health professionals applied this knowledge to detainees, working with guards and medical personnel to uncover resistant prisoners' vulnerabilities. "We know if you've been despondent; we know if you've been homesick," General Hill said. "That is given to interrogators and that helps the interrogators" make their plans.

Within the SERE program, abuse is carefully controlled, with the goal of teaching trainees to cope. But under combat conditions, brutal tactics can't be dispassionately "dosed." Fear, fury and loyalty to fellow soldiers facing mortal danger make limits almost impossible to sustain.

By bringing SERE tactics and the Guantánamo model onto the battlefield, the Pentagon opened a Pandora's box of potential abuse. On Nov. 26, 2003, for example, an Iraqi major general, Abed Hamed Mowhoush, was forced into a sleeping bag, then asphyxiated by his American interrogators. We've obtained a memorandum from one of these interrogators - a former SERE trainer - who cites command authorization of "stress positions" as justification for using what he called "the sleeping bag technique."

"A cord," he explained, "was used to limit movement within the bag and help bring on claustrophobic conditions." In SERE, he said, this was called close confinement and could be "very effective." Those who squirmed or screamed in the sleeping bag, he said, were "allowed out as soon as they start to provide information."

Three soldiers have been ordered to stand trial on murder charges in General Mowhoush's death. Yet the Pentagon cannot point to any intelligence gains resulting from the techniques that have so tarnished America's image. That's because the techniques designed by communist interrogators were created to control a prisoner's will rather than to extract useful intelligence.

A full account of how our leaders reacted to terrorism by re-engineering Red Army methods must await an independent inquiry. But the SERE model's embrace by the Pentagon's civilian leaders is further evidence that abuse tantamount to torture was national policy, not merely the product of rogue freelancers. After the shock of 9/11 - when Americans desperately wanted mastery over a world that suddenly seemed terrifying - this policy had visceral appeal. But it's the task of command authority to connect means and ends rationally. The Bush administration has too frequently failed to do this. And so it is urgent that Congress step in to tie our detainee policy to our national interest.

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Note: The views expressed in this piece are those of the author and should not be attributed to the staff, officers or trustees of The Brookings Institution

Anthony J. Marsella, Ph.D., D.H.C.
Professor Emeritus
Department of Psychology
University of Hawaii
Honolulu, Hawaii 96822

"What kind of peace do I mean? What kind of peace do we seek? Not a Pax Americana enforced on the world by American weapons of war. . . . I am talking about genuine peace, the kind of peace that makes life on earth worth living, . . .not merely peace for Americans but peace for all men and women -- not merely peace in our time but peace for all time." President John F. Kennedy, American University, June 10, 1963.

Appointment

From: Shumate, Scott (GOV) [Scott.Shumate@cifa.mil]
Sent: 9/7/2005 2:30:11 PM
To: Shumate, Scott (GOV) [Scott.Shumate@cifa.mil]; Behnke, Stephen [/O=APA/OU=DC/CN=RECIPIENTS/CN=SVB]

Subject: Updated: PENS Discussion w/Drs. Shumate and Behnke
Location: Dr. Shumate's CIFA 7th Floor Office (Room 749)

Start: 9/8/2005 5:00:00 PM
End: 9/8/2005 6:00:00 PM
Show Time As: Busy

<<Directions to CIFA.ppt>>

-----Original Message-----
From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Wednesday, September 07, 2005 10:05 AM
To: Gonzalez, Luz (CONTR)
Subject: RE: Request a meeting to discuss PENS. Luz note bottom of note

Dear Luz,

I could be free anytime tomorrow (Thursday) or Friday--whenever would be good for Scott.

Thank you,

Stephen Behnke
-----Original Message-----
From: Gonzalez, Luz (CONTR) [mailto:Luz.Gonzalez@cifa.mil]
Sent: Wednesday, September 07, 2005 9:56 AM
To: Behnke, Stephen
Subject: RE: Request a meeting to discuss PENS. Luz note bottom of note
Good morning Dr. Behnke,

Would you please send me your availability date/times so that I can coordinate this meeting. Thanks, Luz.

Best regards,
Luz Gonzalez
[redacted] Voice

-----Original Message-----
From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Tuesday, September 06, 2005 12:18 PM
To: Shumate, Scott (GOV); Gonzalez, Luz (CONTR)
Cc: Kelly, Heather
Subject: RE: Request a meeting to discuss PENS. Luz note bottom of note

Scott, I'm very happy to meet at your convenience. Please just tell me when and where,

Stephen
-----Original Message-----
From: Shumate, Scott (GOV) [mailto:Scott.Shumate@cifa.mil]
Sent: Tuesday, September 06, 2005 12:13 PM
To: Behnke, Stephen; Behnke, Stephen; Gonzalez, Luz (CONTR)

Cc: Kelly, Heather
Subject: Request a meeting to discuss PENS. Luz note bottom of note

Stephen:

Hope this finds you well and that you had a wonderful weekend. I would like to discuss with you the final PENS report and various attachments, in particular there are two items that appeared in the recommendations that potentially concern me. First, the Peace Psychologists requested a broad inclusion about human rights and yet they confine there concerns down to DoD and GTMO. That paragraph has a prima facia message that concerns me. The second is that I would like to recommend that the use of following "orders" also be stricken.

Can we get together and you can educate me on the subtle nuances of the recommendations and final PENS report, and if my understanding remains relatively intact for me to argue my points. On the other hand, if the education reduces my conflict then we can have a nice discussion, some coffee and plot the destiny of man. Scott

Luz: Could you please work with Dr. Benke to set a time for us to get together. Thanks. Scott

Dr. R. Scott Shumate
Director Behavioral Sciences
DoD/Counterintelligence Field Activity
703-699-7792
scott.shumate@CIFA.MIL
scott.shumate@CIFA.SMIL.MIL



Directions to CIFA.ppt

Sender:	O'Brien, Maureen </O=APA/OU=DC/CN=RECIPIENTS/CN=MAO>
Sent:	Friday, January 06, 2006 5:20:29 PM
Recipient:	Behnke, Stephen <sbehnke@apa.org>
Subject:	FW: PENS call for questions/comments
Attachments:	PENSTaskForceReportFinal.pdf;PENScall.doc

-----Original Message-----
From: O'Brien, Maureen
Sent: Thursday, September 08, 2005 3:56 PM
To: 'cor@lists.apa.org'
Subject: PENS call for questions/comments

Attached please find a call for questions and comments regarding a casebook/commentary that the Task Force on Psychological Ethics and National Security (PENS) will be writing, in collaboration with the APA Ethics Committee, on the June 2005 PENS Task Force report.

Maureen

Sender: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent: Friday, February 10, 2006 5:55:07 PM
Recipient: Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>;Scott.Shumate@cifa.mil; Robert Fein
Cc: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject: Re: PENS Issue

That works best for me, as I am away from the office until then.
COL L. Morgan Banks
Director Psychological Applications Directorate
US Army Special Operations Command
PRIVACY REDACTION

-----Original Message-----
From: Kelly, Heather <hkelly@apa.org>
To: Shumate, Scott (GOV) <Scott.Shumate@cifa.mil>; Fein, Robert_Offsite Robert Fein Banks, Morgan (Army Contact) <louie.morgan.banks@us.army.mil>

CC: Behnke, Stephen <sbehnke@apa.org>
Sent: Fri Feb 10 17:48:55 2006
Subject: RE: PENS Issue

Hi, guys:

Just got a call from Steve, who's thrilled that you're willing to write something. He asked if you could hold off until Monday, so that perhaps he could see what Jean Maria's statement looks like first. I'll ask him to be in touch with you directly at that point.

Thanks again and have a good weekend,
Heather

From: Kelly, Heather
Sent: Fri 2/10/2006 11:56 AM
To: 'Shumate, Scott (GOV)'; Fein, Robert_Offsite; Banks, Morgan (Army Contact)
Cc: Behnke, Stephen; Mumford, Geoff
Subject: RE: PENS Issue

Scott, that's terrific, could you please draft? Steve gave me the phrase I passed on to you, feel free to elaborate. He'll be on email probably later today/tonight if you want his take.

Thank you!
Heather

Heather O'Beirne Kelly, Ph.D.

Senior Legislative and Federal Affairs Officer
Science Public Policy Office
American Psychological Association
750 First Street, N.E., 5th Floor
Washington, D.C. 20002
phone 202.336.5932
fax 202.336.6063
email hkelly@apa.org

From: Shumate, Scott (GOV) [mailto:Scott.Shumate@cifa.mil]
Sent: Friday, February 10, 2006 11:53 AM
To: Kelly, Heather; Fein, Robert_Offsite; Banks, Morgan (Army Contact)
Cc: Behnke, Stephen; Mumford, Geoff
Subject: RE: PENS Issue

A comment that appends her note to the Ethics Committee is no problem and would not need to be reviewed. I would be glad to write such a note, just let me know. Plus Jean Maria's stance highlights exactly why it's a good idea to move the next phase to the Ethics Committee. As far as any of us being unofficial consultants to the Ethics Committee, this needs to be carefully considered. Scott

Dr. R. Scott Shumate

Director Behavioral Sciences

DoD/Counterintelligence Field Activity

703-699-7792

scott.shumate@CIFA.MIL

scott.shumate@CIFA.SMIL.MIL

-----Original Message-----
From: Kelly, Heather [mailto:hkelly@apa.org]
Sent: Friday, February 10, 2006 11:07 AM
To: Shumate, Scott (GOV); Fein, Robert_Offsite; Banks, Morgan (Army Contact)
Cc: Behnke, Stephen; Mumford, Geoff
Subject: PENS Issue

Hello, gentlemen:

Steve Behnke is off in Utah today giving an ethics workshop, but he asked me to get in touch with you three about a PENS task force issue.

You may remember that Olivia is writing a letter on behalf of the task force to Jerry Koocher and Ron Levant, formally suggesting that the next step of drafting a casebook/commentary be turned over to the Ethics Committee. Jean Maria requested that she be able to append a sort of "minority" dissent letter, and Olivia set a deadline of this coming Monday the 13th for that and any other letters task force members would like to add. Steve is wondering whether you all, as DoD employees, would be able and willing to write a short note to the tune of "we commend this Task Force for its work on this important issue and are pleased that its report was supported by all members of the Task Force." We know that most of your

written statements have to go through DoD processes, but are wondering if anything like this would be possible and if so, if you'd be willing. There is some concern that having only Jean Maria's attached letter could be problematic strategically.

Feel free to call me, I'm in until at least 3:15 today, or email me. After 3:15 my cell phone is PRIVACY REDACTION

Best to you all,
Heather

[Olivia's original note]
Dear PENS Colleagues,

Thank you for your comments. Jean Maria has indicated that she would like to provide an additional statement, and I want to ensure that anyone on PENS who would like to do so has this opportunity. I think it makes most sense to set a date certain, and I will forward your collective statements/comments to Ron and Gerry. Realizing how busy everyone is, but also that we don't want an undue delay in bringing our work to a close, I am going to suggest Monday, February 13 as the date on which I should receive whatever you would like to have included. Please tell me if you think you would need additional time; I would like to be both flexible and timely.

Warmly,

Olivia

Heather O'Beirne Kelly, Ph.D.
Senior Legislative and Federal Affairs Officer
Science Public Policy Office
American Psychological Association
750 First Street, N.E., 5th Floor
Washington, D.C. 20002
phone 202.336.5932
fax 202.336.6063
email hkelly@apa.org

Sender:	Dunivin, Debra L LTC WRAMC-Wash DC <Debra.Dunivin@NA.AMEDD.ARMY.MIL>
Sent:	Friday, February 10, 2006 7:09:15 AM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	RE: Assist with Training - PENS

Yes, Steve. I'll be in town all next week, but only in the office Monday & Tuesday. Wednesday & Thursday, Gary Percival (Joint Personnel Recovery Agency) is in town to talk about SERE Psychology. (Actually he's someone I think you'd enjoy meeting; Joint Personnel Recovery Agency is filled with a group of very dedicated folks.) And then there's Council... Would like to talk when we can. Hope you return before it snows, Steve. Travel safely, Debra

-----Original Message-----
From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Thursday, February 09, 2006 5:31 PM
To: Dunivin, Debra L LTC WRAMC-Wash DC
Cc: banksl@soc.mil
Subject: RE: Assist with Training - PENS

Debra, if I'm available I'll be there.

I'm in Salt Lake City at the moment--are you around next week to touch base?

Steve

From: Dunivin, Debra L LTC WRAMC-Wash DC
[mailto:Debra.Dunivin@NA.AMEDD.ARMY.MIL]
Sent: Thu 2/9/2006 12:21 PM
To: Behnke, Stephen
Cc: banksl@soc.mil
Subject: RE: Assist with Training - PENS

Hi, Steve. Hope all is well.
I wanted to let you know about a change in plans for dates and location of training. We now anticipate that there would be a two week course that would occur on/ about 17-28 April at Ft Huachuca, AZ (about 90 minutes from Tucson).
I don't know if you've heard back from Mike about this, but hoped you still be available in April. Again, we would work around your schedule.
Thanks,
Debra

From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Friday, January 13, 2006 5:37 PM
To: Dunivin, Debra L LTC WRAMC-Wash DC
Cc: banksl@soc.mil
Subject: RE: Assist with Training - PENS

Debra, I would be delighted to participate in any manner that you would find helpful. I will ask Mike Honaker to review your request, and let you know as soon as I hear from him.

Also, please confirm that you receive the materials we discussed on Wednesday.

Steve

-----Original Message-----
From: Dunivin, Debra L LTC WRAMC-Wash DC [mailto:Debra.Dunivin@NA.AMEDD.ARMY.MIL]
Sent: Friday, January 13, 2006 4:15 PM
To: Behnke, Stephen
Cc: banksl@soc.mil
Subject: Assist with Training - PENS

Steve:

Thank you for offering to send me some materials related to the areas we discussed on Wednesday; your wisdom and careful consideration of these issues is quite apparent. We are most fortunate to have you as our Ethics Director.

I would like to formally request your participation in a training program we are developing for military psychologists who will be serving as behavioral science consultants to information-educing and detention operations. Specifically, we would like for you to talk on the ethical issues and resources for resolution of ethical dilemmas that might arise for psychologists working in these settings.

The training will be conducted the week of March 6th at Ft Bragg, Fayetteville, NC. We will work around your schedule and availability. Thank you for considering this request and thank you for your work on behalf of psychology.

Very respectfully,
Debra

DEBRA DUNIVIN
LTC, MS
Deputy Chief, Dept of Psychology
Walter Reed Army Medical Center
202-782-5917 DSN 662-5917

Sender:	Anderson, Norman </O=APA/OU=DC/CN=RECIPIENTS/CN=NBA>
Sent:	Monday, January 30, 2006 1:10:15 PM
Recipient:	Behnke, Stephen <sbehnke@apa.org>
Subject:	FW: FW: Council procedures regarding Discussion

Steve,

See below. Where are we with the PENS TF deliberations on continuing?

Norman

Norman Anderson, Ph.D.
Chief Executive Officer
American Psychological Association
750 First Street, NE
Washington, DC 20002
(202) 336-6080
(202) 336-6069 (fax)
www.apa.org

From: Gerry Koocher PRIVACY REDACTION
Sent: Monday, January 30, 2006 1:05 PM
To: Strassburger, Judy
Cc: Anderson, Norman
Subject: Re: FW: Council procedures regarding Discussion

I am not sure whether the PENS task force still exists (i.e., presidential task force last year, not in continuing budget?), hence whether Mike resigned from it or whether he simply resigned from future participation.

In any case, I do think we should have time on the agenda for an update and next steps on the casebook project, along with funding implications. I think it best to have the board review this and agree on a plan for discussion, rather than have me make a unilateral decision.

Gerry

Strassburger, Judy wrote:

```
 Hi:  See note below which Rachel has sent to me following up on the
email Andy Benjamin sent to her.  This about follow up at CR regarding
PENS, Mike's resignation and inquiring about time at CR to discuss.
Should we think about adding time at CR?  Judy

-----Original Message-----
From: Rachel Hare Mustin PRIVACY REDACTION
Sent: Saturday, January 28, 2006 8:03 PM
To: Strassburger, Judy
Subject: Fw: Council procedures regarding Discussion
```

Hi Judy,

Andy Benjamin bounced this question from Judith Van Hoom on to me. I am not up to date on what was involved with this, other than what I read in the Monitor. Is there any plan to have time for discussion at Council? Or does the Board want to do that? If people are heated about it, some time for discussion might be useful.

Regards,

Rachel

From: "G. Andrew H. Benjamin, J.D., Ph.D." PRIVACY REDACTION
To: "Rachel Hare Mustin" PRIVACY REDACTION
Subject: Fw: Council procedures
Date: Fri, 27 Jan 2006 12:46:20 -0800
X-Mailer: Microsoft Outlook Express 6.00.2900.2527
X-Junkmail-Status: score=10/100, host=mr11.mrf.mail.rcn.net
X-Junkmail-SD-Raw: score=unknown,
refid=str=0001.0A090204.43DA8538.0006,ss=1,fgs=0, ip=65.217.206.23

Dear Rachel:

How would you like me to advise Judy? Please see below.

Looking forward to seeing you at COR soon!

With warm regards, Andy

^^

G. Andrew H. Benjamin, J.D., Ph.D.
Affiliate Professor of Psychology- Antioch University Affiliate Professor of Law- University of Washington Director, Parenting Evaluation/Training Program (PETP) A program of Antioch University and University of Washington
2326 Sixth Avenue
Seattle WA 98121-1814
PRIVACY REDACTION
Web site: http://depts.washington.edu/petp
/^\/^\/^\/^\/^\/^\/^\/^\/^\/^\/^\/^\/^\/^\/^\

----- Original Message ----- From: "Judith Van Hoorn"
PRIVACY REDACTION
To: "G. Andrew H. Benjamin, J.D., Ph.D." PRIVACY REDACTION
Sent: Friday, January 27, 2006 10:49 AM
Subject: Council procedures

Hi Andy,
Hope all is well with you and your family.
I just received your note with a more complete statement re. student hours. It's helpful learning more about important issues prior to Council.

I'm trying to learn more about how to raise issues that are not on the

agenda. I'd greatly appreciate your advice as to whom to ask or what procedure to use.
In reading the agenda, it seems that there is no follow-up planned to our discussion of the PENS Task FOrce Report. Some of us have been wondering how this issue might be raised in a way that is seen as informational/collaborative rather than oppositional. The motion that was passed included a number of action items. The deadline for comments to the Task Force has been postponed. As I understand, the Ethics Committee decided to obtain wider input re. the implications of

restating the relevant section of the Ethics Code.
Is it possible to ask for a progress report re. what actions have been

taken and the rationale for postponing other actions.A central question for me is whether APA has a consistent policy re. psychologists' role in interrogations that involve cruel, inhumane, and degrading treatment of anyone being interrogated. The heart of this issue is the work we do as psychologists.
It is interesting that there has been no response to Mike Wessells letter to each of us that he resigned from the Task Force. He cited the limited role of the Task Force as a primary reason. (On a separate

note
- I wonder how I can call COR's attention to Mike being a recent recipient of the Humanitarian Award from APA) Andy, any advice would be really helpful.
Judy
ps - my home phone # is PRIVACY REDACTION - and I'd be happy to call you if

you prefer

Sender:	Gerald P. Koocher, Ph.D. PRIVACY REDACTION
Sent:	Thursday, January 26, 2006 10:44:36 PM
Recipient:	Levant,Ronald F PRIVACY REDACTION
Cc:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>;Koocher, Gerald P., Ph.D. PRIVACY REDACTION
Subject:	Re: FW: [PRESIDENTIAL] On the PENS case book

First, I think we need to correct her. Strictly speaking, the number of "military" she cites is incorrect.
For example: I don't think Fein has any military experience and I don't the Shumate is military.

Second, we can cite the fact that only the EC can interpret the code,

Third, we can invite her to provide input (e.g., her case materials) to the EC before it begins work on the casebook and also give her the opportunity to comment of the draft product.

Gerry

Levant,Ronald F wrote:

>
>Thoughts on how to handle this?
>
>Ronald F. Levant, EdD, ABPP, MBA
>Dean and Professor of Psychology
>Buchtel College of Arts and Sciences
>The University of Akron
>Akron, OH 44325-1901
>Phone: 330-972-7882
>Fax: 330-972-7222
> PRIVACY REDACTION
>
>Website: www.DrRonaldLevant.com
>Past President, American Psychological Association
>"Making Psychology a Household Word"
>
>-----Original Message-----
>From: Presidential Task Force on Psychological Ethics and National
>Security [mailto:PENS@LISTS.APA.ORG] On Behalf Of jmarrigo@COX.NET
>Sent: Thursday, January 26, 2006 12:56 PM
>To: PENS@LISTS.APA.ORG
>Subject: [PRESIDENTIAL] On the PENS case book
>
>[Olivia, it appears you did not receive the message I sent last night to
>forward to the Task Force, so I will attempt to rewrite it in brief from
>my hotel computer.]
>
>Colleagues:
>
>Many critics of the PENS report have complained of the majority
>membership from the military, 6 of 10 members. I have defended this
>composition of the Task Force on the grounds that strong military

>participation is necessary for the Task Force to have any practical
>relevance to the national security system.
>
>The Task Force was appointed because the Ethics Committee lacked the
>background and expertise to address the PENS issues by itself. The
>Ethics Committee similarly cannot produce a valid and relevant casebook
>for the PENS report. Without such a casebook, the PENS report could be
>considered a list of platitudes, like an injunction to love one's
>neighbor without any models. I think it is time for the military
>members to justify their predominance on the Task Force by helping to
>produce the casebook. Yes, there are institutional difficulties, but
>confronting these difficulties is a crucial ethical process. The
>military and CIA have not been able to prosecute adequately its officers
>for homocides of detainees and illegal torture for institutional
>reasons, and the comparison will not be lost on PsySr and Div. 48
>critics of the Task Force. I could provide interrogation case
>histories to the
>Ethics Committee from my oral histories, but only the current military
>members could present the standards now deemed appropriate. And I think
>the military would rather have more common examples explained than the
>outliers that are likely to arise from volunteered sources.
>
>The casebook was offered at the PENS meeting in DC to mitigate my
>concern about the weak relevance of the report. This concern has only
>increased for me and others.
>
>I am writing to you from the Joint Services Conference on Professional
>Ethics in DC, where I am co-organizer of the follow-on conference Ethics
>and Intelligence 2006.
>
>Jean Maria
>
>
>

Sender:	Banks Louie M COL <louie.morgan.banks@us.army.mil>
Sent:	Thursday, February 12, 2009 10:55:29 AM
Recipient:	Behnke, Stephen <sbehnke@apa.org>
Subject:	Thoughts on the resolution document

Steve,

These are the two questions that I have asked our JAGs to review. So far, I have one answer in the strong affirmative, that it would violate our oath of office and the Uniform Code of Military Justice.

BLUF:

Does the document place serving officers in conflict with our oath of office?

Can an officer legally follow the requirements of this document, or does that put him in conflict with the UCMJ?

I understand that it is not enforceable, at present, and that these are only recommendations. However, if these recommendations are enacted by the APA, I believe that it will put all officers in a clear legal and ethical bind. We are sworn to uphold the US Constitution. The US does not support all of the international instruments that the UN supports; we have plenty of exceptions, and we are not signatories to a number of them. It appears that APA is taking a position that is in conflict with US law.

Here is my logic, based on the specific verbiage of the document.

.... Before a serving officer can know if he or she may accept an assignment, he or she must consult with the UN.

"The U.N. and its committees can declare a site to be in violation of international law, as can any international body that the U.N. takes to be authoritative."

The document states:

"6. How is international law defined?

As a non-governmental organization accredited by the United Nations, the APA acknowledges the U.N. as an international legal entity through which member States are able to define international law as related to principles of human rights and justice. Through a process of lengthy negotiation and consensus building, the U.N. has developed international law in the form of conventions on various areas of human rights and humanitarian law to cover situations of armed conflict or war."

We swear an oath to the US Constitution. The APA appears to utilize the UN as the legal entity that we must use as a referent. The only international law that we follow is that which the US has signed. To do otherwise puts us at odds with our oath. I have asked for a JAG to tell me if I am incorrect on this, but have not heard back yet.

The document goes on to state:

"Psychologists in the military and intelligence agencies should not volunteer to be deployed, and should strive to avoid being deployed, to settings proscribed under this policy, unless they are providing treatment to military personnel. Also, psychologists who are currently deployed to settings proscribed under this policy should seek to have their assignment curtailed unless they are providing treatment to military personnel."

The policy is stating that serving officers should seek to have their assignments curtailed and should strive to avoid being deployed to locations specified by the UN. What else can I say? Seems pretty clear.

It is also clear that the document has numerous inaccuracies, especially concerning GTMO, but I see that simply as a distraction. I also need to note that this will have the effect, if implemented, of preventing mental health care to detainees.

This also brings into play a much bigger question, for us to discuss in less heated times. It appears that the APA has become the UN psychological association. I do not mean this to be glib, just accurate.

Morgan

COL L. Morgan Banks
Director, Psychological Applications
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
Banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

Sender:	Shumate, Scott (GOV) <Scott.Shumate@cifa.mil>
Sent:	Sunday, January 22, 2006 9:21:02 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	RE: PENS task force

It is unfortunate but I think this makes the most sense. I must admit that there is a part of me that feels that Mike Wessels took the actions he took to undermine the process. Yet, it also works well for us. I really do feel that he was an invaluable member. The pressure he may or may not be feeling from various sectors is the exact reason why I am concerned about the case book, while also recognizing that DoD will tolerate only a certain amount of public release.

I appreciate very much your sensitivity to not only my concerns but the concerns of a lot of other folks throughout the community. I look at what is happening and think about 10 years ago, I doubt we would have been able to accomplish what we have.

I have been working on Morgan to become an APA member, but I don't think I am making much head way.

The Ethics group that we are putting together, one that I asked if you would serve on, could be a vehicle for some of the future interactions. I will finally put this on the top of my list to get assembled and we will come back to you officially. Gerald will also be approached, which I hope he remains positive to. Scott

> -----Original Message-----
> From: Behnke, Stephen [mailto:sbehnke@apa.org]
> Sent: Sun 1/22/2006 9:06 PM
> To: Shumate, Scott (GOV)
> Cc:
> Subject: RE: PENS task force
>
> Yes, I did seem to forget momentarily whom I was talking to...
>
> Sounds great, Scott
>
> -----Original Message-----
> From: Shumate, Scott (GOV) [mailto:Scott.Shumate@cifa.mil]
> Sent: Sunday, January 22, 2006 9:01 PM
> To: Behnke, Stephen
> Subject: Re: PENS task force
>
> Steve I will run this past morgan to get his second so that he can come up on air immediately upon my sending this. The only part I will remove from your version is the part of us working annonymously. This would not be a wise comment for us
>
> As to your about cut and paste I typically am very cautious about such matters. Remember I hide in shadows for a living
> ---
> Dr. R. Scott Shumate
> Director Behavioral Sciences
> DoD/Counterintelligence Field Activity
> 703-699-7792
> scott.shumate@CIFA.MIL
> scott.shumate@CIFA.SMIL.MIL
>
> Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)
>
> -----Original Message-----
> From: Behnke, Stephen <sbehnke@apa.org>
> To: Shumate, Scott (GOV) <Scott.Shumate@cifa.mil>

Sent: Sun Jan 22 20:55:13 2006
Subject: RE: PENS task force

Scott, I've tweaked your version slightly--see if it works for you. (& be sure to cut and paste, rather than forward, when ready to post--actually, let me put into a Word document, since cutting and pasting from email can sometimes indicate that a message has been passed around)

Steve

Sender:	Shumate, Scott (GOV) <Scott.Shumate@cifa.mil>
Sent:	Thursday, January 19, 2006 8:13:38 AM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	Mike Wessels reconsideration

Steve:

Hope this finds you well. I have grown concerned about Mike Wessels decision to step aside, in a graceful, mostly graceful manner. I respect his decision but it does put the PENS task force in a potentially awkward position. Further, and as equally concerning, and this is a requirement that we can not elude, any product like a case review book would have to undergo a security and Counterintelligence review throughout the Department. There would be multiple agencies involved. We would have to engage Navy, Army, Air Force and several of the Defense Agencies. The process would be long and difficult, not impossible, but there would be serious redacting of the manuscript in fear of publishing Source and Methods. As an example, I am about to have an article published in the Journal of Military Psychologist, I used the term Guilty Knowledge, this got redacted as well as the entire example of what I was trying to explain. The argument, documented as it was, that Guilty Knowledge test is not a classified term, construct nor methodology. Nonetheless the black pen of concern reared it's head.

At the time of the PENS, I wish I would have thought about this when the topic came up (case book), but I was so excited and pleased by the PENS process, I lost sight of the review process.

My guess, is that APA would not be willing to allow DoD to review such a product. In fact, as a psychologist and APA card carrying member, I would question how objective the case book was if it had undergone a security and CI review by the Department. Also, it would place me in a strange two hat role, as the senior psychologist in DoD and head of the CI community, I would be redacting my own work (Actually I would recuse myself, but I would have to appoint someone to do it, but my office would be the final signature on the redacting) I worry that the effort to date would be damaged by suspicions that there was more in the manuscript before it underwent the review. Which would undoubtedly be the case.

We have before us, if I am seeing this correctly, an opportunity to gracefully shift gears here. I think we should consider options. I have split loyalties, I need to protect the Department while I also want to protect APA and most importantly the wonderful work that the PENS task force has been able to accomplish to date.

Be more than glad to discuss with you, especially if you see thinks very differently than I do. Scott

Dr. R. Scott Shumate
Director Behavioral Sciences
DoD/Counterintelligence Field Activity
703-699-7792
scott.shumate@CIFA.MIL
scott.shumate@CIFA.SMIL.MIL

Sender:	Farberman, Rhea </O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>
Sent:	Wednesday, January 18, 2006 10:18:04 AM
Recipient:	Gilfoyle, Nathalie <ngilfoyle@apa.org>;Behnke, Stephen <sbehnke@apa.org>;Anderson, Norman <NAnderson@apa.org>
Subject:	RE: PENS Task Force

I strongly agree that this could be a big PR problem for us, especially in light of Nina's agreement with Mike's thinking. (Hopefully she won't also abandon the process).

Should we meet to discuss? I'd like to have a draft response ready in case we need it.

In terms of a response, we can speak (again) about APA's firm positions against torture etc. But, I see it as even more critical now that additional players be brought into the case book process. Mike's resignation will clearly add fuel to the demands of the social justice coalition that more voices be added to the process.

I fear that the remaining PENS group will have no credibility with a vocal segment of our membership.

Rhea

Gilfoyle, Nathalie

Tuesday, January 17, 2006 9:52 PM

Behnke, Stephen; Anderson, Norman

Farberman, Rhea

RE: PENS Task Force

I think it may be a good idea to huddle with Rhea (and Norman) on this .. I see a tricky issue re how to respond or proactively deal with this from a PR prospective (not my job) but more narrowly to consider what Gerry's reaction may be to this and try to minimize problems . Where is Nina at this point? Nathalie . .

From: Behnke, Stephen
Sent: Tuesday, January 17, 2006 9:40 PM
To: Anderson, Norman
Cc: Gilfoyle, Nathalie; Farberman, Rhea
Subject: PENS Task Force

Hi Norman,

As an "fyi," Mike Wessells has resigned from the PENS Task Force. He is a psychologist to whom Diane Halpern gave a presidential citation, and who is very much part of the human rights community. I am forwarding the relevant email messages from the Task Force list, in case anyone brings this up to you. I am at a conference in New York tomorrow, but Nathalie is also on the PENS listserve in case you have any questions about what has transpired (very little, other than what is in the messages).

Steve

Sender: Olivia Moorehead-Slaughter PRIVACY REDACTION
Sent: Tuesday, January 10, 2006 9:27:37 PM
Recipient: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject: draft

Hi Steve, This is largely as you sent it. Thanks for capturing what needs to happen so well. I made minor edits. Please let me know if it's ready to send. My best. Olivia

Dear PENS Colleagues,

I hope this message finds all of you well in the New Year and flourishing in your work and non-work lives. I am writing to update you on our PENS work, and to ask for times that we can speak by phone next week.

In August, Council resoundingly supported our recommendation that a casebook/commentary be written on the PENS report, and directed the task force to write the casebook/commentary in collaboration with the APA Ethics Committee (you will recall that the Ethics Committee determined that the twelve statements in the report were appropriate "applications and interpretations" of the APA Ethics Code.) Norman Anderson has raised the possibility that the PENS report and the casebook/commentary be published in the American Psychologist.

I would like to schedule a conference call to discuss how we may proceed with our work, in collaboration with the Ethics Committee. There are a variety of issues to discuss, and I am very eager to hear from everyone regarding your thoughts and ideas about how best to proceed.

In September, a "call for comments" on the PENS report was distributed, which asked that anyone interested submit comments on the report. The initial deadline was December 31; we have now extended the deadline to June 30, to ensure that as many individuals and groups as possible have the opportunity to weigh-in. The Ethics Office will be compiling these comments and distributing them to us at regular intervals. I am attaching the report and the renewed call for comments.

I am hoping we will be able to speak next week. Please let Rhea in the Ethics Office know whether you are available next Tuesday, January 17, at 7 or 8 pm East Coast time, or Thursday, January 19, at 7 or 8 pm East Coast time, for a call. Please contact Rhea at [(202) 336-6005) or at rjacobson@apa.org]

As the next "installment" of the work of this Task Force gets underway, please know that I continue to appreciate your commitment to this important endeavor.

Olivia



AMERICAN PSYCHOLOGICAL ASSOCIATION

March 31, 2006

Linda M Woolf, PhD
470 E Lockwood
Webster University
St Louis, MO 63119-3141
PRIVACY REDACTION

Dear Professor Woolf,

I realize that you have been involved in many ways with activities related to Division 48's response to the *Report of the Task Force on Psychological Ethics and National Security*, but I write nonetheless to emphasize how interested the Ethics Committee would be to receive comments from you personally.

Your work is directly relevant to the issues addressed in the report. Even a cursory review of your publications indicates the depth and breadth of your thinking on these complex matters, and I note that some of your most recent publications will be provided to the Ethics Committee, "Torture? But this is different!" and "Psychologists, coercive interrogations, and torture." The Committee recognizes the press of your many responsibilities, but feels it could benefit significantly by hearing from you directly your comments on the PENS report and what in the report you believe requires elaboration or clarification for the casebook/commentary that the Committee is writing.

On behalf of the Ethics Committee, thank you for considering our request that you personally provide a comment on the report. Please submit your comment to: PENS@apa.org I will call the Committee's attention to your materials when we receive them.

Please do not hesitate to contact me with any questions, and again on behalf of the Committee, thank you.

Sincerely,

Stephen Behnke, JD, PhD
Director, Ethics Office
American Psychological Association
(202) 336-6006
sbehnke@apa.org

Sender:	Dunivin, Debra L LTC WRAMC-Wash DC <Debra.Dunivin@NA.AMEDD.ARMY.MIL>
Sent:	Thursday, March 30, 2006 6:29:43 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Cc:	banksl@soc.mil;Estes Linda Maj AFOSI/DOY <linda.estes@ogn.af.mil>
Subject:	RE: Assist with Training - PENS

Steve:
I just met with Linda Estes this morning and we filled in spaces with faces. Linda put on the course for Air Force psychologists in January at Huachuca. Working on what you said below (18/19 OK and wanting to be back in DC by 20th am) - see what best suits you.

Unfortunately, Morgan is probably not going to make it until the second week, so please consider that in your preparations. I know you will easily conduct the seminar on the PENS process (why the TF was put together, how the members were selected, the charge, the process of discussion, the report, follow-on, etc) and then allow folks to talk about concerns they have. Hopefully both Linda and I will be there for your talk. I understand that we will need to keep the discussion unclassified. When Morgan is there, we can have a discussion of any issues that fall in the classified realm.

I know you also wanted to discuss what issues the commentary of the PENS report should address - Bruce Crow, our consultant to the Surgeon General, would like to meet with you, and Linda and I. We will have to meet with Morgan another time to discuss; he said he was quite willing to meet with you in DC to do that.

OK all of that being said, here are some options and some questions:
1. Is 3 hours about the right amount of time?
2. How about Tuesday morning? Then we could have a dinner meeting to discuss commentary either Monday or Tuesday over dinner.
3. Tuesday afternoon 18th? Same deal about dinner meeting.
4. Wednesday morning 19th? Dinner could be Tuesday or Wednesday.
5. I'd say Wed afternoon, but then you'd be on a red-eye for your Thursday morning meeting.

Let me know if you prefer any of these. If not, we can find some other options. We are so pleased that you are able to do this!

Warm regards,
Debra

-----Original Message-----
From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Tuesday, March 21, 2006 9:15 PM
To: Dunivin, Debra L LTC WRAMC-Wash DC
Cc: banksl@soc.mil
Subject: RE: Assist with Training - PENS

Either plan sounds very good to me, Debra--just let me know what works best for you all.

Steve

-----Original Message-----

From: Dunivin, Debra L LTC WRAMC-Wash DC
[mailto:Debra.Dunivin@NA.AMEDD.ARMY.MIL]
Sent: Tuesday, March 21, 2006 6:59 PM
To: Behnke, Stephen
Cc: banksl@soc.mil
Subject: RE: Assist with Training - PENS

Steve:
How about if we have you and Morgan present on the 18th? I'm thinking about 3 hours, either morning or afternoon, looking like morning would work better right now. (I'm trying to work out scheduling for Islamic expert and may need to use afternoon of 18th for him to accommodate his schedule...)
We could meet for dinner the 17th to talk about commentary for PENS Report, if that works for you. If we move your talk to afternoon of 18th, we could plan the dinner meeting for that day. Bruce Crow is planning to be in for those early days of course and I thought it might be good to include him in the conversation.

Morgan:
Your thoughts?
Debra

-----Original Message-----
From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Monday, March 20, 2006 12:56 PM
To: Dunivin, Debra L LTC WRAMC-Wash DC
Cc: banksl@soc.mil
Subject: RE: Assist with Training - PENS

Hi Debra,

All is indeed well. Thank you for the feedback about last Thursday.

I'd be extremely pleased to come out and work with you and Morgan, and if the meeting/discussion also held an opportunity to get feedback from your perspectives about what issues the commentary on the PENS report should address, that would be ideal from my perspective. The 18th and 19th look good to schedule a time, so just tell me which will work best for you (I need to be back in DC on Thursday am).

I look forward to hearing from you,

Steve

-----Original Message-----
From: Dunivin, Debra L LTC WRAMC-Wash DC
[mailto:Debra.Dunivin@NA.AMEDD.ARMY.MIL]
Sent: Monday, March 20, 2006 12:27 PM
To: Behnke, Stephen
Cc: banksl@soc.mil
Subject: RE: Assist with Training - PENS

Hi, Steve! Hope all is well.

Heard that you did a great job last week (Thursday?) talking with some of our colleagues.

I'm writing to see about scheduling you for the April training at Ft Huachuca. Is there a time that you could be there - ideally for several hours sometime 17, 18, 19, 20 April? Morgan would be present for the

seminar and we thought that the two of you could present it together. If these dates won't work, I promised to work around you schedule and we will!

Let me know. Thanks.
Debra

-----Original Message-----
From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Thursday, February 09, 2006 5:31 PM
To: Dunivin, Debra L LTC WRAMC-Wash DC
Cc: banksl@soc.mil
Subject: RE: Assist with Training - PENS

Debra, if I'm available I'll be there.

I'm in Salt Lake City at the moment--are you around next week to touch base?

Steve

_____

From: Dunivin, Debra L LTC WRAMC-Wash DC
[mailto:Debra.Dunivin@NA.AMEDD.ARMY.MIL]
Sent: Thu 2/9/2006 12:21 PM
To: Behnke, Stephen
Cc: banksl@soc.mil
Subject: RE: Assist with Training - PENS

Hi, Steve. Hope all is well.
I wanted to let you know about a change in plans for dates and location of training. We now anticipate that there would be a two week course that would occur on/ about 17-28 April at Ft Huachuca, AZ (about 90 minutes from Tucson).
I don't know if you've heard back from Mike about this, but hoped you still be available in April. Again, we would work around your schedule.
Thanks,
Debra

_____

From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Friday, January 13, 2006 5:37 PM
To: Dunivin, Debra L LTC WRAMC-Wash DC
Cc: banksl@soc.mil
Subject: RE: Assist with Training - PENS

Debra, I would be delighted to participate in any manner that you would find helpful. I will ask Mike Honaker to review your request, and let you know as soon as I hear from him.

Also, please confirm that you receive the materials we discussed on Wednesday.

Steve

-----Original Message-----

From: Dunivin, Debra L LTC WRAMC-Wash DC [mailto:Debra.Dunivin@NA.AMEDD.ARMY.MIL]
Sent: Friday, January 13, 2006 4:15 PM
To: Behnke, Stephen
Cc: banksl@soc.mil
Subject: Assist with Training - PENS

Steve:

Thank you for offering to send me some materials related to the areas we discussed on Wednesday; your wisdom and careful consideration of these issues is quite apparent. We are most fortunate to have you as our Ethics Director.

I would like to formally request your participation in a training program we are developing for military psychologists who will be serving as behavioral science consultants to information-educing and detention operations. Specifically, we would like for you to talk on the ethical issues and resources for resolution of ethical dilemmas that might arise for psychologists working in these settings.

The training will be conducted the week of March 6th at Ft Bragg, Fayetteville, NC. We will work around your schedule and availability. Thank you for considering this request and thank you for your work on behalf of psychology.

Very respectfully,
Debra

DEBRA DUNIVIN
LTC, MS
Deputy Chief, Dept of Psychology
Walter Reed Army Medical Center
202-782-5917 DSN 662-5917

Sender: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent: Thursday, March 16, 2006 2:57:41 PM
Recipient: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject: RE: PHR Comments

At your pleasure.

Morgan

COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Thursday, March 16, 2006 2:56 PM
To: Banks, Louie M. COL
Subject: RE: PHR Comments

Morgan, thanks. I assume as much, but want to speak with you about specific points they make—I'll be in touch early next week, if you'll be around.

Steve

From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Thursday, March 16, 2006 2:55 PM
To: Behnke, Stephen
Subject: RE: PHR Comments

Steve,

I gave it a "once through." It is thoughtful. Unfortunately, the writers have little to no actual data or experience to go by, only published reports. Should anything like this be accepted by APA, there would be significant issues that would develop. My guess is that police psychologists would also have trouble with it.

COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Thursday, March 16, 2006 9:26 AM
To: Banks, Louie M. COL
Subject: FW: PHR Comments

Morgan, these are the comments on the PENS report from Physicians for Human Rights. I'm in an Ethics Committee meeting this weekend, but will be very interested to discuss with you after you've had a chance to give a careful read.

Steve

From: Anne Cooper PRIVACY REDACTION
Sent: Wednesday, March 15, 2006 6:51 PM
To: Behnke, Stephen
Cc: Leonard Rubenstein
Subject: PHR Comments

Hello Steve,

PHR's commentary on the Task Force report is attached. Thanks again for the chance to contribute to the discussion.

Best regards,
Anne

Anne Cooper
Assistant to the Director
Physicians for Human Rights
1156 15th Street NW, Suite 1001
Washington, DC 20005
Phone: (202) 728-5335 PRIVACY R
Fax: (202) 728-3053
Email: PRIVACY REDACTION
www.phrusa.org

Sender:	Judith Van Hoorn [redacted]
Sent:	Sunday, March 19, 2006 3:21:09 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Cc:	Linda Woolf, Ph.D. [redacted]; Corann Okorodudu [redacted] O'Brien, Maureen </O=APA/OU=DC/CN=RECIPIENTS/CN=MAO> Olivia Moorehead-Slaughter [redacted] Laumeier, Emily </O=APA/OU=DC/CN=RECIPIENTS/CN=ELL>; Doug Haldeman [redacted]
Subject:	Re: New Business Item from Div 48

Dear Stephen Behnke,

Thank you for your communication on behalf of the Ethics Committee regarding the New Business Item from Division 48. We are pleased that the Committee was able to consider the preliminary materials that we submitted.

I spoke with Dr. Okorodudu this morning. We are looking forward to working with Dr. Moorehead-Slaughter and yourself to find language supported by both the Committee and the Division. We are particularly optimistic that, working together, we will arrive at mutually agreed upon language, given that this is not a resolution on a new topic, but one that affirms, clarifies, and updates a previous resolution.

Is it possible to have a four-way conference call with Dr. Moorehead-Slaughter, Dr. Okorodudu, you, and myself early this week? We are hopeful that we could make considerable progress in an initial discussion and then plan for any necessary subsequent meetings or conversations.

We were told that we should submit our final version of the accompanying materials later this week. It would be extremely helpful if we knew more about changes in the languages that we should address. We would also appreciate feedback as to additional information sought by Committee members.

Dr. Okorodudu and I checked our schedules for early this week. We are both available for a conference call:

Monday 5 pm EST
Tuesday 9:30 EST
Tuesday 12:30 EST

We hope that one of these times will work for both of you. If not, please propose other times for later this week. (Note that Dr. Okorodudu's spends Thursdays at the UN and is not available that day.)

Thank you both for all your work on this and your collaborative spirits.

Judy Van Hoorn

Quoting "Behnke, Stephen" <sbehnke@apa.org>:

> Dear Drs. Woolf, Van Hoorn, and Okorodudu,
>

>
>
> I am writing on behalf of the Ethics Committee (The Committee chair,
> Dr.
> Olivia Moorehead-Slaughter, tried to reach Dr. Okorodudu by phone
> Sunday
> morning, before the Committee completed its work and left APA, but
> was
> not successful). The Ethics Committee recognizes and deeply
> appreciates
> the work that went into the resolution and the accompanying
> materials,
> and with your permission will include the resolution and materials as
> a
> comment on the PENS report. The Committee feels strongly that it
> wants
> the continued benefit of your thinking on these issues as it moves
> forward in writing the casebook/commentary on the PENS report.
>
>
>
> The Committee was in complete agreement and full support of the first
> resolve in your resolution, but had concerns about specific language
> in
> the second and third resolves. The purpose of Dr.
> Moorehead-Slaughter's
> call was to ask about the possibility of the division and the Ethics
> Committee working together to find language that everyone could fully
> support in this important resolution.
>
>
>
> Dr. Moorhead-Slaughter requested that I ask whether the Consolidated
> meetings would offer an opportunity to share the Committee's concerns
> with you in person. In the alternative, I will be in the San
> Francisco
> area this weekend for the California Psychological Association
> Convention and could meet with Dr. Van Hoorn there, if that would be
> convenient for Dr. Van Hoorn. Dr. Moorehead-Slaughter would like to
> have an in-person meeting at your earliest convenience.
>
>
>
> Thank you very much,
>
>
>
> Stephen Behnke
>
>

Sender: Linda Woolf, Ph.D. PRIVACY REDACTION
Sent: Saturday, March 18, 2006 1:11:27 AM
Recipient: Judith Van Hoorn PRIVACY REDACTION
Cc: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>;O'Brien, Maureen </O=APA/OU=DC/CN=RECIPIENTS/CN=MAO>;Corann Okorodudu;Olivia Moorehead-Slaughter Emily </O=APA/OU=DC/CN=RECIPIENTS/CN=ELL>
Subject: Re: New Business Item from Div 48
Attachments: TortureResolutionMar06.pdf

Dear Steve,

I've attached the documents as described below in a single PDF document. Let me know if you need any of these sent separately in Word format. I would be happy to forward them to you.

Also, page three mentions signatures from other supporters of the resolution. I am assuming that you have a copy of these and can attach them to the end of the document.

Best wishes and Thanks,

Linda

Judith Van Hoorn wrote:

> Dear Steve,
>
> Later this evening Linda Woolf will be sending you an e-mail with the preliminary materials for the New Business Item re. the Resolution Against Torture. The email has the following materials:
>
> 1. Copy that shows changes (additions to the 1986 Resolution)
>
> 2. Justification statement (four sections with references and additional selected bibliography)
>
> 3. The four UN Documents referenced in the Resolution and needed for a review of the Resolution.
>
> We would appreciate an email to let us know that the materials arrived.
>
> Thank you and best wishes,
>
> Judy, Corann, and Linda Woolf (President of Division 48)

--
Linda M. Woolf, Ph.D.
President, Society for the Study of Peace, Conflict, & Violence (Div. 48, APA)
Professor of Psychology
Coordinator - Holocaust & Genocide Studies,
Center for the Study of the Holocaust, Genocide, and Human Rights
Webster University
470 East Lockwood
St. Louis, MO 63119

Main Webpage: http://www.webster.edu/~woolflm/
woolflm@webster.edu

"Outside of a dog, a book is a man's (and woman's) best friend. . . .
Inside a dog, it's too dark to read."
- Groucho Marx

FEBRUARY 2006 LEGISLATIVE COUNCIL NEW BUSINESS FORM

Date Submitted: February 18, 2006 Agenda Item # _____

SUBJECT: Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

MOVER:
Judith Van Hoorn
Corann Okorodudu

REPRESENTING
Society for the Study of Peace, Conflict & Violence: Division of Peace Psychology, APA

ISSUE:
Update of the APA 1986 Resolution on Torture
Implementation of APA Council's Actions regarding the Task Force on Psychological Ethics and National Security (PENS)

RELATION TO APA PRIORITIES: Priority 6 and 10 in support of Social Justice and the Public Interest; APA's role in addressing social problems, violence, etc.

ESTIMATED COSTS/STAFF RESOURCES:
None

MAIN MOTION:

That Council accept the 2006 Resolution Against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment to replace its 1986 Human Rights Resolution relating to torture as policy of the American Psychological Association.

WHEREAS, the American psychologists are bound by the Ethical Principles to respect the inherent[a] dignity and worth of the individual and strive for the preservation and protection of fundamental human rights recognizing the equal and inalienable rights of all members of the human family[b] and;

WHEREAS, the existence of state-sponsored torture and other cruel, inhuman, or degrading treatment or punishment[c] has been documented in many nations around the world and;

WHEREAS, no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political in stability or any other public emergency, serve as a justification of torture and other cruel, inhuman, or degrading treatment or punishment and;[d]

WHEREAS, psychological knowledge and techniques may be used to design and carry out torture and other cruel, inhuman, or degrading treatment or punishment[e] and;

WHEREAS, torture victims and victims of cruel, inhuman, or degrading treatment or punishment[f] may suffer from long-term, multiple psychological and physical problems:

BE IT RESOLVED, that the American Psychological Association condemns torture and cruel, inhuman, or degrading treatment or punishment wherever it occurs, and

BE IT FURTHER RESOLVED, that the American Psychological Association considers it is a contravention of professional ethics for psychologists to be involved in any professional relationship with prisoners or detainees the purpose of which is not solely to evaluate, protect or improve their physical and mental health, and;[g]

BE IT FURTHER RESOLVED, that the American Psychological Association considers it is a contravention of professional ethics for psychologists to apply their knowledge and skills in order to assist in the interrogation of prisoners and detainees in a manner that may adversely affect the physical or mental health or condition of such prisoners or detainees and which is not in accordance with the relevant international instruments, and;[h]

BE IT RESOLVED, that the American Psychological Association supports the United Nations (*UN) Declaration and Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment*[1], *Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* [2], *Basic Principles for the Treatment of Prisoners*[3], and *Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*[4] as well as the joint congressional Resolution opposing torture that was signed into law by President Reagan on October 4, 1984.

BE IT FURTHER RESOLVED, that, consistent with the August 2005 action of Council, the American Psychological Association will continually disseminate and publicize this 2006 Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, both within the Association and to the wider public.

EXPECTED OUTCOMES/PRODUCTS:

An updated Resolution on the use of Torture, Cruel, Inhuman, and Degrading Treatment

CO-SPONSOR(S):

Divisions for Social Justice and members of COR: Neil Altman, Jean Lau Chin, Martha Banks, Rosie Bingham, Laurie Wagner, Neil Massoth, Janet Swim, Bernice Lott, Jacqueline White and approximately 50 others, see attached.

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[1] The UN *Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment* (http://www.unhchr.ch/html/menu3/b/h_cat39.htm) is an international human rights instrument intended to prevent torture and other similar activities. According to the *Convention*, torture is defined as, "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions." The *Convention* also created the UN Committee Against Torture, which focuses on the duties of national leaders to serve in a preventive role concerning the use of torture and other cruel, inhuman, or degrading treatment.

[2] *The Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (http://www.unhchr.ch/html/menu3/b/h_comp40.htm) is a UN Human Rights Instrument adopted by the General Assembly resolution 37/194of 18 December 1982. It contains a code of health personnel ethics relevant to the protection of persons subjected to any form of detention or imprisonment against torture and other cruel, inhuman or degrading treatment or punishment.

[3] *Basic Principles for the Treatment of Prisoners* (http://www.ohchr.org/english/law/basicprinciples.htm) is a UN Human Rights Instrument adopted and proclaimed by General Assembly resolution 45/111 of 14 December 1990. It contains the minimum standards for treatment of prisoners as human beings as set forth in the *Universal Declaration of Human Rights*, the *International Covenant on Economic, Social and Cultural Rights*, and the *International Covenant on Civil and Political Rights and the Optional Protocol*.

[4] The *Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (http://www.ohchr.org/english/law/investigation.htm) is a UN Human Rights Instrument recommended by General Assembly resolution 55/89 of 4 December 2000. The *Principles* outline recommended procedures related to the documentation of torture and other cruel, inhuman, or degrading treatment or punishment particularly by health care professionals.

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[a] Added to match wording (para. 2) of the UN *Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*

[b] Adapted to match wording (para. 1) of the UN *Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*

[c] Added to match title of the UN *Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*

[d] Adapted from Part 1, Article 2 of the UN *Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*

[e] Added to match title of the UN *Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*

[f] Added to match title of the UN *Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*

[g] Adapted from Principle 3 of the *Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*

[h] Adapted from Principle 4 of the *Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*

2006 APA Resolution

Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Preliminary Justification Statement

1. Purpose and Rationale

The purpose of this resolution is to clarify and update APA's 1986 resolution on torture and cruel, inhuman, or degrading treatment or punishment that was affirmed by the Council of Representatives in August 2005. The APA's 1986 Human Rights Resolution is not identified by name as a resolution against torture, though torture is that resolution's sole focus. (See Council Policy Manual: P International Affairs, III. Human Rights.) This proposed resolution is clearly names torture as its main foccus and incorporates specific language from the international standards referenced, including two recent United Nations (UN) documents. The resolution together with this justification statement, including a summary of recent scientific literature, provides psychologists and the public with a current, relevant policy statement on torture.

The APA's 1986 resolution on torture and cruel, inhuman, or degrading treatment or punishment is integral to the broad framework of APA's resolutions and actions that affirm human rights. The most general of these resolutions is the 1987 Human Rights Resolution which states,

> [T]hat the discipline of psychology, and the academic and professional activities as psychologists, are relevant for securing and maintaining human rights. That it therefore be resolved that APA applauds the ongoing efforts of the United Nations to defend and promote human rights and undertakes to commend the main UN human rights instruments and documents to the attention of its boards, committees, and membership at large.

More specific resolutions include the resolution to endorse the UN Convention on the Rights of the Child (1989); the Seville Statement on Violence (1987); Racism and Racial Discrimination (2001); and the Resolutions on Sexual Orientation (e.g. 1997, 1998, and 2000). From an historical perspective, the 1986 Human Rights Resolution against torture and cruel, inhuman, or degrading treatment or punishment informs and strengthens these other resolutions which document and address the vulnerability of those who are denied fundamental rights.

Although it has been available for 20 years, until very recently the 1986 Human Rights Resolution has not had a major policy impact because there was no knowledge of its existence. At the time when the photos and other evidence of torture from Abu Ghraib came to light, we had no idea that APA had already taken a stand that could have been widely publicized: "that the American Psychological Association condemns torture wherever it occurs…" Also, at the time when allegations first arose that psychologists were involved (indirectly or directly) in torture at Guantanamo Bay, APA did not publicize that it had a resolution of long standing that not only condemned torture, but supported the UN Declaration and Convention Against Torture, the UN Principles of Medical Ethics, and the U.S. Congressional Resolution opposing torture which President Reagan signed on October 4, 1984.

APA_0082706

This 2006 Resolution Against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment is clearly named so that it can be easily identified and widely publicized. The 1986 resolution stated clear support for the UN Declaration and Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment as well as the UN Principles of Medical Ethics; however, the resolution did not incorporate language from these international human rights standards. In order to further clarify the meaning of the resolution to both psychologists and the public, this 2006 Resolution incorporates specific language regarding key aspects of the international standards referenced.

In addition, the 2006 Resolution updates the resolution from two decades ago by the inclusion of two recent UN documents related to torture: (1) Basic Principles for the Treatment of Prisoners (1990); and (2) Principles on the Effective Investigation and Documentation of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (2000). Also, the final version of the resolution will reflect empirical literature regarding the occurrence of torture, the ways in which psychological knowledge has been used to design and carry out torture, the psychological effects of torture, as well as psychologists contributions to finding effective treatments for victims of torture, cruel, inhuman and degrading treatment or punishment.

2. Importance to Psychology and to Society as a Whole

As clearly indicated in the 1987 APA Council Resolution cited above, the promotion of human rights is consonant with the aims and practices of the discipline of psychology.
The APA "Ethical Principles of Psychologists and Code of Conduct" (adopted August 21, 2002, effective June 1, 2003) commits American Psychologists to "respect and protect civil and human rights" (and) "the dignity and worth of all people." In fact, APA has a strong legacy of resolutions and actions on specific issues in compliance with United Nations declarations, conventions and other instruments on human rights (Rosenzweig, 1988).

Furthermore, since 2000, APA has been accredited as a non-governmental organization (NGO) at the United Nations. Under the guidelines for NGO participation, APA shares with other accredited NGOs the commitment to the Charter of the UN, to the Universal Declaration of Human Rights, and to contribute its expertise and resources to the implementation of the various human rights declarations, conventions, and other standards of the UN.

The proposed resolution is linked to two of APA's priorities as identified by the Council of Representatives in August 2005: According to Priority 6, APA seeks to promote the discipline's capacity to address societal behavioral problems. The proposed resolution to update the APA Resolution on Torture and Cruel, Inhuman, or Degrading Treatment or Punishment will reinforce APA's commitment to the relevant human rights principles of the UN on torture and provide standards for psychological practice. Also according to Priority 10, APA promotes human welfare through social justice research, practice, policy, and/or education. The proposed resolution connects practitioners work with victims of torture to discipline-based and UN standards. It will also serve as the basis for APA public policy statements and actions on societal issues related to torture.

By integrating the proposed resolution along with other APA human rights resolutions into psychological education at all levels, the education of current and future psychologists can be influenced toward greater awareness and application of human rights standards in their role as psychologists.

3. Representative Scientific or Empirical Findings Related to the Resolution

Introduction

In 1948, the United Nations General Assembly adopted the *Universal Declaration of Human Rights*. Article V of the Declaration states, " No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." This international condemnation of torture and other forms of gross maltreatment was further supported, expanded, and clarified by the adoption of the *Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment* by the General Assembly in 1984. Unfortunately, despite such international efforts, torture remains a significant problem within the global human rights arena.

In terms of scope, between 1997 and 2000, Amnesty International recorded complaints, of torture and other cruel, inhuman, or degrading treatment or punishment by agents of the state, from over 140 countries (Amnesty International, 2000). More conservative estimates implicate over 100 countries in the systematic practice of torture and other forms of gross maltreatment (Genefke, 2004). Human Rights Watch (2006) further reports the increase in the use of torture within many countries such as China, Myanmar, Morocco, Nepal, Uganda, and Uzbekistan.

The Center for Victims of Torture (2001) estimates that at minimum a half million survivors of torture are living in the United States with between 5 percent and 35 percent of refugees being either primary or secondary survivors of torture. A survey of centers meeting the needs of the refugees and torture survivors suggests that the numbers of refugee torture survivors may indeed be even higher. Chester (1990) found that approximately, 35% to 50% of all refugees were survivors of torture. Moreover, Shelton (1998) estimates that there are at least 400,000 survivors of torture living in the United States today. Thus, the problem of torture is not just a concern internationally but reflects a domestic concern for American psychologists and other professionals.

While the issue of torture, and cruel, inhuman, or degrading treatment or punishment remains a global concern, both international organizations and NGOs have not remained silent. Rather work to combat torture continues and includes the adoption of additional international conventions, statutes, and the creation of support structures for victims such as:

- *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment* (Adopted by the U.N. General Assembly in 1988)

- *Basic Principles for the Treatment of Prisoners* (Adopted by the U.N. General Assembly in 1990)

- *Rome Statute of the International Criminal Court* (Adopted by a United Nations Diplomatic Conference of Plenipotentiaries in 1998).

    - Article 7, states that the systematic or widespread practice of torture and "other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health" constitute crimes against humanity."

- *Torture Victims Relief Act of 1998*

- *Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (Istanbul Protocol) (Developed by 40 cooperating agencies and supported by the U.N. in 1999)

- *United Nations Human Rights Council* (Established March 2006)

Definitions

Torture is defined in the *United Nations Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment* as:

> "... any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions." (1984, art. 1, para.1)

Torture, as noted above can be physical and/or psychological. The International Rehabilitation Council for Torture Victims (IRCT) provides examples of physical torture such as, "beating, electric shocks, stretching, submersion, suffocation, burns, rape and sexual assault" (IRCT, 2006, para. 5). However, the IRCT further notes, "It is important not to forget about psychological forms of ill-treatment which very often have the most long-lasting consequences for victims. Common methods of psychological torture include: isolation, threats, humiliation, mock executions, mock amputations, and witnessing the torture of others" (para. 6).

A full discussion of the issues associated with the definitions of torture and other cruel, inhuman, or degrading treatment or punishment is beyond the scope of this introduction. For a good explication of the issues and proposed solutions related to definitions, see Hovens and Drozdek (2002).

Psychological forms of torture

Hovens and Drozdek (2002) discuss research conducted by Vesti, Somnier, and Kastrup delineating five categories of psychological torture techniques that may or may not include a physical component:

- Deprivation techniques, such as mental deprivation-including social, sensory, and perceptual deprivation-and deprivation of fundamental bodily needs, as for sleep, food, hygiene, or health services.

- Coercion techniques, such as impossible choices and incongruent actions, humiliations, threats, and blind obedience to rules, using force to experiment with stimuli and situations that are uncommon and may be harmful to the victim's personality, such as eating feces, urinating upon others, or glorifying the authorities.

- Communication techniques, such as counter-effect and double-binding techniques; use of disinformation; distortion of perception; and conditioning of new reflexes.

- Techniques that abuse pharmacology and psychiatric institutions; victims are defined as 'mentally ill' and submitted to psychiatric treatment in a hospital. Hallucinogenic or drugs with pain-inducing compounds are used.

- Sexual torture techniques, such as direct instrumental violence to the sexual organs, sexual violence using animals, or sexual acts performed by other human beings. (Hovens & Drozdek, 2002, p. 86).

Vesti, Somnier, and Kastrup (as cited in Hovens & Drozdek, 2002) further differentiate between forms of torture designed to weaken the victim (e.g., through the use of intense fear, helplessness, or exhaustion) and torture designed to destroy the personality of the victim (e.g., through extreme anxiety, shame, or threats to self-esteem). The later is of particular importance as many researchers have argued that the goal of torture is not the extrication of needed information but rather is a political technique aimed at the consolidation of power. As stated by Bustos (1990, p. 333), "The goal is to destroy the individual's personality. Ultimately, it serves to terrorize the entire population and end any resistance to the regime" (p. 333).

Clearly, knowledge grounded in psychological science can be misused to further the processes and goals of psychological torture as outlined above.

Psychological effects of torture and other cruel, inhuman, or degrading treatment or punishment

There is an extensive literature outlining the effects of torture on individuals both psychologically and physically. Numerous studies (e.g., Carlsson, J. M., Mortensen, E. L., Kastrup, M., 2005; Hermansson, A., Timpka, T., Thyber, M., 2003; Kanninen, K., Punamaki, R., & Qouta, S., 2003; Somnier, Vesti, Kastrup, & Genefke, 1992) and scholars (e.g., Allodi, 1991;

Gorman, 2001; Hanscom, 2001) have examined the relationship between torture and the development of post-traumatic stress disorder (PTSD). Diagnostic criteria associated with PTSD include: re-experiencing symptoms (e.g., flashbacks, nightmares), numbing of general responsiveness, avoidance of stimuli associated with the trauma, and symptoms of increased arousal (e.g., hypervigilance, exaggerated startle response) (American Psychiatric Association, 1994). These symptoms are commonly found in survivors of torture. Indeed, Garcia-Peltoniemi and Jaranson (1989) estimate that 70% of torture victims are afflicted with PTSD.

McIvor and Turner (1995) and Herman (1992) further argue that individuals who experience torture or prolonged, systematic trauma are more likely to develop a complex form of PTSD that is resistant to treatment. Carlsson, J. M., Mortensen, E. L., Kastrup, M. (2005) in a longitudinal study of patients admitted to the Rehabilitation and Research Centre for Torture Victims in 2001 and 2002 found no change in mental symptoms or health related quality of life upon follow-up assessments. Additionally, Weisaeth (1989) found that torture victims exhibited continued PTSD symptomatology with extended emotional distress despite treatment. This highlights the need for further research concerning PTSD in torture survivors, multicultural implications related to the treatment of torture survivors, and torture specific treatment approaches.

Torture victims are also likely to be diagnosed with comorbid clinical syndromes particularly affective disorders (Franciskovic, T., Moro, L., & Kastelan, A., 2001; Garcia-Peltoniemi & Jaranson, 1989; Kinzie, Fredrickson, & Ben, 1984). Somnier, Vesti, Kastrup, and Genefke (cited in Gorman, 2001) "reported large-scale studies of torture survivors showing pronounced and homogeneous patterns of extreme anxiety, impaired memory, intrusive thoughts and impaired concentration, insomnia and nightmares, emotional disturbances, sexual dysfunction, occupational and social impairment, somatic symptoms, substance abuse, learned helplessness, depersonalization and dissociation, fear of intimacy, and changes in identity" (p. 444). Moreover, torture survivors may also need assistance with a broad range of medical and dental needs, developmental needs, and needs related to daily living (e.g., housing, employment) (Pope & Garcia-Peltoniemi, 1991).

The intergenerational impact of torture is another area of concern to psychologists. In a quasi-experimental study, Daud, Skoglund, and Rydelius (2005) compared the children of torture survivors with the children of families of similar ethnic and cultural backgrounds who may have experienced violence but not torture. The authors report that "the comparison between the children in the traumatized parent group and those in the comparison group showed statistically significant differences at the $p < 0.001$ level with respect to the following key diagnoses: behavioural disturbances, adjustment problems with signs of depression, post-traumatic stress disorder (PTSD), anxiety, somatisation and psychosocial stress factors" (p. 31). Such intergenerational transmission of trauma has also been studied in concentration camp survivors and combat survivors (e.g., Rakoff, Sigal, & Espstein, 1966; Rosenheck, & Nathan, 1985).

It is important to bear in mind that torture also has an impact on both the perpetrators and the community. MacNair (2002) describes "perpetrator-induced traumatic stress", a syndrome similar to PTSD. This syndrome is described and based on studies of combat veterans. According to MacNair (2006), there is "evidence that PTSD symptoms can not only result from acts of killing but may be more severe under that circumstance" (p. 192). Additional research by

Wantchekon and Healy (1999) and Haritos-Fatouros (1988) highlight the social psychological factors involved in the creation of torturers and the impact that such role assumption has on the perpetrator.

On a community level, torture is facilitated by the stigmatization and dehumanization of the "other" or outgroup. Dehumanization is often a necessary tool to reduce the cognitive dissonance that may occur when individuals behave negatively toward other human beings (Berscheid, Boye, & Walster, 1968)**.** As the outgroup is perceived as increasingly different or sub-human through the process of dehumanization, there is a concomitant willingness among the populace to disengage morally (Bandura, 1998). Euphemistic language and palliative comparisons can reduce the seeming severity of committed destructive actions. In addition, the process of moral disengagement is facilitated by the natural tendency for individuals to blame the victim via a belief in a just world (Correia, Vala, & Aguiar, 2001). The process of moral disengagement becomes complete as the victim becomes excluded entirely from the normal moral realm (Opotow, 1990). Unfortunately, this process can foster an atmosphere of impunity, which increases the probability of future violence (Roth, Bolton, Slaughter, & Wedgwood, 1999).

Treatment

Much has been written about the treatment of survivors of torture and cruel, inhuman, or degrading treatment or punishment. General overviews include Allodi (1991), Basoglu (1992), Gerrity, Keane, and Tuma (2001), Hanscom (2001), Jaranson and Popkin (1998), Pope and Garcia-Peltoniemi (1991), and Spiric and Knezevic (2004).

It should also be noted that the *Istanbul Protocol: International Guidelines for the Investigation and Documentation of Torture: Psychological Evidence of Torture: A Practical Guide to the Istanbul Protocol for Psychologists* was published in 2004 and provides concrete information for psychologists concerning the investigation and evaluation of allegations of torture.

4. Likelihood of the Resolution having a Constructive Impact on Public Opinion or Policy

As a scientific and professional organization, APA public policy stances have both national and international significance. By publicizing the proposed resolution and using it to take public and unequivocal positions against torture without exceptions, APA can communicate to the public clear messages about the fundamental human values on which American psychological research and practice are based and evaluated. APA also can play a very constructive role in educating the public on psychological research regarding the long-term, multiple psychological and physical effects of torture on individuals and the difficult challenges involved in the restoration of societies after violent atrocities.

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APA_0082706



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984 entry into force 26 June 1987, in accordance with article 27 (1)

The States Parties to this Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that those rights derive from the inherent dignity of the human person,

Considering the obligation of States under the Charter, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms,

Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Having regard also to the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly on 9 December 1975,

Desiring to make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world,

Have agreed as follows:

PART I

Article 1

1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

Article 2

1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political in stability or any other public emergency, may be invoked as a justification of torture.

3. An order from a superior officer or a public authority may not be invoked as a justification of torture.

Article 3 General comment on its implementation

1. No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

Article 4

1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.

2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

Article 5

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 4 in the following cases:

(a) When the offences are committed in any territory under its jurisdiction or on board a ship or aircraft registered in that State;

(b) When the alleged offender is a national of that State;

(c) When the victim is a national of that State if that State considers it appropriate.

2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over such offences in cases where the alleged offender is present in any territory under its jurisdiction and it does not extradite him pursuant to article 8 to any of the States mentioned in paragraph I of this article.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with internal law.

Article 6

1. Upon being satisfied, after an examination of information available to it, that the circumstances so warrant, any State Party in whose territory a person alleged to have committed any offence referred to in article 4 is present shall take him into custody or take other legal measures to ensure his presence. The custody and other legal measures shall be as provided in the law of that State but may be continued only for such time as is necessary to enable any criminal or extradition proceedings to be instituted.

2. Such State shall immediately make a preliminary inquiry into the facts.

3. Any person in custody pursuant to paragraph I of this article shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national, or, if he is a stateless person, with the representative of the State where he usually resides.

4. When a State, pursuant to this article, has taken a person into custody, it shall immediately notify the States referred to in article 5, paragraph 1, of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary inquiry contemplated in paragraph 2 of this article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

Article 7

1. The State Party in the territory under whose jurisdiction a person alleged to have committed any offence referred to in article 4 is found shall in the cases contemplated in article 5, if it does not extradite him, submit the case to its competent authorities for the purpose of prosecution.

2. These authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State. In the cases referred to in article 5, paragraph 2, the standards of evidence required for prosecution and conviction shall in no way be less stringent than those which apply in the cases referred to in article 5, paragraph 1.

3. Any person regarding whom proceedings are brought in connection with any of the offences referred to in article 4 shall be guaranteed fair treatment at all stages of the proceedings.

Article 8

1. The offences referred to in article 4 shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Convention as the legal basis for extradition in respect of such offences. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize such offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.

4. Such offences shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 5, paragraph 1.

Article 9

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of any of the offences referred to in article 4, including the supply of all evidence at their disposal necessary for the proceedings.

2. States Parties shall carry out their obligations under paragraph I of this article in conformity with any treaties on mutual judicial assistance that may exist between them.

Article 10

1. Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public

officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.

2. Each State Party shall include this prohibition in the rules or instructions issued in regard to the duties and functions of any such person.

Article 11

Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture.

Article 12

Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

Article 13

Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

Article 14

1. Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation.

2. Nothing in this article shall affect any right of the victim or other persons to compensation which may exist under national law.

Article 15

Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.

Article 16

1. Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article I, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment.

2. The provisions of this Convention are without prejudice to the provisions of any other international instrument or national law which prohibits cruel, inhuman or degrading treatment or punishment or which relates to extradition or expulsion.

PART II

Article 17

1. There shall be established a Committee against Torture (hereinafter referred to as the Committee) which shall carry out the functions hereinafter provided. The Committee shall consist of ten experts of high moral standing and recognized competence in the field of human rights, who shall serve in their personal capacity. The experts shall be elected by the States Parties, consideration being given to equitable geographical distribution and to the usefulness of the participation of some persons having legal experience.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals. States Parties shall bear in mind the usefulness of nominating persons who are also members of the Human Rights Committee established under the International Covenant on Civil and Political Rights and who are willing to serve on the Committee against Torture.

3. Elections of the members of the Committee shall be held at biennial meetings of States Parties convened by the Secretary-General of the United Nations. At those meetings, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

4. The initial election shall be held no later than six months after the date of the entry into force of this Convention. At. least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within three months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

5. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these five members shall be chosen by lot by the chairman of the meeting referred to in paragraph 3 of this article.

6. If a member of the Committee dies or resigns or for any other cause can no longer perform his Committee duties, the State Party which nominated him shall appoint another expert from among its nationals to serve for the remainder of his term, subject to the approval of the majority of the States Parties. The approval shall be considered given unless half or more of the States Parties respond negatively within six weeks after having been informed by the Secretary-General of the United Nations of the proposed appointment.

7. States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties. (amendment (see General Assembly resolution 47/111 of 16 December 1992); status of ratification)

Article 18

1. The Committee shall elect its officers for a term of two years. They may be re-elected.

2. The Committee shall establish its own rules of procedure, but these rules shall provide, inter alia, that:

(a) Six members shall constitute a quorum;

(b) Decisions of the Committee shall be made by a majority vote of the members present.

3. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under this Convention.

4. The Secretary-General of the United Nations shall convene the initial meeting of the Committee. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.

5. The States Parties shall be responsible for expenses incurred in connection with the holding of meetings of the States Parties and of the Committee, including reimbursement to the United Nations for any expenses, such as the cost of staff and facilities, incurred by the United Nations pursuant to paragraph 3 of this article. (amendment (see General Assembly resolution 47/111 of 16 December 1992); status of ratification)

Article 19

1. The States Parties shall submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have taken to give effect to their undertakings under this Convention, within one year after the entry into force of the Convention for the State Party concerned. Thereafter the States Parties shall submit supplementary reports every four years on any new measures taken and such other reports as the Committee may request.

2. The Secretary-General of the United Nations shall transmit the reports to all States Parties.

3. Each report shall be considered by the Committee which may make such general comments on the report as it may consider appropriate and shall forward these to the State Party concerned. That State Party may respond with any observations it chooses to the Committee.

4. The Committee may, at its discretion, decide to include any comments made by it in accordance with paragraph 3 of this article, together with the observations thereon received from the State Party concerned, in its annual report made in accordance with article 24. If so requested by the State Party concerned, the Committee may also include a copy of the report submitted under paragraph l of this article.

Article 20

1. If the Committee receives reliable information which appears to it to contain well-founded indications that torture is being systematically practised in the territory of a State Party, the Committee shall invite that State Party to co-operate in the examination of the information and to this end to submit observations with regard to the information concerned.

2. Taking into account any observations which may have been submitted by the State Party concerned, as well as any other relevant information available to it, the Committee may, if it decides that this is warranted, designate one or more of its members to make a confidential inquiry and to report to the Committee urgently.

3. If an inquiry is made in accordance with paragraph 2 of this article, the Committee shall seek the co-operation of the State Party concerned. In agreement with that State Party, such an inquiry may include a visit to its territory.

4. After examining the findings of its member or members submitted in accordance with paragraph 2 of this article, the Commission shall transmit these findings to the State Party concerned together with any comments or suggestions which seem appropriate in view of the situation.

5. All the proceedings of the Committee referred to in paragraphs l to 4 of this article s hall be confidential and at all stages of the proceedings the co-operation of the State Party shall be sought. After such proceedings have been completed with regard to an inquiry made in accordance with paragraph 2, the

Committee may, after consultations with the State Party concerned, decide to include a summary account of the results of the proceedings in its annual report made in accordance with article 24.

Article 21

1. A State Party to this Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention. Such communications may be received and considered according to the procedures laid down in this article only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be dealt with by the Committee under this article if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure;

(a) If a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may, by written communication, bring the matter to the attention of that State Party. Within three months afler the receipt of the communication the receiving State shall afford the State which sent the communication an explanation or any other statement in writing clarifying the matter, which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending or available in the matter;

(b) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State;

(c) The Committee shall deal with a matter referred to it under this article only after it has ascertained that all domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of this Convention;

(d) The Committee shall hold closed meetings when examining communications under this article;

(e) Subject to the provisions of subparagraph (c), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for the obligations provided for in this Convention. For this purpose, the Committee may, when appropriate, set up an ad hoc conciliation commission;

(f) In any matter referred to it under this article, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information;

(g) The States Parties concerned, referred to in subparagraph (b), shall have the right to be represented when the matter is being considered by the Committee and to make submissions orally and/or in writing;

(h) The Committee shall, within twelve months after the date of receipt of notice under subparagraph (b), submit a report:

(i) If a solution within the terms of subparagraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;

(ii) If a solution within the terms of subparagraph (e) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report.

In every matter, the report shall be communicated to the States Parties concerned.

2. The provisions of this article shall come into force when five States Parties to this Convention have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received under this article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

Article 22

1. A State Party to this Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.

2. The Committee shall consider inadmissible any communication under this article which is anonymous or which it considers to be an abuse of the right of submission of such communications or to be incompatible with the provisions of this Convention.

3. Subject to the provisions of paragraph 2, the Committee shall bring any communications submitted to it under this article to the attention of the State Party to this Convention which has made a declaration under paragraph I and is alleged to be violating any provisions of the Convention. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

4. The Committee shall consider communications received under this article in the light of all information made available to it by or on behalf of the individual and by the State Party concerned.

5. The Committee shall not consider any communications from an individual under this article unless it has ascertained that:

(a) The same matter has not been, and is not being, examined under another procedure of international investigation or settlement;

(b) The individual has exhausted all available domestic remedies; this shall not be the rule where the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of this Convention.

6. The Committee shall hold closed meetings when examining communications under this article.

7. The Committee shall forward its views to the State Party concerned and to the individual.

8. The provisions of this article shall come into force when five States Parties to this Convention have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by or on behalf of an individual shall be received under this article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party has made a new declaration.

Article 23

The members of the Committee and of the ad hoc conciliation commissions which may be appointed under article 21, paragraph I (e), shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

Article 24

The Committee shall submit an annual report on its activities under this Convention to the States Parties and to the General Assembly of the United Nations.

PART III

Article 25

1. This Convention is open for signature by all States. 2. This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 26

This Convention is open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 27

1. This Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying this Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 28

1. Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not recognize the competence of the Committee provided for in article 20.

2. Any State Party having made a reservation in accordance with paragraph I of this article may, at any time, withdraw this reservation by notification to the Secretary-General of the United Nations.

Article 29

1 . Any State Party to this Convention may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to the States Parties with a request that they notify him whether they favour a conference of States Parties for the purpose of considering an d voting upon the proposal. In the event that within four months from the date of such communication at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted by the Secretary-General to all the States Parties for acceptance.

2. An amendment adopted in accordance with paragraph I of this article shall enter into force when two thirds of the States Parties to this Convention have notified the Secretary-General of the United Nations that they have accepted it in accordance with their respective constitutional processes.

3. When amendments enter into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of this Convention and any earlier amendments which they have accepted.

Article 30

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by paragraph I of this article. The other States Parties shall not be bound by paragraph I of this article with respect to any State Party having made such a reservation.

3. Any State Party having made a reservation in accordance with paragraph 2 of this article may at any time withdraw this reservation by notification to the Secretary-General of the United Nations.

Article 31

1. A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of- the notification by the Secretary-General .

2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under this Convention in regard to any act or omission which occurs prior to the date at which the denunciation becomes effective, nor shall denunciation prejudice in any way the continued consideration of any matter which is already under consideration by the Committee prior to the date at which the denunciation becomes effective.

3. Following the date at which the denunciation of a State Party becomes effective, the Committee shall not commence consideration of any new matter regarding that State.

Article 32

The Secretary-General of the United Nations shall inform all States Members of the United Nations and all States which have signed this Convention or acceded to it of the following:

(a) Signatures, ratifications and accessions under articles 25 and 26;

(b) The date of entry into force of this Convention under article 27 and the date of the entry into force of any amendments under article 29;

(c) Denunciations under article 31.

Article 33

1. This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States.



Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Adopted by General Assembly resolution 37/194of 18 December 1982

Principle 1
Health personnel, particularly physicians, charged with the medical care of prisoners and detainees have a duty to provide them with protection of their physical and mental health and treatment of disease of the same quality and standard as is afforded to those who are not imprisoned or detained.

Principle 2
It is a gross contravention of medical ethics, as well as an offence under applicable international instruments, for health personnel, particularly physicians, to engage, actively or passively, in acts which constitute participation in, complicity in, incitement to or attempts to commit torture or other cruel, inhuman or degrading treatment or punishment.[1]

Principle 3
It is a contravention of medical ethics for health personnel, particularly physicians, to be involved in any professional relationship with prisoners or detainees the purpose of which is not solely to evaluate, protect or improve their physical and mental health.

Principle 4
It is a contravention of medical ethics for health personnel, particularly physicians:

(a) To apply their knowledge and skills in order to assist in the interrogation of prisoners and detainees in a manner that may adversely affect the physical or mental health or condition of such prisoners or detainees and which is not in accordance with the relevant international instruments;[2]

(b) To certify, or to participate in the certification of, the fitness of prisoners or detainees for any form of treatment or punishment that may adversely affect their physical or mental health and which is not in accordance with the relevant international instruments, or to participate in any way in the infliction of any such treatment or punishment which is not in accordance with the relevant international instruments.

Principle 5
It is a contravention of medical ethics for health personnel, particularly physicians, to participate in any procedure for restraining a prisoner or detainee unless such a procedure is determined in accordance with purely medical criteria as being necessary for the protection of the physical or mental health or the safety of the prisoner or detainee himself, of his fellow prisoners or detainees, or of his guardians, and presents no hazard to his physical or mental health.

Principle 6
There may be no derogation from the foregoing principles on any ground whatsoever, including public emergency.

APA_0082706

[1] See the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel. Inhuman or Degrading Treatment or Punishment (resolution 3452 (XXX), annex).

[2] Particularly the Universal Declaration of Human Rights (resolution 217 A (111)), the International Covenants on Human Rights (resolution 2200 A (XXI). annex), the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (resolution 3452 (XXX), annex) and the Standard Minimum Rules for the Treatment of Prisoners (First United Nations Congress on the Prevention of Crime and the Treatment of Offenders: report by the Secretariat (United Nations publication, Sales No. E.1956.IV.4, annex I.A).



Basic Principles for the Treatment of Prisoners

Adopted and proclaimed by General Assembly resolution 45/111 of 14 December 1990

1. All prisoners shall be treated with the respect due to their inherent dignity and value as human beings.

2. There shall be no discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

3. It is, however, desirable to respect the religious beliefs and cultural precepts of the group to which prisoners belong, whenever local conditions so require.

4. The responsibility of prisons for the custody of prisoners and for the protection of society against crime shall be discharged in keeping with a State's other social objectives and its fundamental responsibilities for promoting the well-being and development of all members of society.

5. Except for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners shall retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights, and, where the State concerned is a party, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and the Optional Protocol thereto, as well as such other rights as are set out in other United Nations covenants.

6. All prisoners shall have the right to take part in cultural activities and education aimed at the full development of the human personality.

7. Efforts addressed to the abolition of solitary confinement as a punishment, or to the restriction of its use, should be undertaken and encouraged.

8. Conditions shall be created enabling prisoners to undertake meaningful remunerated employment which will facilitate their reintegration into the country's labour market and permit them to contribute to their own financial support and to that of their families.

9. Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation.

10. With the participation and help of the community and social institutions, and with due regard to the interests of victims, favourable conditions shall be created for the reintegration of the ex-prisoner into society under the best possible conditions.

11. The above Principles shall be applied impartially.



Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Recommended by General Assembly resolution 55/89 of 4 December 2000 *

1. The purposes of effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment (hereinafter "torture or other ill-treatment") include the following:

(a) Clarification of the facts and establishment and acknowledgement of individual and State responsibility for victims and their families;

(b) Identification of measures needed to prevent recurrence;

(c) Facilitation of prosecution and/or, as appropriate, disciplinary sanctions for those indicated by the investigation as being responsible and demonstration of the need for full reparation and redress from the State, including fair and adequate financial compensation and provision of the means for medical care and rehabilitation.

2. States shall ensure that complaints and reports of torture or ill-treatment are promptly and effectively investigated. Even in the absence of an express complaint, an investigation shall be undertaken if there are other indications that torture or ill-treatment might have occurred. The investigators, who shall be independent of the suspected perpetrators and the agency they serve, shall be competent and impartial. They shall have access to, or be empowered to commission investigations by, impartial medical or other experts. The methods used to carry out such investigations shall meet the highest professional standards and the findings shall be made public.

3. (a) The investigative authority shall have the power and obligation to obtain all the information necessary to the inquiry. 1 The persons conducting the investigation shall have at their disposal all the necessary budgetary and technical resources for effective investigation. They shall also have the authority to oblige all those acting in an official capacity allegedly involved in torture or ill-treatment to appear and testify. The same shall apply to any witness. To this end, the investigative authority shall be entitled to issue summonses to witnesses, including any officials allegedly involved, and to demand the production of evidence.

(b) Alleged victims of torture or ill-treatment, witnesses, those conducting the investigation and their families shall be protected from violence, threats of violence or any other form of intimidation that may arise pursuant to the investigation. Those potentially implicated in torture or ill-treatment shall be removed from any position of control or power, whether direct or indirect, over complainants, witnesses and their families, as well as those conducting the investigation.

4. Alleged victims of torture or ill-treatment and their legal representatives shall be informed of, and have access to, any hearing, as well as to all information relevant to the investigation, and shall be entitled to present other evidence.

5. (a) In cases in which the established investigative procedures are inadequate because of insufficient expertise or suspected bias, or because of the apparent existence of a pattern of abuse or for other substantial reasons, States shall ensure that investigations are undertaken through an independent

commission of inquiry or similar procedure. Members of such a commission shall be chosen for their recognized impartiality, competence and independence as individuals. In particular, they shall be independent of any suspected perpetrators and the institutions or agencies they may serve. The commission shall have the authority to obtain all information necessary to the inquiry and shall conduct the inquiry as provided for under these Principles. 2

(b) A written report, made within a reasonable time, shall include the scope of the inquiry, procedures and methods used to evaluate evidence as well as conclusions and recommendations based on findings of fact and on applicable law. Upon completion, the report shall be made public. It shall also describe in detail specific events that were found to have occurred and the evidence upon which such findings were based and list the names of witnesses who testified, with the exception of those whose identities have been withheld for their own protection. The State shall, within a reasonable period of time, reply to the report of the investigation and, as appropriate, indicate steps to be taken in response.

6. (a) Medical experts involved in the investigation of torture or ill-treatment shall behave at all times in conformity with the highest ethical standards and, in particular, shall obtain informed consent before any examination is undertaken. The examination must conform to established standards of medical practice. In particular, examinations shall be conducted in private under the control of the medical expert and outside the presence of security agents and other government officials.

(b) The medical expert shall promptly prepare an accurate written report, which shall include at least the following:

(i) Circumstances of the interview: name of the subject and name and affiliation of those present at the examination; exact time and date; location, nature and address of the institution (including, where appropriate, the room) where the examination is being conducted (e.g., detention centre, clinic or house); circumstances of the subject at the time of the examination (e.g., nature of any restraints on arrival or during the examination, presence of security forces during the examination, demeanour of those accompanying the prisoner or threatening statements to the examiner); and any other relevant factors;

(ii) History: detailed record of the subject's story as given during the interview, including alleged methods of torture or ill-treatment, times when torture or ill-treatment is alleged to have occurred and all complaints of physical and psychological symptoms;

(iii) Physical and psychological examination: record of all physical and psychological findings on clinical examination, including appropriate diagnostic tests and, where possible, colour photographs of all injuries;

(iv) Opinion: interpretation as to the probable relationship of the physical and psychological findings to possible torture or ill-treatment. A recommendation for any necessary medical and psychological treatment and/or further examination shall be given;

(v) Authorship: the report shall clearly identify those carrying out the examination and shall be signed.

(c) The report shall be confidential and communicated to the subject or his or her nominated representative. The views of the subject and his or her representative about the examination process shall be solicited and recorded in the report. It shall also be provided in writing, where appropriate, to the authority responsible for investigating the allegation of torture or ill-treatment. It is the responsibility of the State to ensure that it is delivered securely to these persons. The report shall not be made available to any other person, except with the consent of the subject or on the authorization of a court empowered to enforce such a transfer.

* In resolution 55/89, paragraph 3, the General Assembly drew the attention of Governments to the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment annexed to the resolution and strongly encouraged them to reflect upon the Principles as a useful tool in efforts to combat torture.

1 Under certain circumstances, professional ethics may require information to be kept confidential. These requirements should be respected.

2 See footnote 1 above.

Sender: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent: Thursday, March 16, 2006 11:55:26 AM
Recipient: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject: RE: Eyes Only

Steve,

This should be considered my personal, but not necessarily private, communication to you. In other words, this is not COL Banks, this is Dr. Banks speaking his own opinion, and I am not representing anyone other than myself.

I strongly condemn any attempt to "reverse engineer" SERE training in order to use this training to conduct interrogations. This training is conducted in order to increase the resilience and hardiness of soldiers, and is based on a stress inoculation model that is designed to increase resistance to exploitation by our enemies. The idea that using techniques developed for this training would simply reduce the resistance of detainees is simply based on ignorance of the psychological components of interrogation. My personal opinion is that using such techniques would likely increase the resistance of anyone undergoing such techniques. In addtion, uniformed personnel are legally prohibitied, and psychologists are legally and ethically prohibited, from taking any action that is contrary to the law of war, and the APA ethical guidelines. The truth is that psychologists who are involved in supporting legal interrogation activities reduce the likelihood of abuse. Their involvement is critical to help the commanders insure that interrogations are safe, legal, ethical, and effective.

Morgan

COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Wednesday, March 15, 2006 8:10 PM
To: Banks, Louie M. COL
Subject: RE: Eyes Only

Excellent—thanks, Morgan

From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Wednesday, March 15, 2006 8:10 PM
To: Behnke, Stephen
Subject: Re: Eyes Only

Thanks Steve. Yes, in fact, I will give you a much stronger statement tommorrow.
COL L. Morgan Banks
Director Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION

-----Original Message-----
From: Behnke, Stephen <sbehnke@apa.org>
To: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent: Wed Mar 15 19:45:05 2006
Subject: RE: Eyes Only

Morgan, that is helpful. My tact, when asked about allegations in the articles, is to turn the question around and ask what specific allegations the person is asking about—that sometimes has the effect of at least slowing the person down, since I can say, "Well, in fact that author doesn't allege that," to just about any reply.

Could I say that you (frown upon... condemn... discourage... would prohibit... ??) "reverse engineering" of SERE techniques? ... as unethical? Ineffective? Illegal?

From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Wednesday, March 15, 2006 3:37 PM
To: Behnke, Stephen
Subject: RE: Eyes Only

Steve,

I just reread the articles. There is no official response, partly because there are only innuendos in these articles without substance. Anonymous source, who even says he has no direct knowledge, says we could be abusing detainees. Amazingly, what he experienced in the Navy is similar to what young soldiers, without supervision, did in the middle of the night. Hmm. When you really read the article, it is all smoke, no fire. It has one sentence that is accurate, where it states that I emphatically deny supporting the use of SERE techniques (which increase resistance) for interrogation. The part that follows is also accurate, in that I cannot say that someone who went through SERE didn't later do something illegal with a detainee. There really are no direct allegations, only emotion and innuendo. If someone has a direct question, I will do my best to answer it. Ask, and if possible, I will answer, but when these articles simply make generalized comments without substance, there is nothing to answer. Sorry I cannot be more helpful.

Morgan

COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Sunday, March 12, 2006 10:18 PM
To: Banks, Louie M. COL
Subject: RE: Eyes Only

Morgan, I am again getting asked about the Jane Mayer articles. Do you have anything that would be an "official" response to either of her articles (last July is the most pertinent) that I could share with members who contact the office?

Thanks Morgan,

Steve

From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Friday, March 10, 2006 7:46 AM
To: Behnke, Stephen
Subject: RE: Eyes Only

Steve,

I should be in the office most of the day. Look forward to talking to you. I hope all is well.

Morgan

COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Friday, March 10, 2006 12:28 AM
To: Banks, Louie M. COL
Subject: RE: Eyes Only

Hey Morgan—will you be in tomorrow? I've been in the middle of preparing for an Ethics Committee meeting, but will be speaking with Sharon Brehm tomorrow afternoon, & want to touch base with you first.

Thanks Morgan,

Steve

From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Wednesday, March 08, 2006 5:41 AM
To: Behnke, Stephen
Subject: Re: Eyes Only

I am in town this week. I should be in my office most of the afternoon, and on the cell phone otherwise.

Morgan
COL L. Morgan Banks
Director Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION

-----Original Message-----
From: Behnke, Stephen <sbehnke@apa.org>
To: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent: Tue Mar 07 20:17:11 2006
Subject: Eyes Only

Morgan, would you be around tomorrow? Sharon Brehm is our president-elect; I'd like to touch base before I speak with her. Thanks, Steve

---

From: Behnke, Stephen PRIVACY REDACTION
Sent: Tuesday, March 07, 2006 8:13 PM
To: Behnke, Stephen
Subject: FW: PLease note references to psychologists

-----Original Message-----
From: SSB Sharon Brehm
Sent: Tue 3/7/2006 5:41 PM
To: Behnke, Stephen ; sbehnke@apa.org
Cc:
Subject: FW: PLease note references to psychologists

Steve, I was just sent the article below. It's not a new article, but one published late in 05. It repeats some of what was in the 05 New Yorker article. I'd like to talk with you by phone about this. Are you available tomorrow or Friday? If not, how about next week? As always, it will be very helpful to me to have access to your knowledge and expertise. All best regards, Sharon

Interrogation: Doing Unto Others as They Did Unto Us

The New York Times, November 14, 2005

M. Gregg Bloche, Visiting Fellow, Economic Studies
Jonathon H. Marks, Bioethics Fellow, Georgetown University and Johns Hopkins University

M. Gregg Bloche

How did American interrogation tactics after 9/11 come to include abuse rising to the level of torture? Much has been said about the illegality of these tactics, but the strategic error that led to their adoption has been overlooked.

The Pentagon effectively signed off on a strategy that mimics Red Army methods. But those tactics were not only inhumane, they were ineffective. For Communist interrogators, truth was beside the point: their aim was to force compliance to the point of false confession.

Fearful of future terrorist attacks and frustrated by the slow progress of intelligence-gathering from prisoners at Guantánamo Bay, Pentagon officials turned to the closest thing on their organizational charts to a school for torture. That was a classified program at Fort Bragg, N.C., known as SERE, for Survival, Evasion, Resistance, Escape. Based on studies of North Korean and Vietnamese efforts to break American prisoners, SERE was intended to train American soldiers to resist the abuse they might face in enemy custody.

The Pentagon appears to have flipped SERE's teachings on their head, mining the program not for resistance techniques but for interrogation methods. At a June 2004 briefing, the chief of the United States Southern Command, Gen. James T. Hill, said a team from Guantánamo went "up to our SERE school and developed a list of techniques" for "high-profile, high-value" detainees. General Hill had sent this list - which included prolonged isolation and sleep deprivation, stress positions, physical assault and the exploitation of detainees' phobias - to Secretary of Defense Donald Rumsfeld, who approved most of the tactics in December 2002.

Some within the Pentagon warned that these tactics constituted torture, but a top adviser to Secretary Rumsfeld justified them by pointing to their use in SERE training, a senior Pentagon official told us last month.

When internal F.B.I. e-mail messages critical of these methods were made public earlier this year, references to SERE were redacted. But we've obtained a less-redacted version of an e-mail exchange among F.B.I. officials, who refer to the methods as "SERE techniques." We also learned from a Pentagon official that the SERE program's chief psychologist, Col. Morgan Banks, issued guidance in early 2003 for the "behavioral science consultants" who helped to devise Guantánamo's interrogation strategy (we've been unable to learn the content of that guidance).

SERE methods are classified, but the program's principles are known. It sought to recreate the brutal conditions American prisoners of war experienced in Korea and Vietnam, where Communist interrogators forced false confessions from some detainees, and broke the spirits of many more, through Pavlovian and other conditioning. Prolonged isolation, sleep deprivation, painful body positions and punitive control over life's most intimate functions produced overwhelming stress in these prisoners. Stress led in turn to despair, uncontrollable anxiety and a collapse of self-esteem. Sometimes hallucinations and delusions ensued. Prisoners who had been through this treatment became pliable and craved companionship, easing the way for captors to obtain the "confessions" they sought.

SERE, as originally envisioned, inoculates American soldiers against these techniques. Its psychologists create mock prison regimens to study the effects of various tactics and identify the coping styles most likely to withstand them. At Guantánamo, SERE-trained mental health professionals applied this knowledge to detainees, working with guards and medical personnel to uncover resistant prisoners' vulnerabilities. "We know if you've been despondent; we know if you've been homesick," General Hill said. "That is given to interrogators and that helps the interrogators" make their plans.

Within the SERE program, abuse is carefully controlled, with the goal of teaching trainees to cope. But under combat conditions, brutal tactics can't be dispassionately "dosed." Fear, fury and loyalty to fellow soldiers facing mortal danger make limits almost impossible to sustain.

By bringing SERE tactics and the Guantánamo model onto the battlefield, the Pentagon opened a Pandora's box of potential abuse. On Nov. 26, 2003, for example, an Iraqi major general, Abed Hamed Mowhoush,

was forced into a sleeping bag, then asphyxiated by his American interrogators. We've obtained a memorandum from one of these interrogators - a former SERE trainer - who cites command authorization of "stress positions" as justification for using what he called "the sleeping bag technique."

"A cord," he explained, "was used to limit movement within the bag and help bring on claustrophobic conditions." In SERE, he said, this was called close confinement and could be "very effective." Those who squirmed or screamed in the sleeping bag, he said, were "allowed out as soon as they start to provide information."

Three soldiers have been ordered to stand trial on murder charges in General Mowhoush's death. Yet the Pentagon cannot point to any intelligence gains resulting from the techniques that have so tarnished America's image. That's because the techniques designed by communist interrogators were created to control a prisoner's will rather than to extract useful intelligence.

A full account of how our leaders reacted to terrorism by re-engineering Red Army methods must await an independent inquiry. But the SERE model's embrace by the Pentagon's civilian leaders is further evidence that abuse tantamount to torture was national policy, not merely the product of rogue freelancers. After the shock of 9/11 - when Americans desperately wanted mastery over a world that suddenly seemed terrifying - this policy had visceral appeal. But it's the task of command authority to connect means and ends rationally. The Bush administration has too frequently failed to do this. And so it is urgent that Congress step in to tie our detainee policy to our national interest.

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Note: The views expressed in this piece are those of the author and should not be attributed to the staff, officers or trustees of The Brookings Institution

Anthony J. Marsella, Ph.D., D.H.C.
Professor Emeritus
Department of Psychology
University of Hawaii
Honolulu, Hawaii 96822

"What kind of peace do I mean? What kind of peace do we seek? Not a Pax Americana enforced on the world by American weapons of war. . . . I am talking about genuine peace, the kind of peace that makes life on earth worth living, . . .not merely peace for Americans but peace for all men and women -- not merely peace in our time but peace for all time." President John F. Kennedy, American University, June 10, 1963.

Sender:	G. Andrew H. Benjamin, J.D., Ph.D. PRIVACY REDACTION
Sent:	Tuesday, April 11, 2006 1:48:58 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Cc:	Olivia Moorehead-Slaughter
Subject:	Re: Reference: the Joint Congressional Resolution

Dear Stephen:

Excellent tone!

Judy and her group definitely are backing off and will work the process through governance. The target of Feb is what they now want.

Please let me know if I can be of any further assistance.

With warm regards, Andy

^^

G. Andrew H. Benjamin, J.D., Ph.D.
Affiliate Professor of Psychology- Antioch University
Affiliate Professor of Law- University of Washington
Director, Parenting Evaluation/Training Program (PETP)
A program of Antioch University and University of Washington
2326 Sixth Avenue
Seattle WA 98121-1814

PRIVACY REDACTION

Web site: http://depts.washington.edu/petp

The above email may contain patient identifiable or confidential information. Because email is not secure, please be aware of associated risks of email transmission. If you are a client, communication via email implies your agreement to accept the risks of email communication; please see http://www.uwmedicine.org/Global/Compliance/EmailRisk.htm
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----- Original Message -----
From: "Behnke, Stephen" <sbehnke@apa.org>
To: "Judith Van Hoorn" PRIVACY REDACTION
Cc: Olivia Moorehead-Slaughter ; Corann Okorodudu "Linda M. Woolf, Ph.D." PRIVACY REDACTION Doug Haldeman "G. Andrew H. Benjamin, J.D., Ph.D." PRIVACY REDACTION ; "O'Brien, Maureen" PRIVACY REDACTION "McHugh, Jim" <jmchugh@apa.org>
Sent: Tuesday, April 11, 2006 9:39 AM
Subject: RE: Reference: the Joint Congressional Resolution

Hi Judy,

Thank you for your very kind email and phone messages. I'm happy that we have sorted out our misunderstanding, and Olivia and I look forward to working closely with you and Corann on the Resolution. I have been away giving an ethics talk, and just a bit ago walked in the door. I'll check with Maureen and Jim this afternoon to see where things stand in getting our questions answered. It may be ideal if we could think of

presenting both the commentary on the PENS report, and the Resolution, to Council next February, for a strong show of support for each,

Steve

-----Original Message-----
From: Judith Van Hoorn [redacted]
Sent: Saturday, April 08, 2006 4:32 PM
To: Behnke, Stephen
Cc: [redacted] Linda M. Woolf, Ph.D.; G. Andrew H. Benjamin, J.D., Ph.D.; O'Brien, Maureen; McHugh, Jim
Subject: RE: Reference: the Joint Congressional Resolution

Dear Steve and Olivia,

I am deeply sorry that you were caught off-guard by Andy's relaying to you that we were considering asking for the suspension of the rules to put Division 48's New Business Item on the agenda for the August 2006 meeting of the APA Council of Representatives.

As a new member of Council, I had consulted with Andy to get a sense of all of our options for moving the new business item in a timely way so that Council can consider it by the winter, 2007 meeting. He patiently reviewed the process. He pointed out the suspension of rules is an option but indicated that Council is less open to it, prefering instead that new business items go through the governance process.

Given this input and our collaboration with you and Olivia, we decided that we felt no need to consider asking for a suspension of the rules to allow the Division 48 (D48) New Business Item to be placed on the agenda of the August meeting of Council. I believe that the four of us are all optimistic that we can complete these tasks soon.

We will be available to have our next conference call about this matter, but preferably after you get the feedback to the questions raised at our first conference call.

Steve, Corann and I are looking forward to continuing our conversations with Olivia and you (and any others you which to include) as we collaborate on the wording of the Resolution in preparation for its review by the Ethics Committee and other APA Committees.

With respect to the timing of related work on the resolution, you had said that we could submit the final draft of the New Business Item following our work on the language of some parts of the resolution. Please let us know (1) the time we will have to make the necessary changes after we come to agreement on the language, and (2) the timeline by which the Item will be reviewed by the Ethics Committee and other relevant APA Committees to ensure the likelihood that it will be on the agenda of the February Meeting of the Council of Representatives.

I hope that all of you are taking some time to rest after the intensity of the meetings.

Best wishes,

Judy

Quoting "Behnke, Stephen" <sbehnke@apa.org>:

> Hi Judy,
>
> I received your message this evening; I fear it's a bit late to
> return
> your call on a Friday evening (I've been at the Consolidated meetings
> all day, and will be again tomorrow, until I leave for Boston to do a
> workshop). I will check in with Jim McHugh and Maureen on Monday, to
> see when we can expect a response to our questions.
>
> Olivia has asked that I write to suggest that we have a conference
> call
> (you, Corann, Olivia, and I) with Andy Benjamin. Today Olivia and I
> were attending meetings, to ask for comments on the PENS report, and
> we
> visited the Policy and Planning Board. Andy Benjamin said that you
> had
> very recently contacted him to ask about the possibility of
> suspending
> the rules at Council this summer to vote on the Resolution, and
> seemed
> not to be aware of our extensive exchanges regarding collaborating on
> the Resolution's language, in order to support the Resolution going
> through the governance process. We, in turn, were not aware that you
> were considering the possibility of suspending the rules at Council
> this
> summer--I think everyone was just a bit caught off guard. Probably
> it
> would make good sense for us to have a conversation, just to get
> everyone up to speed and on the same page.
>
> Does that make sense to you and Corann? Let us know, and if so I'll
> set
> it up.
>
> Thanks, Judy,
>
> Steve
>

Sender:	Brandon, Susan </O=APA/OU=DC/CN=RECIPIENTS/CN=SYB>
Sent:	Thursday, August 01, 2002 9:07:04 AM
Recipient:	Gilfoyle, Nathalie <ngilfoyle@apa.org>;Farberman, Rhea K. <rfarberman@apa.org>;Salzinger, Kurt <KSalzinger@apa.org>;Mumford, Geoffrey <gmumford@apa.org>;Behnke, Stephen <sbehnke@apa.org>
Cc:	Honaker, Michael <mhonaker@apa.org>
Subject:	RE: [EXECUTIVE] FW: FBI conference summary

We welcome all comments, including grammatical and typos. I could do a word search and reconsider the places where must is used (rather than might or should consider, etc.).
If you let me know a good time, I will come up and get your marked up copy, or whatever is easiest.
Thanks,
Susan

-----Original Message-----

Gilfoyle, Nathalie

Wednesday, July 31, 2002 11:19 PM

Farberman, Rhea K.; Brandon, Susan; Salzinger, Kurt; Mumford, Geoffrey; Behnke, Stephen

Honaker, Michael

RE: [EXECUTIVE] FW: FBI conference summary

Apologies for the late response. I have now read the report. very interesting ! My concerns are limited to the few places in which the language shifted toward "must" but I think the disclaimer would take care of that . I have a few grammatical and typo notes. Does anyone want those? Nathalie

-----Original Message-----

Farberman, Rhea K.

Thursday, July 18, 2002 8:28 AM

Brandon, Susan; Salzinger, Kurt; Mumford, Geoffrey; Behnke, Stephen

Gilfoyle, Nathalie; Honaker, Michael

RE: [EXECUTIVE] FW: FBI conference summary

Susan -- The disclaimer statement (views of individuals not APA) would be an excellent addition. There is such a statement in the masthead box of the Monitor (typically page 4) if you want to copy it.

Another issue: Do you know if the FBI plans on releasing this report to media? Would they object if we do? We may be able to interest a reporter in covering the issue -- how social and behavioral science can assist in the counter-terrorism efforts.

Rhea

-----Original Message-----
From: Brandon, Susan
Sent: Thursday, July 18, 2002 7:20 AM
To: Farberman, Rhea K.; Salzinger, Kurt; Mumford, Geoffrey; Behnke, Stephen
Cc: Gilfoyle, Nathalie; Honaker, Michael
Subject: RE: [EXECUTIVE] FW: FBI conference summary

Dear Rhea,

Thanks for the suggestions (and the quick turn-around).
The suggestion about APA creating guidelines for teachers was in fact what was said: I am sure in ignorance of what the appropriate role of APA should be here, as well as of what it means to "create guidelines." However, since it was just a suggestion, and since the document isn't an official APA document, my preference is to leave it in. However, I am not very adamant about this and we could just eliminate it.
Thanks for the correction re B'nai B'rith Headquarters: my error.
It occurred to Kurt and I in a recent conversation that we might want to add a statement somewhere to the effect that the document represents the view of the individuals (which would be Geoff Mumford, Anthony Pinizzotto, and myself, since we signed the prologue) and not APA. What do you think of that?
Susan

-----Original Message-----
From: Farberman, Rhea K.
Sent: Wednesday, July 17, 2002 11:20 AM
To: Salzinger, Kurt; Mumford, Geoffrey; Brandon, Susan; Behnke, Stephen
Cc: Gilfoyle, Nathalie; Honaker, Michael
Subject: RE: [EXECUTIVE] FW: FBI conference summary

Hi all. I've reviewed the full text of the summary report -- an interesting document.

Two issues I'd ask you to check/consider:

1. On page 15 in response to the teacher in an elementary school scenario one of the strategies suggests that APA could develop guidelines for such reporting. These guidelines would be for teachers and school systems --correct? Should APA be creating reporting guidelines for teachers? Strikes me as a very different situation than when we create guidelines for psychologists (as suggested as page 37).

2. Footnote on page 41 refers to B'nai B'rith Hospital in Washington. There is no such hospital. I'm guessing it should be B'nai B'rith Headquarters.

Rhea

-----Original Message-----
From: Salzinger, Kurt [mailto:KSalzinger@APA.ORG]
Sent: Friday, July 12, 2002 2:35 PM
To: EMG@LISTS.APA.ORG
Subject: [EXECUTIVE] FW: FBI conference summary

Colleagues,

In the interest of speed and of saving paper and money, I am sending this material for you to review by email.

You may recall the meeting with the FBI that you approved some months ago. This is the report of that meeting.

Kurt

-----Original Message-----
From: Mumford, Geoffrey
Sent: Thursday, July 11, 2002 12:51 PM
To: Salzinger, Kurt
Cc: Honaker, Michael; Brandon, Susan; Farberman, Rhea K.; Behnke, Stephen
Subject: FBI conference summary

Kurt,

I chatted with Mike yesterday about who else at APA should see this report before the FBI puts it on their website (and we put it on ours). Mike suggested that you bring it to EMG next week and let people know its available for review. I thought it would be good for Practice to see it and maybe confer with Steve Behnke because, for example, there are suggestions within the report that APA might take a role in developing further clarification for clinicians should they come across information in a practice setting that could have implications for national security.

We'd also like to think creatively about where it should be posted and if there are any in-house resources available for producing a couple of hundred bound hardcopies? So any suggestions would be welcome. Please let me or Susan (the prime-mover on this effort) know if you have any questions.

Thanks,
-geoff
<<Countering Terrorism.pdf>>

M E M O R A N D U M

TO: APA Boards, Committees & Task Forces

FROM: Norman B. Anderson, PhD
Chief Executive Officer

DATE: February 3, 2003

RE: Closed Meetings of Governance and Policy Advisory Groups

Over the years, questions have been raised periodically regarding the circumstances under which APA boards, committees and task forces ("APA groups") may go into executive session, and who may be excluded. The instructions set forth below are based on the advice of legal counsel. This memorandum restates the requirements for and restrictions on closed meetings when APA groups wish to restrict attendance.

1. When is it appropriate for a closed session to be held?

As a general principle, the meetings of APA groups are open to any APA member and APA staff. Occasionally, during board, committee and task force meetings, sensitive matters must be discussed. Requiring that all meetings be open at all times could inhibit full and frank discussion. However, in order to respect the free and open flow of information within the association and to reduce the appearance of "secret decisions," closed meetings should be as infrequent as possible and primarily limited to personnel issues or issues that might cause personal embarrassment to the individual being discussed. Some of the work of a few groups such as the Ethics Committee and the Committee on Accreditation involves information of an inherently confidential nature about individuals or institutions and their meetings are restricted pursuant to adopted rules or procedures.

2. Who may be excluded from a closed session?

When an APA group believes that a closed session is necessary, attendance may be limited to members of the governance group. However, as a general principle, no APA group may exclude members of the Board of Directors (including the CEO and/or his/her designate). Members of the Board of Directors as well as the CEO have fiduciary obligations to APA under the Bylaws and Association Rules to supervise and monitor the actions of APA's various components. The Board of Directors decides how it will exercise its fiduciary duty with respect to a given APA group based on the specific nature of that group, relevant APA policies and the Board's assessment of how best to supervise the work of APA. Where the Board determines that limitations on attendance of board members at closed meetings are appropriate for a given APA group and consistent with its fiduciary duty, it may adopt such limitations. This decision rests with the Board Directors. Under no circumstances may an APA group unilaterally exclude members of the Board of Directors or the CEO or his or her delegate from its meetings.

This memorandum is intended to provide general guidance regarding when closed sessions may be held and the legal principles of fiduciary duty that prescribe oversight by the Board. It is intended to restate existing legal requirements and to outline reasonable restrictions on excluding certain individuals from meetings consistent with those requirements. If you have any questions concerning this memorandum, please do not hesitate to contact Nathalie Gilfoyle, JD, APA General Counsel, or James L. McHugh, JD, Senior Counsel.

Sender:	Honaker, Michael </O=APA/OU=DC/CN=RECIPIENTS/CN=MYH>
Sent:	Tuesday, March 23, 2004 2:38:13 PM
Recipient:	Behnke, Stephen <sbehnke@apa.org>;Gilfoyle, Nathalie <ngilfoyle@apa.org>;Childress-Beatty, Lindsay <LChildress-Beatty@apa.org>
Subject:	RE: Ethics and National security

sounds very interesting!

-----Original Message-----
From: Behnke, Stephen
Sent: Tuesday, March 23, 2004 2:37 PM
To: Honaker, Michael; Gilfoyle, Nathalie; Childress-Beatty, Lindsay
Subject: FW: Ethics and National security

FYI--a very complicated, but important and timely topic, that we have been asked to consult on.

-----Original Message-----
From: kirk hubbard [redacted]
Sent: Tuesday, March 23, 2004 2:34 PM
To: Robert Kinscherff, Behnke, Stephen
Cc: Mumford, Geoffrey; Andy Morgan
Subject: Ethics and National security

Greetings gentlemen. Geoff Mumford provided your names as potential resources to provide guidance on the APA's code of ethnics and some of the new and unique demands being placed on psychologists in response to countering terrorism.

By way of introduction, I am the Chief of the Behavioral Sciences Staff at the Central Intelligence Agency. Our mission is to conduct applied behavioral and social science research to support the collection and analysis of human intelligence and to support special projects involving counterterrorism efforts.

One of my staff, Andy Morgan, M.D. (cc'd above) have been discussing a problem that is experienced by both psychiatrists and psychologists, alike. Both specialties are being asked to provide consultation to law enforcement, the military, and other organizations that have a role in national security. Unfortunately, some of what they are asked to do runs counter to the American Psychological Association and American Psychiatric Association's code of ethics. For example, military psychologists are often asked to assist in questioning or "interrogating" foreigners detained in Afghanistan and Iraq. Psychiatrists are often consulted by law enforcement to provide consultation on apprehending and/or questioning subjects suspected of committing major crime.

Andy and I were wondering if both our APA's (Andy is a psychiatrist) shouldn't begin to examine our respective code of ethics to account for these new situations where the subject is not the client/patient, and the subject's rights can arguably be subordinate to the needs of national security. Do either of you have any thoughts on this issue, and how we might pursue this in the professional community? Any comments or observations, pro or con, would be appreciated.

Regards,

Kirk Hubbard, Ph.D.
Chief, Behavioral Sciences Staff
CIA

tel: 703-613-7173
fax: 703-613-7799

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Sender:	Halpern, Diane </O=APA/OU=DC/CN=RECIPIENTS/CN=HALPERN, DIANE>
Sent:	Tuesday, May 18, 2004 10:54:57 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>;Ronald F. Levant, Ed.D, M.B.A., ABPP PRIVACY REDACTION Strassburger, Judith </O=APA/OU=DC/CN=RECIPIENTS/CN=JAS>
Cc:	Honaker, Michael </O=APA/OU=DC/CN=RECIPIENTS/CN=MYH>
Subject:	RE: APA response to torture

Sure--I talked with Hank Taylor today--past president of Div 19. I know Hank and felt OK about calling him. I left a message for the current president of Div 19.

We had better stick to general responses and not say much. I also spoke with Rhea who suggested some general postings on the web site and just referring everyone to the general postings that say we are concerned.

This is not a good email topic. I am getting more and more uneasy as the topics are getting more "hairy."

Diane

-----Original Message-----
From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Tuesday, May 18, 2004 7:48 PM
To: Ronald F. Levant, Ed.D, M.B.A., ABPP; Halpern, Diane; Strassburger, Judith
Cc: Honaker, Michael
Subject: RE: APA response to torture

Hi Diane and Ron,

I think it would be helpful to include Steve Breckler and Geoff Mumford in our exchanges, since I know the science directorate is very interested in this issue as well, and is actively thinking about how to address questions that are arising for psychologists. May I share with them our messages below?

Steve

-----Original Message-----
From: Ronald F. Levant, Ed.D, M.B.A., ABPP PRIVACY REDACTION
Sent: Tuesday, May 18, 2004 9:12 PM
To: Halpern, Diane; Behnke, Stephen; Strassburger, Judith
Cc: Honaker, Michael
Subject: RE: APA response to torture

Good ideas, Diane

Ronald F. Levant, Ed.D., M.B.A., ABPP
Dean and Professor
Center for Psychological Studies
Nova Southeastern University
3301 College Avenue

Ft. Lauderdale, FL 33324
954-262-5701 phone
PRIVACY REDACTION
954-262-3859 fax
PRIVACY REDACTION email
www.DrRonaldLevant.com website

President-Elect, American Psychological Association, 2004
"Making Psychology a Household Word"

-----Original Message-----
From: Halpern, Diane PRIVACY REDACTION
Sent: Tuesday, May 18, 2004 11:49 AM
To: 'Ronald F. Levant, Ed.D, M.B.A., ABPP'; 'Behnke, Stephen'; 'Strassburger, Judith'
Cc: 'Honaker, Michael'
Subject: RE: APA response to torture

We've been in similar situations before--e.g. psychologists who work for tobacco companies, although it was less visible and emotional. Steve's response is good and not likely to end to the sorts of inquiries we will be getting. I will call the head of the military division and ask some questions about honoring resisters at the convention and a few other topics as well. I have good relations with them. There are lots of issues involved. It would be good to get some information. I don't know anything about PsyOps. I am adding Norman to this list because I think the issues being raised could get very hot very fast and he should be in this loop. (Sorry Norman)

Diane

-----Original Message-----
From: Ronald F. Levant, Ed.D, M.B.A., ABPP PRIVACY REDACTION
Sent: Monday, May 17, 2004 5:38 PM
To: 'Behnke, Stephen'; 'Halpern, Diane'; 'Strassburger, Judith'
Cc: 'Honaker, Michael'
Subject: RE: APA response to torture

Good points, Steve

Ronald F. Levant, Ed.D., M.B.A., ABPP
Dean and Professor
Center for Psychological Studies
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www.DrRonaldLevant.com website

President-Elect, American Psychological Association, 2004
"Making Psychology a Household Word"

-----Original Message-----
From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Monday, May 17, 2004 4:20 PM

To: Halpern, Diane; Ron Levant; Strassburger, Judith
Cc: Honaker, Michael
Subject: RE: APA response to torture

These are, obviously, complicated issues, and psychologists working for various parts of the government are involved in investigations that implicate national security. In the past few months, our folks in the Science Directorate (Geoff Mumford) have been approached by people in government wanting to discuss the ethics of psychological techniques being used in government investigations. I think there are appropriate and inappropriate ways for psychology to be involved, and would suggest a cautious approach, where we, as an organization, look at the issues in a considered and thoughtful manner, perhaps by way of a task force.

At the moment, there are intense feelings about this issue. I would recommend a reply that conveys our appreciation of the seriousness of the matter and our interest in identifying the ethical issues that arise when psychology is used as an investigative tool. I would recommend against a reply that casts a shadow on psychologists who work for government agencies in investigative roles, or a reply that suggests that, by virtue of recent events, such psychologists are under some sort of suspicion. Rather, I would suggest that it is in everyone's interest that as an organization we are as helpful as we can be in promoting the ethical role of psychology in investigations, including investigations to protect our national security, and that we want to do what we can as an organization to discourage investigative techniques that are not consistent with our ethics.

I would also agree wholeheartedly that APA should promote treatment for the victims of torture.

Steve

-----Original Message-----
From: Halpern, Diane
Sent: Monday, May 17, 2004 1:10 PM
To: Ron Levant; Halpern, Diane; Strassburger, Judith
Cc: Behnke, Stephen
Subject: RE: APA response to torture

Hi Judy:

I copied below a letter to Ron and me. We need to coordinate a response. It has several parts. I don't know what if any involvement we have with PsyOps or what our military division is doing. Steve Behnke was copied on this letter. What do you suggest for getting started on a response.
Diane

Dear Drs. Halpern and Levant:

I have three concerns that are directly related to the APA regarding the recent reports of torture/abuse of Iraqi civilians by US servicemen.

1. Nowhere have I read of provisions being made for the welfare of the survivors of this torture/abuse. I believe the APA, possibly in conjunction with the International Society for Traumatic Stress Studies, would be able to provide some guidance in this area.

2. Various reports have referred to the torture/abuse as having been part of a wider program instituted by the military "PsyOps" or the "Psychological Operations" division. As a member of the APA, I would like to see us, as a professional organization, be disassociated from any such "Psychological Operations" program.

3. If the torture/abuse in Iraq was carried out as part of "Psychological Operations" I would like to knew if any psychologists were directly (through planning or conducting interrogations) or indirectly (by "looking the other way") involved. If psychologists were involved the ethical dimensions of that behavior must be addressed.

We have a professional responsibility to examine each of the above areas. Additionally, we have the expertise to make informed statements on both the proper treatment of the torture survivors and how the behavior of professionals involved in any aspect of this should be addressed.

Thank you for your consideration of these issues.

Bob McMackin

##########

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Sender: Jennifer M. C. Vendemia PRIVACY REDACTION
Sent: Monday, July 12, 2004 11:00:29 AM
Recipient: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject: RE: June 27
Attachments: Ethics of Deception Detection Research and Applications.doc

---

Stephen,

I said I would send this onto you. This is a personal document, that I'm seeking funding with, so please don't share it with anyone else. You'll notice that it is very brief. The reason for this was the attention span of the audience to which I was presenting. Even so the presentation went three hours.

These are general thoughts on the issues at hand, some of them are my own thoughts, they are based on work from other ethicists in the neuroethics arena.

I hope these are helpful, and that you received my vita.

Jen

-----Original Message-----
From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Monday, June 28, 2004 4:05 PM
To: Jennifer M. C. Vendemia
Subject: RE: June 27

Okay, good.

-----Original Message-----
From: Jennifer M. C. Vendemia PRIVACY REDACTION
Sent: Monday, June 28, 2004 9:19 AM
To: Behnke, Stephen
Subject: RE: June 27

Steve,

No problem. I will contact you on Tuesday.

Jen

-----Original Message-----
From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Sunday, June 27, 2004 7:12 PM
To: Mumford, Geoffrey; Jennifer M. C. Vendemia
Cc: Kelly, Heather
Subject: RE: June 27

Dear Jennifer,

I will be away from the office unexpectedly tomorrow, but hope to return in the early evening and be hear all day Tuesday and Wednesday.

Steve Behnke
(202) 336-6006

-----Original Message-----
From: Mumford, Geoffrey
Sent: Wednesday, June 23, 2004 2:23 PM
To: 'Jennifer M. C. Vendemia'
Cc: Kelly, Heather; Behnke, Stephen
Subject: RE: June 27

Jennifer,

Steve Behnke, our Ethics Director would be interested in meeting with you while you're here. He suggested you call on Monday to schedule something (202.336.6006). I also let Heather know of your availability and left it to her to determine what would make sense regarding visits to Defense Committee staff. Did you already get a hotel? Did you get your funding?
-geoff

-----Original Message-----
From: Jennifer M. C. Vendemia PRIVACY REDACTION
Sent: Monday, June 21, 2004 1:55 PM
To: Mumford, Geoffrey
Subject: RE: June 27

I have a blank schedule on June 28 - June 30 (Monday, Tuesday, and Wednesday). Please schedule me as much as you can while I'm here!

Jen

-----Original Message-----
From: Mumford, Geoffrey [mailto:gmumford@apa.org]
Sent: Monday, June 21, 2004 12:50 PM
To: Jennifer M. C. Vendemia
Subject: RE: June 27

Thanks Jennifer...what nights do you need the hotel? We are beginning some broader discussions on ethics and national security and the overall effort will be lead by our Ethics Director, Steve Behnke, so it may be that we'd want to have you meet with him. So in order to schedule that...could you please give me a sense of what dates/times you'll be available? Heather may be interested in having you meet with some Defense staff on the Hill too and we can consider that when we know your overall availability. Thanks.
-geoff

-----Original Message-----
From: Jennifer M. C. Vendemia PRIVACY REDACTION
Sent: Monday, June 21, 2004 1:45 PM
To: Mumford, Geoffrey
Subject: RE: June 27

Geoff,

I think we were pretty flexible with what I was going to do. I am finishing up that meeting at CASL, and I will be on my way to an ITIC conference. In between I had wanted to talk with you about the state of deception research, and specifically about Ethics issues in the area.

There is a chance that by the time I get there I may have some funding

in this area.

If there is anything you need from me I am at your service!

I am looking for a hotel rate less or around $150.00 a night.

Jen

-----Original Message-----
From: Mumford, Geoffrey [mailto:gmumford@apa.org]
Sent: Monday, June 21, 2004 12:28 PM
To: Jennifer M. C. Vendemia
Subject: RE: June 27

Jennifer,

We can probably help you get a corporate rate but I need to know what your price range is. Also, I couldn't recall what you were planning to do while here...can you remind me? Sorry not to get back to you sooner but I was away.
-geoff

-----Original Message-----
From: Jennifer M. C. Vendemia PRIVACY REDACTION
Sent: Friday, June 18, 2004 12:20 PM
To: Mumford, Geoffrey
Subject: June 27

Geoff,

Don't forget I'm coming up to APA for a couple of days after CASL. I was wondering if you could recommend a good hotel (not to pricey) in the area that I could stay at.

Jen

Sender:	Band, Stephen R. PRIVACY REDACTION
Sent:	Wednesday, July 21, 2004 8:48:16 AM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Cc:	Pinizzotto, Anthony J.. PRIVACY REDACTION
Subject:	RE: July 20 lunch meeting at APA

Steve,

Your important and timely gathering was one of the most significant meetings I have attended this year. I am very grateful for your actions in this regard. The joint APA, Decade of Behavior, FBI-Behavioral Science Unit and University of Pennsylvania invitational conference, "Countering Terrorism: Integrating Practice with Theory" (held at the FBI Academy, 02/28/2002) memorialized similar issues as attendees tackled realistic scenarios together... This 'scenario based' model may be useful specific to ethical considerations during times of peace and war. As indicated during your meeting, other professions are deeply pondering similar ethical issues psychologists face... by example, I am certain we might learn 'something' from the ethics of scientists who built/build nuclear weapons to protect our way of life. During this time of war, I am drawn to part 1.02 of our (APA's) ethical principles and take comfort in my interpretation of this standard. Towards this end, I truly look forward to your leadership, guidance and future meetings as we hazard forward.
Stay well and safe; I pray for the health of your brother.
Sincerely,
steve
Stephen R. Band, Ph.D.
Chief
FBI-Behavioral Science Unit
APA Fellow

-----Original Message-----
From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Tuesday, July 20, 2004 10:19 PM
To: Anthony Pinizzotto; Band, Stephen R.
Subject: RE: July 20 lunch meeting at APA

Steve and Tony,

Thank you very much for taking the time to attend today. I am extremely pleased to have the FBI as part of our discussions, and value your thoughtful contributions. It is clear that we have much thinking to do about these issues, and I'm hopeful that you both will continue to share your thinking and experiences with me and my colleagues here at APA as we look at the ethical aspects of psychology's involvement in these critical issues.

Take care, and thanks again,

Steve

-----Original Message-----
From: Anthony Pinizzotto PRIVACY REDACTION
Sent: Thursday, July 08, 2004 9:21 AM
To: Behnke, Stephen
Cc: Stephen Band
Subject: RE: July 20 lunch meeting at APA

Steve:

Thanks for the invitation. Both Steve Band and I will be present for the meeting on July 20. We look forward to seeing you there.

Tony Pinizzotto

PRIVACY REDACTION

>From: "Behnke, Stephen" <sbehnke@apa.org>
>To: "Anthony Pinizzotto" PRIVACY REDACTION
>Subject: RE: July 20 lunch meeting at APA
>Date: Wed, 7 Jul 2004 20:34:42 -0400
>
>Good, Tony, I look forward to hearing from you.
>
>Steve
>
>-----Original Message-----
>From: Anthony Pinizzotto PRIVACY REDACTION
>Sent: Wednesday, July 07, 2004 11:22 PM
>To: Behnke, Stephen
>Subject: Re: July 20 lunch meeting at APA
>
>
>Steve:
>Thanks for the message. No, it's not necessary to contact Steve. I'll see him in the morning and discuss it with him. I appreciate your offer.
>Thanks again.
>Tony
>
>----- Original Message -----
>From: Behnke, Stephen <mailto:sbehnke@apa.org>
>To: Anthony Pinizzotto PRIVACY REDACTION
>Sent: Wednesday, July 07, 2004 4:21 PM
>Subject: RE: July 20 lunch meeting at APA
>
>Dear Dr. Pinizotto,
>
>Thank you for your message. Do you think it would be helpful for me to contact Dr. Band (whom I have also invited), to tell him I have invited you?
>
>Steve Behnke
>
>-----Original Message-----
>From: Anthony Pinizzotto PRIVACY REDACTION
>Sent: Wednesday, July 07, 2004 10:09 PM
>To: Behnke, Stephen
>Subject: Re: July 20 lunch meeting at APA
>
>

>Dr. Behnke:
>Thank you for your kind letter of invitation. I am most interested in the topic and find your approach important and reassuring. As you can imagine, I'll have to check with my supervisor, Dr. Stephen Band, Unit Chief, Behavioral Science Unit, before I can accept your invitation.
>As soon as I know his decision, I'll contact you.
>Again, thanks for your kind thoughtfulness.
>Tony Pinizzotto
>
>----- Original Message -----
>From: <mailto:sbehnke@apa.org> Behnke, Stephen
>To: [redacted] Anthony Pinizzotto
>Sent: Wednesday, July 07, 2004 3:43 PM
>Subject: July 20 lunch meeting at APA
>
>
> > Dear Dr. Pinizzotto,
> >
> > Events in our recent history, most notably the terrorist attacks of September 11, 2001 and the Abu Ghraib prison situation, have stimulated a great deal of interest in the ethics of using psychology and psychological techniques as tools in national security investigations. The American Psychological Association Ethics Office and the Science Directorate are convening a lunch meeting to explore what unique ethical issues such investigations raise. The meeting will be held at the American Psychological Association, 750 First Street, NE, Washington, DC, on Tuesday, July 20, from 12-2:30 pm in the sixth floor board room.
> >
> > The purpose of the meeting is to bring together people with an interest in the ethical aspects of national security-related investigations, to identify the important questions, and to discuss how we as a national organization can better assist psychologists and other mental health professionals sort out appropriate from inappropriate uses of psychology. We want to ask individuals involved in the work what the salient issues are, whether more or better guidance is needed, and how best to provide guidance (e.g., through ethics consultations) that may be deemed appropriate or helpful. I would like to emphasize that we will not advertise the meeting other than this letter to the individual invitees, that we will not publish or otherwise make public the names of attendees or the substance of our discussions, and that in the meeting we will neither assess nor investigate the behavior of any specific individual or group.
> >
> > Our specific goals for this meeting are to: 1) identify the ethical issues that arise in the use of psychology or psychological techniques in national security-related investigations; 2) discuss how the American Psychological Association and other professional and scientific organizations can serve as a resource for psychologists and mental health professionals who participate in national security-related investigations; 3) identify resources, for example journal articles that raise and address the relevant ethical issues, as well as other individuals with a particular interest or expertise in this area; and 4) determine whether ongoing contacts among the group would be useful, for example additional meetings to continue our discussion, panels or workshops at national conferences, or articles in journals or newsletters to stimulate discussion in the broader investigative and intelligence communities .
> >

> > The Ethics Office and Science Directorate would like to take a forward looking, positive approach, in which we convey a sensitivity to and appreciation of the important work mental health professionals are doing in the national security arena, and in a supportive way offer our assistance in helping them navigate through thorny ethical dilemmas, if they feel that need (informal conversations with people in the field suggest the need is there).
> >
> > Please let me know at your earliest convenience whether you will be able to attend the meeting. In your response, please be sure to include your full name and your title (as well as any dietary restrictions). If you have specific questions or issues that you would like to raise, please feel free to send them to me by email in advance of the meeting. Also, if you know of an individual who you think would make a substantial contribution to the meeting, please send me that person's name and contact information. Finally, I will be sending email messages to you as a group; if you do not want your email address to appear either in that list or in an attendance list that will be passed out at the meeting, please let me know.
> >
> > Thank you, and I look forward to our discussion on July 20.
> >
> > Sincerely,
> >
> > Stephen Behnke
> > Director, APA Ethics Office
> > (202) 336-6006
> >
> >
> >
>
>

Sender:	Shumate, Scott (GOV) <Scott.Shumate@cifa.mil>
Sent:	Wednesday, June 07, 2006 10:37:35 PM
Recipient:	[redacted] Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	Re: Eyes only

Steve as always robert is a master. I would recommend noting that national security psycholgy is a broad application of psychology that focuses on various issues that can facilitate protecting key material and knowledge that can potentiate a terrorist attack as well as be consultative in collecting vital intelligence as well as forensic information.

That national securit psychology is actively applying sound and well tested social behavioral research to the growing profession of nsp.

The training and education of specialized skills is at the heart of nsp and that there is much to be learned as there is in other specialized disciples of psychology. That our basic skills taught in all apa approved graduate programs imbue in its students

That our profession as psychologists is somethingthat can assuage the concerns of all individuals concerned in human rigts as well as securing our nation against those intentioned to harm our citizens

Apa position is one of promoting a responsible address against real threats and is aimed at promoting soundpolicy designed to prevent the conditions that foster the threat of terrorism. Like all policy there is an evolving nature that requires shapin

The shaping of policy requires careful constructive and proven solutions that psychology as a profession is focusing its accumen to benifit mankind

More can be flushed in conversation. Scott

Dr. R. Scott Shumate
Director Behavioral Sciences
DoD/Counterintelligence Field Activity
703-699-7792
scott.shumate@CIFA.MIL
scott.shumate@CIFA.SMIL.MIL

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

-----Original Message-----
From: [redacted]
To: Behnke, Stephen <sbehnke@apa.org>; Shumate, Scott (GOV) <Scott.Shumate@cifa.mil>
Sent: Wed Jun 07 21:38:55 2006
Subject: Re: Eyes only

Steve, Scott,

Just got off the plane. Long weather delays tonight.

Several points perhaps worth considering (I apologize for the lack of syntactic [is that even a word?] grace):

The combination of increasingly available weapons that can injure many people (range of bombs, possible nucs, biological and chemical weapons), coupled with instantaneous worldwide communication (internet) and an ideology of islamic extremism may be unprecedented in terms of risks of major terrorist violence against countries like the US, Canada, Spain, England, etc. We are only beginning to understand these risks, and what they may mean for our children and grandchildren, especially when it comes to WMD.

As many have noted, it is important for our country and others to devote much thought and research to questions of how to prevent targeted terrorist violence. Some of this involves consideration of social policies, some of research into "causes" of

certain kinds of terrorism, some into research into pre-attack behaviors of persons planning to commit acts of mass destruction, some into the kinds of laws and policies (and for professionals, the ethics) that should guide prevention of targeted terrorism activities.

Some (few) psychologists, by virtue of training (as a psychologist) that focuses attention on behavior, coupled with specialized experiences and further training, may (just may) have insights, perspectives, understandings about behaviors, motives, attitudes, patterns and modes of communication that can help those authorized to protect our country (persons with national security responsibilities, such as intelligence, military, and law enforcement professionals).

Examples of psychologists who may have such experience and expertise might include those who have worked in forensic settings with persons who have committed acts of targeted violence, those who have worked with law enforcement professionals who have protective responsibilities, those who have worked with national security and intelligence organizations which have a mandate to prevent attacks on the U.S., those who have worked in the military in certain capacities.

No one reasonable (whom I know) claims that a psychologist, simply by virtue of having a degree, having completing generic clinical training, being licensed, or practicing psychology, has such special expertise or experience.

Public policy, including the policies and practices of organizations whose members may have expertise in assessing and managing behaviors of concern (like the APA's), should encourage (and certainly not bar) the use of such expertise in consulting to and otherwise assisting national security protectors in their lawful prevention-of-violence activities.

In some (usually rare) situations, such specialized "behavioral", "psychological" expertise may be of use in consulting with persons authorized to interact with persons being held who are seen to have information critical to national security to help convince such persons to provide it so that targeted terrorist attacks may be prevented. (Some of these interactions have been labelled "interrogations.")

I hope that these too crude paragraphs are a start. I will be at my desk tomorrow for much of the day (and certainly from 11 am on): PRIVACY REDACTION

Robert
--
Robert Fein

---------- Original message ----------
From: "Behnke, Stephen" <sbehnke@apa.org>
> Can you help us formulate a substantive response? We'll need to be able
> to post something in fairly rapid order. Thanks so much,
>
>
>
> Steve
>
>
>
> _____
>
> From: Council of Representitives [mailto:COR@LISTS.APA.ORG] On Behalf Of
> Dr. Trish Crawford
> Sent: Wednesday, June 07, 2006 6:45 PM
> To: COR@LISTS.APA.ORG
> Subject: Re: [COR] Response to New York Times Article
>
>
>
> I'm not sure quite how to say and ask what I would like to say and ask,
> without putting myself in the middle of some controversy but I guess
> that's the risk and responsibility of being a Council delegate (and I
> apologize in advance if I have overlooked some previous information that
> may have clarified these issues).

>
>
>
> Do other Council members think it is really important to spell out, very
> concretely, just how:
>
>
>
> "Psychologists have skills that can help prevent future acts of terror."
>
>
>
> Speaking from the perspective of a fairly generically trained clinical
> psychologist,(NYU) I would say the majority of psychologists with
> backgrounds similiar to mine, will want to know, just exactly what
> skills psychologists have "that can help prevent future acts of terror".
> How are these skills being used at places like Guantanamo?
>
>
>
> I thought the consensus was that places like Guantanamo, in and of
> themselves, constitute "inhuman, or degrading" treatment and if
> psychologists are working there, that amounts to "countenancing" it. Or
> is there more controversy on that than I am not aware of?
>
>
>
> I do have to say that I am at home today, sick with a bad virus and
> fever, so maybe the obvious escapes me.
>
> However, if as a psychologist I feel a need for more specific
> information and am somewhat mystified, I can only imagine what the lay
> public must think, especially when the American Psychiatric Assn.
> appears to have drawn such a strong line. Are we, as an Assn, in a
> conflict of interest around this issue because of
> financial/professional/political concerns and therefore it makes it
> difficult for us to see the issue clearly? Are there pressures we have
> that the American Psychiatric Assn. does not have? Can we be objective
> about this?
>
>
>
> (At the last Council meetings, a few of us were asking Nathalie Gilfoye
> about conflict of interest issues related to representing our
> "constituency" versus the overall best interests of APA...and it was
> clear we are responsible to APA first, and I believe that is the source
> of my concerns).
>
>
>
> I am quite sue if I posted the Times letter and response to our listserv
> (about 600 psychologists) they would all come back with questions
> similiar to mine. So, before I do, I would like to hear the perspective
> on this from other Council members.
>
>
>
> Thank you.
>
>
>

> Trish Crawford, Ph.D.
>
> BCPA delegate to COR
>
> ----- Original Message -----
>
> From: O'Brien, Maureen <mailto:mobrien@APA.ORG>
>
> To: COR@LISTS.APA.ORG
>
> Sent: Wednesday, June 07, 2006 1:04 PM
>
> Subject: [COR] Response to New York Times Article
>
>
>
> The following letter to the editor has been submitted to the New
> York Times in response to this morning's article.
>
>
> http://www.nytimes.com/2006/06/07/washington/07detain.html?_r=1&oref=slo
> gin
> <http://www.nytimes.com/2006/06/07/washington/07detain.html?_r=1&oref=sl
> ogin>
>
>
>
> We will also use it to respond to any member inquiries about the
> Times story. Feel free to post to division lists as you see fit.
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>
> Rhea Farberman
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> To the Editor:
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>
> Regarding interrogations, (Military Alters the Makeup of
> Interrogations Advisors, June 7) the position of the American
> Psychological Association is clear: Psychologists may never engage in,
> facilitate, or countenance torture or other cruel, inhuman, or degrading
> treatment. Such acts violate the most fundamental maxim of our ethics,
> Do No Harm, and our association will not hesitate to sanction any member
> who violates this ethical rule. At the same time, as experts in human
> behavior, psychologists have skills that can help prevent future acts of
> terror. Preventing harm to others is likewise an ethical mandate for
> our profession.
>
>
>
> Gerald P. Koocher, PhD, President
>
> American Psychological Association
>

>

Sender: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent: Wednesday, June 14, 2006 7:34:57 AM
Recipient: Behnke, Stephen
</O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>;Debra.Dunivin@NA.AMEDD.ARMY.M
Subject: Re: Question

Steve,
Is it possible for Kelly to talk to the. PAO from OTSG? This would give you some real power, and it would be consistent with what he is trying to do. (In my opinion.)
COL L. Morgan Banks
Director Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
Banksl@usasoc.socom.smil.mil/banksl@soc.mil

-----Original Message-----
From: Behnke, Stephen <sbehnke@apa.org>
To: Dunivin, Debra L LTC WRAMC-Wash DC <Debra.Dunivin@NA.AMEDD.ARMY.MIL>; banksl@soc.mil <banksl@soc.mil>
Sent: Tue Jun 13 22:45:58 2006
Subject: Question

Hi Debra and Morgan,

One aspect of our media strategy is to stress similarities between the three association positions. All three associations have made clear that members may consult to interrogations. (President of American Psychiatric, Steve Sharfstein, has said that the psychiatric association will not discipline military psychiatrists acting under orders.)

May we mention in public that military psychiatrists continue to be trained for this role? Doing so may be helpful to us, but of course we will do so only if you say it's okay.

Thanks, Steve

Sender: Behnke, Stephen PRIVACY REDACTION
Sent: Tuesday, June 13, 2006 10:57:51 PM
Recipient: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject: FW: PENS report

-----Original Message-----
From: Sharon Brehm
Sent: Mon 6/12/2006 12:52 PM
To: Behnke, Stephen ; Ron Levant; Gerald P. Koocher, Ph.D.
Cc: nanderson@apa.org
Subject: RE: PENS report

I agree with Steve that we need a more high-profile strategy. I met with Col. James at the consolidated and was extremely impressed by him. He would be an excellent speaker and I urge that we invite him to speak -- Sharon

---

From: Behnke, Stephen PRIVACY REDACTION
Sent: Monday, June 12, 2006 10:14 AM
To: SSB; Ron Levant; Gerald P. Koocher, Ph.D.
Cc: nanderson@apa.org
Subject: RE: PENS report

Please keep this message confidential.

I think we need to develop a strategy for Council, where these questions can be directly addressed. Col. Larry James, who is very well respected in the Association and who has served at both Abu Ghraib and Guantanamo Bay, feels very strongly that psychologists have served as a bulwark against abuses, and that the most effective way to prevent abuses from occuring is to have psychologists involved. I think Council needs to hear directly from a psychologist with first-hand experiences at these settings. There is too much "noise" in the form of misinformation being disseminated about what psychologists are doing, and we need a better grasp of the facts to make thoughtful, intelligent decisions.

In an exchange this morning Larry indicated he would be willing to speak to Council in August.

Steve

-----Original Message-----
From: Sharon Brehm
Sent: Mon 6/12/2006 7:49 AM
To: Ron Levant; Gerald P. Koocher, Ph.D.; Behnke, Stephen
Cc:
Subject: RE: PENS report

And here's another issue. See today's NYT editorial: http://www.nytimes.com/2006/06/12/opinion/12mon1.html. Yesterday, I considered mentioning this issue, but we had a full plate even so and, frankly, I was uncomfortable talking about it with Russ in the room. Perhaps I was overly cautious, but this is such a complex, difficult issue that I didn't want to risk inadvertently saying something that would have made Russ uncomfortable. Given the ongoing violations of basic human rights, can APA sanction psychologists participating in the activities at Guantánamo? Is it ethical for any

psychologist to take part in any activities at Guantánamo? That is, what's the right thing to do when the specific psychological activity is ethically neutral or even ethically commendable, but the organization/setting/basic principles are unethical? At what point does the whole overwhelm the part? Sharon

-----Original Message-----
From: Sharon Brehm
Sent: Monday, June 12, 2006 6:23 AM
To: Ron Levant; 'Gerald P. Koocher, Ph.D.'; Behnke, Stephen
Subject: PENS report

Well, here's yet another complication. I suspect that Dr. Holman hasn't read the PENS report since she seems to assume that care-giving psychologists can also assume the role of behavioral scientist. As I recall, that's explictly ruled out by the PENS report. This is an incredibly difficult situation for the association. This is a high-profile complex issue; there's a report, but most members probably don't know about it; the psychiatrists beat us up on it; reporters aren't always unbiased; until we get the new website, most of our members won't rely on it; and most of our members probably don't read the Monitor.

Would it be possible/desirable to develop a short summary of the report, making the necessary distinctions, posting it to Council, and asking that they post it on their division/association website? We're getting pecked to death by ducks and, unless we are able to contact more of our members more effectively, the bleeding will continue.

BTW, Steve, have you spoken with George Packer? He's written a number of excellent pieces about Iraq for the New Yorker. He might have a somewhat different take on the need to prevent harm. Sharon

-----Original Message-----
From: APA's Board of Directors Executive Management Group [mailto:APABODEMG@LISTS.APA.ORG] On Behalf Of Levant,Ronald F
Sent: Monday, June 12, 2006 4:24 AM
To: APABODEMG@LISTS.APA.ORG
Subject: [APABODEMG] FW: [DIV38] Pentagon to use only psychologists, not psychiatrists for torture

-----Original Message-----
From: Division 38 Members list [mailto:DIV38@LISTS.APA.ORG] On Behalf Of Alison Holman
Sent: Monday, June 12, 2006 12:04 AM
To: DIV38@LISTS.APA.ORG
Subject: [DIV38] Pentagon to use only psychologists, not psychiatrists for torture

In my view there is a standard that ALL health professionals (MDs, NPs, PAs, health psychologists, etc) should adhere to--that of basic human decency. I have never taken the Hippocratic Oath but as a health psychologist/nurse practitioner I feel personally obligated to acknowledge and respect the fact that when people tell me things in the confidence of my role as either a nurse practitioner OR as a psychologist they are often sharing information that is intimate and private and that this disclosure is done in the context of a TRUSTING relationship. To then use such information as a means of "breaking" someone (to get information that many intelligence professionals consider questionable anyway) is a complete violation of the "trusting" relationship we are supposed to build with people who turn to us for help. How on earth can this not be considered a violation of basic human decency? It is immoral in my book to take in confidence intimate/personal information and then use it to manipulate/violate/harm the person who trusted you enough to disclose it.
This is especially important given the
controversy about whether or not the majority of the detainees currently being held are innocent (which we should assume under our constitution anyway). DO NO HARM is am oath we should all take very seriously.

Alison Holman, FNP, PhD

At 08:16 PM 6/11/2006, Nancy Hansen Merbitz wrote:
>I wondered, when reading this, if a relevant factor is that
>psychiatrists, as physicians, take the Hippocratic Oath. There seems
>to be no comparable clear-cut standard (certainly not one that is
>formally sworn to) among psychologists in training.
>
>Nancy Hansen Merbitz, Ph.D.
>MHRC, Inc.
>325 A Timber St.
>Pontiac, IL
>815-844-2610
>
> PRIVACY REDACTION
>
>PRIVACY REDACTION
>
>-----Original Message-----
>From: Michael Stefanek PRIVACY REDACTION
>To: DIV38@LISTS.APA.ORG
>Sent: Sat, 10 Jun 2006 08:10:13 -0400
>Subject: [DIV38] Fw: Pentagon to use only psychologists, not
>psychiatrists for torture
>
> This is most distressing. I would like to hear Dr. Behnkes response
>and rationale, be informed of who else is providing consultation and
>input into this effort, and what secure safeguards are being used to
>ensure that transgressions do not occur, given the history of abuse and
>the pressure psychologists will be under to cooperate with the military
>in this regard. What a priori safeguards are being implemented and who
>will provide supervision of such efforts? Without a very convincing
>argument, I will no longer be a member of the APA.
>
>
>Michael Stefanek, PhD
>
>
>
>>
>>WASHINGTON | June 7, 2006
>>Military Alters the Makeup of Interrogation Advisers By NEIL A. LEWIS
>>Pentagon officials said that they would try to use only psychologists,
>and
>not
>>psychiatrists, to help devise strategies to get information from
>detainees.
>>http://www.nytimes.com/2006/06/07/washington/07detain.html?ex=11505168
>>00
>&en=1984094011046c7b&ei=5070&emc=eta1
>
>>
>>
>>WASHINGTON, June 6 Â Pentagon officials said Tuesday that they would
>>try to use only psychologists, and not psychiatrists, to help
>>interrogators devise strategies to get information from detainees at
>>places like GuantÃ¡namo Bay, Cuba.
>>
>>
>>he new policy follows by little more than two weeks an overwhelming
>>vote by the American Psychiatric Association discouraging its members
>>from participating in those efforts.
>>

>>Dr. William Winkenwerder Jr., assistant secretary of defense for
>>health affairs, told reporters that the new policy favoring the use of
>>psychologists over psychiatrists was a recognition of differing
>>positions taken by their respective professional groups.
>>
>>The military had been using psychiatrists and psychologists alike on
>>behavioral science consultation teams, called "biscuit" teams because
>>of the acronym, to advise interrogators on how best to obtain
>>information from prisoners.
>>
>>But Dr. Steven S. Sharfstein, recent past president of the American
>>Psychiatric Association, noted in an interview that the group adopted
>>a policy in May unequivocally stating that its members should not be
>>part of the teams.
>>
>>The counterpart group for psychologists, the American Psychological
>>Association, has endorsed a different policy. It said last July that
>>its members serving as consultants to interrogations involving
>>national security should be "mindful of factors unique to these roles
>>and contexts that require special ethical consideration."
>>
>>Stephen Behnke, director of ethics for the organization, said
>>psychologists knew not to participate in activities that harmed
>>detainees. But Dr. Behnke also said the group believed that helping
>>military interrogators made a valuable contribution because it was
>>part of an effort to prevent terrorism.
>>
>>Former military interrogators at GuantÃ¡namo told The New York Times
>>last year that some psychiatrists and psychologists had advised them
>>on how to "break" detainees to make them more cooperative. The former
>>interrogators said they had been counseled on how to use a detainee's
>>fears and longings to increase distress. One example was their taking
>>advantage of a prisoner's fear of the dark, known from his medical
>>records.
>>
>>Dr. Winkenwerder, the Pentagon official, disputed those assertions
>>Tuesday, saying he did not believe that such counseling had occurred.
>>He said the biscuit teams gave interrogators advice only on how to
>>establish a positive rapport with detainees.
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>
>
>_____
>_ Check out AOL.com today. Breaking news, video search, pictures, email
>and IM. All on demand. Always Free.
>

Sender:	Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent:	Tuesday, June 13, 2006 4:01:01 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	RE: AMA/APA positions

COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
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banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Tuesday, June 13, 2006 3:40 PM
To: Banks, Louie M. COL
Subject: AMA/APA positions

Morgan, could you read and give me a shout? Thanks so much, Steve (202) 336-6006

Several excerpts from the AMA statement illustrate the close similarity between the AMA position and APA's.

First, the AMA makes clear that physicians cannot participate in "coercive" interrogations. By "coercive," the AMA position explains (page 7), "that is, threatening or causing harm through physical injury or mental suffering." The PENS report is clear that APA's position is based on the ethical principle do no harm, and the Report prohibits in every instance torture or other cruel, inhuman and degrading treatment. The PENS report prohibits threatening or causing harm through physical or mental suffering.

Second, both the AMA and the APA prohibit The word prohibit seems strong for the APA report. You explain it very well below, but prohibit seems seems pretty absolute to me. How about "generally prohibit" "direct" involvement in interrogations. The AMA report explains as a reason for this prohibition "because non-medical personnel can be trained to be expert interrogators." (page 6) Likewise, the PENS report is clear that psychologists do not act beyond their competence, and therefore that the appropriate role for psychologists, who have not been trained as interrogators, is to "assist in" and "support" interrogations. Both the AMA and the APA permit "indirect" participation in interrogations.

Third, the AMA is clear that physicians may act as consultants to interrogations, "…a physician may help to develop general guidelines or strategies, as long as they are not coercive and are neither intended nor likely to cause harm, and as long as the physician's role is strictly that of a

caregiver, [Banks, Louie M. COL] (?) is this properly worded? I do not have it in front of me, but I thought it said, "as long as ...that of a consultant, not a caregiver." not a consultant." (page 6) The same position is found in the PENS Report. The PENS report allows psychologists to act as consultants to interrogations and prohibits psychologists from serving in the role of caregiver and at the same time serving in the role as consultant to an interrogation. (PENS Report, statement 6: "Psychologists are sensitive to the problems inherent in mixing potentially inconsistent roles such as health care provider and consultant to an interrogation, and refrain from engaging in such multiple relationships.")

Fourth, the AMA imposes an obligation to report harmful behavior to the authorities, "Once an interrogation strategy is shown to produce significant harm, whether immediate or long term, it should be reported to appropriate authorities so that its use can be prohibited." (page 6) This same position is found in the PENS Report. (PENS Report, statement 2: "Psychologists are alert to acts or torture and other cruel, inhuman, or degrading treatment and have an ethical responsibility to report these acts to the appropriate authorities.")

Fifth, both the AMA and the APA rely on precisely the same ethical analysis, which is founded upon two ethical principles: Do no harm, and contribute to society by preventing acts of harm. The AMA states, "Questions about the ethical propriety of physicians participating in interrogations and in the development of interrogation strategies may be addressed by balancing obligations to society with obligations to protect third parties and the public." (page 7)

Sender: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent: Tuesday, June 13, 2006 9:00:05 AM
Recipient: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject: RE: AMA opposes doctor involvement in detainee interrogation

---

Dr. Vehnke,

I've been getting your name wrong...

Sorry, I couldn't resist.

I'm sorry you are having to go through all of this. I see how frustrating it is. Most of the people we usually work with are generally trying to get to the truth, the facts, the data. As I have told you before, the level of professionalism that I experienced at APA was very rewarding. It is similar to what I expect in my position here.

Unfortunately, I really believe that accuracy is not a critical component of most journalism efforts. I don't know a solution, other than realizing that their contingencies have almost nothing to do with accuracy (I'm a simple behaviorist at heart). Try not to let the bastards get to you. You, and APA, are doing the right thing. I expect that APA's PR folks are telling you to keep to your talking points, and I would certainly concur. (I can speak from personal experience that letting them see you get angry isn't helpful. Pointing out their gross inaccuracies just seems to make it worse.)

My thoughts:

"We are extremely pleased that the AMA has adopted a position so similar to ours."
"We strongly support the AMA's adoption of a position that will allow them to work along side psychology in this area."
"We applaud the AMA position that is so consistent with the APA's ethical statement. Their position allows for very little disagreement between the two organizations, and will allow us to work together in this important national security area."

Just my 2 cents. (And NOT a statement representing the views of USASOC, the US Army, etc...)

Morgan

COL L. Morgan Banks
Director, Psychological Applications Directorate
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PRIVACY REDACTION
banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

-----Original Message-----
From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Tuesday, June 13, 2006 12:54 AM
To: Banks, Louie M. COL
Subject: FW: AMA opposes doctor involvement in detainee interrogation

Morgan, here is the general approach we're taking...be very interested

in your thoughts.

Steve

-----Original Message-----
From: Behnke, Stephen
Sent: Tuesday, June 13, 2006 12:47 AM
To: John Neafsey
Subject: RE: AMA opposes doctor involvement in detainee interrogation

John, have you read the AMA position statement? A close read indicates that the AMA has used PRECISELY the same ethical analysis as has the American Psychological Association, allows PRECISELY the same involvement in military interrogations, and prohibits PRECISELY the same behaviors. There are entire passages that could be lifted directly from either report and placed in the other. The two position statements are virtually interchangeable in terms of what they allow and prohibit and how they approach the issue.

I'm sorry about sounding so frustrated, but I just left the website of Physicians for Human Rights, which has generally laudatory comments about the AMA position ("PHR Welcomes American Medical Association's Adoption of Rules Against Physician Involvement in Interrogation," posted June 12), even though PHR has been publicly critical of APA's position and the AMA position violates nearly every principle that PHR has said should govern health care provider involvement. I seriously question whether the person who wrote the text on the website had actually read the AMA report.

We really are working to do the right thing, and I welcome, encourage, and will call attention to your contributions and those of your many colleagues. But I'm increasingly coming to believe that commentators on this subject have agendas of their own and are not interested in an honest discourse, which makes productive discussion and debate extremely difficult.

Steve

-----Original Message-----
From: John Neafsey
Sent: Monday, June 12, 2006 11:55 PM
To: Behnke, Stephen; jneafs1@apa.org
Subject: AMA opposes doctor involvement in detainee interrogation

This story was sent to you by: Neafsey

Stephen, A Chicago Tribune article reporting that the AMA has now joined the American Psychiatric Association in officially forbidding its members from participating in interrogations. So what is the problem with the APA? Is this not a source of extreme embarrassment that the APA stands alone in

---
AMA opposes doctor involvement in detainee interrogation

By LINDSEY TANNER
AP Medical Writer

June 12, 2006, 5:14 PM CDT

CHICAGO -- Doctors' direct involvement in prisoner interrogation is unethical and violates their oath to do no harm, the American Medical Association said Monday in a new policy stemming from concerns about treatment of detainees at Guantanamo Bay and elsewhere.

"Physicians in all circumstances must never be involved in activities that are physically or mentally coercive. If physicians engage in such activities, the whole profession is tainted," according to the new policy adopted by delegates at the AMA's annual meeting.

The policy says doctors may participate in developing non-coercive interrogation techniques for general training purposes. They may also provide medical care for detainees, but not if that treatment is conditional on a patient's participation in interrogation, according to the policy.

Doctors who learn of any coercive interrogation are ethically obligated to report it to authorities, the policy says.

The measure stems from concerns about military use of psychiatrists and psychologists as behavioral science consultants, or "biscuit" teams, to help interrogators obtain information from detainees. These teams observe but don't conduct the interrogation process, according to Dr. William Winkenwerder, assistant secretary of defense for health affairs.

Media reports have said these teams have helped interrogators create techniques involving coercive tactics including sleep deprivation and playing on detainees' fears or phobias to extract information. But in a press briefing last week about military guidelines for medical involvement with detainees, Winkenwerder said he did not think those actions had occurred.

Delegates to the nation's largest physician group adopted the policy without debate during their five-day annual meeting, which ends Wednesday.

The policy was recommended by the AMA's Council on Ethical and Judicial Affairs, whose report on the issue "provides valuable and ethical guidance," said Lt. Gen. George Taylor, the Air Force surgeon general. He spoke in support of the measure at an AMA committee meeting Sunday.

Dr. David Fassler, an AMA member and Vermont psychiatrist, said the policy underscores that doctor involvement in detainee interrogation is "simply incompatible with our primary obligation to do no harm."

The AMA's new stand "affirms a really profound ethical principle that physicians are there for the well-being of people, whoever they are -- not to induce distress or monitor and calibrate the level of distress, which is what the Pentagon really wants," said Leonard Rubenstein, executive director of Physicians for Human Rights.

The new policy puts the AMA on the same page as the France-based World Medical Association and the American Psychiatric Association, which last month said psychiatrists, who are medical doctors, should not be involved in detainee interrogation.

Winkenwerder said the behavioral teams have mostly involved psychologists but that given the psychiatrists' new stance, the military would generally seek not use them except when psychologists aren't available.

The AMA stance does not affect psychologists, who are not medical doctors. But Stephen Vehnke, ethics director at the American Psychological Association, said his group's position states that psychologists should not be involved in direct interrogation of detainees, or in tactics that could lead to cruel and abusive treatment of detainees.

On the Net:

AMA: http://www.ama-assn.org

Department of Defense: http://www.defenselink.mil

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Sender:	Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent:	Tuesday, June 13, 2006 8:30:04 AM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	RE: American Psychological Association

This looks great. The basic talking point is that we and the AMA are in virtually complete agreement. Good way to put it.

COL L. Morgan Banks
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From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Monday, June 12, 2006 8:06 PM
To: Banks, Louie M. COL
Subject: FW: American Psychological Association

Morgan, I sent this message to the reporter. This is going to be our basic position, that we'll elaborate. How does it sound?

From: Behnke, Stephen
Sent: Monday, June 12, 2006 3:22 PM
To: Lindsey Tanner
Subject: American Psychological Association

Dear Ms. Tanner,

Thank you for contacting the American Psychological Association on this important issue. I apologize for not being able to have responded more quickly to you.

The American Psychological Association issued a Report (Report of the Task Force on Psychological Ethics and National Security) that unequivocally prohibits psychologists from engaging in, participating, or countenancing torture or other cruel, inhuman, or degrading treatment. As the basis for its position, the Task Force looked first to Principle A in the *Ethical Principles of Psychologists and Code of Conduct*, "Do No Harm," and then to Principle B, which addresses psychologists' responsibilities to society. Both ethical responsibilities are central to the profession of psychology. By virtue of Principle A, psychologists do no harm. By virtue of Principle B, psychologists use their expertise in, and understanding of, human behavior to aid in the prevention of harm.

In national security-related settings, these ethical principles converge as psychologists are mandated to take affirmative steps to prevent harm to individuals being questioned and, at the same time, to assist in eliciting reliable information that may prevent harm to third parties and the

public.

It is interesting to note that the American Medical Association has used precisely the same ethical analysis to determine the manner in which physicians may participate in interrogations. For both associations, the question is not *whether* psychologists and physicians may consult on interrogations, but rather *how* they may do so in an ethical manner. A careful read of the two association statements indicates that both associations set forth virtually identical conditions for their members' involvement.

I hope this message is responsive to your question, and again I apologize for not having responded sooner.

Stephen Behnke

(202) 336-6006

Sender:	Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent:	Saturday, June 10, 2006 7:24:23 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	Re: Psychiatrists and Interrogation

My sources say the latest AMA statement will be very similar to ours.
COL L. Morgan Banks
Director Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
Banksl@usasoc.socom.smil mil/banksl@soc.mil

-----Original Message-----
From: Behnke, Stephen <sbehnke@apa.org>
To: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent: Sat Jun 10 10:32:12 2006
Subject: RE: Psychiatrists and Interrogation

Morgan, could I give you a shout at some point today? After last week (Dr. Winkenwerder's statements to the press), we've been taking some very heavy hits, related to Guantanamo. I'm meeting with the Board in tomorrow am--

Thanks Morgan,

Steve

-----Original Message-----
From: Banks, Louie M. COL [mailto:louie morgan.banks@us.army mil]
Sent: Wednesday, May 24, 2006 3:32 PM
To: Behnke, Stephen; Kelly, Heather
Subject: RE: Psychiatrists and Interrogation

Steve,

I look forward to discussing it with you. Stay safe.

Morgan

COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
banksl@usasoc.socom.smil.mil/louie morgan.banks@us.army mil

-----Original Message-----
From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Wednesday, May 24, 2006 3:24 PM
To: Banks, Louie M. COL; Kelly, Heather
Subject: RE: Psychiatrists and Interrogation

I agree, although I've not read the statement itself the description of it and Dr. S's comments make it sound very confusing. Morgan, I think that's correct--it's being described as equivalent to our aspirational principles--which means there is no enforcement to it. My guess is that

it's a result of a compromise, but my initial read is that it's going to raise a lot more questions that it answers.

Let's see if we can get the statement itself to review--perhaps we can all speak next week when I'm back in the country,

Steve

From: Banks, Louie M. COL [mailto:louie morgan.banks@us.army mil]
Sent: Wed 5/24/2006 3:10 PM
To: Kelly, Heather
Cc: Behnke, Stephen
Subject: RE: Psychiatrists and Interrogation

Heather,

I don't know that it is much help, but I still think that our report is well thought out, and consistent with the ethical standards of our profession. The more I read their ApA's position paper, the less I understand. It apparently is not binding, is not a statement of ethics, but a position paper(?) Also, Dr. Sharfstein is poorly informed on several issues. (He is inaccurate in his depiction of several facts.)

Morgan

COL L. Morgan Banks
Director, Psychological Applications Directorate US Army Special Operations Command DSN 239-6833 COM (910) 432-6833 PRIVACY REDACTION
banksl@usasoc.socom.smil.mil/louie morgan.banks@us.army mil

From: Kelly, Heather [mailto:hkelly@apa.org]
Sent: Wednesday, May 24, 2006 12:56 PM
To: Banks, Louie M. COL
Subject: RE: Psychiatrists and Interrogation

Morgan,

I can imagine! I hope you'll let Steve (sbehnke@apa.org) and me know if there's anything on your end you can share in the way of a reaction or what it might mean for conducting business.

Heather

Heather O'Beirne Kelly, Ph.D.
Senior Legislative and Federal Affairs Officer
Science Public Policy Office
American Psychological Association
750 First Street, N.E., 5th Floor
Washington, D.C. 20002
phone 202.336.5932

fax 202.336.6063
email hkelly@apa.org

From: Banks, Louie M. COL
[mailto:louie morgan.banks@us.army mil]
Sent: Wednesday, May 24, 2006 12:55 PM
To: Kelly, Heather
Subject: RE: Psychiatrists and Interrogation

Thanks much, Kelly.

Yes, it is the topic of much conversation right now. I hope you are well.

Morgan

COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
banksl@usasoc.socom.smil.mil/louie morgan.banks@us.army mil

From: Kelly, Heather [mailto:hkelly@apa.org]
Sent: Wednesday, May 24, 2006 12:45 PM
To: Banks, Louie M. COL
Subject: FW: Psychiatrists and Interrogation

Hi, Morgan:

Steve Behnke is out of the country this week, but he and I thought you would want to see this if you haven't already. APA is working on its public response.

Hope all is going well,
Heather

Heather O'Beirne Kelly, Ph.D.
Senior Legislative and Federal Affairs Officer
Science Public Policy Office
American Psychological Association
750 First Street, N.E., 5th Floor
Washington, D.C. 20002
phone 202.336.5932
fax 202.336.6063
email hkelly@apa.org

From: Behnke, Stephen
Sent: Monday, May 22, 2006 3:53 PM
To: Honaker, Michael; Gilfoyle, Nathalie; Farberman, Rhea; Kelly, Heather
Subject: Psychiatrists and Interrogation

Here is what the psychiatrists have passed:

http://www.psych.org/news_room/press_releases/06-36PositionStatementonInterrogation.pdf

It is a confusing statement, and one that differs from their original position. I'm not quite sure what to make of it--we also could say that psychologists are not "directly" engaged in interrogations. I'll need to ponder on this. We would be in full agreement with everything up until the last clause--I'm just not entirely sure what that last clause means. Really, a careful read shows the statement raises many more questions than it answers.

Sender:	Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent:	Wednesday, May 24, 2006 3:32:11 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>;Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>
Subject:	RE: Psychiatrists and Interrogation

Steve,

I look forward to discussing it with you. Stay safe.

Morgan

COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
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banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

-----Original Message-----
From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Wednesday, May 24, 2006 3:24 PM
To: Banks, Louie M. COL; Kelly, Heather
Subject: RE: Psychiatrists and Interrogation

I agree, although I've not read the statement itself the description of it and Dr. S's comments make it sound very confusing. Morgan, I think that's correct--it's being described as equivalent to our aspirational principles--which means there is no enforcement to it. My guess is that it's a result of a compromise, but my initial read is that it's going to raise a lot more questions that it answers.

Let's see if we can get the statement itself to review--perhaps we can all speak next week when I'm back in the country,

Steve

From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Wed 5/24/2006 3:10 PM
To: Kelly, Heather
Cc: Behnke, Stephen
Subject: RE: Psychiatrists and Interrogation

Heather,

I don't know that it is much help, but I still think that our report is well thought out, and consistent with the ethical standards of our profession. The more I read their ApA's position paper, the less I understand. It apparently is not binding, is not a statement of ethics, but a position paper(?) Also, Dr. Sharfstein is poorly informed on several issues. (He is inaccurate in his depiction of several facts.)

Morgan

COL L. Morgan Banks
Director, Psychological Applications Directorate US Army Special Operations Command DSN 239-6833 COM (910) 432-6833 PRIVACY REDACTION
banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

From: Kelly, Heather [mailto:hkelly@apa.org]
Sent: Wednesday, May 24, 2006 12:56 PM
To: Banks, Louie M. COL
Subject: RE: Psychiatrists and Interrogation

Morgan,

I can imagine! I hope you'll let Steve (sbehnke@apa.org) and me know if there's anything on your end you can share in the way of a reaction or what it might mean for conducting business.

Heather

Heather O'Beirne Kelly, Ph.D.
Senior Legislative and Federal Affairs Officer
Science Public Policy Office
American Psychological Association
750 First Street, N.E., 5th Floor
Washington, D.C. 20002
phone 202.336.5932
fax 202.336.6063
email hkelly@apa.org

From: Banks, Louie M. COL
[mailto:louie.morgan.banks@us.army.mil]
Sent: Wednesday, May 24, 2006 12:55 PM
To: Kelly, Heather
Subject: RE: Psychiatrists and Interrogation

Thanks much, Kelly.

Yes, it is the topic of much conversation right now. I hope you are well.

Morgan

COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

From: Kelly, Heather [mailto:hkelly@apa.org]
Sent: Wednesday, May 24, 2006 12:45 PM
To: Banks, Louie M. COL
Subject: FW: Psychiatrists and Interrogation

Hi, Morgan:

Steve Behnke is out of the country this week, but he and I thought you would want to see this if you haven't already. APA is working on its public response.

Hope all is going well,
Heather

Heather O'Beirne Kelly, Ph.D.
Senior Legislative and Federal Affairs Officer
Science Public Policy Office
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phone 202.336.5932
fax 202.336.6063
email hkelly@apa.org

From: Behnke, Stephen
Sent: Monday, May 22, 2006 3:53 PM
To: Honaker, Michael; Gilfoyle, Nathalie; Farberman, Rhea; Kelly, Heather
Subject: Psychiatrists and Interrogation

Here is what the psychiatrists have passed:

http://www.psych.org/news_room/press_releases/06-36PositionStatementonInterrogation.pdf

It is a confusing statement, and one that differs from their original position. I'm not quite sure what to make of it--we also could say that psychologists are not "directly" engaged in interrogations. I'll need to ponder on this. We would be in full agreement with everything up until the last clause--I'm just not entirely sure what that last clause means. Really, a careful read shows the statement raises many more questions than it answers.

Sender:	Judith Van Hoorn [redacted]
Sent:	Thursday, June 29, 2006 7:28:39 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Cc:	Corann Okorodudu [redacted];Olivia Moorehead-Slaughter;Linda Woolf;G. Andrew H. Benjamin, J.D., Ph.D. [redacted];Doug Haldeman
Subject:	RE: [COR] Petition on APA Ethics & New Business Item from Div 48

Dear Olivia and Steve,

I hope that we all felt that our conference call was highly productive re. the substance of the resolution as well as our initial conversation about the change in the process.

I thank both of you for sending the wording we discussed re. the second to final, and also for the suggestion about an additional Whereas.

Corann and Linda will return next week and we'll focus on putting together the next draft, send it to you for review/comments, and then send it to the others who helped work on it at Council.

Re. our plans to reach out to others, I've started some initial outreach. Steve Sellman (19) and I have planned a call for tomorrow. Beth Wiggins (Law) and I will speak when she returns next week from a trip to Nigeria.

Take care and keep dry. The news from the East Coast has been very disturbing.

Judy

Quoting "Behnke, Stephen" <sbehnke@apa.org>:

> Hello Everyone,
>
> The wording for the second to final "Be It Resolved" that we
> discussed:
>
> BE IT RESOLVED that based upon the APA's longstanding commitment to
> basic human rights including its position against torture,
> psychologists always work in accordance with international human
> rights instruments relevant to their roles, and regardless of their
> roles, do not engage in, direct, support, facilitate, or offer
> training in torture or other cruel, inhuman, or degrading treatment.
>
> In terms of the other issue, a possible "WHEREAS" to consider:
>
> Whereas, all members of the APA have important contributions to make
> to the individuals and groups with whom they work, and to society,
> when abiding by the Ethical Principles of Psychologists and Code of
> Conduct (2002),
>
>
> Okay, we look forward to being in touch,
>
> Olivia and Steve
>

Sender:	Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent:	Tuesday, June 27, 2006 6:26:57 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	Re: review of new book: *Oath Betrayed: Torture, Medical Complicity, and the War on Terror*

Steve,
I am told that OTSG responded in an interview on NPR today. You may want to check out what he said. Also, the MEDCOM investgation into detainee ops is a strong rebutal of this book.
Morgan
COL L. Morgan Banks
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PRIVACY REDACTION
Banksl@usasoc.socom.smil mil/banksl@soc.mil

-----Original Message-----
From: Behnke, Stephen <sbehnke@apa.org>
To: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent: Mon Jun 26 17:14:56 2006
Subject: FW: review of new book: *Oath Betrayed: Torture, Medical Complicity, and the War on Terror*

Morgan, we are DEFINITELY going to need to respond to this book.

It goes on.

Steve

From: Ken Pope PRIVACY REDACTION
Sent: Mon 6/26/2006 2:47 PM
To: Ken Pope
Subject: review of new book: *Oath Betrayed: Torture, Medical Complicity, and the War on Terror*

The new issue of *Times* includes a review of the book *Oath Betrayed: Torture, Medical Complicity, and the War on Terror* (published this week by Random House; ISBN: 140006578X) by medical ethicist professor Steven Miles, MD.

The review is by Andrew Sullivan.

Here's the review:

How Doctors Got Into the Torture Business
Andrew Sullivan on the harrowing new book "Oath Betrayed", in which a medical ethicist documents how members of his profession got caught up in the abuse of prisoners
By Andrew Sullivan

Soldiers are trained to kill and doctors to heal. At least that's how we usually understand those two professions. But wars can often distort reality, and the war on terrorism has turned into a test case. An inspiring example is that of Colonel Kelly Faucette, M.D. He recently wrote about caring for a new patient at the intensive-care unit of the

47th Combat Support Hospital in Mosul, Iraq. The patient was a terrorist insurgent, a man who planted hidden roadside bombs to murder civilians and Faucette's fellow soldiers. Faucette wrote in his local paper: "Something inside me wants to walk up to this guy ... and just clobber him." But Faucette didn't. Instead he healed him before sending him to a jail, and by that act of healing he helped heal Iraq.

That's the America I know and love. But it is not, alas, the only face of America in this war. One of Defense Secretary Donald Rumsfeld's first instructions for military interrogations outside the Geneva Conventions was that military doctors should be involved in monitoring torture. It was a fateful decision -- and we learn much more about its consequences in a new book based on 35,000 pages of government documents obtained under the Freedom of Information Act. The book is called Oath Betrayed (to be published June 27) by medical ethicist Dr. Stephen Miles, and it is a harrowing documentation of how the military medical profession has been corrupted by the Bush-Rumsfeld interrogation rules.

One of those rules was that a prisoner's medical information could be provided to interrogators to help guide them to the prisoner's "emotional and physical strengths and weaknesses" (in Rumsfeld's own words) in the torture process. At an interrogation center called Camp Na'ma, where the unofficial motto was "No blood, no foul," one intelligence officer testified that "every harsh interrogation was approved by the [commander] and the Medical prior to its execution." Doctors, in other words, essentially signed off on torture in advance. And they often didn't inspect the victims afterward. At Abu Ghraib, according to the Army's surgeon general, only 15% of inmates were examined for injuries after interrogation.

Some of the medical involvement in torture defies belief. In one of the few actual logs we have of a high-level interrogation, that of Mohammed al-Qhatani (first reported in TIME), doctors were present during the long process of constant sleep deprivation over 55 days, and they induced hypothermia and the use of threatening dogs, among other techniques. According to Miles, Medics had to administer three bags of medical saline to Qhatani -- while he was strapped to a chair -- and aggressively treat him for hypothermia in the hospital. They then returned him to his interrogators. Elsewhere in Guantanamo, one prisoner had a gunshot wound that was left to fester during three days of interrogation before treatment, and two others were denied antibiotics for wounds. In Iraq, according to the Army surgeon general as reported by Miles, "an anesthesiologist repeatedly dropped a 2-lb. bag of intravenous fluid on a patient; a nurse deliberately delayed giving pain medication, and medical staff fed pork to Muslim patients." Doctors were also tasked at Abu Ghraib with "Dietary Manip (monitored by med)," in other words, using someone's food intake to weaken or manipulate them.

Of the 136 documented deaths of prisoners in detention, Miles found, medical death certificates were often not issued until months or even years after the actual deaths. One prisoner's corpse at Camp Cropper was kept for two weeks before his family or criminal investigators were notified. The body was then left at a local hospital with a certificate attributing death to "sudden brainstem compression." The hospital's own autopsy found that the man had died of a massive blow to the head. Another certificate claimed a 63-year-old prisoner had died of "cardiovascular disease and a buildup of fluid around his heart." According to Miles, no mention was made that the old man had been stripped naked, doused in cold water and kept outside in 40? cold for three days before cardiac arrest.

Other doctors just looked the other way, their military duty overruling the Hippocratic Oath. One at Abu Ghraib intervened to ask guards to stop beating one prisoner's wounded leg and quit hanging him from an injured shoulder. He saw it happen three times. He never reported it. In Mosul, according to Miles, one medic witnessed guards beating a prisoner and burning him by dragging him over hot stones. The prisoner was taken to the hospital, treated and then returned by doctors to his torturers. An investigation into the incidentwas closed because the medic didn't sign the medical record and so he couldn't be identified.

After a while, you get numb reading these stories. They read like accounts of a South American dictatorship, not an American presidency. But we learn one thing: once you allow the torture of prisoners for any reason, as this President did, the cancer spreads. In the end it spreads to healers as well, and turns them into accomplices to harm.

Ken

Resource-Finder for Torture Survivors, Asylum-Seekers, & Refugees:
<http://kspope.com/torvic/torture.php>

"Thou shalt not be a victim. Thou shalt not be a perpetrator. Above all, thou shalt not be a bystander."
--Yehuda Bauer, United States Holocaust Memorial Museum

Sender:	Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent:	Monday, June 26, 2006 6:37:48 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	Fw: [COR] Petition on APA Ethics

Steve,
Below are some comments from a jag oplaw friend of mine. I am sending them verbatim, but obviously don't forward this message without removing his name. Don't know that there is anything new here.

Morgan
COL L. Morgan Banks
Director Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
Banksl@usasoc.socom.smil.mil/banksl@soc.mil

-----Original Message-----
From: Taylor, John LTC SJA/AFZP-JAH <guy.john.taylor@us.army.mil>
To: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent: Mon Jun 26 18:30:14 2006
Subject: RE: [COR] Petition on APA Ethics

Do you still need my help on this? I finally got through the opinion. My comments in brief are as follows:

1. Due process argument - invalid on its face. The fact that the Hamden case is at the USSC level and has been through the Federal District and Court of Appeals levels belies this position. The statement is also internally inconsistent w/ point number two, concerning the Geneva Conventions. If the GC applies and these individuals are to be treated as prisoners of war, then they are not entitled to criminal due process...unless they are being tried. Further, the ICRC has made a number of visits to Guantanamo, which factually belies the statement that they are being denied GC monitoring.

The case of Hamden v. Rumsfeld did not answer the question of due process directly, but was clear in on the subject even though it was oblique...they are entitled to due process, they received due process by the fact that the case was heard at the district and court of appeals levels and is currently being heard at the USSC level, and they are entitled to the due process procedures of the military commission, including a challenge to the jurisdiction of the military commission. These procedures are likely to be similar to those found in the Uniform Code of Military Justice and the Manual for Courts-Martial that govern our own military personnel, although the law does not require them to be tried under the UCMJ.

2. Entitled or not, they receive GC monitoring from the only international organization accepted by all signatories to perform this duty, and that is the ICRC. Legally, the GC does not apply to them, pure and simple. There is no reasonable, persuasive argument to the contrary. They are terrorists, not members of a nation state's military. The President of the United States is well w/in his power to determine their status. Further, the due process they are accorded at the military commission will allow them to challenge their status determination. And again, this is an example of the due process they have.

3. So? Extreme stress can be brought about in my by prolonged exposure to

my children. Its not going to kill me and its not illegal. Again, assuming that Common Article 3 applies, it only requires humane treatement and no torture. Stress doesn't even come close to torture as defined in the torture convention. Finally, criticism of the participation of psychologists in this endeavor implies a violation of some cannon of ethics that concern how psychologists are required to treat patients...these people are NOT patients.

4. Where is the evidence of this so called "policy" and did I mention that these people are NOT patients.

My thoughts in the several seconds I had to consider this. I'm sorry for no greater detail but honestly I'm just swamped. If there is anything novel in this it'll surprise me. I'm sure your friend has already thought of all of this. Bottom line is that these SOBs are helping us lose this war by creating things that didn't happen and establishing "rights" that don't exist in law or reality in an effort to stymie our prosecution of this war. I say indict them after punishment send them to live in Iran under Sharia law...just so they can finally appreaciate the freedom that others blood and sweat gives them. This probably wasn't helpful at all but I'm sure you were amused...plus you can probably see that I haven't changed much since you first let me into the Unit...:)

JT

-----Original Message-----
From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Thursday, June 22, 2006 8:46 AM
To: Taylor, John
Subject: FW: [COR] Petition on APA Ethics
Importance: High

John,

The request below is from the director of ethics at the American Psychological Association. Ever since the AMA report came out (sort of) we are taking huge heat in the press. Steve is trying to show that the petition at the bottom of the page has its reading of the law grossly incorrect. He is not interested in attribution, just the references to show that the petition is factually incorrect. Can you help?

Morgan

COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

-----Original Message-----
From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Wednesday, June 21, 2006 9:12 PM
To: Banks, Louie M. COL

Subject: RE: [COR] Petition on APA Ethics

Morgan, my reading of Hamdan v. Rumsfeld (US Court of Appeals, DC circuit), is that detainees at Guantanamo Bay are entitled to due process. The process to which they are due consists of a trial before a military tribunal. It is my understanding that the Hamdan case is currently under review by the United States Supreme Court.

It would be helpful if this understanding can be confirmed as correct.

-----Original Message-----
From: Behnke, Stephen
Sent: Wednesday, June 21, 2006 7:19 PM
To: 'Banks, Louie M. COL'
Subject: FW: [COR] Petition on APA Ethics

-----Original Message-----
Morgan, I am very interested in determining the accuracy of a number of statements in a petition that is currently being circulated (link below). I would greatly appreciate any clarification you could give. I am most interested in ascertaining whether the following statements are correct:

1. Detainees at Guantanamo are denied the protection of due process
2. Detainees at Guantanamo are denied the protection of Geneva Convention monitoring
3. Psychiatrists and psychologists have been part of a strategy that employs extreme stress
4. An official Southern Command Policy statement documents that for a period of time psychologists were explicitly instructed to violate commonly-accepted canons of confidentiality and concern for patients' welfare

Any information you could provide regarding these four statements (or any others in the petition) would be very helpful. I am most interested in the accurate information itself, and have no need to cite the source (that is, the individual who may provide us the information).

Thanks,

Steve

http://www.thepetitionsite.com/takeaction/483607021

Sender: Olivia Moorehead-Slaughter <oms@parkschool.org>
Sent: Monday, June 26, 2006 3:42:36 PM
Recipient: Judith Van Hoorn; Corann Okorodudu
Cc: Linda Woolf; Andrew Benjamin; Doug Haldeman; Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject: our call and beyond

Dear Judy and Corann,

I'm very glad that we'll be able to speak this week. Steve will take care of the logistics of our call, scheduled for Wednesday at 1 pm, East Coast time. I'd like to talk about the substance of the Resolution and to cover some issues that we addressed earlier, for example the role of other documents in an APA resolution. There are likely many details for us to clarify, but I remain very pleased that we are working together on this.

There is something else I'd like us to talk about as well. I have become increasingly concerned about the tone of the discussions regarding the Association and psychologists working in National Security. My worry is that our colleagues are seemingly less willing to listen to one another, and less inclined to assume that members of APA aspire to the highest ethical behavior. I am also concerned that virtually an entire segment of our membership is being cast in a particular light, and are now at risk of becoming the targets of strong feelings having more to do with political inclinations than with how psychologists may behave in an ethical manner. As these discussions are evolving, I cannot say with confidence that relationships between groups within APA will not suffer long-term harm. I fear that all of this will have a divisive outcome.

For this reason, I would like to raise the possibility that you consider reaching out to Division 19 and exploring whether they would be interested in collaborating on this Resolution with you. Such collaboration would send a very powerful message to the entire Association, about working together, about listening to one another, and about the confidence we have in ourselves as a group. I would be more than happy to facilitate the process however I am able, and I know Steve would as well. Even in the current climate, I am convinced that our areas of agreement are far larger than our disagreements, but until we're working together that will not become apparent. I think your Resolution offers a wonderful opportunity for the APA community.

I look forward to hearing from you.

Warmly,

Olivia

Sender:	Farberman, Rhea </O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>
Sent:	Saturday, June 24, 2006 9:06:00 PM
Recipient:	Behnke, Stephen <sbehnke@apa.org>;'Banks, Louie M. COL' <louie.morgan.banks@us.army.mil>
Subject:	RE: discussion

In addition to what Steve has outlined I would also emphasize psychology's understanding of how stressful situations can lead to behavioral drift (use some plain English phrases to explain behavioral drift – people doing things they won't normally do – things outside of their character due to the stress and pressure of the situation – something to that effect). An on-site psychologist can monitor for such stress and work with the military personnel to help them stay within the appropriate boundaries in the face of hostile responses from the prisoners – being cursed at, spat one, etc. WE have examples of psychologists doing just that.

If I was preparing this psychologist for this interview, I would warn them to be ready to deal with some possible hard ball questions –

The personal question, by that I mean – The reporter asks, "As a psychologist you were trained as a healer. Is the work you are working here appropriate to that role? Do you feel good about the role you are playing here?

The psychiatry association has stated that its members should not consult in interrogations but your organization, the psychology group says it okay. How do you reconcile those two positions? Why is this ethical for a psychologist and unethical for a psychiatrist?

From: Behnke, Stephen
Sent: Saturday, June 24, 2006 3:12 PM
To: 'Banks, Louie M. COL'; Farberman, Rhea
Subject: RE: discussion

Excellent.

Rhea, Morgan and I had discussed two initial talking points:

1) that the approach to interrogations is based upon building a relationship, and that any abusive treatment would therefore be directly counterproductive to your goals. Abusive treatment would either increase an individual's resistance, or would yield bad information. It doesn't make any sense, and psychologists understand this.

2) Acknowledge that abuses have taken place in interrogation settings, and emphasize that the system of military justice has appropriately sent individuals to prison as a result. Ethical, competent psychologists do not engage in or countenance abusive treatment. It is antithetical to our professional identity.

Steve

From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Saturday, June 24, 2006 2:52 PM
To: Behnke, Stephen; Farberman, Rhea
Subject: Re: discussion

Sure. I am asking for suggestions for potential talking points when my psychologists talk to the press on these issues. As long as we do not discuss individual locations or persons, I think we are fine. How's that?

Morgan
COL L. Morgan Banks
Director Psychological Applications Directorate

US Army Special Operations Command
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Banksl@usasoc.socom.smil.mil/banksl@soc.mil

-----Original Message-----
From: Behnke, Stephen <sbehnke@apa.org>
To: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>; Farberman, Rhea <rfarberman@apa.org>
Sent: Sat Jun 24 14:45:08 2006
Subject: RE: discussion

Morgan, best to let us know whether we can make explicit suggestions for language on our email exchanges,

Steve

From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Saturday, June 24, 2006 2:45 PM
To: Farberman, Rhea; Behnke, Stephen
Subject: Re: discussion

Rhea,
At your convenience, I would appreciate your thoughts on a communication issue. Specifically, I am hoping to use your expertise to help develop some talking points that are consistent with APA. My deadline is Monday night, so Monday would be fine, but I will be available any time you choose. Thanks very much for you time (on a weekend, especially).

Morgan
COL L. Morgan Banks
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-----Original Message-----
From: Farberman, Rhea <rfarberman@apa.org>
To: Behnke, Stephen <sbehnke@apa.org>
CC: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent: Sat Jun 24 13:34:20 2006
Subject: RE: discussion

Steve, Morgan – I'm on email – will be for another 45 minutes or so and then later tonight.

Rhea

From: Behnke, Stephen
Sent: Saturday, June 24, 2006 12:35 PM
To: Farberman, Rhea

Cc: 'Banks, Louie M. COL'
Subject: discussion

Rhea, for reasons I would like to discuss with you by phone, I am sending you a message that includes Morgan Bank's email address.

Steve

Sender:	James, Larry C COL TAMC <larry.james@us.army.mil>
Sent:	Friday, June 23, 2006 5:15:58 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	RE: meeting at council & BSCT issues

o.k I'll arrange my flights so That I don't fly out until the late afternoon of the 13th

---

From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Friday, June 23, 2006 10:42 AM
To: James, Larry C COL TAMC
Subject: RE: meeting at council & BSCT issues

Hi Larry, I think it is almost certainly going to be the first day of Council, Wednesday, August 9. (It may spill over to the second day of Council, the morning of Sunday, August 13.) As the situation evolves, I am coming to see your role here as increasingly important.

Steve

From: James, Larry C COL TAMC [mailto:larry.james@us.army.mil]
Sent: Friday, June 23, 2006 4:39 PM
To: Behnke, Stephen
Subject: meeting at council & BSCT issues

Hi Steve,

just trying to get my schedule under control for convention.

any ideas yet about a forum (when, where & time) with concerned council members who want to discuss the interrogations issue?

Thanks,

Larry

Sender:	Dunivin, Debra L LTC WRAMC-Wash DC <Debra.Dunivin@NA.AMEDD.ARMY.MIL>
Sent:	Wednesday, June 21, 2006 7:42:46 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Cc:	banksl@soc.mil
Subject:	RE: Psychologists and BSCT Teams

Steve:

The stuff that's highlighted below is correct if one considers the only appropriate role that of health care provider.

I don't have access to files to check the accuracy of the quotation attributed to surgeon general.

Taking one of the statements below train interrogators in psychological techniques whose aim is to cause enough distress on those being interrogated to cause them to give up useful information

the aim is not to cause enough distress...rather the aim is to persuade them to provide useful info.

Also, there's exaggeration about allegations of centers of torture - ICRC definitely taken out of context, suspect others were too.

Is this Washington Psychoanalytic?
Debra

From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Tuesday, June 20, 2006 10:54 PM
To: Banks, Louie M. COL; Dunivin, Debra L LTC WRAMC-Wash DC
Subject: FW: Psychologists and BSCT Teams

Any thoughts, especially where you see misstatements of fact, would be very helpful in writing a response.

Steve

From: Steven Reisner PRIVACY REDACTION
Sent: Tuesday, June 20, 2006 10:43 PM
To: Behnke, Stephen
Subject: Re: Psychologists and BSCT Teams

Dear Dr. Behnke,

Apology accepted.

In the meantime, I don't understand your desire to find a document from the WMA which addresses the BSCT activity specifically. Doesn't the position paper address precisely the issues that our psychologists must face in participating on BSCT teams? The WMA has articulated specific principles to be applied in such cases, and the press release makes it clear that these have been updated in response to the current controversy arising

from ethical issues facing medical (and I would include behavioral science and mental health) practitioners during the current conflicts. Since you have gone to great pains recently to compare the APA position to the positions of the AMA and the American Psychiatric Association (neither of which referred specifically to BSCT participation), I am asking you to please do the same here, to let me understand how the APA and the WMA are similar and distinct, specifically with regard to the first two point of the WMA regulations:

1. Medical ethics in times of armed conflict is identical to medical ethics in times of peace, as stated in the *International Code of Medical Ethics* of the WMA. If, in performing their professional duty, physicians have conflicting loyalties, their primary obligation is to their patients; in all their professional activities, physicians should adhere to international conventions on human rights, international humanitarian law and WMA declarations on medical ethics.
2. The primary task of the medical profession is to preserve health and save life. Hence it is deemed unethical for physicians to:
a. Give advice or perform prophylactic, diagnostic or therapeutic procedures that are not justifiable for the patient's health care.
b. Weaken the physical or mental strength of a human being without therapeutic justification.
c. Employ scientific knowledge to imperil health or destroy life.
d. Employ personal health information to facilitate interrogation.
e. Condone, facilitate or participate in the practice of torture or any form of cruel, inhuman or degrading treatment.

But let's look, in addition, at some specific situations that psychologists have found themselves in or are likely to find themselves in. I have created three scenarios based on the conditions and circumstances psychologists face and have faced at Guantanamo and elsewhere. I read the WMA protocols as clearly prohibitive. What about the APA ethical principles?

1. Psychologists are asked to train interrogators in psychological techniques whose aim is to cause enough distress on those being interrogated to cause them to give up useful information. This would be prohibited under WMA guideline, paragraph 2a,b,c. What would the APA position be, and would it differ?

2. People are arrested by a foreign government and labeled enemies, without charge or evidence. They are interrogated under conditions where international conventions on human rights and international prisoner protocols are not accepted. The center where they are held against their will has been condemned by the UN, the European Union, and, according to reliable reports, the International Committee of the Red Cross, as a center of torture, and the manner in which they are interrogated has been condemned by those same groups, and by the United Nations Commission on Torture as a form of torture. The UN, the EU and the major international Human Rights organizations have called for the site's closure. Psychologists are asked to train the interrogators, and to oversee the interrogation protocols. This wold be prohibited under WMA guideline, paragraph 1, paragraph 2a,b,c, e, and paragraph 5. What would the APA position be, and would it differ?

3. After an internal investigation of alleged acts of torture, the Surgeon General of the Army recommended that psychologists be used exclusively for the BSCT teams, and he described their role as follows: "[Psychologists are to] check the medical history of detainees with a focus on depression, delusional behaviors, manifestations of stress, and "what are their buttons." [Psychologists] will greatly assist [interrogators] with: obtaining more accurate intelligence information, knowing how to gain better rapport with the detainees, and also knowing when to push or not to push harder in pursuit of intelligence information." (From "FINAL REPORT: ASSESSMENT OF MEDICAL OPERATIONS... OFFICE OF THE SURGEON GENERAL OF THE ARMY. 13 APRIL 2005") This would be prohibited under WMA guideline, paragraph 1, paragraph 2a,b,c, d, e, and paragraph 6. What would the APA position be, and would it differ?

A final note: The recent report governing BSC's (Standards and Procedures for BSC's, DoDI 2310.08 June 6, 2006) requires that BSC procedures regarding inhumane treatment and confidentiality, simply be "in

accordance with applicable US law." But no law, as far as I know is applicable to the detainees at Guantanamo. International law does not apply, the Geneva Conventions do not apply, and, according to the administration and the Pentagon, US law does not apply. Therefore, under what law shall psychologists abide to determine the ethics of their behavior?

I apologize for the lengthy letter, but I believe that these issues go to the heart of the integrity of our profession. They are as important an opportunity for us to create universally useful ethical obligations as the Nuremberg trials were. One of the great lessons of Nuremberg was that the laws of one country in treating human beings may be crimes, even if legal within that country. That there must be international, universal standards governing human behavior, treatment of prisoners, human rights. The UN Universal Declaration of Human Rights was crafted specifically in response to one country's imposition of law that the world considered inhumane. Thus, the WMA cites international conventions on human rights and international humanitarian law.

In my work with torture survivors from every sort of regime, I have seen first hand the danger that arises when one country unilaterally redefines these codes and definitions. I believe our profession's code of ethics should be crafted precisely to remain independent of "applicable law" as defined by the very military that is designing the detention centers, and lean heavily on international standards which, currently is strongly condemning the practices of those centers.

Sincerely,
Steven Reisner

"Behnke, Stephen" <sbehnke@apa.org> on Tuesday, June 20, 2006 at 12:32 AM -0500 wrote:
Dr. Reisner, I apologize for the manner of addressing you in my last message, I meant “Dear Dr. Reisner.”

Sender: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent: Wednesday, June 21, 2006 3:35:14 PM
Recipient: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject: RE: Psychologists and BSCT Teams

Steve,

Sorry this has taken so long, but I wanted to revew it, and check his sources. You will see my somewhat angry responses below (It is hard not to get angry when someone accuses you of torturing other human beings, it is impossible when they accuse those who work for me of it.) I finally got a copy that appears to be identical to yours, of the AMA position. It seems problematic to me.

Morgan

COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Wednesday, June 21, 2006 9:55 AM
To: Banks, Louie M. COL
Subject: RE: Psychologists and BSCT Teams

Great, Morgan, thanks.

From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Wednesday, June 21, 2006 6:34 AM
To: Behnke, Stephen
Subject: Re: Psychologists and BSCT Teams

Steve,
I am working on it now. It may this afternoon before I can get you a response. I have a morning full of meetings. I already have some factual errors in his analysis.

Morgan
COL L. Morgan Banks
Director Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
Banksl@usasoc.socom.smil.mil/banksl@soc.mil

-----Original Message-----
From: Behnke, Stephen <sbehnke@apa.org>
To: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>; Dunivin, Debra L LTC WRAMC-Wash DC

<Debra.Dunivin@NA.AMEDD.ARMY.MIL>
Sent: Tue Jun 20 22:53:45 2006
Subject: FW: Psychologists and BSCT Teams

Any thoughts, especially where you see misstatements of fact, would be very helpful in writing a response.

Steve

From: Steven Reisner PRIVACY REDACTION
Sent: Tuesday, June 20, 2006 10:43 PM
To: Behnke, Stephen
Subject: Re: Psychologists and BSCT Teams

Dear Dr. Behnke,

Apology accepted.[Banks, Louie M. COL] Cute.

In the meantime, I don't understand your desire to find a document from the WMA which addresses the BSCT activity specifically. Doesn't the position paper address precisely the issues that our psychologists must face in participating on BSCT teams? The WMA has articulated specific principles to be applied in such cases, and the press release makes it clear that these have been updated in response to the current controversy arising from ethical issues facing medical (and I would include behavioral science and mental health) practitioners during the current conflicts. Since you have gone to great pains recently to compare the APA position to the positions of the AMA and the American Psychiatric Association (neither of which referred specifically to BSCT participation), [Banks, Louie M. COL] Huh? I am asking you to please do the same here, to let me understand how the APA and the WMA are similar and distinct, specifically with regard to the first two point of the WMA regulations:

1. Medical ethics in times of armed conflict is identical to medical ethics in times of peace, as stated in the International Code of Medical Ethics of the WMA. If, in performing their professional duty, physicians have conflicting loyalties, their primary obligation is to their patients; in all their professional activities, physicians should adhere to international conventions on human rights, international humanitarian law and WMA declarations on medical ethics.[Banks, Louie M. COL] Poorly stated. APA ethics code applies whenever we are functioning as a psychologist, be it in war or peace. We are NOT bound by medical ethics, however. We are psychologists. An I/O psychologist obviously must still abide by the APA ethics code, but to ask him or her to abide by the WMA's code is preposterous.
2. The primary task of the medical profession [Banks, Louie M. COL] I am not in the medical profession, as defined here. I am a Clinical Psychologist. is to preserve health and save life. Hence it is deemed unethical for physicians to:
a. Give advice or perform prophylactic, diagnostic or therapeutic procedures that are not justifiable for the patient's health care.[Banks, Louie M. COL] So, by that logic, no research can be conducted.
b. Weaken the physical or mental strength of a human being without therapeutic justification.
c. Employ scientific knowledge to imperil health or destroy life.[Banks, Louie M. COL] So...no physicians ever helped in weapons development?
d. Employ personal health information to facilitate interrogation.[Banks, Louie M. COL] At this point, I would like for him to define personal health information. How about scars? Can we use identifiying scars to identify someone?
e. Condone, facilitate or participate in the practice of torture or any form of cruel, inhuman or degrading treatment. [Banks, Louie M. COL] OK, something we can agree on.

But let's look, in addition, at some specific situations that psychologists have found themselves in or are likely to find themselves in. I have created three scenarios based on the conditions and circumstances psychologists face and have faced at Guantanamo and elsewhere. I read the WMA protocols as clearly prohibitive. [Banks, Louie M. COL] I have no opinion, except to say that if I wanted to be a physician, I would have attened medical school. What about the APA ethical principles?

1. Psychologists are asked to train interrogators in psychological techniques whose aim is to cause enough distress on those being interrogated to cause them to give up useful information. [Banks, Louie M. COL] This is factually

inaccurate. Only someone who knew little of effective interrogation who make this a blacket statement. However, it is not unethical to cause some distress in an individual. How does advertising work? It causes some distress, "Aren't you hungry right now for a Big Mac?" and then shows someone how to reduce the distress. This would be prohibited under WMA guideline, paragraph 2a,b,c. What would the APA position be, and would it differ?

2. People are arrested by a foreign government and labeled enemies, without charge or evidence.[Banks, Louie M. COL] I guess he has seen that we have no evidence? [Banks, Louie M. COL] Or rather, he has reviewed our evidence, and has found it wanting. No wait--he has not seen any of our evidence. They are interrogated under conditions where international conventions on human rights and international prisoner protocols are not accepted. The center where they are held against their will has been condemned by the UN, the European Union, and, according to reliable reports, the International Committee of the Red Cross, as a center of torture, [Banks, Louie M. COL] This is ludicrous! I can only guess that he really believes this. Amazing. and the manner in which they are interrogated has been condemned by those same groups, and by the United Nations Commission on Torture [Banks, Louie M. COL] OK. Do we REALLY want to go down the list of who is on this commission? Countries that ROUTINELY really torture people. as a form of torture. The UN, the EU and the major international Human Rights organizations have called for the site's closure. [Banks, Louie M. COL] Last time I checked, so had President Bush. Any suggestions as to where we should send them? Home? Where in many cases they WILL be tortured and then killed. Psychologists are asked to train the interrogators, and to oversee the interrogation protocols. This wold be prohibited under WMA guideline, paragraph 1, paragraph 2a,b,c, e, and paragraph 5. What would the APA position be, and would it differ? Very interesting straw man argument.

3. After an internal investigation of alleged acts of torture, the Surgeon General of the Army recommended that psychologists be used exclusively for the BSCT teams, and he described their role as follows: "[Psychologists are to] check the medical history of detainees with a focus on depression, delusional behaviors, manifestations of stress, and "what are their buttons." [Psychologists] will greatly assist [interrogators] with: obtaining more accurate intelligence information, knowing how to gain better rapport with the detainees, and also knowing when to push or not to push harder in pursuit of intelligence information." (From "FINAL REPORT: ASSESSMENT OF MEDICAL OPERATIONS... OFFICE OF THE SURGEON GENERAL OF THE ARMY. 13 APRIL 2005") [Banks, Louie M. COL] All I can say is wow. If you have not reviewed this report, I recommend it. There is one error that I have discovered, but it is rather insignificant. This quote is taken from what the report says is taught to interrogators at Ft. Huachuca; it is not a statement of the Surgeon General's policy. The entire rest of the document that talks about BSC says what a great, ethical job they are doing. It is simply disengenuous for Dr. Reisner to choose this one quote from the doucment that he apparently did not understand. I will not, but the document contains tons of other quotes that state how appropriately the psychologists are performing their job, and how physicians probably should not do this job. Again, I can try to send it to you, but it is 8 MB, so beware before you ask. This would be prohibited under WMA guideline, paragraph 1, paragraph 2a,b,c, d, e, and paragraph 6. What would the APA position be, and would it differ?

A final note: The recent report governing BSC's (Standards and Procedures for BSC's, DoDI 2310.08 June 6, 2006) requires that BSC procedures regarding inhumane treatment and confidentiality, simply be "in accordance with applicable US law." But no law, as far as I know is applicable to the detainees at Guantanamo. International law does not apply, the Geneva Conventions do not apply, and, according to the administration and the Pentagon, US law does not apply. Therefore, under what law shall psychologists abide to determine the ethics of their behavior?[Banks, Louie M. COL] I am not a lawyer, and I am certainly not an international law expert, but the Geneva Conventions DO apply, Art 3 in particular, but the detainees do not meet the clear requirements to be treated as POWs. They are much closer in their conduct of warfare to identified as sabatours and spies, who, by the way, we could execute. Many of them are likely guilty of war crimes, similar to the ones we see everyday on the news. (BTW, it is a war crime to sneak in to a civilian area, not in uniform, and blow it up, killing civilians. A real war crime.)

I apologize for the lengthy letter, but I believe that these issues go to the heart of the integrity of our profession. [Banks, Louie M. COL] Sorry, we have two different professions. They are as important an opportunity for us to create universally useful ethical obligations as the Nuremberg trials were. One of the great lessons of Nuremberg was that the laws of one country in treating human beings may be crimes, even if legal within that country. That there must be international, universal standards governing human behavior, treatment of prisoners, human rights. The UN Universal Declaration of Human Rights was crafted specifically in response to one country's imposition of law that the world considered inhumane. [Banks, Louie M. COL] How many lives has the UDHR saved in the Sudan? How about Somalia? OK, how about in Kurdistan? OK, give me ONE example. Thus, the WMA cites international conventions on human rights and international humanitarian law.

In my work with torture survivors from every sort of regime, I have seen first hand the danger that arises when one country unilaterally redefines these codes and definitions. I believe our profession's code of ethics should be crafted

precisely to remain independent of "applicable law" as defined by the very military that is designing the detention centers, and lean heavily on international standards which, currently is strongly condemning the practices of those centers.

Sincerely,
Steven Reisner

"Behnke, Stephen" <sbehnke@apa.org> on Tuesday, June 20, 2006 at 12:32 AM -0500 wrote:
Dr. Reisner, I apologize for the manner of addressing you in my last message, I meant “Dear Dr. Reisner.”

Sender: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent: Saturday, June 17, 2006 7:07:09 AM
Recipient: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject: Re: column

Steve,

How about 1030? I will be standing by on my bb. Can you send me a text copy (or embed it into the email) as I cannot access your column from my bb.

Morgan
COL L. Morgan Banks
Director Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
Banksl@usasoc.socom.smil.mil/banksl@soc.mil

-----Original Message-----
From: Behnke, Stephen <sbehnke@apa.org>
To: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent: Fri Jun 16 21:08:47 2006
Subject: RE: column

Morgan, name the time & I'll call.

In the meanwhile, the column I wrote is on the front page at www.apa.org <http://www.apa.org/> . Our public relations person wanted to get it up today, & we had to rewrite for reasons I'll explain to you. At any rate, I'm very interested in your reaction, Steve

---

From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Friday, June 16, 2006 9:09 PM
To: Behnke, Stephen
Subject: Re: column

Of course. I will be on the water most of the day, and when I am sailing the bb is stowed below. We probably need to coordinate a specific time. Just email me a time, and I will be standing by.

Morgan
COL L. Morgan Banks
Director Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
Banksl@usasoc.socom.smil.mil/banksl@soc.mil

-----Original Message-----
From: Behnke, Stephen <sbehnke@apa.org>
To: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>; PRIVACY REDACTION
Sent: Fri Jun 16 19:25:29 2006

Subject: RE: column

Morgan, could I give you a shout tomorrow? In the afternoon I have to meet with a psychologist/Apa member who's loaded for bear re: SERE, etc. etc. Could use a couple of pointers.

Thanks, Steve

Sender: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent: Sunday, July 09, 2006 8:38:46 PM
Recipient: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject: Re: Revised Resolution on Torture and Other CIDT

Steve,
No argument from me. BTW, I'm not a fan of murder, spouse abuse, or genocide either. Perhaps a resolution...
Morgan
COL L. Morgan Banks
Director Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
Banksl@usasoc.socom.smil.mil/banksl@soc.mil

-----Original Message-----
From: Behnke, Stephen <sbehnke@apa.org>
To: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent: Sun Jul 09 15:14:22 2006
Subject: FW: Revised Resolution on Torture and Other CIDT

CONFIDENTIAL

Morgan, I think this is tolerable. Please review the revised Resolution (first attachment), and tell me if you see anything problematic (other than what we discussed at dinner on Wednesday)

Thanks,

Steve

From: Linda Woolf, Ph.D. Linda Woolf
Sent: Sunday, July 09, 2006 3:04 PM
To: Behnke, Stephen
Cc: Corann Okorodudu; Judith Van Hoorn; Olivia Moorehead-Slaughter G. Andrew H. Benjamin, J.D., Ph.D.; Doug Haldeman
Subject: Revised Resolution on Torture and Other CIDT

Dear Steve, Olivia, and Doug,

I've attached the revised versions of the Draft Resolution Against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment.

Just to highlight a few changes that we have made:

1. We used Steve's wording related to the 5th Be It Resolved statement but divided into two points. We were concerned that combined, the prohibition against torture, might appear underemphasized in relation to working in accordance with

international human rights instruments. We felt that by separating into two points, both are emphasized.

2. We added some clarifications to the definition of torture placed in brackets. One concern with the Convention Against Torture is that it can be read to apply only to state-sponsored torture. We placed the first bracketed comment to highlight the alternate reading of this Convention to include a broader range of groups. I would note that this definition does not address individuals acting solely as individuals who torture others (e.g., individuals who engage in spousal abuse). While the latter is important, there are several arguments that can be made to focus on torture that occurs within various systems. I think I've share my thoughts on this with most of you but let me know if you would like me to further outline my thoughts.

The second change was in relation to the last point concerning "lawful sanctions." We added the caveat from the Special Rapporteur that the sanctions must be in accordance with both domestic and international law. This caveat is added as some nation-states have "lawful sanctions" which are clearly in violation of international law (e.g., caning or stoning) and constitute cruel and inhuman treatment/punishment. This loophole is addressed by Special Rapporteur comments in most documents and thus, we felt we should add it to our document as well.

3. We also added a new Be It Resolved (second to last) to make our resolution more complimentary to the British Psychological Society and World Medical Association (Declaration of Tokyo) Declarations. This statement dovetails nicely with the recent document from Div. 19, and provides additional support for psychologists leaving such situations and reporting violations.

4. We corrected the language of 4th Whereas to be consistent with Ethical Principles as opposed to Standard.

5. We added references to the document in keeping with the style of other resolutions brought before Council.

Let us know if you have any questions and we look forward to your feedback. Thank you so much for all of your work on this important resolution!

Best,

Linda, Judy, and Corann

--
Linda M. Woolf, Ph.D.
President, Society for the Study of Peace, Conflict, & Violence (Div. 48, APA)
Professor of Psychology
Coordinator - Holocaust & Genocide Studies,
Center for the Study of the Holocaust, Genocide, and Human Rights
Webster University
470 East Lockwood
St. Louis, MO 63119

Main Webpage: http://www.webster.edu/~woolflm/
PRIVACY REDACTION

"Outside of a dog, a book is a man's (and woman's) best friend. . . .
Inside a dog, it's too dark to read."
- Groucho Marx

Sender: Linda Woolf, Ph.D. [redacted]
Sent: Friday, July 14, 2006 11:28:22 PM
Recipient: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Cc: Judith Van Hoorn [redacted];Corann Okorodudu [redacted] Olivia Moorehead-Slaughter [redacted] Doug Haldeman
Subject: Re: Revised Resolution on Torture and Other CIDT
Attachments: TortureRes714.doc

Dear Steve, Olivia, and Doug,

Thanks for your careful attention to wording and the suggestions!

Behnke, Stephen wrote:

> For the purposes of clarity and completeness, the Ethics Committee has raised the possibility that certain language be added to the fourth "Whereas." Would you consider adding "of the American Psychological Association *Ethical Principles of Psychologists and Code of Conduct* (2002)," to read, "WHEREAS the Ethical Principles of the American Psychological Association *Ethical Principles of Psychologists and Code of Conduct* (2002) call upon members of the American Psychological Association to respect…"

What if we phrase it as follows: "WHEREAS the American Psychological Association *Ethical Principles of Psychologists and Code of Conduct* (2002) call upon members of of the American Psychological Association to respect . . ."? This removes the first phrase "Ethical Principles" that appears to be largely redundant in the longer wording.

Judy, Corann, and I have been receiving lots of positive feedback and some suggestions for amendments to the resolution. Some of the suggestions, we agreed would not be useful in the current resolution. For example, suggestions that would only apply to the situation in Guantanamo Bay, we felt would narrow the usefulness and scope of the resolution. Other suggestions, we have discussed and think would strengthen the proposed resolution.

I have attached a revised copy of the resolution with the potential changes highlighted using the edit functions of Word. Essentially, the changes consist of the following:

1. It was suggested that we bring the resolution in line with the PENS report by adding the following Be It Resolved Statement:

BE IT RESOLVED that psychologists shall be alert to acts of torture and other cruel, inhuman, or degrading treatment (CIDT) and have an ethical responsibility to report these acts to the appropriate authorities.

You will note that this wording is almost identical to the PENS report statement #2: Psychologists are alert to acts of torture and other cruel, inhuman, or degrading treatment and have an ethical responsibility to report these acts to the appropriate authorities. This strengthens the support for

psychologist to act as whistle-blowers should they witness incidences of torture or other cruel, inhuman or degrading treatment or punishment.

2. It was suggested that it would strengthen the WHEREAS related to the use of psychological techniques in torture and other CIDT if we specified some exemplars. Thus, we included these within the third WHEREAS statement.

3. We were reminded that one of the primary concerns expressed by many was the role that psychologist's may or may not be playing by "advising" others about interrogations that might potentially involved torture or other CIDT. We could argue that "support" is inclusive of advising. However, it might be best to be explicit. Thus, we added the word "advise" to the sixth Be It Resolved Statement.

Finally, I was reviewing my previous thoughts about the change to the fifth Be It Resolved statement. I still have concerns about the use of the word "consistent." It appears too vague and as if we are creating a loophole. Why not just remove the word "always"? The "shall work in accordance" implies that folks strive to work in agreement with the relevant human rights instruments but doesn't have the "binding" inference created by the inclusion of the word "always."

As always, thanks so much for your work on this and Steve, pleasant travels to Greece!

Best,

Linda

--
Linda M. Woolf, Ph.D.
President, Society for the Study of Peace, Conflict, & Violence (Div. 48, APA)
Professor of Psychology
Coordinator - Holocaust & Genocide Studies,
Center for the Study of the Holocaust, Genocide, and Human Rights
Webster University
470 East Lockwood
St. Louis, MO 63119

Main Webpage: http://www.webster.edu/~woolflm/
PRIVACY REDACTION

"Outside of a dog, a book is a man's (and woman's) best friend. . . .
Inside a dog, it's too dark to read."
- Groucho Marx

Sender:	Judith Van Hoorn PRIVACY REDACTION
Sent:	Friday, July 14, 2006 11:15:53 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Cc:	Linda Woolf, Ph.D. <PRIVACY REDACTION>; Corann Okorodudu PRIVACY REDACTION; Olivia Moorehead-Slaughter; Doug Haldeman PRIVACY REDACTION
Subject:	RE: Revised Resolution on Torture and Other CIDT

Dear Steve,

Corann will not be available until next week, but Linda and I spoke and are in agreement. Corann told us to go ahead.

1. Shall always
Your first suggestion was to simply remove "shall always" Linda and I understand the rationale for removing the "always," but ask that we keep the "shall work in accordance."
In my opinion, the phrase "shall work consistent with" reads awkwardly. I'd hate to have people focus on the grammar rather than the meaning.

2. I like the suggestion re. adding the complete statement. (I believe Linda will write to you here) Let's emphasize the point the Committee wishes to make by starting the phrase with "Ethical Principles of the American Psychological Association...etc. so that we don't have to repeat the phrase "ethical principles" - which is redundant.

Bon Voyage!

Have a good flight and a great conference. (Hope you'll have some down time to enjoy Greece.)

Judy

Quoting "Behnke, Stephen" <sbehnke@apa.org>:

> Hi Judy,
>
>
>
> I am leaving for Athens tomorrow. The two issues that I've written
> you
> about--the "shall always" language and adding "Ethical Principles of
> the
> American Psychological Association Ethical Principles of
> Psychologists
> and Code of Conduct (2002) call upon..." are the only two issues that
> have given rise to discussion, so a call may not be needed at this
> point.
>
>
>
> Steve

>
>
>
> -----Original Message-----
> From: Judith Van Hoorn [redacted]
> Sent: Friday, July 14, 2006 8:20 PM
> To: Behnke, Stephen
> Cc: Linda Woolf, Ph.D.; Corann Okorodudu; [redacted]
> Subject: RE: Revised Resolution on Torture and Other CIDT
>
>
>
> Dear Colleagues,
>
>
>
> I am available for a call almost anytime on Sat., Sun., Monday
> (except
>
> late morning PST) and Tuesday (except early morning PST).
>
>
>
> Corann will be unavailable until sometime (possibly late)next week.
>
>
>
>
>
> Judy
>
>
>
>
>
> Quoting "Behnke, Stephen" <sbehnke@apa.org>:
>
>
>
> > Would anyone be available for a quick call? I'd like to give some
>
> > feedback from the Ethics Committee, Steve
>
> >
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>
> > _____
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>
> > From: Behnke, Stephen
>
> > Sent: Thursday, July 13, 2006 11:23 PM
>
> > To: 'Linda Woolf, Ph.D.'; Judith Van Hoorn; Corann Okorodudu
>
> > Subject: RE: Revised Resolution on Torture and Other CIDT
>

> >
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> >
>
> > Hi Linda, Judy, and Corann,
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> >
>
> > I've been working on the Board Item, which has proven a bit more of
> a
>
> > challenge than I thought. I don't want to make reference to PENS,
>
> > because while your Resolution is certainly related, that's not its
>
> > focus. I think the "Issue" section should be brief and
>
> > straightforward-please tell me what you think of what I've drafted
>
> > below. (The Board item will have both your Resolution and
>
> > Justification
>
> > statement, so there is no need for an in-depth explanation or
>
> > justification in the "issue" section.)
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> > Steve
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>
> > In 1986 the American Psychological Association Council of
>
> > Representatives adopted a Resolution against torture and other
> cruel,
>
> > inhuman, or degrading treatment. The 1986 Resolution is not

>
> > identified
>
> > by name as a Resolution against torture, and does not address the
>
> > relationship between its resolutions and human rights documents.
>
> > These
>
> > two features have given the 1986 Resolution less prominence and
> force
>
> > in
>
> > the public discussions of recent events involving the abuse of
>
> > individuals in U.S. custody. The proposed "Resolution Against
>
> > Torture
>
> > and Other Cruel, Inhuman, and Degrading Treatment or Punishment" is
>
> > intended both to highlight the American Psychological Association's
>
> > position against abusive treatment and to place the Association's
>
> > position firmly in the context of international and human rights
>
> > texts
>
> > related to the ethics of health professionals, in particular
>
> > psychologists.
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> > _____
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>
> > From: Linda Woolf, Ph.D. PRIVACY REDACTION
>
> > Sent: Tuesday, July 11, 2006 1:42 PM
>
> > To: Behnke, Stephen
>
> > Cc: Corann Okorodudu; Judith Van Hoorn; Olivia Moorehead-Slaugher G.
> Andrew
>

> > H.
>
> > Benjamin, J.D., Ph.D.; [redacted]; Farberman, Rhea
>
> > Subject: Re: Revised Resolution on Torture and Other CIDT
>
> >
>
> >
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> >
>
> > Hi All,
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>
> > Behnke, Stephen wrote:
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>
> > Also, please note the WONDERFUL WASHINGTON POST HEADLINE THAT CAME
>
> > OUT
>
> > AT 10:21 AM:
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> >
>
> > U.S. Will Give Detainees Geneva Rights
>
> >
>
> >
>
> > I saw that last night. Of course, as noted in the one of the
>
> > articles I
>
> > read, this is not (place tongue in cheek here) a change in the
>
> > President's policies in relation to Guantanamo Bay.
>
> >
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> >
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> >
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> >
>
> > Linda has done a FABULOUS job of putting together all the UN/Human
>
> > rights materials.
>
> >
>
> >
>
> >

>
> > Thanks. I went ahead and added the Geneva Convention related to
>
> > treatment of prisoners to the web page. We don't reference it, but
>
> > if
>
> > folks are interested, it is there.
>
> >
>
> > The Geneva Convention is far more restrictive than anything we have
>
> > written. It states:
>
> >
>
> > <>No physical or mental torture, nor any other form of coercion,
> may
>
> > be
>
> > inflicted on prisoners of war to secure from them information of
> any
>
> > kind whatever. Prisoners of war who refuse to answer may not be
>
> > threatened, insulted, or exposed to any unpleasant or
> disadvantageous
>
> > treatment of any kind.
>
> >
>
> > The Convention includes coercion which is a whole new can of worms.
>
> > For
>
> > example, "we will give you better food if you provide information."
>
> > Is
>
> > this coercion? Can any form of lying or deception be used or is
> this
>
> > a
>
> > form of coercion? One of the reasons I argued against the
> inclusion
>
> > of
>
> > the Geneva Convention in the resolution is that coercion is part of
>
> > most
>
> > interrogations throughout the States and quite legal. Individuals
> may
>
> > be
>

> > quite correct that psychologists should not be involved in any form
>
> > of
>
> > coercive interrogation. Nonetheless, I think that is a discussion
>
> > for
>
> > another day and could potentially halt any progress on a resolution
>
> > concerning torture and other cruel, inhuman, or degrading treatment
>
> > or
>
> > punishment.
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> >
>
> > Best wishes,
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> >
>
> > Linda
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> >
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>
> > </>
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> >
>
> > -----Original Message-----
>
> > From: Corann Okorodudu PRIVACY REDACTION
>
> > Sent: Tuesday, July 11, 2006 10:00 AM
>
> > To: Behnke, Stephen; Judith Van Hoorn
>
> > Cc: Linda Woolf, Ph.D.; Olivia Moorehead-Slaughter , G. Andrew H. Benjamin,
>
> > J.D.,
>
> > Ph.D.; Doug Haldeman Farberman, Rhea
>
> > Subject: Re: Revised Resolution on Torture and Other CIDT
>
> >
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>
> > Steve, Olivia and All,
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> >

>
> > I am sorry that I was off email yesterday but could be available
> for
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> > a
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> >
>
> > conference call between 9 and 10 pm EST tonight. If this is
>
> > convenient,
>
> >
>
> > please reach me at my home number: PRIVACY REDACTION
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> >
>
> > All the best,
>
> >
>
> > Corann
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> >
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> >
>
> > On 7/10/06 12:33 PM, "Behnke, Stephen" <sbehnke@apa.org> wrote:
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> >
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> >
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> >
>
> > > Hi Judy,
>
> >
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> > >
>
> > > My guess is that gathering all of us for a call will be a bit
>
> > tricky,
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> >
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> > >
>
> > > but let's do it.
>
> >
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> > >
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> > >

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>>
>
>>> In the meanwhile, let's you, Linda, Corann and I go ahead and
> have
>
>> our
>
>>
>
>>> call, to identify the documents we want posted.
>
>>
>
>>>
>
>>
>
>>> Linda and Corann, would 9 pm East Coast time this evening be
>
>> possible?
>
>>
>
>>> Please send me numbers,
>
>>
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>>>
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>>
>
>>> Steve
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>>
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>>>
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>>
>
>>> -----Original Message-----
>
>>
>
>>> From: Judith Van Hoorn [redacted]
>
>>
>
>>> Sent: Monday, July 10, 2006 12:31 PM
>
>>
>
>>> To: Behnke, Stephen
>
>>
>
>>> Cc: Linda Woolf, Ph.D.; Corann Okorodudu; [redacted]; G.
>
>> Andrew
>
>>

>
> > > H. Benjamin, J.D., Ph.D.; [redacted]; Farberman, Rhea
>
> >
>
> > > Subject: RE: Revised Resolution on Torture and Other CIDT
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>
> > > Hi all,
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> > > I can be available for a call tonight or tomorrow anytime.
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> > >
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>
> > > Re. contacting others - I called Jeff this morning and left a
>
> > message.
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> >
>
> > > I've also told Steve Sellman, Beth Wiggins (Law) and the DSJ
> folks
>
> > that
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>
> > > we would be sending the proposed resolution soon.
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> > >
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>
> > > Let's discuss this by phone (or if that's not possible, by
> email).
>
> > Is
>
> > it
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> >
>
> > > all right to circulate our draft and ask for feedback at the same
>
> > time
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> >
>
> > > that the Ethics Committee is reviewing this?
>
> >
>
> > > I hope that Andy and Doug can be on the call so we can address
>
> > DOug's
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> >
>
> > > concerns/proposal as well.
>
> >
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> > >
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> >
>
> > > Quoting "Behnke, Stephen" <sbehnke@apa.org>:
>
> >
>
> > >
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> >
>
> > > >> Hi Judy and Everyone,
>
> >
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> > >>
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> >
>
> > > >> Judy, I would not wait to begin contacting others, such as Jeff
>
> >
>
> > > >> Barnett,
>
> >
>
> > > >> who will be helpful. I know Olivia is committed to moving
> forward
>
> >
>
> > > >> with
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> >
>
> > > >> Ethics Committee review asap.
>

> >
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> > >>
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> >
>
> > >> I've spoken with Rhea about posting our materials on the APA
> web.
>
> >
>
> > >> Rhea
>
> >
>
> > >> talked about having a separate "landing page" specifically for
>
> > this
>
> >
>
> > >> material. (I sortof know what that is, but I'm not a web
> maven.)
>
> >
>
> > >> I'm
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> >
>
> > >> wondering whether you, Corann, Linda, and I can get on the
> phone,
>
> > so
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> >
>
> > >> we
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> >
>
> > >> can identify precisely what materials we want posted.
>
> >
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> > >>
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>
> > >> Would a call tonight or tomorrow night be a possibility? If so,
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> >
>
> > >> please
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> >
>
> > >> just give me a time and numbers,
>
> >
>

> > >>
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> >
>
> > >> Steve
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> >
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> > >>
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>
> > >> -----Original Message-----
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> >
>
> > >> From: Judith Van Hoorn PRIVACY REDACTION
>
> >
>
> > >> Sent: Sunday, July 09, 2006 3:17 PM
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> >
>
> > >> To: Behnke, Stephen
>
> >
>
> > >> Cc: Linda Woolf, Ph.D.; Corann Okorodudu; Olivia Moorehead-Slaughter ; G.
>
> >
>
> > >> Andrew
>
> >
>
> > >> H. Benjamin, J.D., Ph.D.; Doug Haldeman
>
> >
>
> > >> Subject: RE: Revised Resolution on Torture and Other CIDT
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> >
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> > >>
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>
> > >> Steve,
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> > >>
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>
> > >> We appreciate you're 24/7 email responses.
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> > >>

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>
> > >> We're ready to contact everyone you've mentioned as soon as we
> get
>
> >
>
> > >> the
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> >
>
> > >> go-ahead.
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> > >>
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>
> > >> Judy
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> > >>
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> >
>
> > >> Quoting "Behnke, Stephen" <sbehnke@apa.org>:
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> >
>
> > >>
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> >
>
> > >>> Linda, Judy, and Corann, wow, have you all been working hard!
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> > >>>
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> > >>>
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> > >>>
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>
> > >>> I will speak with Olivia tomorrow to determine how we can best
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>
> > >> ensure
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>
> > >>> that everything moves forward in an expeditious manner.

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> > >>> Steve
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> > >>> _____
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>
> > >>> From: Linda Woolf, Ph.D. PRIVACY REDACTION
>
> >
>
> > >>> Sent: Sunday, July 09, 2006 3:04 PM
>
> >
>
> > >>> To: Behnke, Stephen
>
> >
>
> > >>> Cc: Corann Okorodudu; Judith Van Hoorn; Olivia Moorehead-Slaughter G.
>
> >
>
> > >> Andrew
>
> >
>
> > >>> H.
>

> >
>
> > >>> Benjamin, J.D., Ph.D.; Doug Haldeman
>
> >
>
> > >>> Subject: Revised Resolution on Torture and Other CIDT
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>
> > >>> Dear Steve, Olivia, and Doug,
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> > >>>
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>
> > >>> I've attached the revised versions of the Draft Resolution
>
> > Against
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> >
>
> > >>> Torture and Other Cruel, Inhuman, and Degrading Treatment or
>
> >
>
> > >>> Punishment.
>
> >
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> > >>>
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> >
>
> > >>> Just to highlight a few changes that we have made:
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> > >>>
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> >
>
> > >>> 1. We used Steve's wording related to the 5th Be It Resolved
>
> >
>
> > >>> statement

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> >
>
> > >>> but divided into two points. We were concerned that combined,
>
> > the
>
> >
>
> > >>> prohibition against torture, might appear underemphasized in
>
> >
>
> > >> relation
>
> >
>
> > >>> to
>
> >
>
> > >>> working in accordance with international human rights
>
> > instruments.
>
> >
>
> > >>> We
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> >
>
> > >>> felt that by separating into two points, both are emphasized.
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> >
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> > >>>
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> >
>
> > >>> 2. We added some clarifications to the definition of torture
>
> > placed
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> >
>
> > >>> in
>
> >
>
> > >>> brackets. One concern with the Convention Against Torture is
> that
>
> >
>
> > >> it
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> >
>
> > >>> can
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> >

>
> > >>> be read to apply only to state-sponsored torture. We placed
> the
>
> >
>
> > >>> first
>
> >
>
> > >>> bracketed comment to highlight the alternate reading of this
>
> >
>
> > >>> Convention
>
> >
>
> > >>> to include a broader range of groups. I would note that this
>
> >
>
> > >>> definition
>
> >
>
> > >>> does not address individuals acting solely as individuals who
>
> >
>
> > >> torture
>
> >
>
> > >>> others (e.g., individuals who engage in spousal abuse). While
>
> > the
>
> >
>
> > >>> latter is important, there are several arguments that can be
> made
>
> >
>
> > >> to
>
> >
>
> > >>> focus on torture that occurs within various systems. I think
>
> > I've
>
> >
>
> > >>> share
>
> >
>
> > >>> my thoughts on this with most of you but let me know if you
> would

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> >
>
> > >>> like
>
> >
>
> > >>> me to further outline my thoughts.
>
> >
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> > >>>
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> >
>
> > >>> The second change was in relation to the last point concerning
>
> >
>
> > >>> "lawful
>
> >
>
> > >>> sanctions." We added the caveat from the Special Rapporteur
> that
>
> >
>
> > >> the
>
> >
>
> > >>> sanctions must be in accordance with both domestic and
>
> >
>
> > >> international
>
> >
>
> > >>> law. This caveat is added as some nation-states have "lawful
>
> >
>
> > >>> sanctions"
>
> >
>
> > >>> which are clearly in violation of international law (e.g.,
> caning
>
> >
>
> > >> or
>
> >
>
> > >>> stoning) and constitute cruel and inhuman treatment/punishment.
>
> >
>

> > >> This
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> >
>
> > >>> loophole is addressed by Special Rapporteur comments in most
>
> >
>
> > >>> documents
>
> >
>
> > >>> and thus, we felt we should add it to our document as well.
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> > >>>
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>
> > >>> 3. We also added a new Be It Resolved (second to last) to make
>
> > our
>
> >
>
> > >>> resolution more complimentary to the British Psychological
>
> > Society
>
> >
>
> > >>> and
>
> >
>
> > >>> World Medical Association (Declaration of Tokyo) Declarations.
>
> > This
>
> >
>
> > >>> statement dovetails nicely with the recent document from Div.
> 19,
>
> >
>
> > >> and
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> >
>
> > >>> provides additional support for psychologists leaving such
>
> >
>
> > >> situations
>
> >
>
> > >>> and reporting violations.
>

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> > >>> 4. We corrected the language of 4th Whereas to be consistent
> with
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> >
>
> > >>> Ethical Principles as opposed to Standard.
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> > >>>
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>
> > >>> 5. We added references to the document in keeping with the
> style
>
> > of
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>
> > >>> other resolutions brought before Council.
>
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> > >>>
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> > >>>
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> >
>
> > >>> Let us know if you have any questions and we look forward to
> your
>
> >
>
> > >>> feedback. Thank you so much for all of your work on this
>
> > important
>
> >
>
> > >>> resolution!
>
> >
>
> > >>>
>
> >
>
> > >>> Best,
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> >
>

> > >>>
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> >
>
> > >>> Linda, Judy, and Corann
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> > >>> --
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>
> > >>> Linda M. Woolf, Ph.D.
>
> >
>
> > >>> President, Society for the Study of Peace, Conflict, & Violence
>
> >
>
> > >> (Div.
>
> >
>
> > >>> 48, APA)
>
> >
>
> > >>> Professor of Psychology
>
> >
>
> > >>> Coordinator - Holocaust & Genocide Studies,

>
> >
>
> > > >>> Center for the Study of the Holocaust, Genocide, and Human
> Rights
>
> >
>
> > > >>> Webster University
>
> >
>
> > > >>> 470 East Lockwood
>
> >
>
> > > >>> St. Louis, MO 63119
>
> >
>
> > > >>>
>
> >
>
> > > >>> Main Webpage: http://www.webster.edu/~woolflm/
>
> >
>
> > > >>> [redacted]Linda Woolf
>
> >
>
> > > >>>
>
> >
>
> > > >>> "Outside of a dog, a book is a man's (and woman's) best friend.
> .
>
> > .
>
> >
>
> > > >> .
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> >
>
> > > >>> Inside a dog, it's too dark to read."
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> >
>
> > > >>> - Groucho Marx
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> > --
>
> > Linda M. Woolf, Ph.D.
>
> > President, Society for the Study of Peace, Conflict, & Violence
> (Div.
>
> > 48, APA)
>
> > Professor of Psychology
>
> > Coordinator - Holocaust & Genocide Studies,
>
> > Center for the Study of the Holocaust, Genocide, and Human Rights
>
> > Webster University
>
> > 470 East Lockwood
>
> > St. Louis, MO 63119
>
> >
>
> > Main Webpage: http://www.webster.edu/~woolflm/
>
> > PRIVACY REDACTION
>
> >
>
> > "Outside of a dog, a book is a man's (and woman's) best friend. . .
> .

>
> > Inside a dog, it's too dark to read."
>
> > - Groucho Marx
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Sender:	Linda M. Woolf, Ph.D. PRIVACY REDACTION
Sent:	Friday, July 14, 2006 4:54:01 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>; Linda Woolf ;Judith Van Hoorn PRIVACY REDACTION ;Corann Okorodudu PRIVACY REDACTION
Cc:	Olivia Moorehead-Slaugher
Subject:	RE: Revised Resolution on Torture and Other CIDT

Hi Steve,

I think the same problem remains in that it implies that it is a statement of fact. While I would like to believe that all psychologists follow all of the ethical guidelines established by the organization, there have always been folks who have crossed the line and faced sanctions. To write statements such as "psychologists follow all of the ethical guidelines" is inaccurate. "Psychologist shall follow all of the ethical guidelines" in a more accurate statement as it is proscriptive of what psychologists should do.

Thus, in relation to your phrasing below, it would be better to write "psychologists shall work consistent with." However, at first glance "consistent with" has the appearance of waffling but perhaps this is just a reaction that is unique to me. It may look just fine to others.

What do you think?

Linda

--- "Behnke, Stephen" <sbehnke@apa.org> wrote:

> How about "Psychologists' work is consistent with"?
>
> Would that work?
>
> -----Original Message-----
> From: Linda M. Woolf, Ph.D.
> PRIVACY REDACTION
> Sent: Friday, July 14, 2006 4:31 PM
> To: Behnke, Stephen; Linda Woolf, Ph.D.; Judith Van
> Hoorn; Corann
> Okorodudu
> Cc: Olivia Moorehead-Slaugher
> Subject: RE: Revised Resolution on Torture and Other
> CIDT
>
> Hi All,
>
> --- "Behnke, Stephen" <sbehnke@apa.org> wrote:
>
> > The Committee is concerned about the phrase "shall
> > always," because it

> > seems to bind psychologists to a potentially
> > undefined set of documents.
> > The Committee is reacting to the potential breadth
> > of the mandate.
> >
> > Could the words "shall always" be taken out, to
> read
> > "psychologists work
> > in accordance with..."?
>
> Here is my concern with that wording. APA has
> received a fair amount of criticism with phrasing
> that
> makes it sound as if it is a statement of fact. For
> example, "psychologists work in accordance with"
> implies that psychologists currently always do this,
> when in fact it is unlikely that ALL psychologists
> actually behave in a proscribed way.
>
> What if the word "always" was simply removed so that
> the Be It Resolved was phrased as:
>
> BE IT RESOLVED that based upon the APA's
> long-standing commitment to basic human rights
> including its position against torture,
> psychologists
> shall work in accordance with international human
> rights instruments relevant to their roles.
>
> My sense is that the word to examine if this is
> still
> too binding is the word "accordance." If one
> defines
> "accordance" as "agreement", then this leave some
> room
> for interpretation and should maintain the
> flexibility
> needed with the resolution. However, perhaps, there
> is a synonym that could be used that would work
> better?
>
> Thanks to the Ethics Committee for examining this
> proposed resolution so quickly!
>
> Linda
>
>
>
>
> _____
> >
> > From: Behnke, Stephen
> > Sent: Friday, July 14, 2006 2:32 PM
> > To: Behnke, Stephen; 'Linda Woolf, Ph.D.'; 'Judith
> > Van Hoorn'; 'Corann
> > Okorodudu'
> > Cc: Olivia Moorehead-Slaughter
> > Subject: RE: Revised Resolution on Torture and
> Other
> > CIDT
> >

> >
> >
> > Would anyone be available for a quick call? I'd
> > like to give some
> > feedback from the Ethics Committee, Steve
> >
> >
> >
> > _____
> >
> > From: Behnke, Stephen
> > Sent: Thursday, July 13, 2006 11:23 PM
> > To: 'Linda Woolf, Ph.D.'; Judith Van Hoorn; Corann
> > Okorodudu
> > Subject: RE: Revised Resolution on Torture and
> Other
> > CIDT
> >
> >
> >
> > Hi Linda, Judy, and Corann,
> >
> >
> >
> > I've been working on the Board Item, which has
> > proven a bit more of a
> > challenge than I thought. I don't want to make
> > reference to PENS,
> > because while your Resolution is certainly
> related,
> > that's not its
> > focus. I think the "Issue" section should be
> brief
> > and
> > straightforward-please tell me what you think of
> > what I've drafted
> > below. (The Board item will have both your
> > Resolution and Justification
> > statement, so there is no need for an in-depth
> > explanation or
> > justification in the "issue" section.)
> >
> >
> >
> > Steve
> >
> >
> >
> >
> >
> >
> >
> >
> > In 1986 the American Psychological Association
> > Council of
> > Representatives adopted a Resolution against
> torture
> > and other cruel,
> > inhuman, or degrading treatment. The 1986
> > Resolution is not identified
> > by name as a Resolution against torture, and does
> > not address the

> > relationship between its resolutions and human
> > rights documents. These
> > two features have given the 1986 Resolution less
> > prominence and force in
> > the public discussions of recent events involving
> > the abuse of
> > individuals in U.S. custody. The proposed
> > "Resolution Against Torture
> > and Other Cruel, Inhuman, and Degrading Treatment
> or
> > Punishment" is
> > intended both to highlight the American
> > Psychological Association's
> > position against abusive treatment and to place
> the
> > Association's
> > position firmly in the context of international
> and
> > human rights texts
> > related to the ethics of health professionals, in
> > particular
> > psychologists.
> >
> >
> >
> >
> >
> >
> >
> > _____
> >
> > From: Linda Woolf, Ph.D.
> > PRIVACY REDACTION
> > Sent: Tuesday, July 11, 2006 1:42 PM
> > To: Behnke, Stephen
> > Cc: Corann Okorodudu; Judith Van Hoorn;
> > Olivia Moorehead-Slaughter G. Andrew H.
> > Benjamin, J.D., Ph.D.; Doug Haldeman
> > Farberman, Rhea
> > Subject: Re: Revised Resolution on Torture and
> Other
> > CIDT
> >
> >
> >
> > Hi All,
> >
> >
> > Behnke, Stephen wrote:
> >
> >
> >
> > Also, please note the WONDERFUL WASHINGTON POST
> > HEADLINE THAT CAME OUT
> > AT 10:21 AM:
> >
> > U.S. Will Give Detainees Geneva Rights
> >
> >
> > I saw that last night. Of course, as noted in the
> > one of the articles I

> > read, this is not (place tongue in cheek here) a
> > change in the
> > President's policies in relation to Guantanamo
> Bay.
> >
> >
> >
> > Linda has done a FABULOUS job of putting together
> > all the UN/Human
> > rights materials.
> >
> >
> > Thanks. I went ahead and added the Geneva
> > Convention related to
> > treatment of prisoners to the web page. We don't
> > reference it, but if
> > folks are interested, it is there.
> >
> > The Geneva Convention is far more restrictive than
> > anything we have
> > written. It states:
> >
> > <>No physical or mental torture, nor any other
> form
> > of coercion, may be
> > inflicted on prisoners of war to secure from them
> > information of any
> > kind whatever. Prisoners of war who refuse to
> answer
> > may not be
> > threatened, insulted, or exposed to any unpleasant
> > or disadvantageous
> > treatment of any kind.
> >
> > The Convention includes coercion which is a whole
> > new can of worms. For
> > example, "we will give you better food if you
> > provide information." Is
> > this coercion? Can any form of lying or deception
> be
> > used or is this a
> > form of coercion? One of the reasons I argued
> > against the inclusion of
> > the Geneva Convention in the resolution is that
> > coercion is part of most
> > interrogations throughout the States and quite
> > legal. Individuals may be
> > quite correct that psychologists should not be
> > involved in any form of
> > coercive interrogation. Nonetheless, I think that
> > is a discussion for
> > another day and could potentially halt any
> progress
> > on a resolution
> > concerning torture and other cruel, inhuman, or
> > degrading treatment or
> > punishment.
> >
> > Best wishes,
> >
> > Linda

> >
> >
> >
> > </>-----Original Message-----
> > From: Corann Okorodudu
> PRIVACY REDACTION
> > Sent: Tuesday, July 11, 2006 10:00 AM
> > To: Behnke, Stephen; Judith Van Hoorn
> > Cc: Linda Woolf, Ph.D.; Olivia Moorehead-Slaughter; G.
> > Andrew H. Benjamin, J.D.,
> > Ph.D.; Doug Haldeman; Farberman, Rhea
> > Subject: Re: Revised Resolution on Torture and
> Other
> > CIDT
> >
> >
> >
> > Steve, Olivia and All,
> >
> > I am sorry that I was off email yesterday but
> could
> > be available for a
> >
> > conference call between 9 and 10 pm EST tonight.
> If
> > this is convenient,
> >
> > please reach me at my home number: PRIVACY REDACTION
> >
> > All the best,
> >
> > Corann
> >
> >
> >
> >
> >
> > On 7/10/06 12:33 PM, "Behnke, Stephen"
> > <sbehnke@apa.org> wrote:
> >
> >
> >
> > > Hi Judy,
> >
> > >
> >
> > > My guess is that gathering all of us for a call
> > will be a bit tricky,
> >
> > > but let's do it.
> >
> > >
> >
> > > In the meanwhile, let's you, Linda, Corann and I
> > go ahead and have our
> >
> > > call, to identify the documents we want posted.
> >
> > >
> >
> > > Linda and Corann, would 9 pm East Coast time

> this
> > evening be possible?
> >
> > > Please send me numbers,
> >
> > >
> >
> > > Steve
> >
> > >
> >
> > > -----Original Message-----
> >
> > > From: Judith Van Hoorn
> PRIVACY REDACTION
> >
> > > Sent: Monday, July 10, 2006 12:31 PM
> >
> > > To: Behnke, Stephen
> >
> > > Cc: Linda Woolf, Ph.D.; Corann Okorodudu;
> > Olivia Moorehead-Slaughter , G.
> > Andrew
> >
> > > H. Benjamin, J.D., Ph.D.; Doug Haldeman
> > Farberman, Rhea
> >
> > > Subject: RE: Revised Resolution on Torture and
> > Other CIDT
> >
> > > >
> >
> > > >
> >
> > > Hi all,
> >
> > > >
> >
> > > I can be available for a call tonight or
> tomorrow
> > anytime.
> >
> > > >
> >
> > > Re. contacting others - I called Jeff this
> morning
> > and left a message.
> >
> > > I've also told Steve Sellman, Beth Wiggins (Law)
> > and the DSJ folks
> > that
> >
> > > we would be sending the proposed resolution
> soon.
> >
> > > >
> >
> > > Let's discuss this by phone (or if that's not
> > possible, by email). Is
> > it
> >

> > > all right to circulate our draft and ask for
> > feedback at the same time
> >
> > > that the Ethics Committee is reviewing this?
> >
> > > I hope that Andy and Doug can be on the call so
> we
> > can address DOug's
> >
> > > concerns/proposal as well.
> >
> > >
> >
> > > Quoting "Behnke, Stephen" <sbehnke@apa.org>:
> >
> > >
> >
> > >> Hi Judy and Everyone,
> >
> > >>
> >
> > >> Judy, I would not wait to begin contacting
> > others, such as Jeff
> >
> > >> Barnett,
> >
> > >> who will be helpful. I know Olivia is
> committed
> > to moving forward
> >
> > >> with
> >
> > >> Ethics Committee review asap.
> >
> > >>
> >
> > >> I've spoken with Rhea about posting our
> materials
> > on the APA web.
> >
> > >> Rhea
> >
> > >> talked about having a separate "landing page"
> > specifically for this
> >
> > >> material. (I sortof know what that is, but I'm
> > not a web maven.)
> >
> > >> I'm
> >
> > >> wondering whether you, Corann, Linda, and I can
> > get on the phone, so
> >
> > >> we
> >
> > >> can identify precisely what materials we want
> > posted.
> >
> > >>
> >
> > >> Would a call tonight or tomorrow night be a

> > possibility? If so,
> >
> > >> please
> >
> > >> just give me a time and numbers,
> >
> > >>
> >
> > >> Steve
> >
> > >>
> >
> > >> -----Original Message-----
> >
> > >> From: Judith Van Hoorn
> > [redacted]
> >
> > >> Sent: Sunday, July 09, 2006 3:17 PM
> >
> > >> To: Behnke, Stephen
> >
> > >> Cc: Linda Woolf, Ph.D.; Corann Okorodudu;
> > [redacted]; G.
> >
> > >> Andrew
> >
> > >> H. Benjamin, J.D., Ph.D.; [redacted]
> >
> > >> Subject: RE: Revised Resolution on Torture and
> > Other CIDT
> >
> > >>
> >
> > >> Steve,
> >
> > >>
> >
> > >> We appreciate you're 24/7 email responses.
> >
> > >>
> >
> > >> We're ready to contact everyone you've
> mentioned
> > as soon as we get
> >
> > >> the
> >
> > >> go-ahead.
> >
> > >>
> >
> > >> Judy
> >
> > >>
> >
> > >> Quoting "Behnke, Stephen" <sbehnke@apa.org>:
> >
> > >>
> >
> > >>> Linda, Judy, and Corann, wow, have you all
> been

> > working hard!
> >
> > >>>
> >
> > >>>
> >
> > >>>
> >
> > >>> I will speak with Olivia tomorrow to determine
> > how we can best
> >
> > >> ensure
> >
> > >>> that everything moves forward in an
> expeditious
> > manner.
> >
> > >>>
> >
> > >>>
> >
> > >>>
> >
> > >>> Steve
> >
> > >>>
> >
> > >>>
> >
> > >>>
> >
> > >>> _____
> >
> > >>>
> >
> > >>> From: Linda Woolf, Ph.D.
> > [redacted]
> >
> > >>> Sent: Sunday, July 09, 2006 3:04 PM
> >
> > >>> To: Behnke, Stephen
> >
> > >>> Cc: Corann Okorodudu; Judith Van Hoorn;
> > [redacted]; G.
> >
> > >> Andrew
> >
> > >>> H.
> >
> > >>> Benjamin, J.D., Ph.D.; [redacted]
> >
> > >>> Subject: Revised Resolution on Torture and
> Other
> > CIDT
> >
> > >>>
> >
> > >>>
> >
> > >>>
> >

> > >>> Dear Steve, Olivia, and Doug,
> >
> > >>>
> >
> > >>> I've attached the revised versions of the
> Draft
> > Resolution Against
> >
> > >>> Torture and Other Cruel, Inhuman, and
> Degrading
> > Treatment or
> >
> > >>> Punishment.
> >
> > >>>
> >
> > >>> Just to highlight a few changes that we have
> > made:
> >
> > >>>
> >
> > >>> 1. We used Steve's wording related to the 5th
> Be
> > It Resolved
> >
> > >>> statement
> >
> > >>> but divided into two points. We were
> concerned
> > that combined, the
> >
> > >>> prohibition against torture, might appear
> > underemphasized in
> >
> > >> relation
> >
> > >>> to
> >
> > >>> working in accordance with international human
> > rights instruments.
> >
> > >>> We
> >
> > >>> felt that by separating into two points, both
> > are emphasized.
> >
> > >>>
> >
> > >>> 2. We added some clarifications to the
> > definition of torture placed
> >
> > >>> in
> >
> > >>> brackets. One concern with the Convention
> > Against Torture is that
> >
> > >> it
> >
> > >>> can
> >
> > >>> be read to apply only to state-sponsored

> > torture. We placed the
> >
> > >>> first
> >
> > >>> bracketed comment to highlight the alternate
> > reading of this
> >
> > >>> Convention
> >
> > >>> to include a broader range of groups. I would
> > note that this
> >
> > >>> definition
> >
> > >>> does not address individuals acting solely as
> > individuals who
> >
> > >> torture
> >
> > >>> others (e.g., individuals who engage in
> spousal
> > abuse). While the
> >
> > >>> latter is important, there are several
> arguments
> > that can be made
> >
> > >> to
> >
> > >>> focus on torture that occurs within various
> > systems. I think I've
> >
> > >>> share
> >
> > >>> my thoughts on this with most of you but let
> me
> > know if you would
> >
> > >>> like
> >
> > >>> me to further outline my thoughts.
> >
> > >>>
> >
> > >>> The second change was in relation to the last
> > point concerning
> >
> > >>> "lawful
> >
> > >>> sanctions." We added the caveat from the
> Special
> > Rapporteur that
> >
> > >> the
> >
> > >>> sanctions must be in accordance with both
> > domestic and
> >
> > >> international
> >
> > >>> law. This caveat is added as some

> nation-states
> > have "lawful
> >
> > >>> sanctions"
> >
> > >>> which are clearly in violation of
> international
> > law (e.g., caning
> >
> > >> or
> >
> > >>> stoning) and constitute cruel and inhuman
> > treatment/punishment.
> >
> > >> This
> >
> > >>> loophole is addressed by Special Rapporteur
> > comments in most
> >
> > >>> documents
> >
> > >>> and thus, we felt we should add it to our
> > document as well.
> >
> > >>>
> >
> > >>> 3. We also added a new Be It Resolved (second
> to
> > last) to make our
> >
> > >>> resolution more complimentary to the British
> > Psychological Society
> >
> > >>> and
> >
> > >>> World Medical Association (Declaration of
> Tokyo)
> > Declarations. This
> >
> > >>> statement dovetails nicely with the recent
> > document from Div. 19,
> >
> > >> and
> >
> > >>> provides additional support for psychologists
> > leaving such
> >
> > >> situations
> >
> > >>> and reporting violations.
> >
> > >>>
> >
> > >>> 4. We corrected the language of 4th Whereas to
> > be consistent with
> >
> > >>> Ethical Principles as opposed to Standard.
> >
> > >>>
> >
> > >>> 5. We added references to the document in

> > keeping with the style of
> >
> > >>> other resolutions brought before Council.
> >
> > >>>
> >
> > >>>
> >
> > >>> Let us know if you have any questions and we
> > look forward to your
> >
> > >>> feedback. Thank you so much for all of your
> > work on this important
> >
> > >>> resolution!
> >
> > >>>
> >
> > >>> Best,
> >
> > >>>
> >
> > >>> Linda, Judy, and Corann
> >
> > >>>
> >
> > >>>
> >
> > >>>
> >
> > >>>
> >
> > >>>
> >
> > >>>
> >
> > >>>
> >
> > >>> --
> >
> > >>> Linda M. Woolf, Ph.D.
> >
> > >>> President, Society for the Study of Peace,
> > Conflict, & Violence
> >
> > >> (Div.
> >
> > >>> 48, APA)
> >
> > >>> Professor of Psychology
> >
> > >>> Coordinator - Holocaust & Genocide Studies,
> >
> > >>> Center for the Study of the Holocaust,
> Genocide,
> > and Human Rights
> >
> > >>> Webster University
> >
> > >>> 470 East Lockwood
> >

> > >>> St. Louis, MO 63119
> >
> > >>>
> >
> > >>> Main Webpage:
> http://www.webster.edu/~woolflm/
> >
> > >>> Linda Woolf
> >
> > >>>
> >
> > >>> "Outside of a dog, a book is a man's (and
> > woman's) best friend. . .
> >
> > >> .
> >
> > >>> Inside a dog, it's too dark to read."
> >
> > >>> - Groucho Marx
> >
> > >>>
> >
> > >>>
> >
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> > >>
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> > >>
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> >
> > --
> > Linda M. Woolf, Ph.D.
> > President, Society for the Study of Peace,
> Conflict,
> > & Violence (Div.
> > 48, APA)
> > Professor of Psychology
> > Coordinator - Holocaust & Genocide Studies,
> > Center for the Study of the Holocaust, Genocide,
> and
> > Human Rights
> > Webster University
> > 470 East Lockwood
> > St. Louis, MO 63119
> >
> > Main Webpage: http://www.webster.edu/~woolflm/
> > Linda Woolf
> >
> > "Outside of a dog, a book is a man's (and woman's)
> > best friend. . .
> > Inside a dog, it's too dark to read."
> > - Groucho Marx
> >

>>
>
>
>
>

Sender: Connie Chan[PRIVACY REDACTION]

Sent: Friday, July 14, 2006 2:48:16 PM

Recipient: Jacobs, Sue [PRIVACY REDACTION];Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>;[Olivia Moorehead-Slaughter];[Robin Deutsch];Ja Hochberg[PRIVACY REDACTION];Abeles, Norman <[Norman Abeles];Brad Johnson[PRIVACY REDACTION];[Lynda Field];[Gerald O'Brien];[PRIVACY REDACTION]Walter Robinson[PRIVACY REDACTION]

Cc: [Doug Haldeman];Laumeier, Emily </O=APA/OU=DC/CN=RECIPIENTS/CN=ELL

Subject: Re: CONFIDENTIAL

Steve, Olivia, Sue, et al,

I agree with Sue. I don't think there is anything inconsistent with the Ethics Code, but the word ALWAYS in the first resolution on page 4 also made me uncomfortable. I also wondered what "instruments" refers to???

Thanks, Steve, for clarifying with them for us.

Best regards,

Connie

On 7/14/06 12:52 PM, "Jacobs, Sue" <[PRIVACY REDACTION] wrote:

> Steve, Olivia, et al,
>
> I have read the proposal and documents. I agree with Jane's point about referring to the "Ethical principles of psychologists and code of conduct (2002)".
>
> I don't actually remember our concerns with the first draft of the proposal that well. I don't think there is anything inconsistent with the Ethics Code, with the possible exception the first resolution on the top of page 4:
>
> "BE IT RESOLVED that based upon the APA's long standing commitment to basic human rights including its position against torture, psychologist shall always work in accordance with international human rights instruments relevant to their roles."
>
> Although, I think I agree with this personally, the word **always** is a red flag for me. Does this move it into the realm of standards and out of general principals and, if so, is that a problem? Secondly, I am not sure what is meant exactly by "instruments", especially when coupled with always.
>
> As still a "newbie", I look forward to hearing others thoughts on this.
>
> Sue
>
> *Sue C. Jacobs, Ph.D.*
> *School of Applied Health and Educational Psychology*
> *Oklahoma State University*
> *431 Willard*
> *Stillwater 74078-4024*
> [PRIVACY REDACTION]

From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Wednesday, July 12, 2006 10:45 AM
To: Olivia Moorehead-Slaughter; Robin Deutsche; Jane Hochberg; Abeles, Norman; Connie Chan; Jacobs, Sue; Brad Johnson ; Lynda Field; Gerald O'Brien; PRIVACY REDACTION; Walter Robinson
Cc: Doug Haldeman; Laumeier, Emily
Subject: CONFIDENTIAL

Dear Committee,

I write on behalf of Olivia, to request your review of an APA Resolution. You reviewed this Resolution at our Spring meeting, and the movers of the Resolution have substantially edited the Resolution in response to feedback that Olivia and I provided following the Committee's discussion.

We ask that you review this version of the Resolution and indicate whether you believe that there is anything in the Resolution that is not consistent with the APA Ethics Code. Thus, the question: Is there any aspect of the Resolution that is not consistent with the American Psychological Association *Ethical Principles of Psychologists and Code of Conduct* (2002)?

The Resolution makes reference to several other documents. These documents may be found at:

http://www.webster.edu/peacepsychology/HistoricalDocuments/Documents.html

The movers of the Resolution would like to present the Resolution at Council. As a consequence, we have been asked to respond as expeditiously as possible. If you could review the Resolution and provide a reply by Saturday, July 15, 12pm East Coast time, that would be ideal.

Thank you very much,

Steve

<<Resolution.doc>> <<ResolutionJustification.doc>>

--
Connie Chan
University of Massachusetts Boston

Sender: Morgan Banks
Sent: Monday, July 10, 2006 4:47:25 PM
Recipient: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject: Re: FW: Possible post. Thoughts?

Steve,

I've been on my blackberry, and just got home this afternoon. Your response is very solid, and again points out the inconsistencies in the ApA position. The only other thought I had concerns his statement:

"This is a legitimate task for law enforcement or the military, but not for doctors"

He seems to believe that neither law enforcement nor the military have need for us; said another way, he believes that there is a clear distinction between the military (and law enforcement) and his profession. OK. I think we can find psychologists to fill in for them.

As a side note, I expect all my psychologists to consider themselves Army officers who are psychologists, not psychologists who happen to be in the Army. If they do not feel that way, I will not have them working in the operational psychology area.

Hope you had a great weekend.

Morgan

P. S. (Sorry for the long monologue this AM - I had just woken up on the boat, and needed to get it off my chest. I have seen too much genocide that we, the US military, have had to stop (after the UN mucked up, and then left) to have any faith that the UN will do anything but make it worse.)

In a message dated 7/8/2006 12:07:56 A.M. Eastern Daylight Time, sbehnke@apa.org writes:

> This response was then posted—be interested in your thoughts. Thanks, Morgan
>
> _____
> **From:** Behnke, Stephen
> **Sent:** Friday, July 07, 2006 9:11 PM
> **To:**
> **Subject:** Possible post. Thoughts?
>
> Dear Dr. Wagner,
>
> Thank you for posting this letter. I think it might be helpful to make several points for Council to consider along with the letter. First, contrary to the letter's premise, the AMA and psychiatric association do not share the same position on this issue. The difference in their positions, and the similarity of the AMA position to the PENS Report, is apparent from a careful review of the full text of the AMA report. For reasons that are not apparent, the AMA has yet to release its full report to the public.
>
> Second, the author makes a distinction between interrogations where informed consent is present, as opposed to detainee interrogations where it is not. This distinction is far more complicated than the author suggests. If a criminal defendant declines to participate in a court-ordered evaluation (or a parent in a child-custody evaluation, or a

prisoner in sexually violent predator evaluation for post-conviction civil commitment, etc.) very significant consequences follow. None of these choices--despite the presence of informed consent--is free of coercion.

Third, the author implicitly acknowledges that detainee interrogation is ethical; the argument against physician participation is one based on "role." The author's argument does not consider the possibility that the presence of a mental health professional trained in how to support safe, legal, ethical, and effective interrogations could serve to minimize the likelihood of abuse (Parts of the AMA report that have yet to be released indicate a role for the presence of a physician at an interrogation, "especially" a psychiatrist, which is one illustration of how the AMA and psychiatric association approach this issue differently.)

Finally, the author has been quoted in the media as stating that the psychiatric position is not "an ethical rule" and military psychiatrists following orders "wouldn't get in trouble with the" American Psychiatric Association. Thus, it is unclear in what manner the psychiatric position is to "preclude" psychiatrists from involvement in military interrogations, as the author states, insofar as media statements suggest at the very least an implicit acknowledgement on the part of the psychiatric association that psychiatrists continue in this role.

Sender:	Morgan Banks
Sent:	Friday, July 28, 2006 5:21:12 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	AMA vs APA Positions

Steve,

Nothing fatal. Much depends on the use of the term "directly participate," and we are spinning the phrase, "monitor interrogations with the intent of intervention," as you and I have discussed. The AMA position is really not clear at all. They do not define directly participate. You are assuming that it means conduct. I think they are about to be placed in a corner that will make them say that they cannot be anywhere near an interrogation. Since I am not sure their training actually prepares them for this mission, I am not particularly upset about it, although I understand your strategy. I will follow-up with a phone call.

BTW, I saw the Surgeon General today, and he is still committed to supporting this use of psychologists. (and, I assume, psychiatrists.)

Morgan

Sender: Olivia Moorehead-Slaughter [redacted]

Sent: Sunday, July 23, 2006 7:39:51 PM

Recipient: [redacted];Jane Hochberg [redacted]

Cc: [redacted];Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=

Subject: Final version of Resolution

Attachments: TortureRes7.23.3.draft.doc

Dear Ethics Committee colleagues,

Attached please find the final draft of the Resolution that will be put forward at Council. The movers of this Resolution, Judy Van Hoorn and Corann Okorodudu, have responded to our recommendations and have reviewed the Resolution extensively with other governance groups. I note that both the Divisions of Social Justice and Division 19 (military psychology) are co-sponsors of the Resolution (among many others).

Based on your feedback and the changes that Drs. Van Hoorn and Okorodudu have made in response, I can say comfortably that this Resolution does not permit any activity that would be prohibited by the Ethics Code. For this reason, I believe it is time for the Resolution to move forward through the APA governance process. If you believe I am mistaken in this assessment, and that the Resolution does permit an activity that the Ethics Code would prohibit, please let me know by Wednesday, 5pm East Coast time.

We will be discussing the Resolution when we meet the day following Convention, Monday August 14. I look forward to seeing you at Convention.

Warmly,

Olivia

FEBRUARY 2006 LEGISLATIVE COUNCIL NEW BUSINESS FORM

Date Submitted: February 18, 2006 Agenda Item #

SUBJECT: The American Psychological Association 2006 Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

MOVER:
Judith Van Hoorn
Corann Okorodudu

REPRESENTING
Society for the Study of Peace, Conflict & Violence: Division of Peace Psychology, APA

ISSUE:
Update of the APA 1986 Human Rights Resolution on Torture

RELATION TO APA PRIORITIES: Priority 6 and 10 in support of Social Justice and the Public Interest; APA's role in addressing social problems, violence, etc.

ESTIMATED COSTS/STAFF RESOURCES:
None

MAIN MOTION:

That Council adopt the American Psychological Association 2006 Resolution Against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment to replace its 1986 Human Rights Resolution relating to torture as policy of the American Psychological Association.

WHEREAS, the existence of state-sponsored torture and other cruel, inhuman, or degrading treatment has been documented in many nations around the world (e.g.,Genefke, 2004; Human Rights Watch, 2006; U.S. Department of State, 2005);

WHEREAS, torture victims and victims of other cruel, inhuman, or degrading treatment or punishment may suffer from long-term, multiple psychological and physical problems (e.g., Carlsson, Mortensen, & Kastrup, 2005; Gerrity, Keane, & Tuma, 2001; Hermansson, Timpka, & Thyber, 2003; Kanninen, Punamaki, & Qouta, 2003; Somnier, Vesti, Kastrup, & Genefke, 1992);

WHEREAS, psychological knowledge and techniques (e.g., including but not limited to deprivation and disorientation techniques) may be used to design and carry out torture and other cruel, inhuman, or degrading treatment or punishment (e.g., Conroy, 2000; Hovens & Drozdek, 2002; Mossallanejad, 2000);

WHEREAS, the Ethical Principles of the American Psychological Association *Ethical Principles of Psychologists and Code of Conduct* (2002) call upon members of the American Psychological Association to respect the inherent dignity and worth of the individual and strive for the preservation and protection of fundamental human rights recognizing the equal and inalienable rights of all members of the human family;

WHEREAS, in 2000 APA received consultative status as a non-governmental organization at the United Nations (UN) in recognition of evidence provided by APA of its efforts to promote human rights;

WHEREAS, as an accredited non-governmental organization at the UN, the APA is committed to the spirit, purpose**s,** and principles of the Charter of the UN and other relevant international instruments.

WHEREAS, APA's status as an accredited NGO at the UN carries the commitment to promote and protect human rights in accordance with the Charter of the UN and the Universal Declaration of Human Rights and to contribute its expertise and resources to the implementation of the various human rights declarations, conventions and other standards of the UN;

WHEREAS, consistent with its history in supporting human rights, in its 1987 Human Rights Resolution, APA issued a strong statement that "the discipline of psychology, and the academic and professional activities of psychologists, are relevant for securing and maintaining human rights"; and undertook to promote knowledge of and compliance with UN instruments by resolving to commend the main UN human rights instruments and documents to the attention of its boards, committees and membership at large;

WHEREAS, in its 1986 Resolution Against Torture, APA supported the UN Declaration and Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment;

WHEREAS, the American Psychological Association 1986 Human Rights Resolution is specific in its support for the United Nations Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [2], which includes Principle 4a:

> It is a contravention of medical ethics for health personnel . . . to apply their knowledge and skills in order to assist in the interrogation of prisoners and detainees in a manner that may adversely affect the physical or mental health or condition of such prisoners or detainees and which is not in accordance with the relevant international instruments,[a]

WHEREAS, the American Psychological Association 1986 Human Rights Resolution is specific in its support for the joint congressional Resolution opposing torture that was signed

into law by President Reagan on October 4, 1984.

WHEREAS, in August 2005 APA's Council of Representatives approved the motion to acknowledge Principle 2.2 of the UN Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, which states that

> [T]here are no exceptional circumstances whatsoever, whether induced by a state of war or threat of war, internal political instability or any other public emergency, that may be invoked as a justification for torture, including the invocation of laws, regulations, or orders;

BE IT RESOLVED, that the American Psychological Association reaffirms its 1986 condemnation of torture and other cruel, inhuman, or degrading treatment or punishment wherever it occurs;

BE IT RESOLVED that the APA reaffirms its support for the UN Declaration and Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and its adoption of Article 2.2, which states;

> [T]here are no exceptional circumstances whatsoever, whether induced by a state of war or a threat of war, internal political instability or any other public emergency, that may be invoked as a justification of torture;

BE IT RESOLVED that, in accordance with Article l of the UN Declaration and Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment,

> [T]he term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted upon a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official [e.g., governmental, religious, political, organizational] capacity. It does not include pain or suffering arising only from, inherent in, or incidental to lawful sanctions [in accordance with both domestic and international law].

BE IT RESOLVED that, based upon the 1986 APA Human Rights Resolution, the American Psychological Association reaffirms its support for the United Nations (UN) Declaration and Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment[1], Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [2] as well as the joint congressional Resolution opposing torture that was signed into law by President Reagan on October 4, 1984 and further supports the McCain Amendment, **[add the McCain Amendment in this section]**

,the United Nations (UN) Basic Principles for the Treatment of Prisoners[3], and Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[4]

BE IT RESOLVED that based upon the APA's long-standing commitment to basic human rights including its position against torture, psychologists shall work in accordance with international human rights instruments relevant to their roles.

BE IT RESOLVED that regardless of their roles, psychologists shall not engage in, tolerate,direct, support, advise, or offer training in torture or other cruel, inhuman, or degrading treatment.

BE IT RESOLVED that psychologists shall not knowingly provide any research, instruments, or knowledge that facilitates the practice of torture or other forms of cruel, inhuman or degrading treatment.

BE IT RESOLVED that psychologists shall not participate in any procedure in which torture or other forms of cruel, inhuman or degrading treatment is used or threatened**.

BE IT RESOLVED that should torture or other cruel, inhuman or degrading treatment or punishment evolve during an interrogation where a psychologist is present, the psychologist shall attempt to intervene to stop such behavior, and failing that exit the interrogation.

BE IT RESOLVED that psychologists shall be alert to acts of torture and other cruel, inhuman, or degrading treatment and have an ethical responsibility to report these acts to the appropriate authorities.

BE IT FURTHER RESOLVED, that, consistent with the August 2005 action of Council, the American Psychological Association will continually disseminate and publicize this 2006 Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, both within the Association (to boards, committees, and the membership at large), and to the wider public.

EXPECTED OUTCOMES/PRODUCTS:

An updated Resolution on the use of Torture, and Other Cruel, Inhuman, and Degrading Treatment or Punishment

CO-SPONSOR(S):

Divisions for Social Justice and members of COR: Neil Altman, Jean Lau Chin, Martha Banks, Laurie Wagner, Neil Massoth, Janet Swim, Bernice Lott, Jacqueline White, Division 19, and approximately 50 other Council Representatives, see attached.

[1] The UN Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (http://www.unhchr.ch/html/menu3/b/h_cat39.htm) is an international human rights instrument intended to prevent torture and other similar activities. According to the Convention, torture is defined as, "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions." The Convention also created the UN Committee Against Torture, which focuses on the duties of national leaders to serve in a preventive role concerning the use of torture and other cruel, inhuman, or degrading treatment.

[2] The Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (http://www.unhchr.ch/html/menu3/b/h_comp40.htm) is a UN Human Rights Instrument adopted by the General Assembly resolution 37/194of 18 December 1982. It contains a code of health personnel ethics relevant to the protection of persons subjected to any form of detention or imprisonment against torture and other cruel, inhuman or degrading treatment or punishment.

[3] Basic Principles for the Treatment of Prisoners (http://www.ohchr.org/english/law/basicprinciples.htm) is a UN Human Rights Instrument adopted and proclaimed by General Assembly resolution 45/111 of 14 December 1990. It contains the minimum standards for treatment of prisoners as human beings as set forth in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and the Optional Protocol.

[4] The Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (http://www.ohchr.org/english/law/investigation.htm) is a UN Human Rights Instrument recommended by General Assembly resolution 55/89 of 4 December 2000. The Principles outline recommended procedures related to the documentation of torture and other cruel, inhuman, or degrading treatment or punishment particularly by health care professionals.

References

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Assistance for Victims of Torture. Retrieved March 17, 2006 from http://lantos.house.gov/HoR/CA12/Human+Rights+Caucus/Briefing+Testimonies/092804+Testimony+of+Dr+Inge+Genefke.htm.

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[a] Adapted from Principle 4 of the *Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*

*** Adapted from Declaration 4 of The World Medical Association Declaration of Tokyo. Guidelines for Physicians Concerning Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in Relation to Detention and Imprisonment.*

Sender: Judith Van Hoorn <PRIVACY REDACTION>
Sent: Friday, July 21, 2006 3:03:16 PM
Recipient: Steve Sellman
Cc: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>;Doug Haldeman <Doug Haldeman PRIVACY REDACTION G. Andrew H. Benjamin, J.D., Ph.D. PRIVACY REDACTION Corann Okorodudu <PRIVACY REDACTION>; Olivia Moorehead-Slaughter
Subject: RE: finalizing the resolution

I'm delighted that we are so close. Steve (B) thank you for your immediate feedback and suggestion for revision of the wording.

After reading both statements several times, I think that Steve Sellman's original suggested wording is more clear to those seeking guidance. I'd greatly prefer to keep "exit the interrogation" (and omit "facility, recognizing that this might be interpreted as a building rather than a more specific setting.)

I believe that the wording we suggested emphasizes that the psychologist's first responsibility is to intervene to stop the behavior and, failing that, the psychologists must exit (the interrogation).

Unfortunately - and perhaps this is incorrect - I think that, if we turn the phrase around, i.e., (1) not remain present (2) unless intervening , the strength of this key addition is weakened.

I would appreciate feedback from others as well.

Judy

Quoting Steve Sellman :

> Steve's alternative working would be acceptable to Division 19.
> Steve
> Sellman
>
>
>
> "Behnke, Stephen"
> <sbehnke@apa.org>
>
> To
> 07/21/2006 01:55 "Behnke, Stephen"
> PM <sbehnke@apa.org>, "Judith Van
> Hoorn" <PRIVACY REDACTION
> <Olivia Moorehead-Slaughter
>
> cc
> "G. Andrew H. Benjamin, J.D.,
> Ph.D."
> <PRIVACY REDACTION
> "Doug Haldeman"
> <PRIVACY REDACTION>, "Steve
> Sellman"
> <Steve Sellman
> "Corann Okorodudu"

> PRIVACY REDACTION
>
> Subject
> RE: finalizing the resolution
>
>
>
>
>
>
>
>
>
>
> Hello Everyone,
>
> I apologize for this follow-up message; my access to email is a bit
> sketchy, and I just wanted to share a thought from my last message
> regarding the Resolution in ALL CAPS. My concern is that in certain
> situations leaving the facility may quite literally not be possible,
> & I am
> wondering about alternative wording, such as "will not remain present
> in
> that interrogation setting unless for the purpose of attempting to
> stop the
> torture or cruel, inhuman, or degrading treatment."
>
> Just a thought, for Judy, Corann, and Steve to consider,
>
> Steve
>
> _____
>
> Áðü: Behnke, Stephen
> Áðïóôïëþ: Đáñ 21/7/2006 1:30 ìì
> Ðñïò: Judith Van Hoorn; Olivia Moorehead-Slaughter
> Êïéí.: G. Andrew H. Benjamin, J.D., Ph.D.; Doug Haldeman; Steve
> Sellman;
> Corann Okorodudu
> ÈÝìá: RE: finalizing the resolution
>
>
> Hi Judy, I will be returning from Athens tomorrow. To confirm you
> and
> Steve have reviewed the entire document, and the changes the two of
> you
> made are in bold.
>
> Where did the change in ALL CAPS come from, and has Steve reviewed
> that
> language?
>
> Thanks so much,
>
> Steve
>
> _____
>
> Áðü: Judith Van Hoorn PRIVACY REDACTION
> Áðïóôïëþ: Đåì 20/7/2006 8:41 ìì
> Ðñïò: Behnke, Stephen; Olivia Moorehead-Slaughter

> Êïéí.: G. Andrew H. Benjamin, J.D., Ph.D.; Doug Haldeman; Steve
> Sellman;
> Corann Okorodudu
> ÈÝìá: Re: finalizing the resolution
>
>
>
>
> Dear Steve and Olivia,
>
> Here is the Resolution which incorporates the additional wording that
> Steve and I worked on this morning. I have not been able to reach
> Corann but have her permission to send this to you.
>
> The attached document still includes the last edit changes in red.
> This
> was the last draft that the Committee reviewed. Although it does not
> look as professional, for easy comparison, I've noted all the new
> changes that Steve and I worked on in BOLD. You will find an
> addtional
> BE IT RESOLVED that was added to clarify what a psychologist shall do
> in such a situation. We have therefore changed the preceeding
> statement.
>
> Please let me know if you have questions. If you wish us to send this
> in
> the form with the edits marked, let me know.
>
> Hope everyone is as pleased with this.
>
> Judy
>
>
>
>
>
>

Sender: Dunivin, Debra L LTC WRAMC-Wash DC <Debra.Dunivin@NA.AMEDD.ARMY.MIL>

Sent: Thursday, July 20, 2006 8:29:20 AM

Recipient: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>;Farberman, Rhea </O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>;Gerald P. Koocher, Ph.D. PRIVACY REDACTION

Cc: Strassburger, Judy </O=APA/OU=DC/CN=RECIPIENTS/CN=JAS>Morgan Banks ;louie.morgan.banks@u

Subject: RE: FW: Salon follow up.

Does this message adequately address that issue about folks having opportunity to present the "other side"?

If you are looking to change General Kiley's schedule, please make a final decision as soon as you can.

-----Original Message-----
From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Wednesday, July 19, 2006 4:05 PM
To: Farberman, Rhea; Gerald P. Koocher, Ph.D.
Cc: Strassburger, Judy; Morgan Banks ; Dunivin, Debra L LTC WRAMC-Wash DC; louie.morgan.banks@us.army.mil
Subject: RE: FW: Salon follow up.

Thanks so much, Rhea.

Judy/Gerry, we had discussed having Olivia give a very brief presentation, followed by the discussion, for a total of one half hour following lunch. Upon reflection, I think we may want to give it 45 minutes--I think that extra time may be helpful to allowing more people to feel part of the discussion.

If 1) we agree on the 45 minutes, if 2) Gerry accepts Rhea's recommendation about the added sentence (makes very good sense to me), and if 3) we add the logistical information to the message about how (to whom) Council members may submit comments/questions and we give a deadline (next Friday?), I think we're good to go.

What do they say, "Light the candle"?

Thanks so much,

Steve

From: Farberman, Rhea
Sent: Wed 7/19/2006 3:29 PM
To: 'Gerald P. Koocher, Ph.D.'; Behnke, Stephen
Cc: Strassburger, Judy; Morgan Banks ; Debra.Dunivin@NA.AMEDD.ARMY.MIL; louie.morgan.banks@us.army.mil
Subject: RE: FW: Salon follow up.

I'd suggest adding a sentence after the "Kiley" paragraph to assure members of Council that there will be time for Council debate and dialogue in addition to the time devoted to the Lt. General's

presentation.

Something like: After Gen. Kiley's presentation, Council will devote 60 minutes (?) to a discussion of the PENS report and the Association's next steps concerns the issues it addresses, etc.

Rhea

-----Original Message-----
From: Gerald P. Koocher, Ph.D. PRIVACY REDACTION
Sent: Wednesday, July 19, 2006 11:27 AM
To: Behnke, Stephen
Cc: Strassburger, Judy; Morgan Banks Debra.Dunivin@NA.AMEDD.ARMY.MIL; louie.morgan.banks@us.army.mil; Farberman, Rhea
Subject: Re: FW: Salon follow up.

*I have tweaked Steve's draft letter a bit.
Please comment.
Gerry*

Dear Colleagues:

The past year has witnessed a great deal of interest in the work of the Task Force on Psychological Ethics and National Security (PENS). Our members have vigorously discussed issues related to ethics and interrogations on numerous listserves, and Council members have actively engaged one another in various settings on this subject, including on Council's listserve. As President, I welcome our discussion and debate, and have made clear that I want our examination of this issue to continue at our August meeting.

In order to facilitate our discussion, we must have the best available data regarding what psychologists are being asked to do in national security-related settings. As an organization dedicated to science, education, and practice, we must move forward with the best evidence available. To that end, I have invited the Surgeon General of the Army, Lieutenant General Kevin Kiley, M.D., to attend Council in order to speak to us, and to respond to Council's questions and concerns regarding the role that the military has asked psychologists to take in interrogations. I delight in informing you that he has agreed to do so. You may want to have a look at Dr. Kiley's background and can do so by visiting: http://www.armymedicine.army.mil/leaders/kiley.html .

I have asked Dr. Kiley to speak for about 20 minutes and potentially have 10 minutes for questions from the floor. Given our time constraints it will likely not be possible for Dr. Kiley to cover every topic both he and Council wish to address, I know he is very eager to understand our thinking on this hugely important subject. To make the best use of our time and assure that you have the broadest possible input, I invite Council members consider issues they would like to hear Dr. Kiley to address or raise questions they would like Dr. Kiley to answer. I want you all to have the opportunity to weigh in privately, so that no one has to feel embarrassed about raising a question or worry about rushing to the microphone, so I invite you to provide these to me in a private e-mail addressed to me at: president@apa.org <mailto:president@apa.org>.

In this way, I hope to optimize the likelihood that Dr. Kiley will understand Council's concerns in advance.

[information regarding how to submit]

I look forward to seeing you in New Orleans,

GK

>

Sender:	Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent:	Wednesday, July 19, 2006 4:41:10 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	RE: Salon Magazine Interview

Shame, shame on you. Now I know the truth - Steve does not know everything. Damn.

I just ran the name by our PAO - Let me say that I recommend EXTEME caution when dealing with him.

Hope you are enjoying your trip. I am envious.

Morgan

COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

-----Original Message-----
From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Wednesday, July 19, 2006 4:34 PM
To: Banks, Louie M. COL
Subject: RE: Salon Magazine Interview

I am very embarassed that I missed this, Morgan. That is inexcusable on my part.

Steve

From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Wed 7/19/2006 4:30 PM
To: Jacobson, Rhea; rfein@nvpsc.org; mgelles@ncis.navy.mil; larry.james@us.army.mil; Larry James belefever@mar.med.navy.mil; Scott Shumate ; scott.shumate@cifa.mil
Cc: Behnke, Stephen; Farberman, Rhea
Subject: RE: Salon Magazine Interview

I think I will have to decline. I just did a search on the gentleman in question, and discovered this:

http://www.salon.com/news/feature/2006/06/29/torture/index_np.html

The title says it all,

Torture teachers

An Army document proves that Guantánamo interrogators were taught by instructors from a military school that trains U.S. soldiers how to resist torture.

By Mark Benjamin

At least he spelled Guantanamo right.

Respectfully,

Morgan Banks

COL L. Morgan Banks
Director, Psychological Applications Directorate US Army Special Operations Command DSN 239-6833 COM (910) 432-6833 PRIVACY REDACTION banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

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From: Jacobson, Rhea [mailto:rjacobson@apa.org]
Sent: Wednesday, July 19, 2006 1:14 PM
To: Banks, Louie M. COL; rfein@nvpsc.org; mgelles@ncis.navy.mil; larry.james@us.army.mil; Larry James , belefever@mar.med.navy.mil; Scott Shumate ; scott.shumate@cifa.mil
Cc: Behnke, Stephen; Farberman, Rhea
Subject: Salon Magazine Interview

Dear Colleagues,

I hope you are all well.

A reporter from Salon magazine is doing a story on ethics and interrogations, and it appears he has taken a special interest in the PENS report. He wants to address the composition of the PENS Task Force, especially the concentration of individuals on active duty or with strong ties to the military/US investigative agencies. It is highly likely he is being prompted by people critical of the PENS Report, who feel the composition of the Task Force explains APA's position.

He has indicated that he would like to speak with you. He has promised not to ask about internal PENS deliberations, but that he is interested in how the Task Force composition influenced the final Report. I have interacted with this person (Mark Benjamin, PRIVACY REDACTION <file://undefined> ; PRIVACY REDACTION) and believe he may actually be interested in doing a balanced story. I should caution, however, that I have been wrong in that assessment before and that I don't know his work, so I can give you only my initial sense. If you have any questions, Rhea Farberman (rfarberman@apa.org <file://,DanaInfo=mail.apa.org,SSL+undefined>) is an excellent resource and would certainly be available to you.

If you do decide to contact him (or would like us to refer him to your PAO), you should be aware of how we (APA president and myself) have thus far responded to questions about the Task Force composition. Our responses have fallen into two broad categories:

1) This is an area that is relatively new to APA Ethics, compared to other areas of psychology such as therapy and assessment, and we needed psychologists with this special expertise.

2) Regarding the argument that the number of military or military-affiliated psychologists exercised "undue influence":

a. The PENS report was a consensus document. Only a single vote was taken, and that vote is recorded in the Report itself. The vote had nothing to do with the substantive positions in the Report. Thus, it was not the case that the military psychologists "outvoted" the other members, because there were no votes on the substantive issues. All Task Force members agreed on all PENS positions, with the exception of three issues that were explicitly identified in the Report.

b. If the PENS Task Force members had truly wanted to exercise "undue influence," they would not have turned the responsibility of writing a commentary over to another group, especially given that the PENS Report did not define terms such as "torture" and "cruel, inhuman and degrading." The PENS Task Force made a decision to refer the commentary to another group with a very different composition, which refutes any allegation that this group was somehow attempting to define or control the scope of this report or APA's position.

I am in Athens at the moment, and so will not likely reply immediately to any message, but Rhea Farberman could help with any questions you may have.

Steve

Sender: Dunivin, Debra L LTC WRAMC-Wash DC <Debra.Dunivin@NA.AMEDD.ARMY.MIL>
Sent: Wednesday, July 19, 2006 3:13:06 PM
Recipient: Gerald P. Koocher, Ph.D. PRIVACY REDACTION ;Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Cc: Strassburger, Judy </O=APA/OU=DC/CN=RECIPIENTS/CN=JAS>; Morgan Banks ;louie.morgan.banks@u Rhea </O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>
Subject: RE: FW: Salon follow up.

Yes, this is excellent.

One thing I may suggest is that you add a suspense about when you want the input to you. It would be most helpful to General Kiley if we had that information to brief him prior to Council. We are on his schedule for the 27th.

Would it be possible for you to have input back to you and synthesized in some way for us to present to him by that time? I realize it's only 10 days away... But otherwise it will be difficult to ensure he receives the input ahead of the Council meeting.

I suppose we could also offer an update through whomever escorts him from the airport, but that is less than optimal.
Debra

-----Original Message-----
From: Gerald P. Koocher, Ph.D. PRIVACY REDACTION
Sent: Wednesday, July 19, 2006 11:27 AM
To: Behnke, Stephen
Cc: Strassburger, Judy; Morgan Banks ; Dunivin, Debra L LTC WRAMC-Wash DC; louie.morgan.banks@us.army.mil; Farberman, Rhea
Subject: Re: FW: Salon follow up.

*I have tweaked Steve's draft letter a bit.
Please comment.
Gerry*

Dear Colleagues:

The past year has witnessed a great deal of interest in the work of the Task Force on Psychological Ethics and National Security (PENS). Our members have vigorously discussed issues related to ethics and interrogations on numerous listserves, and Council members have actively engaged one another in various settings on this subject, including on Council's listserve. As President, I welcome our discussion and debate, and have made clear that I want our examination of this issue to continue at our August meeting.

In order to facilitate our discussion, we must have the best available data regarding what psychologists are being asked to do in national security-related settings. As an organization dedicated to science, education, and practice, we must move forward with the best evidence available. To that end, I have invited the Surgeon General of the Army, Lieutenant General Kevin Kiley, M.D., to attend Council in order to speak to us, and to respond to Council's questions and concerns

regarding the role that the military has asked psychologists to take in interrogations. I delight in informing you that he has agreed to do so. You may want to have a look at Dr. Kiley's background and can do so by visiting: http://www.armymedicine.army.mil/leaders/kiley.html .

I have asked Dr. Kiley to speak for about 20 minutes and potentially have 10 minutes for questions from the floor. Given our time constraints it will likely not be possible for Dr. Kiley to cover every topic both he and Council wish to address, I know he is very eager to understand our thinking on this hugely important subject. To make the best use of our time and assure that you have the broadest possible input, I invite Council members consider issues they would like to hear Dr. Kiley to address or raise questions they would like Dr. Kiley to answer. I want you all to have the opportunity to weigh in privately, so that no one has to feel embarrassed about raising a question or worry about rushing to the microphone, so I invite you to provide these to me in a private e-mail addressed to me at: president@apa.org <mailto:president@apa.org>.

In this way, I hope to optimize the likelihood that Dr. Kiley will understand Council's concerns in advance.

[information regarding how to submit]

I look forward to seeing you in New Orleans,

GK

>

Sender:	Jacobson, Rhea </O=APA/OU=DC/CN=RECIPIENTS/CN=RSS>
Sent:	Wednesday, July 19, 2006 1:13:37 PM
Recipient:	'louie.morgan.banks@us.army.mil' <louie.morgan.banks@us.army.mil>;Robert Fein PRIVACY REDACTION;'mgelles@ncis.navy.mil' <mgelles@ncis.navy.mil>;'larry.james@us.army.mil' <larry.james@us.army.mil>;Larry james Larry James ;'belefever@mar.med.navy.mil' <belefever@mar.med.navy.mil>;Scott Shumate Scott Shumate ;'scott.shumate@cifa.mil' <scott.shumate@cifa.mil>
Cc:	Behnke, Stephen <sbehnke@apa.org>;Farberman, Rhea <rfarberman@apa.org>
Subject:	Salon Magazine Interview

Dear Colleagues,

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Steve

Sender:	Sharon Gadberry PRIVACY REDACTION
Sent:	Thursday, August 10, 2006 5:56:00 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	Re-filling of Ethics Complaint regarding psychologists and torture.
Attachments:	Ethics Complaint 2006.rtf

Dear Dr. Behnke,

I am officially re-filing my ethics complaint. I have just put it in the mail, but attached is a copy.

Sincerely,

Sharon Gadberry
Sharon Gadberry, Ph.D.
PRIVACY REDACTION

GADBERRY & ASSOCIATES

PRIVACY REDACTION

To: Dr. Stephen Behnke
APA Ethics Director
750 First Street, N.E.
Washington, DC 20002-4242

August 9, 2006

Dear Dr. Behnke,

Last year I attempted to lodge ethics charges against three Psychologists whose names had been documented in media reports, as being responsible for and participating in, the torture of prisoners of war.

From the very beginning, your office tried to discourage me. At first, my e-mails and phone calls were not answered. When I persisted, I was told that it was necessary to fill out a form to file an ethics charge, and that I would need to provide your office with specific names of people, whom I knew to be members of the APA, for you to even send me the form.

As you know, much of the documentation around treatment of prisoners in Guantanamo, Iraq, and Afghanistan (not to mention special prisons around the world) if held secret by the US government. I explained in my request that even though three individuals were mentioned in news reports, there were undoubtedly more names that would turn up if an ethics investigation were conducted.

You did send me the form, five months after my original request. After I filled out the form, and filed a five-page detailed summary of charges, you answered me with a letter denying my request to file ethical charges. In your letter, you said that you had not been able to find any information that Psychologists were involved in torture. I was surprised by this, because in my summary I had referred you to articles in the media that named at least three Psychologists as having participated in the BSCT program in Guantanamo.

In the intervening year more articles and books have been written detailing escalating torture. Many authors specifically refer to the participation of Psychologists and other health professionals in ongoing and escalating torture programs that include not just degrading and psychologically damaging treatment, but also physical harm, negligence, and murder. There have also been court decisions which reaffirm that the US Government is violating the Geneva Convention as well as Federal laws.

You mentioned in your letter that you were continuing to investigate the matter. Have you done so? Which articles and documents have you read? Are you intending to file the charges if sufficient information is found?

I believe that if the APA would investigate these situations we might not stop torture altogether. But at least the organization itself, and all of its members, would not be responsible for allowing these atrocities to continue. We might also be able to bring to light more information about what is going on, and who is involved.

Is it your consistent practice to demand that anyone filing an ethical complaint, actually prove the complaint before it can even be filed? This seems to be backward. Are you holding this particular complaint to a different standard?

I am renewing my request for an investigation and would hope that this can get underway as soon as possible.

Sincerely,

Sharon Gadberry, Ph.D.

SUMMARY of COMPLAINT FILED IN SEPTEMBER, 2005

This ethical complaint is lodged against at least three Psychologists who have been mentioned in well-documented written reports, as having consulted in the interrogations on U.S. military prisoners ("enemy combatants") held at Guantanamo, Iraq, and Afghanistan, at least since late 2002 and possibly since late 2001. I also wish to lodge complaints against other Psychologists involved in these offenses. Because of government secrecy, I have not been able to learn the names of the individuals in order to include them in this complaint. The APA Ethics Committee should be able to learn their names, either from the Army, from authors of the reports included in an addendum, or from the Psychologists who are named in the complaint. They are participants in at least two army programs: SERE (at Fort Bragg) and BSCT (Behavioral Science ConsultationTeams) at Guantanamo. These Psychologists have clearly violated all five of the basic principles of our professional ethics: Principle A, B, C, D and E. According to various news accounts, they have created, directed and condoned torture and excessive abuse of prisoners.

An article in the New England Journal of Medicine reports that psychologists have been "part of a strategy that employs extreme stress, combined with behavior-shaping rewards, to extract intelligence from resistant captives...These cruel and degrading measures are in violation of international human rights law and the laws of war." There are accounts that indicate that the methods employed by army interrogators come directly from psychological experiments, as well as from "reverse engineering" a Psychological training program (SERE)designed to deliver stress to US troops in order to "immunize" them should they be taken prisoner by enemy forces. Most experts on interrogation agree that stress interrogation is ineffective and counterproductive. More importantly, the use of torture violates humane principles, American values, and domestic and international laws. I agree with the authors that "The cruel and degrading measures taken by some, in violation of international human rights law and the laws of war, have become a matter of national shame." Their behavior brings professional shame on all Psychologists.

COMPLAINT

After the September 11 attacks on the World Trade Center, the US government began to hold suspected terrorists incommunicado, without benefit of representation, and out of the public eye. Many of these suspects are still

being held, in Guantanamo,Cuba, and in prisons in Afghanistan and Iraq. These practices were spearheaded by the President and his appointees, over the objections of officials in our government, including the State Department, the Army, and the FBI.

News reports indicate that some Psychologists and other health professionals have been actively involved in designing and directing programs of physical and mental torture of these suspected terrorists, ostensibly for the purposes of extracting information during interrogations. Several Psychologists' influence and participation have been documented at Guantanamo, after the BSCT teams were formed on the principle of "reverse engineering" a program at Fort Bragg, (SERE, or "Survival, Evasion, Resistance, and Escape) which subjected American soldiers to various forms of torture on the theory that they would then be resistant to the effects if captured by adversaries . The program at Guantanamo is reportedly based on scientific theories of Martin Seligman, and one of the directors is Colonel Louie (Morgan) Banks. Another Psychologist, Dr. James Mitchell was named as urging an interrogator to employ physical torture during an interrogation session. Later the Guantanamo techniques were endorsed by the US State Department, and taken to Iraq, where they formed the policy and models for the infamous abuses documented at Abu Ghraib prison.

These behaviors violate the following ethical Principles:

Principle A: Beneficence and Nonmaleficence: Psychologists strive to benefit those with whom they work and take care to do no harm...they seek to safeguard the welfare and rights of those with whom they interact." Clearly, inventing, encouraging, and participating in torture violates Principle A.

Principle B: Fidelity and Responsibility: "Psychologists uphold professional standards of conduct, clarify their professional roles..and seek to manage conflicts of interest that could lead to exploitation or harm." By agreeing to serve as "scientists" in activities which were clearly not research, and by refusing to serve as caretakers of the prisoners, these psychologists have violated Principle B.

Principle C: Integrity: " Psychologists do not steal, cheat, or engage in fraud, subterfuge, or mispresentation of fact." Many of the abuses involved lying to the prisoners to induce stress. The Psychologists knowingly participated in abusing individuals who were held against their will, who were helpless to respond, and who were held without benefit of habeus corpus..a human right in the western world since the Magna Carta.

Principle D: Justice: "Psychologists recognize that fairness and justice entitle all persons to access to and benefit from the contributions of psychology and to equal quality in the processes, procedures and services being offered." This principle was violated when Psychologists created, directed, and participated in abuses of individuals who were classified as prisoners.

Principle E: Respect for People's Rights and Dignity:" Psychologists respect the dignity and worth of all people, and the rights of individuals to privacy, confidentiality and self-determination." Needless to say, the vile abuses documented at Guantanamo and Abu Ghraib show no respect at all for people's rights and dignity.

Other professional organizations, including the Physicians for Human Rights and the American Psychiatric Assocation, have declared these behaviors to be unethical.

The individuals who have reported the abuses are eyewitnesses, including the prisoners and their lawyers, other professionals, journalists and members of the military. The incidents and programs are described in a number of articles, including M. Gregg Bloche, MD, "Doctors and Interrogators at Guantamo Bay," in the New England Journal of Medicine. The Physicians for Human Rights also described and documented the participation of Psychologists in "Break Them Down: The Systematic Use of Psychological Torture by US Forces."

I am requesting that the Ethics Committee use its powers to obtain the names of other Psychologists who have participated in the programs. These names are not public.

Here is a partial list of the abuses which were reportedly designed and overseen in careful detail by Psychologists:

1. Withholding or dispensing medical care, depending on willingness to talk to interrogators.
2. Sexual embarrassment and humiliation.
3. Beatings and shackling.
4. Exploiting phobias (ie fear of the dark).
5. Defacing religious symbols.
6. " Waterboarding" : Controlled partial drowning
7. Noise stress.
8. Manipulating national flags.
9. Frequent moving from cell to cell.
10. "Psychological testing" designed to confuse and disorient.
11. Using confidential medical records to aid torture strategies.
12. Use of dogs to threaten and punish.

Obviously the prerequisites of informed consent, transparency, and confidentiality were not observed. Also, obviously, rather than treating stress and mental imbalance, all of the above methods were intended to create the opposite: a most catastrophic kind of mental and physical breakdown. Sometimes prisoners were subjected to these treatments in order to "soften" them for interrogations. Other times these treatments were punishments or random acts of sadism. The Psychologists involved not only allowed, observed, and participated in the treatments, in many instances they designed them and created the rationale.

Recently memos written by US Army (JAG) lawyers concluded the following about these abusive interrogation techniques :1) They could be found illegal in domestic courts of law. 2) They are of questionable practical value in obtaining reliable information. 3) They damage US efforts to counter terrorism, because Muslims throughout the world will not want to work with us as informants. 4) They endanger our citizens and our troops because enemies will retaliate in their treatment of our citizens as prisoners. 5) They run counter to our image in the world as a protector of human rights.

I have read the report of the APA task force on ethics. Strangely enough, the report delineates the ways in which torture violates our ethical principles, but does not reach the obvious conclusion that the individuals involved in it are behaving unethically. The task force seems to excuse their behavior because it was sanctioned by the military for whom they were working. They also imply that the Psychologists are working for the greater good of Americans in trying to extract information that would prevent or punish terrorism. Unfortunately, the integrity of task force was compromised by including one of the primary Psychologists involved on the BSCT teams (Colonel Banks), who is also being accused in this complaint.

The Geneva Convention of 1950 clearly states that "dual loyalty" is not an excuse for health professional's participation in torture: " No prisoner of war may be subjected to physical mutilation or to medical or scientific experiments of any kind which are not justified by the medical, dental, or hospital treatment of the prisoner concerned." In 1975 the World Medical Association (Declaration of Tokyo) barred medical personnel from participation in either torture or abuse,even as monitors.

I am attaching a list of internet links to articles which document the abuses in detail, and which also refer to domestic and international laws that they violate.

Sincerely,

Sharon Gadberry Ph.D.

APA Position on Psychology and Torture

In 1985, the American Psychological Association issued a joint resolution against torture with the American Psychiatric Association. In a 1986 Resolution Against Torture, APA supported the United Nations Declaration and Convention Against Torture and Other Cruel, Inhuman, or Degrading Treat or Punishment. In 2000, APA received consultative status as a non-governmental organization at the United Nations in recognition of evidence provided by APA of its efforts to promote human rights.

In 2005, APA Council received the PENS report, a report on the current role of psychologists in military interrogations. This report was undertaken because our colleagues in the military requested guidance and support in these difficult situations. In February, Council received this report and referred it to the Ethics Committee for the development of a casebook to detail situations and offer specific guidance.

In the meantime, the American Psychiatric Association made a statement prohibiting psychiatrists from assisting interrogation teams in any fashion. The press then reported this as a contrast to the American Psychological Association statement, unleashing a storm of public comment.

In an effort to assist Council in determining the next best steps, President Koocher devoted a great deal of Council time to this agenda item. He requested that Dr. Kevin Kiley, Surgeon General of the Army to address Council. To ensure balance, he also then asked Dr. Steven Reisner to address Council with ethical concerns about psychologists participating in these interrogations in any form.

Dr. Kevin Kiley, the Surgeon General of the Army, gave a report to Council on the status of psychologists in the military. There are 125 psychologists on active duty and 45 serving in the National Guard. There are approximately 14 psychologists per 4,000 soldiers. About 15-20 psychologists have been sent to Iraq and Afghanistan. He described the role of psychologists in these difficult circumstances as "uniformly brilliant." He stated that psychologists serve the military in health care, organization consultation, research and in leadership positions. Dr. Kyle shared that psychologists do work with law enforcement and use their skills for other duties beyond patient care, specifically forensics, criminal profiling and advice. His belief is that interrogations can and should be done "legally, safely and effectively." He stated that the role of psychologists has been "critically important to national security."

Dr. Kiley came to his position shortly after the world was shocked by images of prisoners being humiliated in detention centers. He began an investigation to determine: "Where were our doctors and nurses and psychologists when this was going on?" After six months of interviewing over 1000 medical personnel, he found 26 instances in which medical staff was aware of torture or cruel, inhuman treatment. Most of these 26 stated that they had reported or that someone else had reported these incidents. At lease one did

nothing. Dr. Kiley stated that he is convinced that psychologists have not participated in torture.

Dr. Kiley admitted that initially there had not been a firewall between treatment personnel and interrogation teams. At this point, there is no transfer of information between these personnel. He noted that many detainees have significant preexisting psychopathology and continue to be prepared to die as a political statement. He described constant hunger strikes and suicide attempts. He concluded by stating that he sees no conflict or tension between APA ethics and military practice.

Dr. Steven Reisner, Harvard University, focused on the fact that the interrogation centers represent illegal situations, and thus participating in any form of interrogation is unethical. He stated, "Why are we employing psychological techniques in a situation where there is such a slippery slope?"

Dr. Reisner stated that psychologists were involved in the development of the SERE techniques. These techniques (Survival, Evasion, Resistance, Escape) were developed and practiced with American soldiers to survive torture and interrogation. He stated that these same techniques were then reversed and brought to Guantanamo.

Dr. Reisner stated that psychologists are asked to gauge the level of harm in an interrogation and to prevent operations from deteriorating. He believes that psychologists should not be "calibrators of harm", a role more rightly played by an attorney or the military police. He stated, "The military defines it as torture if it leads to PTSD." He stated that such a definition begs the question of what is defined as torture. He believes that psychologists should not bring their skills to this situation.

While there was no motion in Council regarding the PENS report, there was a motion to accept a 2006 APA Resolution Against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment to replace its 1986 Human Rights Resolution relating to torture as policy of the APA. This motion was passed.

The PENS report will continue to be the basis for the Ethics Committee to develop a casebook for psychologists in the military.

Sender:	Jones, Stanley </O=APA/OU=DC/CN=RECIPIENTS/CN=SEJ>
Sent:	Tuesday, August 01, 2006 12:49:53 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	RE: Possible Sua

Data below indicates that APA likely had all the relevant information on Leso over one year ago; i.e. a sua sponte process may be time barred. (One of these articles below suggests the Time article appeared May 2005.) He may have only been ID'd in the Time article as Maj L, but other information by June 2005 suggests his identify was known. This certainly tilts the process to a complainant brought action, and cautions any discussion of sua sponte as a necessarily available option.

I don't know that you need to look at any of this now, but here's what I found.

1) Googling "John Leso Khatani" (without the quotes) gets the Salon article and a spin off on the site of Physicians for Human Rights (http://www.phrusa.org/research/torture/news_2006-07-26.html), that includes this:

"Some of the psychological torture tactics the US Government has used at Guantanamo, Abu Ghraib, Bagram and other facilities, which PHR listed in its commentary to the PENS report, were used by Major John Leso, an Army psychologist and BSCT member, during the Khatani interrogation in 2002, as reported by Salon.com today."

That does not appear to be what Salon reported.

2) Also, Hungry blues does a spin off:

http://minorjive.typepad.com/hungryblues/2006/07/torture_experts.html

Their emphasis points out another "behavior" I had not focused from the Salon article, that of not preventing torture or not ensuring safety.

3) From 2005: The following site includes this paragraph indicating how Leso was id'd in the Time article:

http://trots.blogspot.com/2005_06_26_trots_archive.html

"They were able to find evidence that the BSCTs in some cases did attend interrogations, and that they helped develop plans for interrogations. They were, in fact, tasked to develop psychological profiles and to consult with interrogators about how those profiles could be used to extract information from the detainees. Incidentally, one of the psychologists was mentioned in a Time Magazine **article** (premium content) as "Maj. L" (Major John Leso)."

4) Also from 2005:

http://www.globalresearch.ca/index.php?context=viewArticle&code=BLO20050625&articleId=515

includes:

"A psychiatrist and a psychologist staffed the Guantanamo BSCT. Those initially assigned to this team both came from health care backgrounds; neither had much training in behavioral analysis of the sort that civilian psychologists perform for law-enforcement agencies. According to Hood's briefing, BSCT consultants prepared psychological profiles for use by interrogators; they also sat in on some

interrogations, observed others from behind one-way mirrors, and offered feedback to interrogators. The first BSCT psychologist, Major John Leso, a specialist in assessing aviators' fitness to fly, attended part of the interrogation of Mohammed al-Qahtani, thought by many to be the "20th hijacker." (An extract from a log of this interrogation published in Time magazine last month refers to Leso as "Maj. L.")

"There are strong indications that the Guantanamo BSCT has had access to personal health information. An internal, May 24, 2005, memo from the Army Medical Command, offering guidance to caregivers responsible for detainees, refers to the "interpretation of relevant excerpts from medical records" for the purpose of "assistance with the interrogation process." The memo, provided to us by a military source, acknowledges this nontherapeutic role, urging health professionals who serve in this capacity to avoid involvement in detainee care, absent an emergency. This acknowledgment is consistent with other accounts of information flow from caregivers to behavioral science consultants to interrogators."

From: Behnke, Stephen
Sent: Tue 8/1/2006 9:54 AM
To: Jones, Stanley
Subject: Possible Sua

Stan, please review what is said about Dr. Leso.

Sufficient to open a sua sponte?

Steve

From: Lewis, Kanika
Sent: Wednesday, July 26, 2006 9:58 AM
To: Farberman, Rhea
Subject: Salon.com - Psychological warfare

salon.com

Psychological warfare

Angered that their professional organization has adopted a policy condoning psychologists' participation in "war on terror" interrogations, many psychologists are vowing to stage a battle royal at the APA's annual meeting.

By Mark Benjamin



Jul. 26, 2006 | The 150,000-member American Psychological Association is facing an internal revolt over its year-old policy that condones the participation of psychologists in the interrogations of prisoners during the Bush administration's "war

on terror."

Last summer, the APA adopted new ethical principles drafted by a task force of 10 psychologists, who were selected by the organization's leadership. That controversial task-force report, which is now official APA policy, stated that psychologists participating in terror-related interrogations are fulfilling "a valuable and ethical role to assist in protecting our nation, other nations, and innocent civilians from harm."

But Salon has learned that six of the 10 psychologists on the task force have close ties to the military. The names and backgrounds of the task force participants were not made public by the APA; Salon obtained them from congressional sources. Four of the psychologists who crafted the permissive policy were involved with the handling of detainees at Guantánamo Bay, Cuba, at Abu Ghraib prison in Iraq, or served with the military in Afghanistan -- all environments where serious cases of abuse have been documented.

APA president Gerald Koocher, who handpicked the task-force members along with the organization's former president Ronald Levant, said in an interview that the psychologists' military and national-security backgrounds did not raise conflict of interest or broader questions about the task force and its report. He defended choosing psychologists with such backgrounds, saying "they had special knowledge to contribute."

The 10-member task force enunciated the new principles for interrogations in a June 2005 report. The 11 pages of ethical obligations include 12 statements on interrogations, including one directing psychologists to report abuse and remember that suspects may be innocent. But detractors say its ban on "torture or other cruel, inhuman, or degrading treatment" is pro forma, an insufficient safeguard in the post-9/11 atmosphere.

Critics of the APA's interrogation policy are planning an all-out assault during the organization's annual meeting Aug. 10-13 in New Orleans, using tactics that include taking out a full-page advertisement in the local newspaper.

Opponents argue that when psychologists use their technical training to help break down the resistance of a prisoner, they are performing in a role diametrically at odds with their professional mission to serve as a healer. "I do not believe that psychologists should be involved in interrogations which are intrinsically coercive and inherently harmful to the person being interrogated," said Steven Reisner, a psychologist and senior faculty member at Columbia University's International Trauma Studies Program.

Joining in this chorus of dissent, former APA president Philip Zimbardo said psychologists used "the wrong model" to come up with the interrogation ethics principles. As the architect of a famous 1971 Stanford prison experiment in which students who were instructed to pretend they were guards in a mock prison quickly began to exhibit sadistic behavior, Zimbardo has more than a passing familiarity with the dynamics of cruelty. He warned against "abandoning the high moral ground in unquestioned support for ideological banners of 'national security.'"

Reisner said in an interview that the revelations of the close ties between the Department of Defense and a majority of psychologists on the task force would help galvanize opposition to the policy. The biographies of the task force members underscore these extensive and questionable connections.

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Some psychologists go so far as to wonder if the APA has allowed its interrogation policy to be set by the military. "The military seemed to be very well represented on that committee," Reisner said. "This issue, which is never spoken about, is the relationship between the American Psychological Association and the military. This has been in the back of my mind throughout this whole debate."

That relationship appeared to be codified last month, when the Pentagon effectively embraced the psychologists' interrogation guidelines. In May, the American Psychiatric Association reacted to the detainee-abuse scandal by barring psychiatrists' participation in interrogations. A month later, in June, Assistant Secretary of Defense for Health Affairs William Winkenwerder Jr. unveiled a new policy clarifying the role of medical professionals in interrogations. It laid out a preference for psychologists (rather than psychiatrists) to advise on interrogations. That 10-page document also set other guidelines for military medical professionals who deal with detainees, such as establishing a barrier between acting as caregivers and those who advise interrogators.

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In response to the scandals, some medical organizations have raced to develop new ethical standards that would bar anyone from using their professional training to assist in breaking down prisoners. Typical was the unequivocal new policy of the American Psychiatric Association, adopted in May, that forbids participation in interrogations.

"I think it is wrong to use one's professional knowledge in the service of breakdown -- breaking people down," author and psychiatrist Robert Jay Lifton said in a phone call from his home at Cape Cod, Mass. He called the psychological association's willingness to participate in interrogations "wrong." Lifton added, "Even though they do not take the Hippocratic oath, they are in the healing profession."

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That may be true in some cases, but the presence of a psychologist did not prevent the interrogation of so-called 20th hijacker Mohammed al-Khatani at Guantánamo from turning brutal. Khatani was stripped naked, isolated, given intravenous fluids and forced to urinate on himself, and exercised to exhaustion during interrogations that lasted 18 to 20 hours a day for 48 of 54 days.

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Leso's actions may not be typical. But the press has obtained a much more detailed record of Khatani's interrogation than that of any other "high-value" prisoner.

Leso's behavior would appear to violate the ethics principles that were later established by the APA task force, which bar "torture or other cruel, inhuman or degrading treatment." Those prohibitions might ordinarily appear to be unequivocal, but the Bush administration's "war on terror" has made them far murkier. As Zimbardo, the former APA president, noted, that kind of terminology is precisely the lexicon that Bush administration lawyers have turned into Swiss cheese. The Bush administration has "changed the definition of torture, the definition of detained prisoners, and the nature of their prolonged confinement without due process," Zimbardo said. In the Bush administration's eyes, Zimbardo said, "nothing done to such detainees qualifies as torture."

Several civilians close to the APA task force criticized the final product for failing to make a clear statement about the excesses of the "war on terror" and failing to explicitly say what psychologists can and cannot do. "It is a bunch of platitudes without any situational reality to it," said Jean Maria Arrigo, a civilian psychologist who served on the APA task force and founder of the Intelligence Ethics Collection at the Hoover Institution at Stanford University. "This was not a politically adequate document. There are no specifics in it. We needed to at least say that we can't do waterboarding," Arrigo said.

Arrigo said she doesn't have any complaints with the military members of the task force. Instead, she blames Koocher for the vagueness of the APA position statement, which allows psychologists broad latitude in interrogations. "Koocher was involved in appointing the task force, he strongly guided and monitored it and had taken the position of representing the document," she said.

Other civilian psychologists on the task force agree that the fault lies not with individual military members of the task force, but with the APA leadership. Task force member Michael Wessells, a psychology professor at Randolph-Macon College, resigned from the task force in protest early this year. According to his resignation letter, which he provided to Salon, "At the highest levels, the APA has not made a strong, concerted, comprehensive, public and internal response of the kind warranted by the severe human rights violations at Abu Ghraib and Guantanamo Bay."

Wessels said that the ethics guidelines, which sailed through the APA's board of directors and Council of Representatives to become APA policy, never addressed such controversial questions. "I think by going this route, strategically, the organization was playing it safe," he said. "As a response to the nature of the situation, it was completely inadequate." Despite promises that the standards would be further debated, Wessells said that there was never any follow-up. As a result, he said, "I felt more than a little exploited."

Both sides expect intense debate next month over the interrogation standards -- and the question may overwhelm the other items on the APA's agenda at the convention. Koocher has asked Lt. Gen. Kevin

C. Kiley, the surgeon general of the Army, to come to New Orleans and address the organization's leadership.

Koocher acknowledged that his organization could revisit the issue in the future. "Remember that as far as APA is concerned, the issue is not over," Koocher said in a phone call.

But some psychologists are not satisfied with bland promises of further review. "At the moment, the American Psychological Association is complicit in the mode of interrogations going on at Guantánamo, by focusing on the justification for interrogation," said Reisner. "We are being used to further the ends of what amounts to torture."

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Sender:	Jones, Stanley </O=APA/OU=DC/CN=RECIPIENTS/CN=SEJ>
Sent:	Tuesday, August 01, 2006 11:02:51 AM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	RE: Possible Sua

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Bottom line: I need to review PENS and the Code a bit further, but I do not think that what is here is sufficient to open a sua sponte CASE. To open a sua sponte investigation requires very little, and the question becomes how to proceed if one were to do so. As noted below, there is really very little here to show what Leso personally did. Is there value in a sua sponte preliminary investigation? What is available? For APA to get the detailed records and see if Leso is identified in his own actions? Or to ask him to respond to this article?

The article describes Leso as follows: "...the interrogation team included a psychologist, Maj. John Leso, a member of the military's Behavioral Science Consultation Teams, called BSCTs." The article later says, "Leso's BSCT operators instructed interrogators ...."

The article then refers to "Leso's actions ...." and "Leso's behavior would appear to violate the ethics principles ...."

What is the behavior they refer to? Is there anything here that is not speculative? (See below.) The article's comments (largely referencing Zimbardo) regarding violating principles is nonspecific.

I assumed the "operators" are individuals other than Leso who interacted with the individuals who actually conducted the interrogations and that he was a member of a team who advised the operators. But when I reread the article, I am not sure I understand what they are saying. In any event, it is not clear to me what the article alleges Leso personally did.

The article says, " "BSCT observed that detainee does not like it when the interrogator points out his nonverbal responses," reads an entry in the log from Dec. 29, 2002." Such an observation might be made by a psychologist, but might have been made by various other parties. Assuming that Leso made the observation, would this violate one or more standards in the Ethics Code?

Is it a per se violation to be a member of the BSCT? Without reviewing the Ethics Code and the PENS statements, I assume not, since it appears to be what PENS allows (participating in advising, as long as no misbehavior occurs).

Stan

From: Behnke, Stephen
Sent: Tue 8/1/2006 9:54 AM
To: Jones, Stanley
Subject: Possible Sua

Stan, please review what is said about Dr. Leso.

Sufficient to open a sua sponte?

Steve

From: Lewis, Kanika
Sent: Wednesday, July 26, 2006 9:58 AM
To: Farberman, Rhea
Subject: Salon.com - Psychological warfare

salon.com

Psychological warfare

Angered that their professional organization has adopted a policy condoning psychologists' participation in "war on terror" interrogations, many psychologists are vowing to stage a battle royal at the APA's annual meeting.

By Mark Benjamin



Jul. 26, 2006 | The 150,000-member American Psychological Association is facing an internal revolt over its year-old policy that condones the participation of psychologists in the interrogations of prisoners during the Bush administration's "war on terror."

Last summer, the APA adopted new ethical principles drafted by a task force of 10 psychologists, who were selected by the organization's leadership. That controversial task-force report, which is now official APA policy, stated that psychologists participating in terror-related interrogations are fulfilling "a valuable and ethical role to assist in protecting our nation, other nations, and innocent civilians from harm."

But Salon has learned that six of the 10 psychologists on the task force have close ties to the military. The names and backgrounds of the task force participants were not made public by the APA; Salon obtained them from congressional sources. Four of the psychologists who crafted the permissive policy were involved with the handling of detainees at Guantánamo Bay, Cuba, at Abu Ghraib prison in Iraq, or served with the military in Afghanistan -- all environments where serious cases of abuse have been documented.

APA president Gerald Koocher, who handpicked the task-force members along with the organization's former president Ronald Levant, said in an interview that the psychologists' military and national-security backgrounds did not raise conflict of interest or broader questions about the task force and its report. He defended choosing psychologists with such backgrounds, saying "they had special knowledge to contribute."

The 10-member task force enunciated the new principles for interrogations in a June 2005 report. The 11 pages of ethical obligations include 12 statements on interrogations, including one directing psychologists to report abuse and remember that suspects may be innocent. But detractors say its ban on "torture or other cruel, inhuman, or degrading treatment" is pro forma, an insufficient safeguard in the post-9/11 atmosphere.

Critics of the APA's interrogation policy are planning an all-out assault during the organization's annual meeting Aug. 10-13 in New Orleans, using tactics that include taking out a full-page advertisement in the local newspaper.

Opponents argue that when psychologists use their technical training to help break down the resistance of a prisoner, they are performing in a role diametrically at odds with their professional mission to serve as a healer. "I do not believe that psychologists should be involved in interrogations which are intrinsically coercive and inherently harmful to the person being interrogated," said Steven Reisner, a psychologist and senior faculty member at Columbia University's International Trauma Studies Program.

Joining in this chorus of dissent, former APA president Philip Zimbardo said psychologists used "the wrong model" to come up with the interrogation ethics principles. As the architect of a famous 1971 Stanford prison experiment in which students who were instructed to pretend they were guards in a mock prison quickly began to exhibit sadistic behavior, Zimbardo has more than a passing familiarity with the dynamics of cruelty. He warned against "abandoning the high moral ground in unquestioned support for ideological banners of 'national security.'"

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Sender: Linda Woolf, Ph.D. PRIVACY REDACTION
Sent: Monday, August 28, 2006 11:17:52 PM
Recipient: Stephen Soldz
Cc: Judith Van Hoorn
PRIVACY REDACTION;Corann Okorodudu ; Gerald Koocher ;Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject: Re: APA resolution on torture
Attachments: Div48ResJustStatFinal.pdf

Dear Dr. Soldz,

Thank you so much for writing and we would be happy to provide clarification.

First, there seems to be a lot of confusion about the intent of the resolution and a focus on interrogations. APA had a long standing policy (the 1986 Human Rights resolution) against torture and other cruel, inhuman, or degrading treatment or punishment (CIDTP). The 2006 Resolution is an update, and significant expansion of that resolution. Most notably, the 1986 Resolution needed updating to reflect recent advancements in human rights law and also to reflect APA's status as a United Nations (UN) non-governmental organization (NGO). While current events stimulated work on this resolution, it does not focus exclusively on these events.

Torture and other CIDTP are unfortunately concerns that impact so many individuals around the globe. As noted in our justification statement (attached) for the 2006 Resolution:

> In terms of scope, between 1997 and 2000, Amnesty International recorded complaints of torture and other cruel, inhuman, or degrading treatment or punishment by agents of the state from over 140 countries (Amnesty International, 2000). More conservative estimates implicated over 100 countries in the systematic practice of torture and other forms of gross maltreatment (Genefke, 2004). Human Rights Watch (2006) further reported an increase in the use of torture within many countries such as China, Myanmar, Morocco, Nepal, Uganda, and Uzbekistan.
>
> The Center for Victims of Torture (2001) estimated that, at minimum, a half million survivors of torture are living in the United States with between 5% and 35% of refugees being either primary or secondary survivors of torture. A survey of centers meeting the needs of the refugees and torture survivors suggested that the numbers of refugee torture survivors may indeed be even higher. Chester (1990) found that approximately 35% to 50% of all refugees were survivors of torture. Moreover, Shelton (1998) estimated that there are at least 400,000 survivors of torture living in the United States today. Thus, the problem of torture is not just a concern internationally but a domestic concern for American psychologists and other professionals.

As such, the 2006 Resolution Against Torture and Other CIDTP is designed to address the issue of torture and other CIDTP in all settings and at all times.

In detention centers for foreign detainees, in U.S. prisons, in adolescent group homes, in facilities for the aged, in hospitals treating the chronically ill, in any situation where individuals are in a position of

relative helplessness, the danger of torture and other CIDTP exists. While the treatment of foreign detainees is an incredibly important issue, we would fail as psychologists concerned about fundamental human rights if we ignored all those for whom the world is largely silent. Therefore, the 2006 Resolution was written to affirm APA's commitment to human rights protections; to affirm the centrality of UN and other human rights documents in APA policy; to reflect APA's status as a UN NGO; to unambiguously condemn the use of torture and other CIDTP; to unambiguously prohibit psychologists involvement, either directly or indirectly, in torture and other CIDTP; and, to highlight that these general principles apply to all psychologists, in all roles, and in all places, now and in the future, with absolutely no exceptions.

One of the problems associated with the 1986 Human Rights Resolution was that no definitions were provided and it did not tie any of the issues to international law. This, of course, created immense loopholes and left the 1986 Resolution open to the floating definition problem. Therefore, we felt it was important to tie the document to current international law AND (not or) domestic law.

The definition of "torture" is specific in the resolution. It uses the definition of torture as defined by the U.N. in the Convention Against Torture. There is no qualification for this item; no reference to U.S. reservations. It stands in the resolution as written under international law without alterations. Additionally, it is not just referenced in the Resolution but quoted, thus codifying that definition within the Resolution. The definition accepted by APA as policy is as follows:

> [T]he term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted upon a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official [e.g., governmental, religious, political, organizational] capacity. It does not include pain or suffering arising only from, inherent in, or incidental to lawful sanctions [in accordance with both domestic and international law]

The definition of "cruel, inhuman, or degrading" is taken from the McCain Amendment. This definition was included in the Justification Statement, which accompanied the Draft Resolution provided to all Council members prior to the Convention. Concerns about a lack of definition in the actual Resolution were rightly raised at Council and so we added it directly from the Justification Statement to the Resolution; indeed, strengthening the Resolution, which was passed unanimously by Council including previous Council Representatives who were co-sponsors of the resolution.

The McCain Amendment does indeed reference U.S. Reservations. Declarations and Reservations are statements that accompany almost all (if not all) UN Conventions, Declarations, etc. The Convention Against Torture (CAT) Declarations and Reservations page can be found at http://www.unhchr.ch/html/menu2/6/cat/treaties/convention-reserv.htm . These are normal for UN international documents and as you can see many countries add such declarations and reservations, in some cases strengthening omissions in the documents.

Unfortunately, the CAT does not provide a definition of "cruel, inhuman, or degrading." The definition contained in the U.S. statements in the Declarations and Reservations to the CAT is the only reference to any definition of "cruel, inhuman, or degrading" in any international document. We chose this definition as it is codified in international law and also is now codified in domestic law via the McCain

Amendment. McCain selected that definition precisely because it is codified in international law and would thus, be very difficult to change.

By providing a definition in the Resolution, specifically one grounded in the Declarations and Reservations statements, we actually provide a standard that is higher than the CAT without the Declarations and Reservations. As the CAT itself provides no definition, it is highly subject to the floating definition problem. There are many areas around the globe where prisoners, women, children, elderly, etc. are being abused and it is simply not defined by the particular country as "cruel, inhuman, or degrading. " Rather what we would most likely define as abuses, atrocities, and horrors are defined as normative within that country or culture. Without a legal definition and without the declarations and reservations, the CAT alone provides little guidance in the area of "cruel, inhuman, or degrading."

As with the definition of torture, we did not simply reference the McCain Amendment definition but quoted it and codified the definition within the resolution. Specifically, this definition, citing both the McCain Amendment and the CAT, ties as APA policy the definition of "cruel, inhuman, or degrading" to the the 5th, 8th, and 14th Amendments of the U.S. Constitution. As such, this definition is now part of APA policy as it is written into the Resolution and not subject to change. Indeed, to lower the standards as they are explicated in the Resolution, one would need to rewrite three Amendments to the U.S. Constitution as well as recraft the CAT.

We would note also that we elected to make the torture and CIDTP definitions separate "Be It Resolved" statements to avoid any potential confusions or misapplications of the U.S. reservations in relation to the definition of torture. Thus, to reiterate, the definitions as clearly provided in the Resolution are not subject change due to their codification as written in APA policy. To change the definitions or to make them more fluid would require a new resolution. While there may be some who may not like the fact that the definitions of both "torture" and "cruel, inhuman, or degrading" are tied to BOTH international AND (Not OR) domestic law, such links strengthen the Resolution and prevent problems associated with unique policy changes in definitions and weakening of human rights standards.

As psychologists, we know that human rights are inalienable and every individual possesses inherent worth and dignity. As psychologists, we know that human rights violations cause significant and lasting harm to individuals and their families. As psychologists, we know that when human rights abuses are institutionalized, our social fabric is torn causing harm to all–victims, perpetrators, bystanders, and communities. Finally, as psychologists, we also know that psychological knowledge can be, but NEVER SHOULD BE, misused for the purposes of torture and other cruel, inhuman, or degrading treatment or punishment. With that knowledge, the Society for the Study of Peace, Conflict, and Violence worked diligently and in collaboration with many others including human rights scholars to draft and then pass the 2006 APA 2006 Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

Please feel free to contact us if you have any additional questions.

Best wishes,

Judy Van Hoorn
Corann Okorodudu
Linda M. Woolf

Drs. van Hoorn and Okordudu,

Dr. Koocher and Behnke have both referred me to you as the appropriate one to pose some questions. I have read with great interest the recent APA resolution agains torture and other cruel, inhuman , or degrading treatment. I have a couple of questions about this resolution I would like clarified.

"BE IT RESOLVED, that the term "cruel, inhuman, or degrading treatment or punishment" means treatment or punishment by any psychologist that is of a kind that, in accordance with the McCain Amendment, would be prohibited by the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, as defined in the United States Reservations, Declarations and Understandings to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment done at New York, December 10, 1984. (see, Footnote 3 below)"

My understanding is that this pargraph was not present in the "Final Draft" circulated among co-sponsors a few days before the Council meeting and that it was changed at the last minute. Do you know how this paragraph got into the resolution? Who proposed it? Was it agreed to be all sponsors and co-sponsors? If not, why not? It seems way behyond a matter of clarification of wording in its profound influence on the meaning and impact of the resolution.

2. This paragraph in the Resolution refers to "United States Reservations, Declarations and Understandings to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment." Why was this included?

a. Which reservations are included? I see two that could apply. One is "That the United States considers itself bound by the obligation under article 16 to prevent `cruel, inhuman or degrading treatment or punishment', only insofar as the term `cruel, inhuman or degrading treatment or punishment' means the cruel, unusual and inhumane treatment or punishment prohibited by the Fifth, Eighth, and/or Fourteenth Amendments to the Constitution of the United States."

The other potentially relevant Reservation is:

"(a) That with reference to article 1, the United States understands that,

in order to constitute torture, an act must be specifically intended to
inflict severe physical or mental pain or suffering and that mental pain or
suffering refers to prolonged mental harm caused by or resulting from (1)
the intentional infliction or threatened infliction of severe physical pain
or suffering; (2) the administration or application, or threatened
administration or application, of mind altering substances or other
procedures calculated to disrupt profoundly the senses or the personality;
(3) the threat of imminent death; or (4) the threat that another person will
imminently be subjected to death, severe physical pain or suffering, or the
administration or application of mind altering substances or other
procedures calculated to disrupt profoundly the senses or personality."

I would like to clearly understand whether one or both of these Resrvations
applies to the APA resolution and the definitions in it. as I read them
these reservations significantly reduce the meaning of this resolution. The
first clause explicilty negates all international laws, treaties, and
understandings regrding the meaning of `cruel, inhuman or degrading
treatment or punishment' in restricting it solely to what is recognized
under US domestic law. As we are all perfectly aware, the United States
under this administration has systematically moved to restrict the
definitions of torture and of `cruel, inhuman or degrading treatment or
punishment' to the most extreme behaviors imaginable and has argued
repeatedly that the actions taken in Guantanamo, Baghram, Abu Ghraib, etc.,
were perfectly legal. It would appear that the APA has now said that the
definition of proscribed behaiors for psychologists depends upon the results
of this debate and not upon international law and understandings. Why?

If the second clause from the U.S. Reservations applies, it explictly
excludes from the definition of torture most of the thee "psychological
torture" techniques that are precisely in question. If so, why was this
done? If this clause was not intended to apply, shouldn't we have an
explicit statement so that no one accused of ethics violations could claim
otherwise.

Thanks so much for any clarification you can provide.

Stephen Soldz
Director, Center for Research, Evaluation, and Program Development

Boston Graduate School of Psychoanalysis
1581 Beacon St.
Brookline, MA 02446
[redacted]

Sender:	Gerry Koocher PRIVACY REDACTION
Sent:	Wednesday, August 16, 2006 5:18:00 PM
Recipient:	Anderson, Norman </O=APA/OU=DC/CN=RECIPIENTS/CN=NBA>;Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>;Farberman, Rhea </O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>
Subject:	Message to Crow

See message below.
Will advise of his response.
Gerry

-------- Original Message --------
Subject: Re: [DIV19EX] Council Action
Date: Wed, 16 Aug 2006 17:16:45 -0400
From: Gerry Koocher PRIVACY REDACTION
To: Crow, Bruce E COL WRAMC-Wash DC <Bruce.Crow@na.amedd.army.mil>
CC: Dunivin, Debra L LTC WRAMC-Wash DC <Debra.Dunivin@na.amedd.army.mil>
References:<663FEE5940C19941993E180C0345C901F5A3C8@AMEDMLNARMC134>

Hi Bruce,
Would anyone else be involved in the visit?
I would very much like to do it, but am concerned that if I APA is the only organization represented it may become widely misinterpreted.
Gerry

Crow, Bruce E COL WRAMC-Wash DC wrote:

> Gerry,
>
> Thanks so much for your support and for arranging the time for LTG Kiley to meet with Council. He was quite pleased to have that opportunity.
>
> I wanted to follow-up on his invitation to visit the facility at Guantanamo Bay. We spoke about the logistics on the drive back to the airport. He indicated the most likely scenario would be to fly out of Andrews AFB on an early morning flight and return that same evening. This would require an overnight in DC at least for the evening before the trip.
>
> Are there some tentative dates that you would want us to start working with?
>
> Bruce E. Crow, Psy.D.
> Colonel, Medical Service Corps
> Clinical Psychology Consultant
> Office of the U.S. Army Surgeon General
>
> Department of Psychology
> Walter Reed Army Medical Center
> 6900 Georgia Avenue, Washington, D.C. 20307
> 202.782.5905/0065; PRIVACY REDACTION
> Bruce.Crow@us.army.mil

News for Army Psychologists on AKO!

73B-Clinical Psychology page: https://www.us.army.mil/suite/page/663

73B-Psychology forum: https://www.us.army.mil/suite/forum/654

-----Original Message-----
From: Gerald P. Koocher, Ph.D. [PRIVACY REDACTION]
Sent: Monday, August 14, 2006 6:48 PM
To: Dunivin, Debra L LTC WRAMC-Wash DC
Cc: Steve Sellman [redacted] mobrien@apa.org; Crow, Bruce E COL WRAMC-Wash DC
Subject: Re: [DIV19EX] Council Action

Good suggestions.
I will work to implement this in the next week or so.
Gerry

Dunivin, Debra L LTC WRAMC-Wash DC wrote:

> Gerry:
> Thanks for your willingness to send a letter of commendation and appreciation to miltiary and VA psychologists. There are some

challenges

> to ensuring it reaches everyone for the reasons that Steve Sellman outlines below.
> I talked this over with Bruce Crow - here's what we suggest. That two letters be sent hard copy - one to the Secretary of Defense

and

> one to the Secretary of the Veterans Administration. Copies of your letters are sent (via email attachment in PDF would be best) to the chief psychologist of each service for dissemination to the psychologists in their service (Army, Navy, AF, reservists, Guards, VA, etc & I'll provide those names to Maureen).
> Would that be agreeable to you?
> Thanks again for all your support!
> Debra
>
> -----Original Message-----
> From: Division 19(Military Psychology)Executive Committee [mailto:DIV19EX@LISTS.APA.ORG] On Behalf Of Steve Sellman
> Sent: Monday, August 14, 2006 4:16 PM
> To: DIV19EX@LISTS.APA.ORG
> Subject: [DIV19EX] Council Action
>
> Hi All. During Sunday morning's Council session, one last item pertaining to military psychology came up. Dr. Elena Eisman, Division 31, State, Provincial, and Territorial Psychological Association

Affairs, asked permission to waive the Association's rules and add a

new

item to the agenda. That item called for the APA President to send a letter to all military (including reserve and national guard) and VA psychologists thanking them for their contributions and sacrifices. This proposal, as reproduced below, was adopted by Council.

"Be it moved that the APA President, on behalf of the Council of Representatives, write a letter to be sent to all military psychologists, active duty and reservists, and those working in the National Guard and Veterans Administration, to commend them for their many significant contributions and sacrifices. We appreciate the extraordinary challenges these psychologists face in times of war. We recognize our colleagues for their service and psychological expertise in carrying out their responsibilities and in caring for military personnel and their families.
We understand that these men and women help military personnel recover

>from severe physical and emotional injuries, and help military
familites

cope with family disruptions as well as economic hardships. We further appreciate that they do this often at great personal risk and sacrifice and while enduring similar disruptions in their own lives. For these reasons, we direct Dr. Koocher to convey our thanks and support."

Later, I talked with Maureen O'Brien, APA staffer for Council about the challenges APA faces in sending out such a letter. I told her that not all members of Division 19 are clinical psychologists, but all are military psychologists, and not all military clinical psychologists are members of Division 19 or APA. I reminded her that the best place to get a comprehensive mailing list was DoD, but they haven't been helpful of late in providing us with lists (and mailing addresses) of military psychologists for membership drives or to survey on behalf of the Division
19/44 Task Force on Sexual Orientation and Military Service. I told

her

that the letter might be sent to the Service psychology consultants for forwarding to their people, and that Division 19 would be honored to print the letter in our newsletter. Maureen didn't know who on the APA staff would be asked to handle drafting and distribution of the letter but that she would let me know. Mike, if you would like, I'd be happy to work with APA staff on this matter. Or, if you prefer a clinician (e.g., Will
Wilson) to assist the staffer, let me know who, and I'll put them in touch with whoever at APA is assigned the action. We need to come up with some good ideas for how to get the letters to the correct people

so

that they know that Division 19 and APA consider them to be part of the APA family.
Steve

Sender:	Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent:	Sunday, September 17, 2006 8:33:04 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	Re: Army Field manual

If I understand the question: apa adopts a resolution that endorses the new manual - ok. But you may want to be very careful about not inadvertently limiting what police or other law enforcement psychologists can do. DoD psychologists will abide strictly by the manual. I cannot speak to what police psychologists would support. They would not be limited, for example, to only those approaches in the manual.

Morgan
COL L. Morgan Banks
Director Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
Banksl@usasoc.socom.smil.mil/banksl@soc.mil
(Sent from Blackberry)

-----Original Message-----
From: Behnke, Stephen <sbehnke@apa.org>
To: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent: Sun Sep 17 20:10:35 2006
Subject: RE: Army Field manual

Morgan, if APA adopted a Resolution that followed the new one, in terms of what is prohibited/permitted, would that present any problems for you? (I assume not, but let me know)

Thanks, Morgan,

Steve

From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Thursday, September 07, 2006 7:53 AM
To: Behnke, Stephen
Subject: Re: Army Field manual

When you get it, you may want to compare it to the old one, and to AR 190-8. The new one is more explicit in the detailed prohibitions, but the substantive policy changes are minimal, in my opinion.
COL L. Morgan Banks
Director Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
Banksl@usasoc.socom.smil.mil/banksl@soc.mil
(Sent from Blackberry)

-----Original Message-----

From: Behnke, Stephen <sbehnke@apa.org>
To: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent: Thu Sep 07 07:45:24 2006
Subject: RE: Army Field manual

Thanks Morgan.

From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Thursday, September 07, 2006 6:58 AM
To: Behnke, Stephen
Subject: Re: Army Field manual

I don't have internet connectivity right now. If I get it I will send you a copy, but it may be Saturday.
COL L. Morgan Banks
Director Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
Banksl@usasoc.socom.smil.mil/banksl@soc.mil
(Sent from Blackberry)

-----Original Message-----
From: Behnke, Stephen <sbehnke@apa.org>
To: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent: Wed Sep 06 22:50:00 2006
Subject: RE: Army Field manual

Morgan, can you give me the direct link? There is something going on with the Army homepage, which I've not been able to get access to all evening.

Steve

From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Wednesday, September 06, 2006 8:53 PM
To: Behnke, Stephen
Subject: Re: Army Field manual

Yeah. Sorry.
COL L. Morgan Banks
Director Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
Banksl@usasoc.socom.smil.mil/banksl@soc.mil
(Sent from Blackberry)

-----Original Message-----

From: Behnke, Stephen <sbehnke@apa.org>
To: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent: Wed Sep 06 20:47:44 2006
Subject: RE: Army Field manual

Hey Morgan—actually, the presentation is on Friday—sounds like you're leaving tomorrow; is that right?

From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Wednesday, September 06, 2006 8:16 PM
To: Behnke, Stephen
Subject: Re: Army Field manual

Its not out of the question. I have to stop by Ft Belvoir tomorrow afternoon around 1300, or when ever I can get there after finishing here. I will be there for 2 hours or so, at least. I could certainly stop by quantico, but it would be fairly late in the afternoon. (My intent is to leave town after the traffic dies down, and spend the night on the boat, so I am in no rush to leave.)
COL L. Morgan Banks
Director Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
Banksl@usasoc.socom.smil.mil/banksl@soc.mil
(Sent from Blackberry)

-----Original Message-----
From: Behnke, Stephen <sbehnke@apa.org>
To: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent: Wed Sep 06 19:57:28 2006
Subject: RE: Army Field manual

Excellent—I'm at an FBI meeting this week; I sit on a research advisory board for the National Center for the Analysis of Violent Crime (out at the Critical Incident Response Group)—the issue of interrogations has come up in a variety of contexts & I'll be discussing PENS Friday afternoon. Any chance you could stop by? (It's right on your way home…)

From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Wednesday, September 06, 2006 7:58 PM
To: Behnke, Stephen
Subject: Re: Army Field manual

I am in DC tonight. Teaching at USUHS tomorrow.
COL L. Morgan Banks
Director Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
Banksl@usasoc.socom.smil.mil/banksl@soc.mil
(Sent from Blackberry)

-----Original Message-----
From: Behnke, Stephen <sbehnke@apa.org>

To: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent: Wed Sep 06 19:50:46 2006
Subject: RE: Army Field manual

Morgan, this is fabulous—rarely do I have my Christmas shopping complete so soon after Labor Day.

From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Wednesday, September 06, 2006 7:53 PM
To: Behnke, Stephen
Subject: Re: Army Field manual

Army web site. You and all your friends can get a copy.
COL L. Morgan Banks
Director Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
Banksl@usasoc.socom.smil.mil/banksl@soc.mil
(Sent from Blackberry)

-----Original Message-----
From: Behnke, Stephen <sbehnke@apa.org>
To: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>; Morgan Banks
Sent: Wed Sep 06 19:48:17 2006
Subject: Army Field manual

Excellent news, Morgan...good coverage from what I've heard thus far.

How can I get a copy?

Steve

Sender:	Dunivin, Debra L LTC WRAMC-Wash DC <Debra.Dunivin@NA.AMEDD.ARMY.MIL>
Sent:	Friday, September 29, 2006 9:14:55 AM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	RE: PENS report

First of all, it's at least 4 hours! And we've kind of expanded it to include you in discussion of legal aspects and that would be additional time. If it's OK with you to leave it Sierra Vista and simple, let's do that again. Let's talk about the implications of how this is reported when we are together next...

-----Original Message-----
From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Thursday, September 28, 2006 5:42 PM
To: Dunivin, Debra L LTC WRAMC-Wash DC
Subject: RE: PENS report

Debra, I am doing my yearly report to the Board. Can you tell me how I can describe the trainings? I could say something simple like:

Training on ethics and interrogations
3 hours (date)
Sierra Vista, Arizona

Would there be additional information that I could give, or would you prefer I leave it in that form? (Either is okay with me)

Thanks so much, Debra,

Steve

-----Original Message-----
From: Dunivin, Debra L LTC WRAMC-Wash DC
[mailto:Debra.Dunivin@NA.AMEDD.ARMY.MIL]
Sent: Thursday, September 28, 2006 5:21 PM
To: Behnke, Stephen; michael.d.banks@us.army.mil
Subject: RE: PENS report

Perfect, Steve!

Mike: remind me when the best time for you to be available on Monday to teach? Or was it better to go Tuesday? We could have Dr Benke and Dr Malone conduct ethics BEFORE the legal segment since Dr Behnke can be there on Monday.

You guys are such a dynamic start to the course!

-----Original Message-----
From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Thursday, September 28, 2006 5:16 PM
To: Dunivin, Debra L LTC WRAMC-Wash DC
Subject: RE: PENS report

Debra,

As it turns out, I think I can make it from Seattle to Tuscon on Sunday evening. My schedule is such that I could spend all day Monday and

Tuesday (leaving Tucson 7:30 or so Tuesday evening).

Would that work for you?

Steve

-----Original Message-----
From: Dunivin, Debra L LTC WRAMC-Wash DC
[mailto:Debra.Dunivin@NA.AMEDD.ARMY.MIL]
Sent: Friday, September 15, 2006 6:34 PM
To: Behnke, Stephen
Subject: RE: PENS report

Hi, Steve. You shouldn't be working so late either! I do apologize, I know you have sent it to me once. Cam just sent the document forward with a PDF file as a second attachment to the document. No need to hurry, whenever and however it's convenient.

Starting to collect the student list for October; will be a mix of blue (mostly) and green again. Better that way....

-----Original Message-----
From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Friday, September 15, 2006 6:31 PM
To: Dunivin, Debra L LTC WRAMC-Wash DC
Subject: PENS report

Hi Debra,

Nuts...I was at a meeting today...for some reason, this system is telling me the file is too big...can I get it to you on a flashdrive, perhaps through Russ?

Steve

Sender: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent: Saturday, September 23, 2006 1:02:48 PM
Recipient: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject: Re: Confidential

Solid analysis.

I tend to use the term relationship more these days than rapport, but that is a very small point. The bottom line is that there is no light between the DoD position and APA's position, that I can see. You are VERY correct in pointing out that how you frame the debate will determine the outcome. We help keep them safe. (All those against safety please stand up.)
COL L. Morgan Banks
Director Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
Banksl@usasoc.socom.smil.mil/banksl@soc.mil
(Sent from Blackberry)

-----Original Message-----
From: Behnke, Stephen <sbehnke@apa.org>
To: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>; Morgan Banks
Sent: Sat Sep 23 12:03:01 2006
Subject: Confidential

Morgan, does my analysis below seem sound to you?

Thanks, Steve

From: Behnke, Stephen
Sent: Saturday, September 23, 2006 11:49 AM
To: 'Gerald P. Koocher, Ph.D.'
Subject: RE: [Fwd: Guantanamo Teach-In Opportunity]

Gerry, I think that makes good sense. Also, we should think through how the issue is being framed. The issue has been framed (incorrectly, I believe) as disagreement about what interrogation techniques are permissible/prohibited. In reality, within APA there is virtually no disagreement whatsoever on this question—there is near total consensus on which interrogation techniques are ethical and which are not (yesterday's letter to PHR illustrates this point very well). All agree that ethical interrogations are based on building a relationship and forming rapport, and that techniques that are inconsistent with this theory of interrogation are both unethical and largely ineffective.

I think we do much better to frame the debate as one over the correct strategy to reach our common goal: ethical interrogations. The issue that is the subject of debate is whether we should be at places like Guantanamo. The psychiatrists have chosen one strategy: issue a "ban" (but then say that the ban does not apply to military psychiatrists following orders). That approach sends a message of disapproval and a refusal to be "complicit." The problem with the approach is that one loses any ability to influence policy—one no longer has a place at the table.

APA's approach has been to stay engaged to make our voice heard and our influence felt. It was striking to watch the congressional hearings following the June 29 Hamdan vs. Rumsfeld decision; those hearings made clear the debate between the administration lawyers and the military lawyers about the role of the Geneva Conventions and the centrality of due process in trying detainees. A parallel debate has been going on in the government about the appropriateness of certain interrogation techniques. APA has made a decision that the most effective way to promote our philosophy of ethical interrogations is to stay engaged, and we are very encouraged by the new Army Field manual, which directly and explicitly identifies specific interrogation techniques that are allowed and that are prohibited. Our ultimate goal, which we hope to promote by forming a strong relationship with our colleagues in the military who strongly support this philosophy of ethical interrogations, is to marginalize those who endorse, promote, or use what we agree are unethical and largely ineffective interrogation techniques.

Bottom line: APA strongly supports the letter that PHR drafted and that we sent to Senator McCain. There is a difference regarding the best strategy to promote ethical interrogations, but near complete consensus on what an ethical interrogation consists of.

Steve

From: Gerald P. Koocher, Ph.D. PRIVACY REDACTION
Sent: Saturday, September 23, 2006 10:54 AM
To: Behnke, Stephen
Subject: Re: [Fwd: Guantanamo Teach-In Opportunity]

I thought that I'd attempt a 4-5 page "paper) that chronicles in sequence the APA's response to the torture issue with references and web links. In so doing I'd lay out out clear time line and steer people to our original sources. That will not stop bloggers and "journalists" from doing their incremental thing, but it will put our position out there in a way that will enable law students and legal scholars to track and use what we've done.
What do you think?
GPK

Behnke, Stephen wrote:

I agree, Gerry. That's a tough crowd; by not submitting anything we'll be noticeable by our absence.

Do you have a sense of the length of text they are looking for?

Steve

From: Gerry Koocher PRIVACY REDACTION
Sent: Friday, September 22, 2006 4:05 PM
To: Behnke, Stephen
Subject: [Fwd: Guantanamo Teach-In Opportunity]

This seems a good chance to get some of our views on the record.
Your thoughts?
Gerry

-------- Original Message --------

Subject:

Guantanamo Teach-In Opportunity

Date:

Fri, 22 Sep 2006 15:00:51 -0400

From:

Michael Fazio <PRIVACY REDACTION

To:

PRIVACY REDACTION

CC:

Baher Azmy <PRIVACY REDACTION>, Shana Edwards <PRIVACY REDACTION>
PRIVACY REDACTION

SETON HALL LAW REVIEW

Dear Teach-In Participant,

The Seton Hall Law Review is greatly looking forward to your participation in the Guantanamo Teach-In at Seton Hall Law School on October 5, 2006. The Law Review is interested in publishing the remarks of all invited speakers, as well as short, scholarly articles of the kind traditionally published in a student law review. We therefore invite you to submit to us a written version of your planned remarks, which can be longer or more detailed than your spoken presentation, for publication. These articles will be published in our third book scheduled for publication in April 2007. We regard this as wonderful opportunity to be published in a law review on a topic of extreme national importance, and as well as an effort to create a full record of all the remarks made at this historic event.

If you are interested in having your remarks published or wish to submit a short, scholarly article for publication, please contact Michael Fazio, Editor-in-Chief, by October 5, 2006. He can be reached at (973) 642-8789 or by email at PRIVACY REDACTION For publication in our April 2007 issue, the Law Review would need final written drafts by November 15, 2006.

We hope that you and all participants will contribute to this important project. We look forward to working with you.

Sincerely,

Michael A. Fazio

Editor-in-Chief

Michael A. Fazio
Editor-in-Chief
Seton Hall Law Review, Vol. 37
PRIVACY REDACTION
office: 973-642-8789
PRIVACY REDACTION
fax: 973-642-8790

November 15, 2006

Ruth Fallenbaum, PhD
PRIVACY REDACTION

Dear Dr. Fallenbaum:

We are in receipt of your 2007 dues form and your letter explaining your reasons for withholding dues. I respect that you are withholding your dues as a moral statement. I hope that you will read on so I can give you more information about APA's position and why the Association has chosen the path it has vis-à-vis this complex issue.

It is our belief that there are two critical questions surrounding the interrogations issue: (1) What is an ethical interrogation? and (2) What is the most effective strategy to promote ethical interrogations? There is no disagreement within APA regarding the first. All agree that ethical interrogations are based on building a relationship and forming rapport, and that techniques that are abusive or coercive (e.g., water boarding, sexual humiliation, use of phobias, temperature extremes, stress positions) are inconsistent with this way of thinking and are both unethical and largely ineffective. There is complete consensus within APA that these techniques and techniques like them are never to be used.

Regarding the second issue, we believe there exists strong (but admittedly not universal) support for a common goal: ethical interrogations that leave no room for abusive or harmful techniques. Where there has been much debate is about the best strategy to achieve this goal. APA has chosen a strategy of engagement (unlike the psychiatrists, who have opted for a policy of disengagement).

The congressional hearings following the June 29 *Hamdan vs. Rumsfeld* decision made clear that there is debate within the U.S. government about the role of the Geneva Conventions and the centrality of due process in trying detainees. At the hearings, military attorneys argued in favor of having the Geneva Conventions and due process, as set forth in the Uniform Code of Military Justice, play a central role in the treatment of detainees. A parallel debate has been going on in the government about the appropriateness of certain methods of interrogation. APA has made a decision that the most effective way to promote our philosophy of ethical interrogations is to stay engaged, and we are very encouraged by the new Army field manual, which came out in September and directly and explicitly identifies and prohibits abusive interrogation techniques. Our ultimate goal, which we hope to promote by forming a relationship with our colleagues in the military who strongly support our philosophy of ethical interrogations, is to marginalize those who endorse, promote, or use what we and our colleagues in the military all agree are unethical and largely ineffective interrogation techniques.

Another example of our engagement strategy is our teaming with the Physicians for Human Rights, which drafted a letter to Senator McCain and an action alert calling for a prohibition of abusive interrogation techniques and invited APA to jointly sign the correspondence. Two APA presidents (Gerald Koocher and Phil Zimbardo) and the president of the APA Division for Social Justice (Brad Olson) signed.

The psychiatrists have chosen a different strategy, that of disengagement. They issued what they described as a “ban” (on the day their position was issued, however, their then-president stated to the media that their position is not an ethical rule and does not apply to military psychiatrists following orders). An approach of disengagement sends an expressive message of disapproval and a refusal to be considered complicit. The cost of disengagement is that one loses any ability to influence policy—one no longer has a place at the table, and hence, no longer a voice in the debate.

In closing, I believe we have a shared goal: Ethical interrogations in which there is no room for abuse or inhuman treatment or the infliction of harm. I respectfully accept that you disagree with the strategy we have employed.

We will note your unpaid status for 2007. You will receive your 2008 billing statements next fall as per the normal cycle. Dr. Steven Behnke, director of the APA Ethics Office, will call you to discuss the issue and give you the opportunity to give APA any comments and ask any questions in a personal phone call.

Sincerely,

Rhea K. Farberman, APR
Executive Director, Public and Member Communications

Sender:	louie.morgan.banks@us.army.mil
Sent:	Sunday, November 12, 2006 3:36:49 AM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Cc:	Dunivin, Debra L LTC WRAMC-Wash DC <Debra.Dunivin@NA.AMEDD.ARMY.MIL>
Subject:	Re: Trip--change of focus

Steve,

My guess is that you are correct about the schedule. Ordinarily, your time will be jam packed, with no free time scheduled. On the issue of the ApA using it against you, I am not able to judge, but your thoughts sure seem reasonable. The one good thought I had while reviewing the attendees, is that most of them will be supportive of out use of psychologists to support interrogations. Certainly MG Kiley, but I would expect support from many of the other DOD officials. Also, I would encourage you to at least spend a few minutes with Penny, as I am sure you are going to see all the mental health care providers. Although I hold her partially responsible, she has had little or no consultation while down there. She and I have talked on a few occasions, but it has been rare. Neither Debra nor I have been invited down, formally, for a visit. I am very supportive of visiting there (in the middle of Winter), and agree that may be the best way to really study the issue and come up with a solution, but I would really hate for you two to go down there and not spend at least a few minutes with her.

Morgan

----- Original Message -----

From: "Behnke, Stephen" <sbehnke@apa.org>

Date: Sunday, November 12, 2006 7:41 am

Subject: Trip--change of focus

> Morgan and Debra,
>
> Have looked over the trip's participants, I am strongly inclined to
> defer any discussion of the BSCs and focus solely on health care, for
> three reasons. First, the schedule is tight and I don't think
> there is
> going to be enough time to deal with the issue that has been raised
> adequately; 2) the participants seem to have been picked with the
> healthcare mission in mind, and that is what the briefings appear
> to be
> focused on; and 3) the trip is a potential set up; if the
> president of
> the psychiatric association spends his day talking about the
> health care

> operation and Gerry and I are speaking with the BSCs, we recreate the
> very dynamic that has created such problems for us, and I fear the
> psychiatric association may be inclined to make that point publicly.
>
> My thought is to follow the itinerary and make clear we are there to
> learn about the role of psychologists in the health care mission, and
> then convey (under the radar) that we will plan to return when we can
> give the other questions the appropriate attention.
>
> Does that make sense?
>
> Steve
>
>
>

Sender:	louie.morgan.banks@us.army.mil
Sent:	Friday, November 10, 2006 1:46:15 AM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Cc:	Dunivin, Debra L LTC WRAMC-Wash DC <Debra.Dunivin@NA.AMEDD.ARMY.MIL>
Subject:	Re: FW: GTMO Trip Details for 13 Nov
Attachments:	ATT427587.txt

Steve,

I am speculating here, but my assumption is that the group is going down to look at the mental health care afforded to detainees. If so, I would leave the Interrogation Support question alone, unless your traveling companions have some thoughtful questions (unlikely!). Am I correct on the purpose?

I am thinking of the power of least involvement (which may be hard to pull off, I know (whoever is least involved has the power in the discussion)). I would focus, while in the group, only on (what I assume to be) the main topic, mental health care. After all, we are in the right on this, thoughtful people know we are in the right, only the hysterics think otherwise. If one of them brings it up, ask if they have reviewed the PENS report, and ask for their thoughtful analysis of it, and their thoughtful criticism. My guess is that will shut them up, unless they have read and understood it.

Morgan

Sender:	louie.morgan.banks@us.army.mil
Sent:	Saturday, November 04, 2006 3:11:37 AM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	Re: FW: Another question

I think you have it, Doctor.

What is a good time to call you? Give me some openings in Eastern time, and I will try to contact you to discuss. We might want to include Debra, and she understands the specific issues at that location, and can make sure we understand the history.

Morgan

----- **Original Message** -----

From: "Behnke, Stephen" <sbehnke@apa.org>

Date: Saturday, November 4, 2006 6:43 am

Subject: FW: Another question

> Morgan, I am a bit confused-are Pennie and Carrie writing about
> the same
> issue? If yes, does each know the other is writing to me/us?
>
>
>
> Steve
>
>
>
> _____
>
> From: Kennedy, Carrie H LCDR USSOUTHCOM JTFGTMO
> [mailto:Carrie.H.Kennedy@jtfgtmo.southcom.mil]
> Sent: Friday, November 03, 2006 9:38 AM
> To: Behnke, Stephen
> Subject: RE: Another question
>
>
>
> Steve,
>
>
>
> They have tabled the issue until you get here. Are you up for a
> meetingbetween you, me, the BSCT psychologists (2), the JAG and

> possibly the
> psychiatrist?
>
>
>
> Please let me know.
>
>
>
> Thanks,
>
>
>
> Carrie
>
>
>
> Carrie H. Kennedy
>
> LCDR/MSC/USNR
> Chief, Behavioral Health Services
> Detention Hospital
> JTF-GTMO
> DSN: 660-3744/3060
> Comm: 011-5399-3744/3060
>
> _____
>
> From: Behnke, Stephen [mailto:sbehnke@apa.org]
> Sent: Thursday, October 26, 2006 5:58 PM
> To: Kennedy, Carrie H LCDR USSOUTHCOM JTFGTMO
> Subject: RE: Another question
>
>
>
> Yes-you want to call now?
>
>
>
> _____
>
> From: Kennedy, Carrie H LCDR USSOUTHCOM JTFGTMO
> [mailto:Carrie.H.Kennedy@jtfgtmo.southcom.mil]
> Sent: Thursday, October 26, 2006 5:55 PM
> To: Behnke, Stephen
> Subject: RE: Another question
>
>
>
> Are you there now?
>

>
>
>
>
> Carrie H. Kennedy
>
> LCDR/MSC/USNR
> Chief, Behavioral Health Services
> Detention Hospital
> JTF-GTMO
> DSN: 660-3744/3060
> Comm: 011-5399-3744/3060
>
> _____
>
> From: Behnke, Stephen [mailto:sbehnke@apa.org]
> Sent: Thursday, October 26, 2006 5:54 PM
> To: Kennedy, Carrie H LCDR USSOUTHCOM JTFGTMO
> Subject: RE: Another question
>
>
>
>PRIVACY REDACTION
>
>
>
> _____
>
> From: Kennedy, Carrie H LCDR USSOUTHCOM JTFGTMO
> [mailto:Carrie.H.Kennedy@jtfgtmo.southcom.mil]
> Sent: Thursday, October 26, 2006 5:53 PM
> To: Behnke, Stephen
> Subject: RE: Another question
>
>
>
> That works - please send a phone number.
>
>
>
> Carrie H. Kennedy
>
> LCDR/MSC/USNR
> Chief, Behavioral Health Services
> Detention Hospital
> JTF-GTMO
> DSN: 660-3744/3060
> Comm: 011-5399-3744/3060
>
> _____
>

> From: Behnke, Stephen [mailto:sbehnke@apa.org]
> Sent: Thursday, October 26, 2006 5:51 PM
> To: Kennedy, Carrie H LCDR USSOUTHCOM JTFGTMO
> Subject: RE: Another question
>
>
>
> Carrie, I am in an Ethics Committee meeting; I think tomorrow at 12:30
> pm East Coast Time would work. Would that work for you?
>
>
>
> Steve
>
>
>
> _____
>
> From: Kennedy, Carrie H LCDR USSOUTHCOM JTFGTMO
> [mailto:Carrie.H.Kennedy@jtfgtmo.southcom.mil]
> Sent: Thursday, October 26, 2006 4:43 PM
> To: Behnke, Stephen
> Subject: Another question
>
>
>
> Steve,
>
>
>
> The JAG here (CDR McCarthy - I believe you have communicated with him)
> would like me to pose another question to you but he would like me
> to do
> that over the phone. Can you please send some good numbers where I
> might be able to reach you tomorrow (Friday)?
>
>
>
> Many thanks,
>
>
>
> Carrie
>
>
>
> Carrie H. Kennedy
>
> LCDR/MSC/USNR
> Chief, Behavioral Health Services
> Detention Hospital

> JTF-GTMO
> DSN: 660-3744/3060
> Comm: 011-5399-3744/3060
>
>
>
>

Sender:	louie.morgan.banks@us.army.mil
Sent:	Tuesday, October 31, 2006 3:00:03 AM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	Re: RE: Army policy for Behavioral Science Consultation

Steve,

How was it received? Did the document help with the deliberations?

Morgan

----- **Original Message** -----

From: "Behnke, Stephen" <sbehnke@apa.org>

Date: Tuesday, October 31, 2006 4:29 am

Subject: RE: Army policy for Behavioral Science Consultation

> Thank you, Dr. Crow.
>
>
>
> Stephen Behnke
>
>
>
> _____
>
> From: Crow, Bruce E COL BAMC-Ft Sam Houston TX
> [mailto:Bruce.Crow@AMEDD.ARMY.MIL]
> Sent: Monday, October 30, 2006 10:46 AM
> To: Behnke, Stephen; Gerry Koocher
> Cc: Ritchie, Elspeth C COL OTSG; Dunivin, Debra L LTC WRAMC-Wash DC;
> louie.morgan.banks@us.army.mil
> Subject: Army policy for Behavioral Science Consultation
>
>
>
> Dr. Koocher, Dr. Behnke,
>
>
>
> The Army Surgeon General has approved the attached policy for
> BehavioralScience Consultation to Detention Operations, Intelligence
> Interrogations, Detainee Debriefing, and Tactical Questioning.
> You may

> receive this policy through other channels as well.
>
>
>
> This policy provides guidelines for Army psychologists when they serve
> as a Behavioral Science Consultant for these missions, and serves
> as a
> reference document for agencies which utilize psychologists in these
> roles.
>
>
>
> Please let me know if you would like additional information about this
> policy or related matters.
>
>
>
> Bruce Crow
>
>
>
> Colonel Bruce E. Crow, Psy.D.
>
> Chief, Department of Behavioral Medicine
>
> Brooke Army Medical Center
>
> San Antonio, Texas
>
> Clinical Psychology Consultant
>
> to the U.S. Army Surgeon General
>
>
>
> office 210.916.4342
>
PRIVACY REDACTION
>
> fax 210.916.4040
>
> Bruce.Crow@us.army.mil
>
>
>
>
>
>

Sender:	louie.morgan.banks@us.army.mil
Sent:	Thursday, October 26, 2006 11:31:52 AM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	Fwd: RE: Fw: OTSG/MEDCOM Policy 06-029 - BSCT (UNCLASSIFIED)
Attachments:	RE: Fw: OTSG/MEDCOM Policy 06-029 - BSCT (UNCLASSIFIED)

Steve,

I just received permission to send it. When I get a better formatted copy, I will resend.

Morgan

Sender:	Ritchie, Elspeth C COL OTSG <elspeth.ritchie@us.army.mil>
Sent:	Wednesday, October 25, 2006 6:09:37 PM
Recipient:	louie.morgan.banks@us.army.mil
Cc:	Dunivin, Debra L LTC WRAMC-Wash DC <Debra.Dunivin@NA.AMEDD.ARMY.MIL>;Crow, Bruce E COL BAMC-Ft Sam Houston TX <Bruce.Crow@AMEDD.ARMY.MIL>;Goby, Marshall J COL WRAMC-Wash DC <Marshall.Goby@NA.AMEDD.ARMY.MIL>;Malone, Ricky D COL WRAMC-Wash DC <Ricky.Malone@NA.AMEDD.ARMY.MIL>;Inouye, Dean A COL WAMC-Ft Bragg <dean.inouye@us.army.mil>;Schneider, Brett J MAJ WRAMC-Wash DC <Brett.Schneider@NA.AMEDD.ARMY.MIL>;dbenedek@usuhs.mil;Cordts, Paul R COL OTSG <paul.cordts@us.army.mil>
Subject:	RE: Fw: OTSG/MEDCOM Policy 06-029 - BSCT (UNCLASSIFIED)
Attachments:	OTSGMEDCOMPOLICY06-029-BSCT.pdf

Classification: **UNCLASSIFIED**

Caveats: NONE

Yes.
Per discussion with COL DeKoning, we can send to our POCs. I also plan to draft a letter for TSG to sign, thanking the guild agencies for their participation in the process.

E. Cameron Ritchie, MD, MPH
COL, USA
Psychiatry Consultant to the US Army Surgeon General
Elspeth.Ritchie@amedd.army.mil
703-681-1975 (phone)
703-681-3163 (fax)
Skyline 6, Suite 684
5109 Leesburg Pike
Falls Church, VA 22041-3258

From: louie.morgan.banks@us.army.mil [mailto:louie.morgan.banks@us.army.mil]
Sent: Wednesday, October 25, 2006 5:55 PM
To: Ritchie, Elspeth C COL OTSG
Cc: Dunivin, Debra L LTC WRAMC-Wash DC; Crow, Bruce E COL BAMC-Ft Sam Houston TX; Goby, Marshall J COL WRAMC-Wash DC; Malone, Ricky D COL WRAMC-Wash DC; Inouye, Dean A COL WAMC-Ft Bragg; Schneider, Brett J MAJ WRAMC-Wash DC; dbenedek@usuhs.mil; Cordts, Paul R COL OTSG
Subject: Re: Fw: OTSG/MEDCOM Policy 06-029 - BSCT (UNCLASSIFIED)

Cam,

I received this request this evening. Can we assist?

Morgan

Doctor Banks:

I would like to obtain the OTSG Policy Statement, for review by the American Psychological Association Ethics Committee. The Committee is meeting this weekend, and will be reviewing the Task Force Report on Psychological Ethics and National Security. The Committee wishes to review documents that are relevant to the Task Force report, in preparation for making further statements on this issue, but wants to ensure that it is fully informed concerning any Department of Defense policies or statements before doing so.

Thank you for your assistance,

Stephen Behnke, JD, PhD

Director, Ethics Office

American Psychological Association

Classification: **UNCLASSIFIED**

Caveats: NONE

DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY MEDICAL COMMAND
2050 WORTH ROAD
FORT SAM HOUSTON, TX 78234-6000

REPLY TO
ATTENTION OF

MCCG

OTSG/MEDCOM Policy Memo 06-029

Expires 20 October 2008

20 OCT 2006

MEMORANDUM FOR Commanders, MEDCOM Major Subordinate Commands

SUBJECT: Behavioral Science Consultation Policy

1. Purpose: To discuss the background, definitions, mission, concept of operations, roles, training requirements, and ethics for personnel providing behavioral science consultation to intelligence collection and detention operations. The mission of a behavioral science consultant is to provide psychological expertise and consultation in order to assist the command in conducting safe, legal, ethical, and effective detention operations, intelligence interrogations, and detainee debriefing operations.

2. Proponent: The proponent for this policy is the Assistant Surgeon General for Force Projection, OTSG.

3. Policy details are attached.

4. The POC for this memorandum is COL Bernard DeKoning, Assistant Surgeon General for Force Projection, at (703) 693-5601.

Atch

KEVIN C. KILEY
Lieutenant General, MC
The Surgeon General

US ARMY BEHAVIORAL SCIENCE CONSULTATION TO DETENTION OPERATIONS, INTELLIGENCE INTERROGATIONS, DETAINEE DEBRIEFING, AND TACTICAL QUESTIONING

1. References.

a. The Geneva Conventions of 1949.

b. DoD Directive (DoDD) 2310.1, DoD Program for Enemy Prisoners of War (EPW) and Other Detainees, 18 Aug 94.

c. DoDD 5100.77, DoD Law of War Program, 9 Dec 98.

d. DoDD 3115.09, DoD Intelligence Interrogations. Detainee Debriefings, and Tactical Questioning, 3 Nov 05.

e. DoDI 2310.08E, Medical Program Support for Detainee Operations, 6 Jun 06.

f. Health Affairs Policy 05-006, Medical Program Principles and Procedures for the Protection and Treatment of Detainees in the Custody of the Armed Forces of the United States, 3 Jun 05.

g. Health Affairs Policy Memorandum, Training for Health Care Providers in Detainee Operations (Coordinating Draft).

h. JP 3-63, Joint Doctrine for Detainee Operations, Final Coordination Draft, 23 Mar 05.

i. JP 4-02, Health Service Support in Joint Operations, Revised Second Draft, 21 Mar 05.

j. AR 190-8 (OPNAVIST 3461.6, AFJI 31-304, MCO 3461.1): Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees, 1 Oct 97.

k. FM 3-19.40, Internment/Resettlement Operations, 1 Aug 01.

l. FM 3-19.401/MCRP 4-11.8/NTTP 3-07.8/AFTTP(1) 3-2.51, Multi-service Tactics, Techniques, and Procedures Detainee Operations (Draft).

m. FM 21-78, Resistance and Escape, 15 Jun 89.

n. FM 2-22.3, Human Intelligence Collector Operations, Sep 06.

o. Ethical Principles of Psychologists and Code of Conduct, American Psychological Association, 2002 edition.

p. Report of the American Psychological Association Presidential Task Force on Psychological Ethics and National Security, Jun 05 (Enclosure 1).

q. Military Medical Ethics. Textbooks of Military Medicine, The Borden Institute, Office of The Surgeon General, Department of the Army, 2003.

r. The Principles of Medical Ethics With Annotation Especially Applicable to Psychiatry, American Psychiatric Association, 2001 edition including Nov 03 amendments.

s. Opinions of the Ethics Committee on The Principles of Medical Ethics With Annotation Especially Applicable to Psychiatry, American Psychiatric Association, 2001 edition.

t. Ethics Primer of the American Psychiatric Association, American Psychiatric Association, 2001.

u. Report of the Council on Ethical and Judicial Affairs, CEJA Report 10-A-06, Physician Participation in Interrogation, 2006 (Enclosure 2).

v. US Army Field Manual 34-52, "Intelligence Interrogation, Detainee Debriefings and Tactical Questioning," 3 Nov 05.

2. Background.

a. Although psychologists have supported detention operations and interrogations for many years, the events of September 11, 2001 and the ongoing Global War on Terrorism (GWOT) have required the unprecedented and sustained involvement of Behavioral Science Consultants (BSCs) in support of both detention operations and intelligence interrogations and detainee debriefing operations. Prior to GWOT, support for these missions was provided by personnel organic to the intelligence and special operations communities. However, the expanded demand for BSCs to support these missions has required assignment of psychologists and psychiatrists from other mission areas within the Department of Defense (DoD).

b. The Army is the Executive Agent for the administration of DoD detainee policy. The GWOT has resulted in the detention by US forces of large numbers of detainees. The intelligence interrogation and debriefing of detainees is a vital and effective part of the GWOT and is designed to obtain accurate and timely intelligence in a manner consistent with applicable US and international law, regulations, and DoD policy. Behavioral science personnel provide expertise and consultation to Commanders to directly support the detention and interrogation/ debriefing operations.

c. The United States (US) is a signatory to the Geneva Convention Relative to the Treatment of Prisoners of War (GPW) and the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (GC). The requirements of these conventions are delineated in AR 190-8; this multi-Service regulation is proscriptive for all US military forces, not only for the US Army.). Every BSC who supports detention operations must read and understand the specific requirements contained in AR 190-8. Details from AR 190-8 will not be discussed in detail herein, but the regulation expressly requires the humane treatment of all detainees, regardless of their status. Portions of the regulation are reprinted below:

1–5. General protection policy (AR 190-8):

a. US policy, relative to the treatment of enemy prisoners of war (EPW), civilian internees (CI) and retained personnel (RP) in the custody of the US Armed Forces, is as follows:

(1) All persons captured, detained, interned, or otherwise held in US Armed Forces custody during the course of conflict will be given humanitarian care and treatment from the moment they fall into the hands of US forces until final release or repatriation.

(2) All persons taken into custody by US forces will be provided with the protections of the EPW until some other legal status is determined by competent authority.

(3) The punishment of EPW, CI and RP known to have, or suspected of having, committed serious offenses will be administered IAW due process of law and under legally constituted authority per the GPW, the GC, the Uniformed Code of Military Justice, and the Manual for Courts Martial.

(4) The inhumane treatment of EPW, CI, and RP is prohibited and is not justified by the stress of combat or with deep provocation. Inhumane treatment is a serious and punishable violation under international law and the Uniform Code of Military Justice (UCMJ).

b. All prisoners will receive humane treatment without regard to race, nationality, religion, political opinion, sex, or other criteria. The following acts are prohibited: murder, torture, corporal punishment, mutilation, the taking of hostages, sensory deprivation, collective punishments, execution without trial by proper authority, and all cruel and degrading treatment.

c. All persons will be respected as human beings. They will be protected against all acts of violence to include rape, forced prostitution, assault and theft, insults, public curiosity, bodily injury, and reprisals of any kind. They will not be subjected to

medical or scientific experiments. This list is not exclusive. EPW/RP is to be protected from all threats or acts of violence.

d. Photographing, filming, and videotaping of individual EPW, CI and RP for other than internal Internment Facility administration or intelligence/counterintelligence purposes is strictly prohibited. No group, wide area or aerial photographs of EPW, CI and RP or facilities will be taken unless approved by the senior Military Police officer in the Internment Facility Commander's chain of command.

3. Definitions.

a. Behavioral Science Consultant (BSC). BSCs are psychologists and psychiatrists, not assigned to clinical practice functions, but to provide consultative services to support authorized law enforcement or intelligence activities, including detention and related intelligence, interrogation, and detainee debriefing operations.

(1) BSCs, who by definition are not engaged exclusively in the provision of medical care, may not qualify for special status accorded retained medical personnel by Article 33 of the GPW or carry DoD-issued identification cards identifying themselves as engaged in the provision of healthcare services. Analogous to behavioral science unit personnel of a law enforcement organization or forensic psychiatry or psychology personnel supporting the criminal justice, parole, or corrections systems, BSCs employ their professional training, not in a provider-patient relationship, but in relation to a person who is the subject of a lawful governmental inquiry, assessment, investigation, adjudication, or other proper action.

(2) BSCs function as Special Staff to the Commander in charge of both detention and interrogation operations. BSCs should be aligned to report directly to this Commander, not to a Commander charged solely with command of the detention facility or joint interrogation debriefing center (JDIC). This arrangement enhances the BSCs ability to provide comprehensive consultation regarding all subjects within the BSCs area of expertise on combined aspects of detention operations, intelligence interrogations and detainee debriefings.

b. Behavioral Science Technician (BST). Enlisted mental health technicians with at least 10 years experience in mental health field who have received specific training to function in support of, and under direct supervision of, BSCs. It is important to note that technicians are not licensed to function independently and may not operate except under direct supervision of the BSC. The scope of practice for these technicians will be at a level consistent with their knowledge and skill set and determined by the supervising BSC on site; under no circumstances will their practice exceed the limitations contained in this policy.

c. Behavioral Science Consultation Team (BSCT).

(1) Often behavioral science consultation to detention operations, intelligence interrogations, and detainee debriefings is conducted by individual BSCs working alone.

(2) In other situations, such as at a detention facility, one or more BSCs and one or more BSTs may form a team, the Behavioral Science Consultation Team or BSCT. The senior military BSC serves as team leader for any other military, civilian, or contractor employee, enlisted, or officer behavioral science personnel who serve on or assist the BSCT.

(3) In some situations other personnel, such as Judge Advocate General officers and/or medical officers may be tasked to support the BSCT.

d. Behavioral drift. This is the continual re-establishment of new, often unstated, and unofficial standards in an unintended direction. It often occurs as established, official standards of behavior are not enforced. Ambiguous guidance, poor supervision, and lack of training and oversight contribute to this change in observed standards. Certain psychological and social pressures can greatly increase the likelihood of behavioral drift. This phenomenon is commonly observed in detention and other settings in which individuals have relative control or power over others' activities of daily living or general functioning. Drift is detrimental to the mission and may occur very quickly without careful oversight mechanisms and training (discussed more fully in section on Mission Essential Tasks, Command Consultation).

4. Mission.

a. The mission of a BSC is to provide psychological expertise and consultation in order to assist the command in conducting safe, legal, ethical, and effective detention operations, intelligence interrogations, and detainee debriefing operations.

b. This mission is composed of two complementary objectives:

(1) To provide psychological expertise in monitoring, consultation, and feedback regarding the whole of the detention environment in order to assist the command in ensuring the humane treatment of detainees, prevention of abuse, and safety of US personnel.

(2) To provide psychological expertise to assess the individual detainee and his environment and provide recommendations to improve the effectiveness of intelligence interrogations and detainee debriefing operations.

c. These mission objectives contain four critical components of operations that BSCs must manage as they work in this arena:

(1) Safety. BSCs, like any other military personnel, DoD civilian, or contractor employee help to ensure the safety of both DoD personnel and detainees. BSCs use their knowledge of social psychology, group behavior, and the dynamics of captivity to reduce the likelihood of abuse by providing behavioral science expertise, and to establish processes that reduce the opportunity for behavioral drift and inappropriate behavior.

(2) Law. Although BSCs are not legal experts, they must be familiar with applicable US and international law, regulations, and DoD policies, as well as mission-specific guidance and direction set forth in applicable Execute Orders (EXORDs), Operations Orders (OPORDs), and Operations Plans (OPLANs) that govern detention operations, intelligence interrogations, and detainee debriefing operations. In addition, given their special knowledge; education, training, and experience; and status, as well as their unique vantage point on the conduct of detention operations, intelligence interrogations, and detainee debriefings, BSCs are obligated to report any actual, suspected or possible violations of applicable laws, regulations, and policies, to include allegations of abuse or inhumane treatment in accordance with DoDD 5100.77, DoDD 3115.09, DoDD 2310.08E (Medical Program Support for Detainee Operations) and this policy statement. BSCs shall report those circumstances to the chain of command. BSCs who believe that such a report has not been acted upon properly should also report the circumstances to the technical chain, including the Military Department Specialty Consultant. Technical chain officials may inform the Joint Staff Surgeon or Surgeon General concerned, who then may seek senior command review of the circumstances presented. As always, other reporting mechanisms, such as the Inspector General, criminal investigation organizations, or Judge Advocates, also may be used. BSCs shall make a written record of all reports of suspected or alleged violations in a reportable incident log maintained by the detention facility commander (or other designated senior officer).

(3) Ethics. BSCs must regularly monitor their behavior and remain within professional ethical boundaries as established by their professional associations, by their licensing State, and by the military.

(4) Effectiveness. BSCs add value to detention operations, intelligence interrogation, and detainee debriefing missions because of their ability to provide detailed assessments of individual detainees, their environment, and the interactions between detention facility guards and interrogators and detainees. BSCs enhance detention operations by providing assessments and consultative services to the Command with a view to supporting a safe, stable, and secure detention facility, developing strategies for improving detainee behavior and compliance with camp rules, and increasing positive detainee-guard/staff interactions. Similarly, with regard to interrogators, BSCs assist in maximizing the effectiveness of eliciting accurate, reliable, and relevant information during the interrogation and debriefing processes.

5. Concept of Operations.

a. What BSCs will do:

(1) BSCs adhere to applicable US and international law, regulations, and DoD policies, as well as accepted professional ethical standards with regard to proper and ethical conduct in support of detention operations, intelligence interrogations, and detainee debriefings.

(2) BSCs provide consultative services to detention operations, intelligence interrogations, and detainee debriefings in a manner that:

(a) Supports authorized law enforcement or intelligence activities, including detention, interrogation, and debriefing operations in a manner that promotes the safety and security of both detainees and US personnel.

(b) Is within applicable legal, regulatory, and DoD policy guidelines.

(c) Is within the individual practitioner's professional ethical guidelines.

(d) Increases the effectiveness of the missions.

(3) BSCs function as Special Staff to the Commander in charge of both detention and interrogation operations. BSCs should be aligned to report directly to the Commander, not to a Commander charged solely with command of the detention facility or joint interrogation debriefing center (JIDC). This arrangement enhances the BSCs ability to provide comprehensive consultation regarding all subjects within the BSCs area of expertise on combined aspects of detention operations, intelligence interrogations and detainee debriefings.

(4) No matter the setting, BSCs have a responsibility to report information that constitutes a clear and imminent threat to the lives and welfare of others. Such information acquired from detainees should be treated no differently, and must be reported through proper channels.

(5) BSCs will become aware of all applicable policies and procedures regarding circumstances for protection and release of detainee medical information. The Health Insurance Portability and Accountability Act (HIPAA) does not apply to the medical records of detainees (DoD 6025 C5.1, C7.10, C7.11). Under US and international law and applicable medical practice standards, there is no absolute confidentiality of medical information for any person. However, the handling, disposition, and release of all types of medical records are governed by US Army regulation and theater-specific policies. Generally, only healthcare personnel engaged in a professional provider-patient treatment relationship with detainees shall have access to detainee medical records. However, whenever patient-specific medical information concerning detainees

is disclosed for purposes other than treatment, healthcare personnel shall record the details of such disclosure, including the specific information disclosed, the person to whom it was disclosed, the purpose of the disclosure, and the name of the medical unit commander (or other designated senior medical activity officer) approving the disclosure. Analogous to legal standards applicable to US citizens, permissible purposes include to prevent harm to any person, to maintain public health and order in detention facilities, and any lawful law enforcement, intelligence, or national security related activity. In any case in which the medical unit commander (or other designated senior medical activity officer) suspects that the medical information to be disclosed may be misused, he or she should seek a senior command determination that the use of the information will be consistent with applicable standards. For example, it would likely be necessary to reveal to detention and interrogation/debriefing staff information regarding food restrictions and allergies to ensure no inadvertent harm to a detainee. Likewise guards and interrogation teams would need to be advised about contagious conditions in order to take appropriate precautions to prevent the spread of disease from one detainee to others and to US personnel. It would also be necessary to release medical information to appropriate personnel about medications and other medical conditions prior to travel.

(6) BSCs will be alert for signs of maltreatment or abuse of detainees and report alleged or suspected abuse to proper authorities in accordance with DoDD 5100.77, DoDD 3115.09, and this policy. BSCs are obligated to report any actual, suspected or possible violations of applicable laws, regulations, and policies, to include allegations of abuse or inhumane treatment in accordance with DoDD 5100.77, DoDD 3115.09, and this policy statement. BSCs shall report those circumstances to the chain of command. BSCs who believe that such a report has not been acted upon properly should also report the circumstances to the technical chain, including the Military Department Specialty Consultant. Technical chain officials may inform the Joint Staff Surgeon or Surgeon General concerned, who then may seek senior command review of the circumstances presented. As always, other reporting mechanisms, such as the Inspector General, criminal investigation organizations, or Judge Advocates, also may be used.

(7) BSCs are authorized to make psychological assessments of the character, personality, social interactions, and other behavioral characteristics of detainees, including interrogation subjects, and, based on such assessments, advise authorized personnel performing lawful interrogations and other lawful detainee operations, including intelligence activities and law enforcement.

(8) BSCs may provide advice concerning interrogations of detainees when the interrogations are fully in accordance with applicable law and properly issue interrogation instructions. Sources of information on lawful interrogation procedures include DoDD 3115.09, FM 2-22.3 and other applicable law, regulation, and policy.

(9) BSCs may observe interrogations.

(10) BSCs may provide training for interrogators in listening and communications techniques and skills, results of studies and assessments concerning safe and effective interrogation methods, and potential effects of cultural and ethnic characteristics of subjects of interrogation.

(11) BSCs may advise command authorities on detention facility environment, organization, and functions, ways to improve detainee operations, and compliance with applicable standards concerning detainee operations.

(12) BSCs may advise command authorities responsible for determinations of release or continued detention of detainees of assessments concerning the likelihood that a detainee will, if released, engage in terrorist, illegal, combatant, or similar activities against the interests of the US.

(13) BSCs may consult at any time with the psychology or other applicable specialty consultant designated by The Surgeon General concerned for this purpose regarding the roles and responsibilities of BSCs and procedures for reporting instances of suspected noncompliance with standards applicable to detainee operations.

b. What BSCs will not do:

(1) BSCs will not support intelligence interrogations or detainee debriefings that are not in accordance with applicable law.

(2) BSCs will not use or facilitate the use, directly or indirectly, of physical or mental health information regarding any detainee in a manner that would result in inhumane treatment or would not be in accordance with applicable law.

(3) Although BSCs are qualified as healthcare providers, they do not hold clinical privileges to practice at the local command/staff or detainee healthcare facility (they may, however, maintain privileges at their parent medical facility). BSCs will take necessary steps to avoid multiple relationships that conflict with professional ethical guidelines.

(a) BSCs will not routinely provide medical care or behavioral healthcare to members of the command/staff they support.

(b) BSCs will not ordinarily provide medical care or behavioral healthcare to detainees (except in emergency circumstances in which no other healthcare providers can respond adequately). They may not provide medical screening to detainees (which is a healthcare function), nor be a medical monitor during interrogation.

(c) Absent compelling circumstances requiring an exception to the rule, healthcare personnel shall not within a three-year period serve in the same location both in a clinical function position and as a BSC.

(4) BSCs will not conduct any form of research that involves detainees (DoD 3216.2, para 4.4.2). Research includes any systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge. Certain kinds of descriptive studies and retrospective analyses that are not experimental in nature, but are based on experiences and observations, would not be prohibited.

(5) As in any setting, behavioral science personnel will not perform any duties they believe are illegal, immoral, or unethical. If behavioral science personnel feel they have been ordered to perform such duties, they should voice their concerns to and seek clarification from the chain of command. If the chain of command is unable to resolve the situation, BSCs should seek alternate means of resolution by contacting their Specialty Consultant. As always, other mechanisms, such as the Inspector General, criminal investigation organizations, or Judge Advocates, also may be used.

(6) BSCs will not display recognizable patches or other designations on uniforms identifying them as healthcare providers or medical personnel while supporting detention operations, intelligence interrogations, or detainee debriefings so as to avoid any misperceptions of the BSCs function or role.

(7) BSCs shall not conduct or direct interrogations.

6. Mission Essential Tasks. Understanding the limits of each of the functions below and establishing clear boundaries around these functions will allow BSCs to perform ethically in a field with many potential challenges. These boundaries also assist in establishing clear and proper relationships with command and staff.

a. Interrogation/Debriefing Assessment and Consultation. BSCs function in intelligence interrogation and detainee debriefing assessment is to evaluate the psychological strengths and vulnerabilities of detainees, and to assist in integrating these factors into a successful interrogation/debriefing process. BSCs who consult to the interrogation/debriefing processes are an embedded resource. They consult as the process unfolds and do not simply react to problems or obstacles that arise. This consultative process normally begins well before the actual interrogation.

b. Environmental Setting Consultation. BSCs, with their expertise in human behavior, can act as consultants to advise detention facility guards, military police, interrogators, military intelligence personnel, and the command on aspects of the environment that will assist in all interrogation and detention operations. The detention environment includes physical aspects of the facilities as well as social and behavioral aspects of detained population. The physical environment includes holding cells, hallways, toilet and bathing facilities, vehicles, and interrogation rooms. BSCs can provide insight into the likely effects of this environment and how changes may affect detainees. The social and behavioral aspects of the environment may include access to recreational and social activities, educational incentive programs, disciplinary plans and

procedures and strategies for increasing positive behavior and compliance with camp rules. The goal is to ensure that the environment maximizes effective detention and interrogation/debriefing operations, while maintaining the safety of all personnel, to include detainees. BSCs can assist in ensuring that everything that a detainee sees, hears, and experiences is a part of the overall interrogation plan. The purpose of this consultation is to optimize the conditions and maximize the interventions that elicit accurate and reliable information.

c. Indirect Assessment. BSCs may be called upon to provide psychological assessments of individual detainees. These assessments can be delivered in a written format, but more often are verbally communicated to detention operations/interrogation personnel in an informal and timely manner. These products will routinely address both basic personality characteristics and the detainee's strengths and vulnerabilities. This assessment is usually conducted as part of the interrogation assessment, but may be conducted independently of an interrogation, for example, for purposes of assessing the ability of a particular detainee to integrate with detainees in an established cell-block. This assessment is usually conducted by direct observation rather than direct interaction, interview, or administration of psychometric instruments.

d. Information Operations. BSCs may assist the command in developing and executing information operations plans.

e. Training.

(1) Another key function for BSC personnel is the training of guards, interrogators, interpreters, and other staff. Periodic training sessions reiterate standards and reinforce awareness of the subject matter, as well as foster a culture conducive to behavioral correction, peer monitoring, and self-assessment. The concomitant healthy training environment can prevent "behavioral drift" that, in the long term, would be detrimental to the mission. "Behavioral drift" is the continual reestablishment of new, often unstated and unofficial standards in an unintended direction. In addition, BSCs provide training to other personnel regarding the cultural aspects of behavior that impact on interrogations.

(2) BSCs may also conduct training on topics such as:

(a) Social and cultural characteristics of behavior considered acceptable in the target countries.

(b) Psychological aspects of detention and the impact of confinement.

(c) Psychological aspects of exploitation.

(d) Recognizing the use of resistance techniques by the detainee.

(e) Establishing and clarifying the roles of the supervisor, interrogator, guard, and the BSC.

(f) Identifying, interpreting, and managing behavioral drift.

(g) The psychology of persuasion and influence.

(3) In addition to providing training on the psychological aspects of detention, intelligence interrogation, and detainee debriefing, BSCs also serve as another set of "eyes and ears" for the Commander to ensure that guards and interrogators are regularly conducting training on Standing Operating Procedures. BSCs should identify and recommend to the chain of command areas of training that have either been neglected or are in need of review.

f. Command Consultation. Direct BSC consultation to the chain of command may help prevent the inclination of guards and interrogators to drift behaviorally from the proper execution of their mission. Essential to proper command consultation is the ability of BSCs to access directly, consult with, and advise, all personnel involved in detention operations, intelligence interrogations, and detainee debriefings (from the Commander to the most junior private, including DoD civilians and contractor employees). Ideally, while the BSC must coordinate with and interact productively with all members of the command and staff, as a member of the Commander's Special Staff a BSC must have the means to advise the Commander directly on matters that affect mission integrity. BSCs may serve as the Commander's on-site representatives and should have unrestricted access to detention, interrogation, and debriefing areas. In fact, BSCs should assist the Commander in monitoring as much of the detainee and interrogation/debriefing operations as possible. Behavioral drift can occur extremely rapidly and must be quickly corrected when it occurs. The goal is to address problems with tact and at the lowest level possible, while ensuring that the Command is informed of all issues and concerns noted, when appropriate. Although minor deviations can be corrected at the individual level and typically on the spot, more significant issues or a pattern of deviations should be addressed with the command. Passive oversight reinforces inappropriate behavior. Drift begins in as early as 36 hours without oversight. Again, intervention should occur at the lowest level. Safety should never be compromised. What is tolerated will occur. Issues must be documented as they arise.

g. Psychological Screening. Under some circumstances, it is possible for the BSC to provide screening of DoD military or civilian personnel, contractor employees, and other personnel prior to their assignment to a role interacting with detainees. This can greatly assist, though not eliminate, the risk of inappropriate behavior. The screening of interrogators may include an interview, objective and projective assessment instruments, and an estimate of intellectual functioning. The assessment should evaluate the prospective interrogator's qualities, including, but not limited to, motivation, alertness, patience and tact, credibility, objectivity, self-control, adaptability, perseverance, and personal appearance and demeanor. Individuals considered for an

assignment in which they would be required to interact with detainees also should possess more than adequate ability for conceptualization and problem solving, situational awareness, emotional stability, integrity, and a good self-concept. As well, they should also be open to criticism and feedback and have self-awareness.

7. Training Requirements. Note: any exceptions require approval by Assistant Surgeon General for Force Projection.

a. Prerequisites.

(1) Licensed for independent practice.

(2) Volunteer for the training and BSC mission. This does not imply that the BSC must be a volunteer for a specific assignment, rather that they understand the nature of the mission, the shift from non-combatant to combatant status and, if strongly opposed to the role, be afforded the opportunity to deploy in a non-BSC assignment.

(3) Final TOP SECRET security clearance. (This is not essential for the training, which can be conducted at the SECRET level, but will be essential for actual employment as a BSC).

(4) Completion of training required for designation of Skill Identifier M6 (Repatriation/Reintegration Psychologist). In lieu of this training, psychiatrists may be fellowship trained in forensic psychiatry with graduate level coursework in social psychology and learning theory.

b. Training in Interrogation Support will take approximately 136 hours and be conducted in a combination of distance learning (approximately 40 hours) and in-residence (approximately 12 days) phases. Training includes instruction in the following topics:

(1) US and international law, regulations, and DoD policy applicable to detention operations, intelligence interrogations, and detainee debriefings, including:

(a) AR 190-8.

(b) The Geneva Convention Relative to the Treatment of Prisoners of War and The Geneva Convention Relative to the Protection of Civilian Persons in Time of War.

(c) How to keep abreast of those legal actions and policy decisions that are rendered during an assignment, e.g., policies on legal status of detainees or approved interrogation techniques, that may influence operations or result in procedural changes.

(d) Definitions and standards of acceptable treatment of detainees.

(2) Ethical standards for psychologists or psychiatrists applicable to detention operations, intelligence interrogations, and detainee debriefings. This will include a discussion of common ethical issues and how to resolve ethical conflicts.

(a) Current ethical guidance provided by professional associations.

(b) Discussion of examples of ethical dilemmas.

(3) Fundamentals of US Army doctrine on detainee operations. This includes the structure, organization, and functions of Military Police and other guard force personnel in detention operations.

(4) Fundamentals of US Army doctrine on intelligence interrogation and detainee debriefing operations. This includes the structure, organization, and functions of Military Intelligence within the DoD, as well as reporting mechanisms and systems, nomenclature and missions of Military Intelligence personnel, and security classification guidelines for anticipated assignment location(s).

(5) An overview of information operations and the roles they play in interrogation/ detention operations.

(6) Application of the following areas of behavioral science to the interrogation/ debriefing processes (note: professional level expertise in these areas is a prerequisite to training).

(a) Personality development with particular attention to relevant cultural factors.

(b) Personality assessment with particular attention to relevant cultural factors.

(c) Learning theory.

(1) Operant conditioning.

(2) Classical conditioning.

(3) Cognitive behavior theories.

(d) Learned helplessness.

(e) Cognitive dissonance theory.

(f) Psychology of influence and persuasion.

(7) Review of the psychology research on the social processes that may lead to detainee abuse. This will include instruction on moral disengagement, the potential of psychological drift, and successful control processes that may reduce the incidence of abuse, as well as a review of the research on the social effects of disparate power relationships.

(8) Instruction on providing psychological oversight of detention operations, intelligence interrogations, and detainee debriefings. This instruction will build on material described in paragraphs noted above and will discuss, in detail, the manner and methods of establishing oversight, and how to put into practical use the theoretical knowledge of the group processes that may lead to detainee abuse.

(9) Review of the psychological aspects of captivity, capitalizing on the previous training the student has received. Particular attention will be paid to the emotional effects of captivity and the use of resistance techniques, including, but not limited to, a discussion of the Al Qaeda Training Manual.

(10) Instruction in the indirect and observational assessment of detainees. This will include a review of personality factors, cultural issues, and an update on current populations.

(11) Instruction and role playing in behavioral science consultation to the interrogation process.

(12) Instruction on providing consultation to Commanders concerning detention operations, intelligence interrogations, and detainee debriefings.

(13) Cultural, religious, and ideological issues regarding the specific populations under consideration, e.g., history of Islam, development of radical Islam and extremism. This would also include the impact of cultural issues on detention operations.

(14) Education on the missions and roles of various US Government departments and Agencies, foreign government organizations, and non-governmental organizations present in the theater.

8. Ethics.

a. Psychologists and psychiatrists are bound by both legal and ethical constraints when supporting detention operations, intelligence interrogations, and detainee debriefings. Every BSC who supports such operations must know the requirements of applicable US and international law, regulation, and DoD policy regarding the treatment of detainees. The BSCs involved in interrogation/debriefing support strive to help DoD to develop informed judgments and choices concerning human behavior. Further, because of the particularly sensitive and dynamic nature of detention operations,

intelligence interrogations and detainee debriefing operations, it is important to emphasize the ethical standards associated with BSC support to such.

b. BSCs have specific knowledge, training, and experience that can ensure the ethical treatment of detainees. A clear understanding of the social and behavioral forces that influence power relationships is essential when operating in this environment. Ethical standards are similar as to the separate professions of psychology and psychiatry, but they are not identical. Because of this, each profession will be addressed separately.

c. Psychologists:

(1) The ethical requirements for psychologists are contained in the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct (APA, 2002) and in the Report on the American Psychological Association Presidential Task Force on Psychological Ethics and National Security (2005).

(2) The ethical principles are guidance for the professional activities of psychologists. The Ethics Code is binding on all psychologists who are members of the APA and all those who are licensed by a State Psychology Licensing board that requires adherence to the code. All military psychologists are required to maintain State licensure. Therefore, the Ethics Code is an applicable guideline for military psychologists. Sanctions for violations of the Ethics Code can include the revocation of a psychologist's State license, placing the psychologist's military standing in jeopardy.

(3) The following identifies several aspects of the Ethics Code that necessitate interpretation, given the practice of support for detention operations, intelligence interrogations, and detainee debriefings: Relevant sections of the Introduction, Preamble, General Principles, and Ethics Code are discussed and interpreted as well as the relevant legal requirements.

(4) The Balance of Law, Duty, and the Ethics Code.

(a) DA military, civilian, and contractor employee psychologists are governed by applicable US and international law, regulations, and DoD policy. The Ethics Code also applies as discussed above.

(b) The Ethics Code pertains only to a psychologist's activities that are "part of their scientific, educational or professional roles" pertaining to the profession of psychology. The Code does not, therefore, have purview over the psychologist's role as a Soldier, civilian, or contractor employee that is unrelated to the practice of psychology. For instance, the dictum for beneficence does not pertain to actions against the enemy in combat.

(c) Conversely, the Ethics Code is broad in its application. It pertains to all psychologists (military, civilian, or contractor employee) in the performance of their profession. US State licensing boards use the Ethics Code as a standard for behavior, requiring compliance with the code to maintain licensure. The Ethics Code does not supersede applicable US and international law, regulations, or DoD policy.

(d) Ignorance of the Ethics Code does not excuse violations. A lack of awareness or misunderstanding of an Ethical Standard is not itself a defense to a charge of unethical conduct.

(e) The method of resolving conflicts between the law and regulations with the Ethics Code are addressed by the Code, as follows: "When the psychologist's responsibilities conflict with the law, regulations, or other governing legal authority, psychologists make known their commitment to this Ethics Code and take steps to resolve the conflict in a responsible manner. If . . . irresolvable . . . , psychologists may adhere to the requirements of the law, regulations . . . in keeping with basic principles of human rights (Introduction; 1.02; 1.03)." A process for maintaining adherence to the Code when it conflicts with applicable law, regulation, and policy is outlined below:

(i) Address and attempt to resolve the issue.

(ii) If initially not resolvable, consult with a psychologist experienced in detention operations/interrogation and debriefing support.

(iii) If the issue continues to elude resolution, adhere to law, regulations, and policy in a responsible manner.

(iv) Again, as noted above, applicable US and international law, regulations, and DoD policy require the humane treatment of all detainees, regardless of status. This tenet is completely consistent with the Ethics Code.

(5) Issues of Harm and Exploitation.

(a) The Ethics Code (3.04), states, "Psychologists take reasonable steps to avoid harming their clients/patients, students, supervisees, research participants, organizational clients, and others with whom they work, and to minimize harm where it is foreseeable and unavoidable."

(b) This is consistent with the GPW, GC, and AR 190-8, all of which require the humane treatment of all detainees. The psychologist must make a reasonable effort to prevent unavoidable harm to detainees and to treat all persons with dignity and respect. One function of the psychologist supporting detention operations, intelligence interrogations, and detainee debriefings is to assist the command in preventing abuse of detainees and in monitoring the detention environment. This does not preclude the psychologist from assisting in interrogations or debriefings, even if they may result in

consequences to the detainee such as: a determination that the detainee will not be recommended for early release prior to the termination of the conflict; or long-term post-trial confinement pursuant to conviction of war crimes or acts of terrorism.

(6) Boundaries of Competence.

(a) The Ethics Code states that "Psychologists provide services . . . with populations and in areas only within the boundaries of their competence, based on their education, training, supervised experience, consultation, study or professional experience (2.01 Boundaries of Competence)." There is no certification process, to date, that exists for detention operations or interrogation/debriefing support. Furthermore, there is little information and research published on this practice. Often, psychologists are pushed forward on the battlefield, beyond readily accessible supervision or consultation, or are otherwise placed in positions without access to other psychologists trained in this area.

(b) As paragraph 2.01 of the Ethics Code states, in those emerging areas in which generally recognized standards for preparatory training do not yet exist, psychologists nevertheless take reasonable steps to ensure the competence of their work and to protect . . . others from harm." Therefore, the psychologist should make attempts to regularly consult with other psychologists experienced in this area. When confronted with an ethical dilemma, the psychologist must make attempts at consultation. If unable to consult because of time constraints, isolation from other psychologists, or Operational Security requirements, the psychologist will later make attempts to seek consultation. The Military Department Specialty Consultant should review, prior to their submission, all recommended policies related to detention operations, interrogations, or debriefings, originating from the individual BSC or BSCT supporting those operations. If mission requirements prevent review, any such documents should be presented to the Specialty Consultant as soon as practicable.

(c) Furthermore, the psychologist must be cognizant of changes and developments within the field of psychological support for detention operations, intelligence interrogations, and detainee debriefings. The psychologist should take every opportunity to "develop and maintain their competence (paragraph 2.03)" in this emerging field. The psychologist has a responsibility to evaluate and improve his or her job performance. The psychologist must be aware of all current policy requirements and command guidance concerning the conduct of interrogations and detention operations. Cultural awareness is also necessary to provide psychological support to interrogation operations.

(7) Multiple Relationships.

(a) While performing the duties related to detention operations, intelligence interrogations, or detainee debriefings, the BSC functions as a Command Psychologist. The client is the command and the DoD. It is not possible, in this environment, to avoid all multiple relationships. Psychologists employed by the military (military, civilian, and

contractor employees), like psychologists in small communities, must be keenly aware of the nature of these multiple relationships.

(b) Except under emergency circumstances, the psychologist consulting for detention or interrogation/debriefing operations does not conduct mental health evaluations or provide mental health treatment to detainees. All medical treatment for detainees, to include mental health evaluation and treatment, is provided by a designated medical element. The psychologist will take all reasonable steps to ensure that he or she is not perceived as a healthcare provider for detainees.

(c) When concerns about health status or medical condition of detainees are raised through observation by the psychologist, through inquiries by others involved in detention operations, by interrogators, or through other reporting mechanisms, these concerns will be conveyed to medical personnel for evaluation, treatment, and disposition.

(d) The issue of multiple relationships is addressed in paragraph 3.05 of the Ethics Code. "A psychologist refrains from entering into a multiple relationship if the multiple relationship could reasonably be expected to impair the psychologist's objectivity, competence, or effectiveness . . . or otherwise risks exploitation or harm to the person with whom the professional relationship exists." The Code goes on to say that, "Multiple relationships that would not reasonably be expected to cause impairment or risk exploitation or harm are not unethical."

(e) Only in case of an emergency (for example, when no other healthcare providers can respond adequately) will the psychologist supporting detention operations, intelligence interrogations, or detainee debriefings break with their function and provide emergency services "to ensure that services are not denied (paragraph 2.02)." Furthermore, 'the services are discontinued as soon as the emergency has ended or appropriate services are available (paragraph 2.02)."

(f) Psychologists supporting detention operations, intelligence interrogations, and detainee debriefings must always be alert to the risk of multiple relationships. For example, it would probably be inappropriate for a psychologist to conduct long-term psychological therapy with an interrogator that is working alongside the psychologist. On the other hand, brief consultation with the same interrogator on a personal issue relevant to the interrogators ability to interrogate effectively may be appropriate in certain circumstances. The psychologist, in consultation with other psychologists, if possible, must evaluate each situation and act in order to minimize the risk of harm.

(8) Informed Consent.

(a) Except as discussed above, psychologists supporting detention operations, intelligence interrogations, or detainee debriefings do not have a medical or mental health relationship with detainees. Ordinarily, they do not directly interact with

detainees, they do not provide services to detainees, nor do they routinely engage in psychological testing of detainees. The DoD is the identified client, the organization the psychologist is supporting. Although it is possible for exceptions to be made to the above proscriptions, it should only be done after careful thought and consultation with other experienced psychologists.

(b) The Code of Ethics (3.11(a)) states, "Psychologists delivering services to or through organizations provide information beforehand to clients and when appropriate those directly affected by the services about . . ." Psychologists supporting interrogations will discuss with the organization the limits and purpose of the assessment; it is not appropriate, given the functions of the psychologist in this role and the DoD, to inform the detainee that he is being assessed by a psychologist. In fact, it would increase the likelihood of misunderstanding by the detainee of the psychologist's role.

(c) The Code of Ethics (3.10(b)) also states, "When consent by a legally authorized person is not permitted or required by law, psychologists take reasonable steps to protect the individual's rights and welfare." Any psychologist, whether supporting interrogations or not, has a duty to ensure the humane treatment of all detainees. This duty is not diminished by the nature of the detainee's acts prior to detainment.

(9) The June 2005 Report of the American Psychological Association Presidential Task Force on Psychological Ethics and National Security issued the following twelve statements concerning the work of BSCs to interrogation and detention operations:

(a) Psychologists do not engage in, direct, support, facilitate, or offer training in torture, or other cruel, inhuman, or degrading treatment.

(b) Psychologists are alert to acts of torture and other cruel, inhuman, or degrading treatment and have an ethical responsibility to report these acts to the appropriate authorities.

(c) Psychologists who serve in the role of supporting an interrogation do not use healthcare-related information from an individual's medical record to the detriment of the individual's safety and well-being.

(d) Psychologists do not engage in behaviors that violate the laws of the United States, although psychologists may refuse for ethical reasons to follow laws or orders that are unjust or that violate basic principles of human rights.

(e) Psychologists are aware of and clarify their role in situations where the nature of their professional identity and professional function may be ambiguous.

(f) Psychologists are sensitive to the problems inherent in mixing potentially inconsistent roles such as healthcare provider and consultant to an interrogation and refrain from engaging in such multiple relationships.

(g) Psychologists may serve in various national security-related roles, such as a consultant to an interrogation, in a manner that is consistent with the Ethics Code, and when doing so psychologists are mindful of factors unique to these roles and contexts that require special ethical consideration.

(h) Psychologists who consult on interrogation techniques are mindful that the individual being interrogated may not have engaged in untoward behavior and may not have information of interest to the interrogator.

(i) Psychologists make clear the limits of confidentiality.

(j) Psychologists are aware of and do not act beyond their competencies, except in unusual circumstances, such as set forth in the Ethics Code.

(k) Psychologists clarify for themselves the identity of their client and retain ethical obligations to individuals who are not their clients.

(l) Psychologists consult when they are facing difficult ethical dilemmas.

d. Psychiatrists:

(1) The ethical requirements for psychiatrists are contained in the American Psychiatric Association's Opinions of the Ethics Committee on The Principles of Medical Ethics with annotations especially applicable to Psychiatry (2001) (including November 2003 amendments) and in the Ethics Primer of the American Psychiatric Association (2001), particularly the chapter devoted to Ethics and Forensic Psychiatry. These do not directly address the question of physician involvement in behavioral science consultation, as discussed in this document.

(2) The Council on Ethical and Judicial Affairs of the American Medical Association met in June 2006 and produced a report with the subject of: Physician Participation in Interrogation. This report contains five recommendations. These guidelines are listed and discussed here. The entire report follows as an enclosure.

(a) First Guideline. Physicians may perform physical and mental assessments of detainees to determine the need for and to provide medical care. When so doing, physicians must disclose to the detainee the extent to which others have access to information included in medical records. Treatment must never be conditional on a patient's participation in an interrogation.

(i) Various Opinions in the AMA's Code of Medical Ethics suggest that physician interactions under the authority of third parties are governed by the same ethical principles as interactions involving patients.

(ii) Physicians who provide medical care to detainees should not be involved in decisions whether or not to interrogate because such decisions are unrelated to medicine or the health interests of an individual.

(b) Second Guideline. Physicians must neither conduct nor directly participate in an interrogation, because a role as physician-interrogator undermines the physician's role as healer and thereby erodes trust in the individual physician-interrogator and in the medical profession.

(i) Physicians are not trained as interrogators, and to function as an interrogator would potentially cause significant role confusion that would generalize to other physicians.

(ii) Although physicians who provide medical care to detainees should not be involved in decisions whether or not to interrogate because such decisions are unrelated to medicine or the health interests of an individual, physicians who are not providing medical care to detainees may provide such information if warranted by compelling national security interests.

(iii) Specific guidance by a physician regarding a particular detainee based on medical information that he or she originally obtained for medical purposes constitutes an unacceptable breach of confidentiality. However, a physician functioning as a BSC should never be providing medical care to detainees, and would therefore never obtain medical information for treatment purposes.

(c) Third Guideline. Physicians must not monitor interrogations with the intention of intervening in the process, because this constitutes direct participation in interrogation.

(i) The presence of a physician at an interrogation, particularly an appropriately trained psychiatrist, may benefit the interrogatees because of the belief held by many psychiatrists that kind and compassionate treatment of detainees can establish rapport that may result in eliciting more useful information.

(ii) A physician may be requested or required to treat a detainee to restore capacity to undergo interrogation. If there is no reason to believe that the interrogation was coercive, this is not unethical. As with all patients, physicians should not treat detainees without their consent (see Opinion E-8.08, "Informed Consent"), unless there is an emergency situation. Moreover, in obtaining consent for treatment, implications of restoring health, including disclosure that the patient may be interrogated or an interrogation may be resumed, must be disclosed.

(iii) If a physician identifies physical or psychological injuries that are likely to have occurred during an interrogation, the physician must report such suspected or known abusive practices to appropriate authorities, as must any other service member or DoD employee.

(d) Fourth Guideline. Physicians may participate in developing effective interrogation strategies for general training purposes. These strategies must not threaten or cause physical injury or mental suffering and must be humane and respect the rights of individuals.

(i) The Army defines training as instruction of personnel to increase their capacity to perform specific military functions and associated individual and collective tasks. General training is herein defined as the education, instruction, or discipline of a person or thing that is being trained. The Army conducts general training every day in all environments and after every mission, including interrogations.

(ii) Some physicians, most often psychiatrists, may engage in activities that are closely linked to interrogations. As in the civilian world, physicians sometimes provide consultations to law enforcement officers, for example, in criminal profiling and hostage negotiations.

(iii) Physicians could enhance the likelihood of successful interrogation by identifying useful strategies, by providing information that may be useful during questioning. Furthermore, physicians may protect interrogatees if, by monitoring, they prevent coercive interrogations.

(iv) Physicians have long dealt with problems of dual loyalties in forensic roles and as employees of government and business. The same ethical considerations that guide physicians under those circumstances also guide them in matters related to interrogation. The question of whether it is ethically appropriate for physicians to participate in the development of interrogation strategies may be addressed by balancing obligations to society against those to individuals.

(e) Fifth Guideline. When physicians have reason to believe that interrogations are coercive, they must report their observations to the appropriate authorities. If authorities are aware of coercive interrogations but have not intervened, physicians are ethically obligated to report the offenses to independent authorities that have the power to investigate or adjudicate such allegations.

(i) Any physician involved with individuals who will undergo or have undergone interrogations should have current knowledge of known harms of interrogation techniques. If responsible authorities do not prohibit a clearly harmful interrogation strategy, physicians are ethically obligated to report the offenses to

independent authorities that have the power to investigate or adjudicate such allegations.

(ii) If a physician identifies physical or psychological injuries that are likely to have occurred during an interrogation, the physician must report such suspected or known abusive practices to appropriate authorities.

(iii) A physician may help to develop general guidelines or strategies, as long as they are not coercive and are neither intended nor likely to cause harm, and as long as the physician's role is strictly that of consultant, not as caregiver. It is unethical for a physician to provide assistance in a coercive activity.

Report of the American Psychological Association Presidential Task Force



on Psychological Ethics and National Security

June 2005

Encl 1

APA_0088767

REPORT OF THE PRESIDENTIAL TASK FORCE ON PSYCHOLOGICAL ETHICS AND NATIONAL SECURITY

I. Overview of the Report

The Presidential Task Force on Psychological Ethics and National Security (PENS) met in response to the Board of Directors' February 2005 charge, that the Task Force:

> [E]xamine whether our current Ethics Code adequately addresses [the ethical dimensions of psychologists' involvement in national security-related activities], whether the APA provides adequate ethical guidance to psychologists involved in these endeavors, and whether APA should develop policy to address the role of psychologists and psychology in investigations related to national security.

Recognizing the ethical complexity of this work, which takes place in unique settings and constantly evolving circumstances, the Task Force was nonetheless able to set forth 12 clear and agreed-upon statements about psychologists' ethical obligations.

As a context for its statements, the Task Force affirmed that when psychologists serve in any position by virtue of their training, experience, and expertise as psychologists, the APA Ethics Code applies. The Task Force thus rejected the contention that when acting in roles outside traditional health-service provider relationships psychologists are not acting in a professional capacity as psychologists and are therefore not bound by the APA Ethics Code.

The Task Force noted that the Board of Directors' charge did not include an investigative or adjudicatory role, and as a consequence emphasized that it did not render any judgment concerning events that may or may not have occurred in national security-related settings. Nonetheless, the Task Force was unambiguous that psychologists do not engage in, direct, support, facilitate, or offer training in torture or other cruel, inhuman, or degrading treatment and that psychologists have an ethical responsibility to be alert to and report any such acts to appropriate authorities. The Task Force stated that it is consistent with the APA Ethics Code for psychologists to serve in consultative roles to interrogation and information-gathering processes for national security-related purposes, as psychologists have a long-standing tradition of doing in other law enforcement contexts. Acknowledging that engaging in such consultative and advisory roles entails a delicate balance of ethical considerations, the Task Force stated that psychologists are in a unique position to assist in ensuring that these processes are safe and ethical for all participants.

The Task Force Report concludes with a series of recommendations to the American Psychological Association Board of Directors.

II. Introduction to the Report

The Task Force believes it is critical for the American Psychological Association to address the ethical challenges facing psychologists whose work involves national security-related activities. APA is the world's largest association of psychologists. Article I of the Association Bylaws states:

> The objects of the American Psychological Association shall be to advance psychology as a science and profession and as a means of promoting health, education and human welfare by the...improvement of the qualifications and usefulness of psychologists through high standards of ethics...[and] by the establishment and maintenance of the highest standards of professional ethics and conduct of the members of the Association...[1]

Many association members work for the United States government as employees or consultants in national security-related positions. It is the responsibility of APA to think through and provide guidance on the complex ethical challenges that face these psychologists, who apply their training, skills, and expertise in our nation's service.

The Task Force addressed the argument that when psychologists act in certain roles outside traditional health-service provider relationships, for example as consultants to interrogations, they are not acting in a professional capacity as psychologists and are therefore not bound by the APA Ethical Principles of Psychologists and Code of Conduct (hereinafter the Ethics Code).[2] The Task Force rejected this contention. The Task Force believes that when psychologists serve in a position by virtue of their training, experience, and expertise as psychologists, the APA Ethics Code applies. Thus in any such circumstance, psychologists are bound by the APA Ethics Code.

Principle B of the Ethics Code, Fidelity and Responsibility, states that psychologists "are aware of their professional and scientific responsibilities to society." Psychologists have a valuable and ethical role to assist in protecting our nation, other nations, and innocent civilians from harm, which will at times entail gathering information that can be used in our nation's and other nations' defense. The Task Force believes that a central role for psychologists working in the area of national security-related investigations is to assist in ensuring that processes are safe, legal, and ethical for all participants.

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[1] American Psychological Association (2004). *Bylaws of the American Psychological Association* [Brochure]. Washington, DC: Author. (Also available at http://www.apa.org/governance/)

[2] American Psychological Association. (2002). Ethical principles of psychologists and code of conduct. *American Psychologist, 57,* 1060–1073. (Also available at http://www.apa.org/ethics/)

The Task Force looked to the APA Ethics Code for fundamental principles to guide its thinking. The Task Force found such principles in numerous aspects of the Ethics Code, such as the Preamble, "Psychologists respect and protect civil and human rights" and "[The Ethics Code] has as its goals the welfare and protection of the individuals and groups with whom psychologists work"; Principle A, Beneficence and Nonmaleficence, "In their professional actions, psychologists seek to safeguard the welfare and rights of those with whom they interact professionally and other affected persons"; Principle D, Justice, "Psychologists exercise reasonable judgment and take precautions to ensure that their potential biases, the boundaries of their competence, and the limitations of their expertise do not lead to or condone unjust practices"; and Principle E, Respect for People's Rights and Dignity. "Psychologists respect the dignity and worth of all people." The Task Force concluded that the Ethics Code is fundamentally sound in addressing the ethical dilemmas that arise in the context of national security-related work.

III. Twelve Statements Concerning Psychologists' Ethical Obligations in National Security-Related Work and Commentary on the Statements

1. Psychologists do not engage in, direct, support, facilitate, or offer training in torture or other cruel, inhuman, or degrading treatment. The Task Force endorses the 1986 Resolution Against Torture of the American Psychological Association Council of Representatives.[3] and the 1985 Joint Resolution Against Torture of the American Psychological Association and the American Psychiatric Association.[4] (Principle A. Beneficence and Nonmaleficence, and Ethical Standard 3.04, Avoiding Harm) The Task Force emphasizes that the Board of Directors' charge did not include an investigative or adjudicatory role and so the Task Force does not render any judgment concerning events that may or may not have occurred in national security-related settings. The Task Force nonetheless feels that an absolute statement against torture and other cruel, inhuman, or degrading treatment is appropriate.

2. Psychologists are alert to acts of torture and other cruel, inhuman, or degrading treatment and have an ethical responsibility to report these acts to the appropriate authorities. This ethical responsibility is rooted in the Preamble, "Psychologists respect and protect civil and human rights...the development of a dynamic set of ethical standards for psychologists' work-related conduct requires a personal commitment and lifelong effort to act ethically [and] to encourage ethical behavior by...colleagues," and Principle B. Fidelity and Responsibility, which states that psychologists "are concerned about the ethical compliance of their colleagues' scientific and professional conduct." (Ethical Standard 1.05, Reporting Ethical Violations) The Task Force notes that when fulfilling the obligation to respond to unethical behavior by reporting the behavior to appropriate authorities as a prelude to an adjudicatory process, psychologists guard against the names of individual psychologists being disseminated to the public. Inappropriate or premature public dissemination can expose psychologists to a risk of harm outside of established and appropriate legal and adjudicatory processes. (Ethical Standard 3.04, Avoiding Harm)

3. Psychologists who serve in the role of supporting an interrogation do not use health care related information from an individual's medical record to the detriment of the individual's safety and well-being. While information from a medical record may be helpful or necessary to ensure that an interrogation process remains safe, psychologists do not use such information to the detriment of an individual's safety and well-being. (Ethical Standards 3.04, Avoiding Harm, and 3.08, Exploitative Relationships)

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[3] American Psychological Association Council of Representatives. (1986). American Psychological Association resolution against torture. Retrieved from http://www.apa.org/about/division/cpmintematl.html#3

[4] American Psychiatric Association & American Psychological Association. (1985). Against torture: Joint resolution of the American Psychiatric Association and the American Psychological Association. Retrieved from http://www.psych.org/edu/other_res/lib_archives/archives/198506.pdf

4. Psychologists do not engage in behaviors that violate the laws of the United States, although psychologists may refuse for ethical reasons to follow laws or orders that are unjust or that violate basic principles of human rights. Psychologists involved in national security-related activities follow all applicable rules and regulations that govern their roles. Over the course of the recent United States military presence in locations such as Afghanistan, Iraq, and Cuba, such rules and regulations have been significantly developed and refined. Psychologists have an ethical responsibility to be informed of, familiar with, and follow the most recent applicable regulations and rules. The Task Force notes that certain rules and regulations incorporate texts that are fundamental to the treatment of individuals whose liberty has been curtailed, such as the United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and the Geneva Convention Relative to the Treatment of Prisoners of War.[5]

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) An ethical reason for psychologists to not follow the law is to act "in keeping with basic principles of human rights." (APA Ethics Code, Introduction and Applicability) The Task Force encourages psychologists working in this area to review essential human rights documents, such as the United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and the Geneva Convention Relative to the Treatment of Prisoners of War.[6]

5. Psychologists are aware of and clarify their role in situations where the nature of their professional identity and professional function may be ambiguous. Psychologists have a special responsibility to clarify their role in situations where individuals may have an incorrect impression that psychologists are serving in a health care provider role. (Ethical Standards 3.07, Third-Party Requests for Services, and 3.11, Psychological Services Delivered to or Through Organizations)

The Task Force noted that psychologists acting in the role of consultant to national security issues most often work closely with other professionals from various disciplines. As a consequence, psychologists rarely act alone or independently, but rather as part of a group of professionals who bring together a variety of skills and experiences in order to provide an ethically appropriate service. (Ethical Standard 3.09, Cooperating with Other Professionals)

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[5] United Nations. (1987, June 26). *Convention against torture and other cruel, inhuman or degrading treatment or punishment.* Retrieved from http://www.unhchr.ch/html/menu3/b/h_cat39.htm
United Nations. (1950, October 21). *Geneva convention relative to the treatment of prisoners of war.* Retrieved from http://www.unhchr.ch/html/menu3/b/91.htm

[6] Ibid.

APA_0088767

Regardless of their role, psychologists who are aware of an individual in need of health or mental health treatment may seek consultation regarding how to ensure that the individual receives needed care. (Principle A. Beneficence and Nonmaleficence)

6. Psychologists are sensitive to the problems inherent in mixing potentially inconsistent roles such as health care provider and consultant to an interrogation, and refrain from engaging in such multiple relationships. (Ethical Standard 3.05. Multiple Relationships. "A psychologist refrains from entering into a multiple relationship if the multiple relationship could reasonably be expected to impair the psychologist's objectivity, competence, or effectiveness in performing his or her functions as a psychologist, or otherwise risks exploitation or harm to the person with whom the professional relationship exists.")

7. Psychologists may serve in various national security-related roles, such as a consultant to an interrogation, in a manner that is consistent with the Ethics Code, and when doing so psychologists are mindful of factors unique to these roles and contexts that require special ethical consideration. The Task Force noted that psychologists have served in consultant roles to law enforcement on the state and federal levels for a considerable period of time. Psychologists have proven highly effective in lending assistance to law enforcement in the vital area of information gathering and have done so in an ethical manner. The Task Force noted special ethical considerations for psychologists serving as consultants to interrogation processes in national security-related settings, especially when individuals from countries other than the United States have been detained by United States authorities. Such ethical considerations include:

- How certain settings may instill in individuals a profound sense of powerlessness and may place individuals in considerable positions of disadvantage in terms of asserting their interests and rights. (Ethical Standards 1.01, Misuse of Psychologists' Work, and 3.08. Exploitative Relationships)
- How failures to understand aspects of individuals' culture and ethnicity may generate misunderstandings, compromise the efficacy and hence the safety of investigatory processes, and result in significant mental and physical harm. (Principle E, "Psychologists are aware of and respect cultural, individual, and role differences, including those based on...race, ethnicity, culture, national origin... and consider these factors when working with members of such groups"; Ethical Standard 2.01(b). Boundaries of Competence, "Where scientific or professional knowledge in the discipline of psychology establishes that an understanding of factors associated with...race, ethnicity, culture, national origin...is essential for effective implementation of their services or research, psychologists have or obtain the training, experience, consultation, or supervision necessary to ensure the competence of their services, or they make appropriate referrals..."; and Ethical Standard 3.01, Unfair Discrimination, "In their work-related activities, psychologists do not engage in unfair discrimination based on...race, ethnicity, culture, national origin...")

- How the combination of a setting's ambiguity with high stress may facilitate engaging in behaviors that cross the boundaries of competence and ethical propriety. As behavioral scientists, psychologists are trained to observe, respond to, and ideally correct such processes as they occur. (Principle A, Beneficence and Nonmaleficence, and Ethical Standard 3.04, Avoiding Harm)

8. Psychologists who consult on interrogation techniques are mindful that the individual being interrogated may not have engaged in untoward behavior and may not have information of interest to the interrogator. This ethical obligation is not diminished by the nature of an individual's acts prior to detainment or the likelihood of the individual having relevant information. At all times psychologists remain mindful of and abide by the prohibitions against engaging in or facilitating torture and other cruel, inhuman, or degrading treatment. Psychologists inform themselves about research regarding the most effective and humane methods of obtaining information and become familiar with how culture may interact with the techniques consulted upon. (Principle E, Respect for Peoples' Rights and Dignity; Ethical Standards 2.01, Boundaries of Competence; 2.03, Maintaining Competence; and 3.01, Unfair Discrimination)

9. Psychologists make clear the limits of confidentiality. (Ethical Standard 4.02, Discussing the Limits of Confidentiality). Psychologists who have access to, utilize, or share health or mental health related information do so with an awareness of the sensitivity of such information, keeping in mind that "Psychologists have a primary obligation and take reasonable precautions to protect confidential information..." (Ethical Standard 4.01, Maintaining Confidentiality) When disclosing sensitive information, psychologists share the minimum amount of information necessary, and only with individuals who have a clear professional purpose for obtaining the information. (Ethical Standard 4.04, Minimizing Intrusions on Privacy) Psychologists take care not to leave a misimpression that information is confidential when in fact it is not. (Ethical Standards 3.10, Informed Consent, and 4.02, Discussing the Limits of Confidentiality)

10. Psychologists are aware of and do not act beyond their competencies, except in unusual circumstances, such as set forth in the Ethics Code. (Ethical Standard 2.02, Providing Services in Emergencies) Psychologists strive to ensure that they rely on methods that are effective, in addition to being safe, legal, and ethical. (Ethical Standards 2.01, Boundaries of Competence; 2.04, Bases for Scientific and Professional Judgments; 9.01, Bases for Assessments)

11. Psychologists clarify for themselves the identity of their client and retain ethical obligations to individuals who are not their clients. (Ethical Standards 3.07, Third-Party Requests for Services, and 3.11, Psychological Services Delivered to or Through Organizations) Regardless of whether an individual is considered a client, psychologists have an ethical obligation to ensure that their activities in relation to the individual are safe, legal, and ethical. (Ethical Standard 3.04, Avoiding Harm) Sensitivity to the entirety of a psychologist's ethical obligations is especially important where, because of a setting's unique characteristics, an individual may not be fully able to assert relevant rights and interests. (Principle A, Beneficence and Nonmaleficence, "In their professional

actions, psychologists seek to safeguard the welfare and rights of those with whom they interact professionally and other affected persons..."; Principle D. Justice, "Psychologists exercise reasonable judgment and take precautions to ensure that their potential biases, the boundaries of their competence, and the limitations of their expertise do not lead to or condone unjust practices"; Principle E, Respect for People's Rights and Dignity, "Psychologists are aware that special safeguards may be necessary to protect the rights and welfare of persons or communities whose vulnerabilities impair autonomous decision making"; Ethical Standard 3.08, Exploitative Relationships)

12. Psychologists consult when they are facing difficult ethical dilemmas. The Task Force was emphatic that consultation on ethics questions and dilemmas is highly appropriate for psychologists at all levels of experience, especially in this very challenging and ethically complex area of practice. (Preamble to the Ethics Code, "The development of a dynamic set of ethical standards for psychologists' work-related conduct requires a personal commitment and lifelong effort to act ethically...and to consult with others concerning ethical problems"; and Ethical Standard 4.06, Consultations)

The Task Force drew several other conclusions:

- The development of professional skills and competencies, ethical consultation and ethical self-reflection, and a willingness to take responsibility for one's own ethical behavior are the best ways to ensure that the national security-related activities of psychologists are safe, legal, ethical, and effective.
- It is critical to offer ethical guidance and support especially to psychologists at the beginning of their careers, who may experience pressures to engage in unethical or inappropriate behaviors that they are likely to find difficult to resist.
- APA should develop a process whereby psychologists whose work involves classified material and who need ethical guidance or consultation may consult their national organization for assistance and support.
- Psychologists should encourage and engage in further research to evaluate and enhance the efficacy and effectiveness of the application of psychological science to issues, concerns and operations relevant to national security. One focus of a broad program of research is to examine the efficacy and effectiveness of information-gathering techniques, with an emphasis on the quality of information obtained. In addition, psychologists should examine the psychological effects of conducting interrogations on the interrogators themselves to explore ways of helping to ensure that the process of gathering information is likely to remain within ethical boundaries. Also valuable will be research on cultural differences in the psychological impact of particular information-gathering methods and what constitutes cruel, inhuman, or degrading treatment.
- The Task Force noted a potential area of tension between conducting research that is classified or whose success could be compromised if the research purpose and/or methodology become known and ethical standards that require

debriefing after participation in a study as a research subject. (Ethical Standards 8.07, Deception in Research, and 8.08, Debriefing) APA should identify and further examine the ethical dimensions of such tensions.

- Psychologists working in this area should inform themselves of how culture and ethnicity interact with investigative or information-gathering techniques, with special attention to how failing to attend to such factors may result in harm.

The Task Force engaged in vigorous discussion and debate and did not reach consensus on several issues:

- *The role of human rights standards in an ethics code.* While all Task Force members felt that respect for human rights is critical, some task force members felt strongly that international standards of human rights should be built into the ethics code and others felt that the laws of the United States should be the touchstone.
- *The degree to which psychologists may ethically disguise the nature and purpose of their work.* While all members of the Task Force agreed that full disclosure of the nature and purpose of a psychologist's work is not ethically required or appropriate in every circumstance, members differed on the degree to which psychologists may ethically dissemble their activities from individuals whom they engage directly.
- *Whether the discussions of the Task Force should have been made available outside the Task Force.* Some members believed that sharing the substance of the discussions, debates, and disagreements of the Task Force would be helpful to others in fostering the development of professional ethics in other areas of national security. Others felt that not sharing information beyond this report and other public statements would facilitate richer and more productive exchanges during the Task Force meeting. The Task Force voted on this issue. By a vote of seven to one, with one abstention, the Task Force voted to limit what information is disclosed concerning its deliberations to this report and other public statements made by the Task Force as a whole.

APA_0088767

III. Recommendations

The Task Force recommends that APA:

1. Publicly reaffirm its 1986 Resolution Against Torture and Other Cruel. Inhuman, or Degrading Treatment.
2. Develop a document that will serve as a companion to the 12 statements contained in this report, for the purpose of providing illustrative examples and commentary. Such a document will be especially important if APA adopts the statements as guidelines or if the Ethics Committee deems the statements appropriate interpretations and applications of the Ethics Code.
3. Continue to examine the goodness of fit between the Ethics Code and this area of practice. While the Task Force believes the Ethics Code is fundamentally sound and adequately addresses the great majority of ethical dilemmas that arise in national security-related settings. there are certain aspects in which the Code does not speak as well to this area of practice as the Code speaks to other areas of practice. The Task Force believes the Ethics Committee could undertake this task.
4. Develop a process to offer ethics consultation to psychologists whose work involves classified material and who seek ethical guidance.
5. Continue to develop a strong relationship with psychologists working in national security-related settings, with special attention to the unique ethical challenges these psychologists confront in their daily work, and collaborate with organizations having national security-related responsibilities to promote psychological practice consistent with APA Ethical Standards.
6. Forward a copy of this Task Force Report, or a summary of the report, to the United States Department of Defense and other relevant government agencies and bodies, as the government develops policy on these complicated and challenging ethical issues.
7. Encourage psychologists to engage in further research relevant to national security. including evaluation of the efficacy and effectiveness of methods for gathering information that is accurate. relevant, and reliable. Such research should be designed to minimize risks to research participants such as emotional distress, and should be consistent with standards of human subject research protection and the APA Ethics Code.
8. Recognize that issues involving terrorism and national security affect citizens in all countries and so encourage behavioral scientists to collaborate across disciplines, cultures, and countries in addressing these concerns.
9. Consider supporting the creation of a repository to record psychologists' contributions to national security. Such information, divided into classified and unclassified sections, could serve as a historical record and a resource concerning how psychologists involved in national security-related activities have met the ethical challenges of their work.

APA_0088767

10. View the work of this Task Force as an initial step in addressing the very complicated and challenging ethical dilemmas that confront psychologists working in national security-related activities. Viewed as an initial step in a continuing process, this report will ideally assist APA to engage in thoughtful reflection of complex ethical considerations in an area of psychological practice that is likely to expand significantly in coming years.

APA_0088767

REPORT OF THE COUNCIL ON ETHICAL AND JUDICIAL AFFAIRS*[2]
CEJA Report 10-A-06

Subject: Physician Participation in Interrogation (Res. 1, I-05)

Presented by: Priscilla Ray, MD, Chair

Referred to: Reference Committee on Amendments to Constitution and Bylaws

(Joseph H. Reichman, MD, Chair)

INTRODUCTION

At the 2005 Interim Meeting, the House of Delegates adopted amended Resolution 1, I-05, "Physician Participation in the Interrogation of Prisoners and Detainees," which directed the Council on Ethical and Judicial Affairs to delineate the boundaries of ethical practice with respect to physicians' participation in the interrogation of prisoners and detainees.

The resolution arose from concerns in recent years regarding the role of physicians in interrogation practices, including involvement as Behavioral Science Consultants to advise interrogators. [i, ii, iii, iv, v] This report focuses on the role of physicians in the interrogation process in the specific contexts of domestic law enforcement and military or national security intelligence gathering.

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* Reports of the Council on Ethical and Judicial Affairs are assigned to the reference committee on Constitution and Bylaws. They may be adopted, not adopted, or referred. A report may not be amended, except to clarify the meaning of the report and only with the concurrence of the Council.

[2] NOTE: The Council on Ethical and Judicial Affairs presents CEJA Report 10, A-06, "Physician Participation in Interrogation," as a Late Report, acknowledging that this limits the time during which Delegates can review the full report. However, the Council sought input from a large number of interested organizations and individuals by sharing an early draft of the Report. Because this topic has been the focus of considerable ongoing public debate, the Council believes it is in the best interest of the AMA and particularly of colleagues currently serving in the military to present the Report to the House at this time, as a Late Report.

The Council considers that the time required to process the wide range of comments that were solicited, which resulted in the delay in submitting this Report to the House, was time well spent. After thorough reflection and deliberation on the broad spectrum of sharply conflicting opinions of reviewers, the Report now strongly and clearly describes the ethics of physicians as they relate to interrogations. The Council members are deeply grateful to all those who participated in this process.

Encl 2

ELEMENTS OF THE DEBATE

Interrogation: Definition and Description

For the purpose of this Report, we define a "detainee" as a criminal suspect, prisoner of war, or any other individual who is detained and is potentially subject to interrogation. An individual who undergoes interrogation is referred to as an "interrogatee." Most broadly, interrogation has been defined as formal and systematic questioning.[vi] However, in this Report, we define interrogation more narrowly, as questioning related to law enforcement or to military and national security intelligence gathering designed to prevent the occurrence or recurrence of harm or danger to individuals, the public, or national security. The interrogation aims to elicit information from a detainee that is useful to the purposes of the interrogators. Interrogations are also distinct from questioning used to assess the medical condition of an individual or to determine mental status. Accordingly, forensic medicine practices that include assessing competence to stand trial or criminal responsibility, and pre-sentencing evaluations are excluded from this report. Appropriate interrogations should be carefully distinguished from those coupled with coercive acts that are intended to intimidate and that may cause harm through physical injury or mental suffering. In general, this Report does not address participation of physicians in developing strategies to deal with individuals who are not in detention, such as negotiations with hostage takers and profiling of criminal suspects. From the physician's perspective, an interrogation is distinct from questioning conducted for purposes of making a diagnosis, assessing physical capacity, or determining mental capacity related to legal status.

The military and related government agencies refer to interrogations, debriefings and tactical questioning as a means to gain intelligence from captured or detained personnel.[vii] The Army Field Manual further defines interrogation as "the process of questioning a source to obtain the maximum amount of usable information. The goal is to obtain reliable information in a lawful manner, in a minimum amount of time, and to satisfy intelligence requirements of any echelon of command."[viii]

Interrogation Techniques

The Army Field Manual provides detailed guidance on interrogations and describes methods to establish rapport with or exert control over a detainee. Specific psychological strategies that rely primarily on incentives, emotions, fear, pride and ego are generally considered acceptable, although it is recognized that approaches that rely on fear presents "the greatest potential to violate the law of war." [viii]
Significant concerns regarding interrogations arise from the risk of abuse. Domestic and international law prohibit the use of coercive interrogations that might involve the application of mild to severe physical or mental force. [ix, x]

In criminal law, coercion or undue intimidation violates the rights of individuals being interrogated. Moreover, such abuses can undermine the veracity of information derived

from an interrogation and can jeopardize subsequent legal proceedings intended to establish true facts about a crime.xi Therefore, safeguards of due process have been placed on interrogatory powers in order to protect against coercive techniques.xii Actions by law enforcement agents may be legally reviewed, and information gathered by coercive means may be rejected from court proceedings.

Policies that traditionally have governed military or national security interrogations expressly prohibit "acts of violence or intimidation, including physical or mental torture, threats, insults, or exposure to inhumane treatment as a means of or aid to interrogations." [viii] Thus, there are limits to manipulating or exploiting an individual's physical and mental status to elicit information. These limits are grounded in the Geneva Conventions, which in part state: "No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind."[xiii]

Similar limitations are found in the United Nations' Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which prohibits "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession [...]." [xiv] Accordingly, determining the point at which any interrogation becomes coercive is of great significance. While physicians can provide insights into the physically and mentally harmful effects of interrogation practices, they alone cannot authoritatively define the tipping point between appropriate and inappropriate interrogation practices.

PHYSICIANS AND THE INTERROGATION PROCESS

Some physicians, most often psychiatrists, may engage in activities that are closely linked to interrogations. For example, in the course of criminal proceedings, physicians may be asked to assess the mental condition of an individual who is to be interrogated, either to prevent an interrogation that would be harmful to the individual's healthxv or to identify mental impairments that could negate the value of disclosed information. Other assessments may include the determination of an individual's mental competency to stand trial, or the availability of the insanity defense. Physicians sometimes provide consultations to law enforcement officers regarding fruitful approaches to interacting with suspects, for example, in criminal profiling and hostage negotiations. Specific guidelines for ethical behavior of psychiatrists serving as forensic consultants have been developed by the American Academy of Psychiatry and the Law.[xvi] In most of these examples, a physician's training and skills help determine whether a mental impairment exists that would have some bearing on legal proceedings.[xvii] The physician's primary aim is not to persuade the individual to reveal incriminating information, although such information may be revealed as a secondary consequence of questioning. Similarly, the determination of physical or mental impairments may bear

on administrative proceedings, such as eligibility to receive funds or services, but these assessments are also distinct from interrogations as defined in this report.

General Arguments for and against Physician Involvement in the Interrogation Process

Without being coercive, interrogations rely on psychological manipulation producing stress, anxiety, or other forms of discomfort. The physical or mental impact of these practices may justify a role for physicians in interrogations. [xviii] Physicians could enhance the likelihood of successful interrogation by identifying useful strategies, providing information that may be useful during questioning, or putting interrogatees at ease. Furthermore, physicians could protect interrogatees if, by monitoring, they prevent coercive interrogations. However, physician involvement could also lead to the belief on the part of interrogators that they can escalate the use of force until the physician intervenes. [xix, xx]

From the perspective of ethical responsibilities, all physicians who engage in activities that rely on their medical knowledge and skills must uphold the principles of beneficence and non-malfeasance and refrain from participating in situations that may cause harm without corresponding benefit. They must also respect patient autonomy and must protect the confidentiality of personal information, unless breaching them is clearly justified by tenets of medical ethics. Some benefits of interrogation may accrue to the detainee or to other individuals (e.g., exoneration from a crime), but the intention of interrogation is not to benefit the detainee; rather, it is to protect the public or other individuals from harm due to domestic or foreign threats. These are laudable goals, but it is not clear that the medical knowledge and skills of physicians should be used for purposes unrelated to medicine or health to further the interests of groups against those of individuals, such as detainees. Striking a balance between obligations to individuals and obligations to society may be difficult, but when the obligations seem approximately equal, the weight should shift toward individuals.

The principles of respect for autonomy, beneficence, non-malfeasance and protection of confidentiality are at risk of being violated during interrogations. Therefore, it is essential that the ethical role of physicians in interrogations be clearly defined.

Physicians' Dual Loyalties

In the clinical setting, physicians' obligations are first to their patients. However, in many other settings, physicians confront dual loyalties, which place the medical interests of the individuals with whom they interact in tension or conflict with those of third parties to whom the physicians are accountable. For example, when a physician assesses an employee's health for an employer, the physician has certain ethical responsibilities to the examinee as well as contractual responsibilities to the employer. However, the AMA's Code of Medical Ethics makes clear that the physician must not fulfill responsibilities to the employer in a manner that is detrimental to the employee's

medical condition,xxi nor disclose medical information without the consent of the employee. [xxii]

Physicians who provide medical care in detention or correctional facilities face divided loyalties: to the medical interests of the detainees and respect for their (legally limited) autonomy, and to the correctional facility's control over detainees and need for information. Concerns are heightened when interrogations are conducted. [xxiii] Some, including military and government officials,[xxiv, xxv] have suggested that physicians who do not provide medical care to interrogatees are not bound by physicians' ethical obligations to patients because they act outside of the patient-physician relationship. However, various Opinions in the AMA's Code of Medical Ethics suggest that physician interactions under the authority of third parties are governed by the same ethical principles as interactions involving patients.[xxvi] Physicians must apply medical knowledge and skills within the profession's ethical standards, which are distinct from and often more stringent than those of the law.

Confidentiality of Detainee Information

Confidentiality is of particular concern when physicians provide medical care in settings where interrogations might occur. Interrogators might believe that interrogation will be more effective if informed by medical information, and might pressure physicians to share information obtained in the course of a patient-physician encounter. Opinion E-5.05, "Confidentiality," places great emphasis on the confidentiality of personal information that patients provide to physicians. The Opinion recognizes limited circumstances in which breaching confidentiality may be justifiable, for example, disclosures related to foreseeable and preventable harm to identifiable third parties. It is otherwise unethical to divulge personal information without the authorization of the patient. When medical records belong to the detention facility, physicians should warn detainee-patients that the information they provide for the medical record is accessible to facility authorities.

Moreover, in the context of physician employment by third parties, information should not be communicated to the third party without prior notification of the interrogatee that any information they provide may be passed on to a third party. [xxii] The fact that interrogation may be legally mandated or protected does not ethically justify communication of confidential information by a physician without notification and the individual's approval.

Specific Roles

To assess the ethics of physician involvement in interrogations, it is useful to distinguish various activities in which physicians may be involved.

Physicians are ethically justified in acting to prevent harm to individuals. In this regard, the suggestion that physicians should observe or monitor interrogations to prevent harm

requires careful scrutiny. As defined in this report, appropriate interrogations present no reason for medical monitoring, because interrogators ought to abstain from coercive questioning. Physicians can determine that harm has been inflicted but, in many instances, cannot predict whether an interrogation practice will or will not cause harm.

Physicians may be asked to determine the overall medical fitness of detainees or their mental capacity, and to use their knowledge and skills to assess the health of detainees; questioning to elicit medical information of this kind is distinct from interrogations and is appropriate. The presence of a physician at an interrogation, particularly an appropriately trained psychiatrist, may actually benefit the interrogatee because of the belief held by many psychiatrists that kind and compassionate treatment of detainees can establish trust that may result in eliciting more useful information. However, physicians who provide medical care to detainees should not be involved in decisions whether or not to interrogate because such decisions are unrelated to medicine or the health interests of an individual.

A physician may be requested or required to treat a detainee to restore capacity to undergo interrogation. If there is no reason to believe that the interrogation was coercive, there is no ethical problem. As with all patients, physicians should not treat detainees without their consent (see Opinion E-8.08, "Informed Consent"). Moreover, in obtaining consent for treatment, implications of restoring health, including disclosure that the patient may be interrogated or an interrogation may be resumed, must be disclosed. If a physician identifies physical or psychological injuries that are likely to have occurred during an interrogation, the physician must report such suspected or known abusive practices to appropriate authorities.

Development of interrogation strategies constitutes indirect involvement in interrogation. Specific guidance by a physician regarding a particular detainee based on medical information that he or she originally obtained for medical purposes constitutes an unacceptable breach of confidentiality. Moreover, it is unethical for a physician to provide assistance in a coercive activity, because such activities fundamentally undermine the respect for individual rights that is basic to medical ethics. The question of whether it is ethically appropriate for physicians to participate in the development of interrogation strategies may be addressed by balancing obligations to society against those to individuals, as noted in the above section on "General Arguments". Direct participation in an individual interrogation is not justified, because physicians in the role of interrogators undermines their role as healers and thereby erodes trust in both themselves as caregivers and in the medical profession, and non-medical personnel can be trained to be expert interrogators. But a physician may help to develop general guidelines or strategies, as long as they are not coercive and are neither intended nor likely to cause harm, and as long as the physician's role is strictly that of consultant, not as caregiver.

Any physician involved with individuals who will undergo or have undergone interrogations should have current knowledge of known harms of interrogation

techniques. For example, some research has shown that isolation is a harmful interrogation tactic.[xxvii] Once an interrogation strategy is shown to produce significant harm, whether immediate or long term, it should be reported to appropriate authorities so that its use can be prohibited. If responsible authorities do not prohibit a clearly harmful interrogation strategy, physicians are ethically obligated to report the offenses to independent authorities that have the power to investigate or adjudicate such allegations.

CONCLUSION

The practice of medicine is based on trust. Physicians are expected to care for patients without regard to medically irrelevant personal characteristics. This fundamental tenet of medical ethics underlies the doctrine of medical neutrality, whereby in times of war physicians are expected to treat casualties within triage protocols, irrespective of patients' military or civilian status.

Any physician involvement with detainees who may undergo interrogation must be guided by the same ethical precepts that govern the provision of medical care, never using medical skills and knowledge to intentionally or knowingly harm a patient without corresponding benefit, and respecting patient autonomy by obtaining consent to the provision of care and protecting confidential information. Physicians have long dealt with problems of dual loyalties in forensic roles and as employees of government and business. The same ethical considerations that guide physicians under those circumstances also guide them in matters related to interrogation. Physicians in all circumstances must never be involved in activities that are physically or mentally coercive. If physicians engage in such activities, the whole profession is tainted.

Questions about the ethical propriety of physicians participating in interrogations and in the development of interrogation strategies may be addressed by balancing obligations to society with obligations to individuals. Direct participation in interrogation of an individual detainee is not justified, because non-medical personnel can be trained to be expert interrogators, minimizing the need for presence of a physician. But, out of an obligation to aid in protecting third parties and the public, a physician may help to develop general guidelines or strategies for interrogations, as long as the strategies are not coercive, and as long as the physician's role is strictly that of consultant, not as caregiver.

RECOMMENDATIONS

The Council on Ethical and Judicial Affairs recommends that the following be adopted and the remainder of this report be filed:

For this report, we define interrogation as questioning related to law enforcement or to military and national security intelligence gathering, designed to prevent harm or danger to individuals, the public, or national security. Interrogations are distinct from

questioning used by physicians to assess the physical or mental condition of an individual. To be appropriate, interrogations must avoid the use of coercion — that is, threatening or causing harm through physical injury or mental suffering. We define a "detainee" as a criminal suspect, prisoner of war, or any other individual who is being held involuntarily by legitimate authorities.

Physicians who engage in any activity that relies on their medical knowledge and skills must continue to uphold ethical principles. Questions about the propriety of physician participation in interrogations and in the development of interrogation strategies may be addressed by balancing obligations to individuals with obligations to protect third parties and the public. The further removed the physician is from direct involvement with a detainee, the more justifiable is a role serving the public interest. Applying this general approach, physician involvement with interrogations during law enforcement or intelligence gathering should be guided by the following:

1. Physicians may perform physical and mental assessments of detainees to determine the need for and to provide medical care. When so doing, physicians must disclose to the detainee the extent to which others have access to information included in medical records. Treatment must never be conditional on a patient's participation in an interrogation.

2. Physicians must neither conduct nor directly participate in an interrogation, because a role as physician-interrogator undermines the physician's role as healer and thereby erodes trust in the individual physician-interrogator and in the medical profession.

3. Physicians must not monitor interrogations with the intention of intervening in the process, because this constitutes direct participation in interrogation.

4. Physicians may participate in developing effective interrogation strategies for general training purposes. These strategies must not threaten or cause physical injury or mental suffering and must be humane and respect the rights of individuals.

5. When physicians have reason to believe that interrogations are coercive, they must report their observations to the appropriate authorities. If authorities are aware of coercive interrogations but have not intervened, physicians are ethically obligated to report the offenses to independent authorities that have the power to investigate or adjudicate such allegations. (New HOD/CEJA Policy)

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[i] Wilks M. A Stain on Medical Ethics. *Lancet*. 2005;366:429-431.
[ii] Sleven P, Stephens J. Detainees' medical files shared. *Washington Post*. June 20, 2004: A1.
[iii] Lifton R. Doctors and Torture. *N Engl J Med*. 2004;351:415-416.
[iv] Bloche M, Marks J. When Doctors Go to War. *N Engl J Med*. 2005;352:3-6.
[v] Lewis N. Interrogators cite doctors' aid at Guantanamo. *New York Times*. June 24, 2004: A1.
[vi] Black's Law Dictionary (8th ed. 2004).
[vii] US Dept of Defense. *Intelligence Interrogations, Detainee Debriefings, and Tactical Questioning*. DoD Directive 3115.09; November 3, 2005

[viii] US Dept of Defense. *Army Field Manual 34-52*. P. 1-6.
[ix] Galvin R. The Complex World of Military Medicine: A Conversation with William Winkenwerder. *Health Aff*. 2005;W5:353-360.
[x] Elsner A. Experts see medical ethics violations at Guantanamo. *Reuters*. February 24, 2006.
[xi] American courts recognize that confessions elicited by physical intimidation are involuntary and may not be admitted against the confessor at trial. Additionally, under certain circumstances threats, deception, and trickery may render a confession involuntary and inadmissible. 29 Am. Jur. 2d Evidence § 731.
[xii] The Fifth and Fourteenth Amendments to the Constitution protect individuals against involuntary self-incriminating statements. *Dickerson v. United States*, 530 U.S. 428 (2000); *Miranda v. Arizona*, 384 U.S. 436 (1966).
[xiii] Geneva Convention III, Article 17
[xiv] UN Convention Against Torture, Pt. I, Art. 1, § 1.
[xv] Jones P, Appelbaum P, and Siegel D. Law Enforcement Interviews of Hospital Patients: A Conundrum for Clinicians. *JAMA*. 2006;295:822-825.
[xvi] American Academy of Psychiatry and the Law. Ethics Guidelines Web site. Available at: http://www.aapl.org/ethics.htm. Accessed June 1, 2006.
[xvii] 72 A.L.R. 5th 529.
[xviii] Okie, S. Glimpses of Guantanamo—Medical Ethics and the War on Terror. *N Engl J Med*. 2005;353:2529-2534.
[xix] Bloche M, Marks J. Doctors and Interrogators at Guantanamo Bay. *N Engl J Med*. 2005;353:6-8.
[xx] See Milgram, S, 1963. Behavioral study of obedience. *Journal of Abnormal and Social Psychology*, which suggests that subjects are more likely to inflict greater harm if under the supervision of an authoritative supervisor.
[xxi] Council on Ethical and Judicial Affairs of the American Medical Association, "Opinion E-10.03, Patient-Physician Relationship in the Context of Work-Related and Independent Medical Examinations." In: *Code of Medical Ethics*. Chicago, AMA Press, 2004.
[xxii] Council on Ethical and Judicial Affairs of the American Medical Association, "Opinion E-5.09, Confidentiality: Industry-Employed Physicians and Independent Medical Examiners." In: *Code of Medical Ethics*. Chicago, AMA Press, 2004.
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[xxiv] US Dept of Defense. *Medical Program Principles and Procedures for the Protection and Treatment of Detainees in the Custody of the Armed Forces of the United States*. HA Policy 05-006; June 3, 2005.
[xxv] US Dept of Defense. *Medical Program Support for Detainee Operations*, Instruction 2310.08E, June 6, 2006.
[xxvi] Council on Ethical and Judicial Affairs of the American Medical Association, "Opinion E-2.06, Capital Punishment" and "Opinion E-2.065, Court-Initiated Medical Treatments in Criminal Cases." In: *Code of Medical Ethics*. Chicago, AMA Press, 2004.
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Sender:	louie.morgan.banks@us.army.mil
Sent:	Thursday, October 26, 2006 11:57:12 AM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	Re: RE: More Confidential

I always hate to make decisions based on what evil people will do. However,

Steve,

Psychologists, if exposed to the medical information, will use it to prevent harm. That is one of their missions. Not to provide medical care, but to keep bad things from happening. If having access to this medical information prevents that, then it is good. There is an assumption being made that interrogations are somehow evil. The psychologists may not provide medical care. They may not use medical information in a manner that is detrimental to a detainee. If we are saying that the only way a psychologist could do that is by not ever seeing medical information, then I strongly disagree.

We worded the TF report so that this would not be precluded. I know how to do lots of illegal acts, it does not follow that I perform them. I have access to information that I can misuse all the time, why is this different? If we are really saying that the interrogation personnel will have access to some of this, and the psychologist will not -- that doesn't make sense to me.

Now, having said all that, if there is a way to complete the mission without the PR risk, that may be the right decision, I just want to be clear that I do not think it is an ethical requirement.

Morgan

----- Original Message -----

From: "Behnke, Stephen" <sbehnke@apa.org>

Date: Thursday, October 26, 2006 3:50 am

Subject: RE: More Confidential

> Morgan, I realize I am perseverating here, but the ramifications
> if this
> information came out in the media are significant. People like Neil
> Lewis, Bloche, and Marks would claim that this proves their point:
> These roles are inevitably commingled. They would argue 1) If
> psychologist/consultants aren't going to use the information, why do
> they need to be present when the information is discussed? 2)
> Once the
> information is in their heads, is it realistic to expect that they
> won'tuse it, even if inadvertently? 3) If the purpose of communicating
> information is to keep the interrogation safe, can't the medical
> peoplesimply communicate behavioral restrictions to the
> interrogators? 4) The

> psychologist/consultant's presence in the room inevitably blurs the
> distinction between the two roles, and that "blurring" will likely be
> felt in other parts of the interrogation process and/or with
> interrogation personnel.
>
>
>
> I realize that I was forceful with Carrie, but we need to respect the
> impact this would have if it found its way into the New York
> Times, the
> New Yorker, or Vanity Fair.
>
>
>
> Steve
>
>
>
> _____
>
> From: louie.morgan.banks@us.army.mil
> [mailto:louie.morgan.banks@us.army.mil]
> Sent: Wednesday, October 25, 2006 5:45 PM
> To: Behnke, Stephen
> Subject: Re: More Confidential
>
>
>
> You make a strong case, counselor. I have very mixed feelings on it.
> Like I said earlier, I have argued against it in the past. If the
> commander is the only person who gets the info, then the policy of not
> letting the psychologists attend makes sense. If the
> psychologists are
> the only people excluded from the meeting, then it becomes pointless.
>
> Morgan
>
>
>
> ----- Original Message -----
>
> From: "Behnke, Stephen" <sbehnke@apa.org>
>
> Date: Wednesday, October 25, 2006 4:09 pm
>
> Subject: More Confidential
>
> > >
> > >
> > >
> > >

> > _____
> >
> > From: Behnke, Stephen
> > Sent: Wednesday, October 25, 2006 12:07 PM
> > To: 'Kennedy, Carrie H LCDR USSOUTHCOM JTFGTMO'
> > Subject: RE: Help
> >
> >
> >
> > Carrie, let me emphasize this point strongly: please see
> statement
> > seven, regarding multiple relationships. According to the PENS
> > report,there must be an absolute demarcation between the role of
> > consultant to
> > an interrogation and health care provider. These roles must not
> be
> > mixed. Access to information is mixing the roles. Consider this
> > analogy: A jury may have access to information, but is not
> > permitted to
> > use the information-we would all agree, I believe, that the
> ethical
> > position is not to allow the jury access to information that it
> > may not
> > use.
> >
> >
> >
> > Also, please note: were it to emerge in the media that BSCT
> > psychologists were present at meetings in which medical and
> mental
> > health information were being discussed, we would have a
> disaster
> > on our
> > hands. I cannot overemphasize what a problem this would create.
> >
> >
> >
> > Steve
> >
> >
> >
> > _____
> >
> > From: Kennedy, Carrie H LCDR USSOUTHCOM JTFGTMO
> > [mailto:Carrie.H.Kennedy@jtfgtmo.southcom.mil]
> > Sent: Wednesday, October 25, 2006 11:50 AM
> > To: Behnke, Stephen
> > Subject: RE: Help
> >
> >
> >

> > Steve,
> >
> >
> >
> > I think where they are going to fight is Statement #3 which
> states
> > thatthey can't use the information to the detriment of a
> detainee
> > but that
> > some may be helpful or necessary... The issue isn't that they
> > want to
> > treat the detainee, they believe that there is no dilemma in
> being
> > present when the information is being passed from the providers.
> >
> >
> >
> > I would appreciate anything tangible that the Admiral can use to
> > justifythe continuation of the current procedure. He is
> > philosophicallyagainst having this occur, but he needs some
> backup.
> >
> >
> >
> > Carrie
> >
> >
> >
> > Carrie H. Kennedy
> >
> > LCDR/MSC/USNR
> > Chief, Behavioral Health Services
> > Detention Hospital
> > JTF-GTMO
> > DSN: 660-3744/3060
> > Comm: 011-5399-3744/3060
> >
> > _____
> >
> > From: Behnke, Stephen [mailto:sbehnke@apa.org]
> > Sent: Wednesday, October 25, 2006 11:12 AM
> > To: Kennedy, Carrie H LCDR USSOUTHCOM JTFGTMO
> > Subject: RE: Help
> >
> >
> >
> > Carrie, thank you for writing. We must be clear: the PENS report
> > makesan absolute demarcation between the role of consultant to
> an
> > interrogation and that of health service provider. I can assist
> I

> > getting further information for you, but the report is very
> clear on
> > this point.
> >
> >
> >
> > It would cause a GREAT stir if it became known that BSCT
> psychologists
> > were present in meetings in which medical and mental health
> patient
> > information are discussed. This is precisely the sort of
> commingling
> > that the PENS report addresses.
> >
> >
> >
> > Steve
> >
> >
> >
> > _____
> >
> > From: Kennedy, Carrie H LCDR USSOUTHCOM JTFGTMO
> > [mailto:Carrie.H.Kennedy@jtfgtmo.southcom.mil]
> > Sent: Wednesday, October 25, 2006 10:53 AM
> > To: Behnke, Stephen
> > Subject: Help
> >
> >
> >
> > Steve,
> >
> >
> >
> > As you know, I'm currently down here in GTMO working as a
> clinical
> > psychologist for the detainees. I am having a problem that I
> hope you
> > can help with. In short, the BSCT psychologists are upset
> because
> > theyhave been excluded from the portion of a command meeting in
> > which both
> > medical and mental health patient information is discussed. They
> > believe that there is no ethical violation in hearing this
> information
> > because they "would never use that information against a
> > detainee."
> >
> >
> >
> > As you know, I am all for operational psychology and

> > psychologists. But
> > in that same light I am not willing to put us both in jeopardy
> by
> > doingsomething that seems fundamentally over the line. I would
> really
> > appreciate your opinion on this matter. There is a meeting about
> this
> > issue on Friday in which the Admiral will be making a decision.
> Is
> > there any way to have your thoughts by Friday morning? I am
> outlining
> > what I think is pertinent in the ethics code and the PENS report
> > but I
> > think it would be good to get a third party opinion.
> >
> >
> >
> > Many thanks,
> >
> >
> >
> > Carrie
> >
> >
> >
> > Carrie H. Kennedy
> >
> > LCDR/MSC/USNR
> > Chief, Behavioral Health Services
> > Detention Hospital
> > JTF-GTMO
> > DSN: 660-3744/3060
> > Comm: 011-5399-3744/3060
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Sender:	louie.morgan.banks@us.army.mil
Sent:	Wednesday, October 25, 2006 5:39:16 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	Re: COMPLETELY CONFIDENTIAL

Steve,

This is a tough one. I will try to give you both sides (although I think you are already very familiar with one side).

It is important that some medical information be shared with the command, and that actually may include the interrogators. For example, if a detainee has TB, this needs to be known to everyone. As you and I have discussed, if a detainee were diabetic, that would also need to be known. How should this information be transmitted to the interrogators. Remember, the US position is that there is no right to absolute confidentiality by a detainee. At some locations, the psychologist, because of his or her ethical standards, is seen as the one person who can appropriately transmit that information. The TF stated that medical information should not be used in a manner detrimental to the detainee. In this case, the medical information is being used to properly protect the detainee in an ethically appropriate manner. One question I would ask is: Who else attends these meetings?

I am not fond of the psychologist being put in this position, but after much discussion, the command may want to use the psychologist to assist here. I guess the real question would be who has access to this information? In addition, I would look at the PR question in the same light. Is the psychologist the only person supporting interrogations who his present at the meeting? If so, then there is a good point to argue that someone else, other than the psychologist, can transmit the information.

I have actually argued to keep them out of this role in the past. However, if, for example, the senior interrogator is present when this info is presented, then there is little reason for the psychologist not to be there. If no one who is actually involved in direct support to interrogations is present, then the ethical issue becomes much more defined.

Morgan

----- Original Message -----

From: "Behnke, Stephen" <sbehnke@apa.org>

Date: Wednesday, October 25, 2006 3:25 pm

Subject: COMPLETELY CONFIDENTIAL

> Morgan, could you please review my response? It would be a
> DISASTER if
> it came out (e.g., in the New York Times) that BSCT psychologists were
> present during such meetings-that is collapsing the very line that
> everyone looking at this issue has been saying is so important to

> preserve (consultant and health care provider)
>
>
>
> Please advise.
>
>
>
> Steve
>
>
>
> _____
>
> From: Behnke, Stephen
> Sent: Wednesday, October 25, 2006 11:12 AM
> To: 'Kennedy, Carrie H LCDR USSOUTHCOM JTFGTMO'
> Subject: RE: Help
>
>
>
> Carrie, thank you for writing. We must be clear: the PENS report
> makesan absolute demarcation between the role of consultant to an
> interrogation and that of health service provider. I can assist I
> getting further information for you, but the report is very clear on
> this point.
>
>
>
> It would cause a GREAT stir if it became known that BSCT psychologists
> were present in meetings in which medical and mental health patient
> information are discussed. This is precisely the sort of commingling
> that the PENS report addresses.
>
>
>
> Steve
>
>
>
> _____
>
> From: Kennedy, Carrie H LCDR USSOUTHCOM JTFGTMO
> [mailto:Carrie.H.Kennedy@jtfgtmo.southcom.mil]
> Sent: Wednesday, October 25, 2006 10:53 AM
> To: Behnke, Stephen
> Subject: Help
>
>
>
> Steve,

>
>
>
> As you know, I'm currently down here in GTMO working as a clinical
> psychologist for the detainees. I am having a problem that I hope you
> can help with. In short, the BSCT psychologists are upset because
> theyhave been excluded from the portion of a command meeting in
> which both
> medical and mental health patient information is discussed. They
> believe that there is no ethical violation in hearing this information
> because they "would never use that information against a
> detainee."
>
>
>
> As you know, I am all for operational psychology and
> psychologists. But
> in that same light I am not willing to put us both in jeopardy by
> doingsomething that seems fundamentally over the line. I would really
> appreciate your opinion on this matter. There is a meeting about this
> issue on Friday in which the Admiral will be making a decision. Is
> there any way to have your thoughts by Friday morning? I am outlining
> what I think is pertinent in the ethics code and the PENS report
> but I
> think it would be good to get a third party opinion.
>
>
>
> Many thanks,
>
>
>
> Carrie
>
>
>
> Carrie H. Kennedy
>
> LCDR/MSC/USNR
> Chief, Behavioral Health Services
> Detention Hospital
> JTF-GTMO
> DSN: 660-3744/3060
> Comm: 011-5399-3744/3060
>
>
>
>

Sender:	louie.morgan.banks@us.army.mil
Sent:	Wednesday, October 25, 2006 4:28:28 AM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	Re: RE: CONFIDENTIAL

The easy one first. Ask Debra for a copy. If she can't be reached, I will try to work it from here. Or I guess, since you need it before the weekend, you could try APA's DOD Liason. It is not even FOUO, as far as I can determine, so there should be no distribution limitations. Since the intent is to get it out to everybody who will read it, who ever sends it to you needs official approval. I am not sure I can get it fast enough.

Let's try this:

Send me a clean email, statingthe reasons for your request for the document. I will forward the request to a couple of people, explaining why I think we should do this. Once approval is granted, I (or they) can email you a copy ASAP. At that point, you can release it to anyone who is willing to read it.

Your, "depriving an individual of necessary sleep for the purpose of eliciting information," sounds pretty good at first blush. Necessary sleep obviously doesn't imply ten hours a day, but the statement does appear to meet the intent of those who want to make sure we don't abuse people. As always, your writing is concise and clear.

Take care.

Morgan

----- Original Message -----

From: "Behnke, Stephen" <sbehnke@apa.org>

Date: Wednesday, October 25, 2006 4:09 am

Subject: RE: CONFIDENTIAL

> Also, Morgan, where could I get a copy of the OTSG policy statement?
>
>
>
> _____
>
> From: Behnke, Stephen
> Sent: Wednesday, October 25, 2006 12:08 AM
> To: 'louie.morgan.banks@us.army.mil'
> Subject: RE: CONFIDENTIAL
>

>
>
> Morgan, thanks so much, this is really helpful, and I especially
> appreciate your taking the time to write in your current situation.
>
>
>
> In terms of the sleep issue, I think we will likely use something
> on the
> order of "depriving an individual of necessary sleep for the
> purpose of
> eliciting information," or something of that nature. Would that sound
> okay?
>
>
>
> Stay safe Morgan,
>
>
>
> Steve
>
>
>
> P.S. Should the Committee say that psychologists must abide by US
> law?Should the Committee say that psychologists must abide by US law?
> Should the Committee say that psychologists must abide by US law?
> Should the...
>
>
>
> _____
>
> From: louie.morgan.banks@us.army.mil
> [mailto:louie.morgan.banks@us.army.mil]
> Sent: Tuesday, October 24, 2006 12:22 PM
> To: Behnke, Stephen
> Subject: Re: CONFIDENTIAL
>
>
>
> Steve,
>
> It is great to hear from you, and I am glad that things went well.
> As I
> expect you know, the OTSG Policy statment was finally signed. I
> think it
> would be helpful if the Ethics Committee could review a copy of it
> before they make another statement.
>
> I will add my thoughts within the document. However, I must say that

> redundancy does not begin to cover the concept here. I realize the
> enormous pressure you are under, and I appreciate you courage and
> determination to do the right thing.
>
> Morgan
>
> ----- Original Message -----
> From: "Behnke, Stephen" <sbehnke@apa.org>
> Date: Tuesday, October 24, 2006 0:22 am
> Subject: CONFIDENTIAL
>
> > Hey Morgan, I hope you're well and safe. I'm very pleased with
> how
> > things went in Ft. Huachuca; we all missed you. On the first
> > night we
> > went out to the Diner for chocolate malts.
> >
> >
> >
> > Morgan, the Ethics Committee may issue a statement followings
> its
> > meeting this week (I'm not sure). My sense is that, with the
> > exceptionof #6, the Committee could endorse all of these points
> > (in fact, I
> > believe the Committee could extract them from the Army Field
> manual.)
> >
> >
> >
> > Thanks, Morgan, for letting me know what you think,
> >
> >
> >
> > Steve
> >
> >
> >
> >
> >
> >
> >
> > 1. recognition and condemnation of the use of specifically
> > psychologicalmethods such as sensory deprivation, sleep
> > deprivation (even the "sleep
> > cycle inversions"), stress positions, sexual shaming and
> degradation,
> > exposure to heat and/or cold, waterboarding, and all the other
> > psychological methods outlined in the PHR report on the subject
> >
> This statement could be interpreted to be fairly restrictive,
> dependingon how "sleep cycle inversion" is defined. Is it ethical

> to question
> someone at 3:00 AM? One could read this to imply that it is
> unethical.Generally speaking, I concur with the prohibition
> against using sleep
> deprivation as a technique, but the devil is in the details, and the
> more that the committee says, the more details are out there for
> someoneto use against US soldiers. Assuming that "sleep cycle
> inversion" has
> something to do with letting people sleep in the day while questioning
> them at night, that does not meet any definition I know of sleep
> deprivation.
> >
> >
> > 2. explicit recognition that methods such as waterboarding and
> > prolongedsleep and sensory deprivation constitute torture since
> we
> > know the
> > psychological damage they produce
> >
> > Concur. These are already prohibited by the FM.
> >
> > 3. expression of strong concern that methods such as those
> outlined
> > above are still in use, particularly by the CIA and groups to
> whom
> > interrogations may be "outsourced"
> >
> > I have no knowledge of anything referenced in this statement. I am
> only concerned with the proper use of legal techniques, as laid
> out in
> the new FM.
> >
> > 4. psychologists have an obligation to report these methods if
> > they see,
> > hear about, or otherwise suspect or know of their use
> >
>
> This is consistent with the TF report, unless we are now defining
> "thesemethods" to include what time of day we question someone.
> >
> >
> > 5. strong expression of commitment to our international human
> rights
> > obligations as defined under the CAT and the Geneva Conventions
> >
> > The US is a signatory to both. Therefore they are US law. If
> you want
> to again state that psychologists must abide by US law, then OK.
> >
> > 6. consistent with Geneva Conventions, a strong call for
> psychologists

> > not to (a) participate support of interogations, (b) be on sites
> > such as
> > the detainee site at Guantanamo Bay, which have operated outside
> the
> > Geneva Conventions, and (c) not participate in or support
> military
> > trials that do not conform fully to Geneva Convention Common
> > Article 3,
> > including those legitimated by the recently passed military
> trials
> > bill
> >
> > As you are aware, this statement is more than a killer, it is
> grosslyinaccurate, and demonstrates a very simplistic (if not
> juvenile)understanding of the issues. If any statement similar to
> this came out
> of the ethics committee, it would have very negative repercussions.
> With the exception of the last (really silly) statement, I
> generally see
> no problem with the rest, other than the comment about "sleep cycle
> inversions." I am not sure what that actually means, and would be
> afraid that it could be interpreted in a very broad manner.
> >
>
>

Sender:	Dunivin, Debra L LTC WRAMC-Wash DC <Debra.Dunivin@NA.AMEDD.ARMY.MIL>
Sent:	Monday, October 09, 2006 12:33:31 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>;michael.d.banks@us.army.mil
Subject:	BSCT course instruction

Steve, Mike:

I think I've totally confused things regarding scheduling your presentations. Please let me know if this plan is workable. We've now had a cancellation by the psychiatrist who intended to present on psychiatric ethics, etc., but I did want to be certain about the times for you to present. I do apologize for shuffling.

Mike:
We have you Monday. 1000-1200 & 1300-1500. If you can start at 0930, it would allow a little longer for their lunch break which might be good since they are new to the post, but not necessary.
Steve is traveling on Sunday, so we now have the option to have him present on Monday, and you could do the block of instruction on Tuesday 0800-1200, if that is more convenient for you.
Please let me know what works best for you - Monday midday or Tuesday morning.

Steve:
You're presentation will either be entirely on Monday or a combination of Monday and Tuesday. And I may need you to help me present the material that would have been done by psychiatrist.

Thanks to both of you for your flexibility.
Debra

Sender:	Hoofman, Pennie L LTC USSOUTHCOM JTFGTMO <Pennie.L.Hoofman@jtfgtmo.southcom.mil>
Sent:	Monday, January 08, 2007 4:54:07 PM
Recipient:	Banks, Louie M. COL <louie.morgan.banks@us.army.mil>;Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Cc:	pennie.hoofman@us.army.mil
Subject:	RE: visit to GTMO

Sirs,

Sounds like March will be best for both of you and the JTF-GTMO schedule. If you can firm up the dates, and let LTC Scholl know(and MAJ Bedore, who was also cc'ed on LTC Scholl's message), the sooner the better. Then she can put you on the schedule and all we have to do is get you here physically.

I only suggested the Tuesday to Saturday dates because that's the flight schedule I know. If other days work better, there are other flights, I just don't know all of them.

I am looking forward to this visit.

COL Banks: Do you have information that could help Steve obtain at least an interim SECRET clearance? Also, I've been in contact with COL Crow about staying here for a 3rd year. He's willing to consider it. The admiral is supportive of me staying if that's my desire. I'm interested in your thoughts.

V/R

Pennie

-----Original Message-----
From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Monday, January 08, 2007 2:30 PM
To: Behnke, Stephen; Hoofman, Pennie L LTC USSOUTHCOM JTFGTMO
Cc: pennie.hoofman@us.army.mil
Subject: RE: visit to GTMO

Pennie, Steve,

The last two weeks in March look OK for me right now. We probably need to firm up some dates.

Morgan

COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Friday, January 05, 2007 10:12 AM
To: Hoofman, Pennie L LTC USSOUTHCOM JTFGTMO; Banks, Louie M. COL
Cc: pennie.hoofman@us.army.mil
Subject: RE: visit to GTMO

Pennie,

It's very good to hear from you. I hope you're well, and had at least some measure of relaxation over the holidays. February is going to be difficult, since I have a commitment each Friday (and usually on the weekend as well, although a Monday-Thursday might work). Would either of the last two weeks in March be a possibility? Also, unfortunately I don't have a clearance. Would there be a way to expedite that process?

Please let me know what flexibility we have with the schedule, and we'll find a way to make it happen. I look forward to having an opportunity to learn more about your work.

Steve

From: Hoofman, Pennie L LTC USSOUTHCOM JTFGTMO
[mailto:Pennie.L.Hoofman@jtfgtmo.southcom.mil]
Sent: Friday, January 05, 2007 7:57 AM
To: Behnke, Stephen; louie.morgan.banks@us.army.mil
Cc: pennie.hoofman@us.army.mil
Subject: visit to GTMO

Sirs,

There should be an invitation coming your respective ways in a few days or so. I've slogged through some of the administrative issues and JVB should be sending you an invitation to visit GTMO. I've put together a recommended itinerary and length of stay along with the purpose for inviting you for your consultation. I sent it to JVB on SIPR but have not yet transferred it to NIPR.

I've asked for a Tuesday to Saturday visit to coincide with the rotator schedule. During those few days, you should be able to get a sense of what we do and what occurs. If you need more time, please let me know,

but I think you can capture most of it in that time frame. We have funding to bring you both down here for that amount of time. January is booked with a lot of visitors, so JVB is suggesting a February time frame.

Steve: Have you received a SECRET clearance or higher? This will help with where I can take you and to what I can expose you.

I look forward to hosting you.

V/R

Pennie

Sender:	Connie Chan PRIVACY REDACTION
Sent:	Wednesday, December 13, 2006 4:44:53 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	RE: Confidential draft--please do not share

Steve,
I am running to class soon but did want to say that I read the letter and I do agree with it. I think that the most important point we want to make with Neil is that his moratorium does prevent psychologists from participating in ANY situation where they might be helpful or advise against certain behaviors in interrogations. And if they do, what will be the recourse? Will they expect these psychologists to be removed from APA? Taken up on ethics charges?
Sorry to miss the phone call. I hope it goes well. I'll look forward to the letter that results from your discussions.
Good work, Steve.
Best,
Connie

--
Connie S. Chan, Ph.D.
Chair, Department of Public Policy and Public Affairs
John W. McCormack Graduate School of Policy Studies
University of Massachusetts Boston
Boston, MA 02125
(617) 287-7231 FAX (617) 287-6949

From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Wednesday, December 13, 2006 12:27 PM
To: Connie Chan
Subject: Confidential draft--please do not share

Hi Connie,

Following the Committee's first call last evening, I drafted the attached letter. I'm sure there will be revisions following this evening's call, and in anticipation of that call I wonder whether you might have time to look this draft over and tell me what you think--is it clear? What is missing? What doesn't the letter get right? If you could possibly get back to me by 7:30pm, I can let folks on this evening's call know your thoughts.

Thanks Connie

Steve

From: Connie Chan [mailto:Connie.Chan@umb.edu]
Sent: Wednesday, December 13, 2006 10:20 AM
To: Behnke, Stephen
Subject: missing the phone call tonight

Dear Steve,
I am not going to be able to be on the phone call tonight as I had planned. I have to sub for another prof. who is out sick and this is the last week of classes.

I'll try to send you some comments on the Altman reply if I have a chance today/
Hope you are well and happy holidays to you,
Connie

--

Connie S. Chan, Ph.D.
Chair, Department of Public Policy and Public Affairs
John W. McCormack Graduate School of Policy Studies
University of Massachusetts Boston
Boston, MA 02125
(617) 287-7231 FAX (617) 287-6949

Sender:	Brad Johnson PRIVACY REDACTION
Sent:	Wednesday, December 13, 2006 1:24:28 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	Re: Confidential draft--please do not share
Attachments:	NeilAltman1206ECresponse (2)[1].doc

Dear Steve,

I think you draft response is a masterpiece. Very well written and cogent. You and the other committee members have already nicely captured most of my concerns. I have added a few thoughts using Track Changes. I have included just a few additional observations below that might or might not be integrated into the existing response. Please use anything you find helpful Steve.

-Neil's statement indicates that the situation in which we find ourselves is "unprecedented." I disagree and would suggest that psychologists who served in Vietnam, or those that work in corrections have frequently experienced very similar quandaries.

-Neil's resolution "moratorium on all psychologist involvement, either direct or indirect, in any interrogations at U.S. detention centers for foreign detainees" highlights the fundamentally political nature of this arguement. It tends to conflate location (detention centers), specific techniques (interrogations) and specific client populations (foreign detainees). The net effect is that the Ethics Committee would have a very difficult time understanding what we are prohibiting. All interorgations? All work with foreign detainees, or all work in detention centers? The combination of the three points to concern over one specific place and media reports (unconfirmed) about possible psychologist behavior there.

-Finally, I have strong reservations about undermining the responsibility of psychologists and APA members to abide by the Ethics Code regardless of their practice location or circumstances. The argument in this resolution seems to diminish rather than affirm the duty of psychologists to be always mindful of ethical obligations.

Great work Steve.

Brad

---- Original message ----
>Date: Wed, 13 Dec 2006 12:22:42 -0500
>From: "Behnke, Stephen" <sbehnke@apa.org>
>Subject: Confidential draft--please do not share
>To: "Brad Johnson " PRIVACY REDACTION
>
> Hi Brad,
>
>
>
> Just gave you a call at home; you must be out on a
> run.
>
>
>
> Brad, following the Committee's first call last
> evening, I drafted the attached letter. I'll
> certainly have further revisions following this
> evening's call, and in anticipation of that call I
> wonder whether you might have time to look this
> draft over and tell me what you think--is it clear?
> What is missing? What doesn't the letter get
> right? If you could possibly get back to me by
> 7:30pm, I can let folks on this evening's call know

> your thoughts.
>
>
>
> Thanks Brad,
>
>
>
> Steve
>
>
>
> -----Original Message-----
> From: Brad Johnson[PRIVACY REDACTION]
> Sent: Tuesday, December 12, 2006 7:15 AM
> To: Behnke, Stephen
> Subject: RE: Conference Call
>
>
>
> Dear Steve,
>
>
>
> I can try to give you a call any time today between
> end-of-semester meetings if there is a good time and
> number.
>
>
>
> Alternatively, I will be working from home all day
> Wednesday [PRIVACY REDACTION]
>
>
>
> Brad
>
>
>
> ---- Original message ----
>
> >Date: Mon, 11 Dec 2006 18:00:53 -0500
>
> >From: "Behnke, Stephen" <sbehnke@apa.org>
>
> >Subject: RE: Conference Call
>
> >To: "Brad Johnson "[PRIVACY REDACTION]
>
> >
>
> >Brad, I'd be happy to hear your feedback. Would
> there be a convenient
>
> >time for us to speak on Tuesday or Wednesday?
>
> >
>
> >Steve
>
> >

>
> >-----Original Message-----
>
> >From: Brad Johnson PRIVACY REDACTION
>
> >Sent: Monday, December 11, 2006 4:21 PM
>
> >To: Behnke, Stephen
>
> >Subject: Conference Call
>
> >
>
> >Greetings Steve!
>
> >
>
> >Well, the best laid plans... I have a standing
> obligation Tuesday
>
> >evennings and so planned to join in the
> conversation on Wednesday,
>
> >forgetting--my wife has now reminded me--that it is
> my son's 14th
>
> >birthday and we had promised to taking him to
> dinner and shopping
>
> >afterward.
>
> >
>
> >Steve, I wonder if I can offer my feedback directly
> to you or another
>
> >committee member on this one? I do have some
> reflections to contribute
>
> >but cannot make the evenning conference calls this
> week.
>
> >
>
> >Let me know your preference.
>
> >
>
> >I hope you are rested!
>
> >
>
> >Brad
>
>NeilAltman1206ECresponse (2).doc (161k bytes)

Sender:	louie.morgan.banks@us.army.mil
Sent:	Sunday, December 03, 2006 5:05:20 AM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	Confidential
Attachments:	Soldzreplyletter1202-Comments.doc

Steve,

Most of my comments are stylistic, as you are certainly one of the most talented and patient writers I know. I have included my thoughts in the attached document. I apologize in advance for my inability to prevent some sarcasm from escaping. In addition to what is in the document, here are some other random thoughts.

I am aware of no credible allegations of John Leso committing or participating in any abuse. He worked hard to prevent abuse. If there are credible allegations, then make them. Otherwise, let us not make unsubstantiated allegations against an honorable man. As far as I am aware, he did his very best to do the right thing under very trying conditions.

The writer repeatedly uses inaccurate and inflamatory language. He must not have even a passing understanding of gulags, or concentration camps to make such comparisons. If I were responding (thank God I am not) I would call him on it, because he will look like a fool if you do. (I know you can't, but it is a nice thought.) Millions died in the concentration camps run by the Nazi's. Millions also were starved to death by Communists in the gulags. To make this comparison is hugely insulting to those who died in concentration camps and gulags.

I hope to see you before too long, and I am looking forward to working with you down in GTMO. That should be a good trip for the Winter. Hope you are well, and have a good holiday.

Morgan

December 5, 2006

Stephen Soldz, PhD
531 Beacon Street
Brookline, MA 02446

Dear Dr. Soldz,

Thank you very much for your letter of November 28, regarding your decision to withhold your membership dues. I respect your decision as a matter of conscience. At the same time, I must strongly dispute your characterization of APA's actions.

Comment [lmb1]: This is simply styistic - but why are you thanking him? You appreciate his letter, you understand his concerrns (about the concentration camps) but why thank him?

As an initial matter, reports regarding Guantanamo, and the international reaction, have indeed been deeply troubling. APA has been closely following developments in the courts and legislatures regarding the treatment of detainees, and will continue to do so. As noted in the Ethical Principles of the APA *Ethical Principles of Psychologists and Code of Conduct* (2002), we call upon members of the APA to protect the rights and welfare of all those with whom they work, and to respect the dignity and worth of all people. It is my understanding that the International Red Cross has unfettered access to all individual detainees at Guantanamo. APA will support developments that protect the welfare and safety of all those in US custody, such as the McCain Amendment, and will collaborate with others in this effort, such as when this September President Koocher (along with Phil Zimbardo, past-president of APA, and Bradley Olson, President of the APA Divisions for Social Justice) signed on to a letter to Senator McCain drafted by Physicians for Human Rights, and on the same day APA issued a legislative action alert for the United States Congress that called for a prohibition against abusive interrogation techniques.

Your letter states "APA kept the membership of the PENS task force secret." This statement is not correct. The names and biographical statements of the members of the PENS task force were distributed to our 170+-member Council of Representatives shortly after members were chosen. An APA division (Division 48; Society for the Study of Peace, Conflict, and Violence: Peace Psychology) placed these names and biographical statements on its division listserv and webpage (www.peacepsych.org). At no point did APA ever request or attempt to have this information removed. To the contrary, the APA Ethics and Public Affairs Offices referred individuals to this site when they received inquiries.

Your letter states that APA "insisted that PENS members sign a confidentiality agreement." This statement is not correct. At no point—before, during, or after the task force met—were PENS members required to sign anything as a condition of participation on this task force. While it is true that during the meeting the PENS task force discussed confidentiality, and determined that it would allow its Report to be the only public statement regarding task force proceedings—this discussion is reflected in the Report itself—there was never any suggestion that a refusal to abide by this agreement would

result in removal from the task force. The consequence of a refusal would rather have been a more constricted discussion.

Your letter states "five of nine voting members" were from the military, yet fails to mention that one of these individuals, Dr. Mike Gelles, was hailed by medical ethicist Steven Miles for his "successful medical protest of prisoner abuse," and that Dr. Gelles continues strongly to support the PENS report and the role of psychologists at Guantanamo and elsewhere as a way to help ensure that interrogations remain safe and ethical. It is also important to note that following his actions Dr. Gelles was given a promotion. In fact, each of these five psychologists was engaging with APA to assure proper oversight and monitoring of all those involved in interrogations.

Regarding the resolution passed at Convention in New Orleans, your letter states that "APA managed, through a last-minute revision, to define 'Cruel, Inhuman, or Degrading Treatment or Punishment' in such a manner…as to remove much of the Resolution's force." Changes to the Resolution that occurred at Council were coordinated and agreed upon by members of Council who had sponsored this Resolution in collaboration with representatives of other governance groups. Neither the APA president nor any staff member had a role in promoting changes to the text of this Resolution. Please refer to the Division 48 website for an extensive discussion of these changes by the Division 48 sponsors of the Resolution. I believe you will find their discussion of the Resolution and related issues extremely thoughtful and informed. The Division 48 sponsors believe that the revision strengthened the Resolution by removing a level of ambiguity and tying the definition to both international and domestic law.

Your letter states "the PENS report was rushed through within days to official APA approval by the Board, circumventing the usual step of debate at Council." Since the PENS report was issued, three meetings of Council have taken place. APA presidents Ron Levant and Gerald Koocher have ensured that significant time to discuss the PENS report and related issues was allotted at each of these three meetings. At the most recent Council meeting, in New Orleans, nearly one-third of the total time Council met was devoted to discussing issues related to the PENS report and to the 2006 Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. Prior to the 2006 Convention in New Orleans, Dr. Steven Reisner wrote Dr. Koocher requesting that equal time to the Army Surgeon General be given to a speaker in order to present an alternative point of view. On same day he received Dr. Reisner's letter, Dr. Koocher invited Dr. Reisner himself to speak to Council, and Dr. Reisner was given the same amount of time as the Army Surgeon General to address Council. The *Monitor on Psychology* provided extensive coverage of Convention programs sponsored by the Divisions for Social Justice on this issue. Dr. Koocher and I have accepted numerous invitations from around the country to discuss and debate the appropriate role of psychologists in interrogations. The suggestion that APA has attempted to inhibit open discussion and debate on this issue by APA governance, the membership, or the public is simply contradicted by the facts.

APA has worked and will continue to work, to promote ethical interrogations: Psychologists never participate in, condone, or in any manner facilitate directly or indirectly torture or other cruel, inhuman, or degrading treatment at any time, in any place, for any reason. Such behaviors are antithetical to the very identity of a healing professional and are in every instance unethical. APA condemns the use of psychology and psychological techniques to abuse any individual in any setting. Moreover, the 2006 Resolution highlights the dangers of both physical and psychological forms of torture and other cruel, inhuman, or degrading forms of treatment or punishment, including specific examples.

I note that you have chosen to withhold your dues, rather than to resign from APA, as a way of exerting your influence on the Association's position. Please note that this decision—to stay engaged—is precisely the position APA is taking with the military, to ensure that our influence is felt and our voice is heard on this critical issue. That the revised Army Field Manual, which binds all Department of Defense personnel and settings, is highly consistent with the PENS report is an indication that our efforts are bearing fruit.

I appreciate that you are taking this stand for principled reasons and would not attempt to dissuade you from your considered decision. Your characterizations of APA's actions, however, are not supported by the facts. I would be eager to discuss any of these points with you by phone or, if you would prefer, I will come to Boston so we can speak in person.

Sincerely,

Stephen Behnke, JD, PhD
Director, Ethics Office
American Psychological Association

Comment [lmb2]: This is something I would enjoy discussing with you over a beer. Does an I/O Psychologist consider him/herself in a healing profession?

Comment [lmb3]: I think it is extremely generous of you to extend yourself to someone who believes that the US Government is an international outlaw.

Sender:	louie.morgan.banks@us.army.mil
Sent:	Saturday, November 25, 2006 8:07:36 AM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	Re: FW: try this version
Attachments:	ethicscommitteev2-Comments.doc

Steve,

I have attached the document with my comments. There are a number of logical flaws in his argument, and I have tried to point them out. From my perspective, the biggest problem is his lack of faith in the US political system. US law is passed by our elected representatives. If we do not agree with the law, we change it. (If we do not like the administration, we change it.) He seems to be arguing that APA should categorically side with "international law" (meaning who knows what, passed by whatever political process) over US law, passed democratically. The specific issue of psychologists supporting interrogation is actually a great example. To my specific knowledge, there have been no psychologists who have supported (or encouraged) the abuse of detainees. However, there has been abuse, and the Ameican public responded very strongly to this issue. We have passed several laws to make sure that detainees are treated humanely, and we have developed elaborate oversight mechanisms. This is how the system is supposed to work.

Perhaps there should be two psychological organizations, an American Psychological Association, one which believes in the US Constitution and the rule of law, and the International Psychological Association, one that supports dictatorships, communist societies, and democracies equally.

Morgan

----- Original Message -----

From: "Behnke, Stephen" <sbehnke@apa.org>

Date: Thursday, November 23, 2006 8:55 pm

Subject: FW: try this version

> CONFIDENTIAL--PLEASE DO NOT SHARE
>
> Morgan, any thoughts you have for a the Ethics Committee's
> response will be appreciated. (text of the attachment is found below)
>
> Be safe, help to keep the rest of us safe, & I hope your
> Thanksgiving was good,
>
> Steve
>
> _____
>

> From: Neil Altman [redacted]
> Sent: Thu 11/23/2006 7:22 AM
> To: Behnke, Stephen; [redacted]
> Subject: try this version
>
>
>
> Hi Steve and Olivia and Doug,
> I am resending my response to the ethics committee both in the
> attachmentand copied below, since Steve couldn't open the original
> attachment.I'm also adding Doug, as contact with the Board of
> Directors.Happy Thanksgiving everyone!
> Neil
>
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>
> Dr. Stephen Behnke
> Director, Ethics Office
> American Psychological Association
> 11/5/06
>
>
> Dear Dr. Behnke, Dr. Moorehead-Slaughter, and the entire Ethics
> Committee,
> Thank you for your detailed consideration of, and response
> to, the new
> business item I submitted for Council. I will first take up some
> of the
> larger issues that you raise about this item, and then respond to some
> issues of definition and wording.
>
> You raise the question of the ethical responsibilities of
> the organization,
> as opposed to the ethical responsibilities of the individual
> members of the
> organization. Certainly one ethical responsibility of the
> organization is
> to provide ethical guidance to its members and to enforce certain
> standardsof conduct as a condition of membership. In a situation
> in which there is
> an inconsistency between the human rights standards of the United
> Nations to
> which APA has pledged to adhere, and United States Government
> standardswhich provide the basis for orders to its employees,
> there is a need to

> provide clear guidance to psychologists who may be caught between
> thesediffering standards.
>
> A high priority, of course, is to revise ethical
> principles 1.02 and 1.03
> so that lawful (as per U.S. law) orders do not trump our ethical
> principlesand our commitment to international law. The
> forthcoming casebook will also
> go a long way toward guiding our members in specific terms.
> First of all,
> however, I believe that it is not enough to guide our members, who
> are in a
> situation governed by conflicting principles, by telling them that
> when and
> if they are confronted with a conflict, they must follow the
> commitments of
> their professional organization. In the detention centers under
> current US
> law, detainees may be mistreated by virtue of being denied basic human
> rights guaranteed to US citizens, such as access to the courts
> under habeas
> corpus, not by virtue of the acts of individuals. Guidance to
> individualscannot possibly solve this problem.
>
> It is a heavy burden for an individual to walk away from,
> and to report to
> higher authorities, an order that is legal by national standards,
> on the
> basis of its illegality by international standards. Is it fair for
> us to ask
> individual psychologists to make a judgment as to whether a given
> interrogation technique constitutes a simple "breach" of common
> article 3 of
> the Geneva Conventions, or whether it constitutes a "grave
> breach"? It is
> neither in the training nor in the job description of
> psychologists to make
> these judgments and to take responsibility for monitoring the legal
> acceptability of the interrogation techniques that they observe or
> on which
> they are asked to provide training.
>
> I am suggesting that in the unprecedented situation in
> which we find
> ourselves, organized psychology must, on ethical, not political,
> grounds,take a stand that declares that we are opposed to our
> members being placed
> in situations where their behavior is governed by inconsistent
> national and
> international human rights standards and laws. I say that this is an
> ethical, not a political position, because we would be taking this

> positionregardless of which political party or politician is
> responsible for the
> promulgation of laws that violate international standards. In a
> sense, APA,
> faced with conflicting national and international standards of
> conduct is in
> a similar position as the individual psychologist ordered to take
> an action,
> or to tolerate an action, that is permissible under local law but
> consideredillegal or unethical by other standards, such as
> international law, or the
> ethics code of a professional organization. Whatever choice is
> made, the
> basis can be seen as either ethical, to the extent that one
> consults one's
> own ethical standards, or political, to the extent that one's choice
> conforms, or defies, the policies of the current government. It
> seems to me
> that neither an individual nor an organization is released from the
> obligation to make ethical choices simply because these choices
> can be
> characterized as political in nature.
>
> A second point with respect to the ethical responsibility
> of the
> organization, as opposed to the individual members, relates to the
> fact that
> modern methods of torture rely heavily on psychological research
> and that
> therefore psychologists are particularly likely to be asked or
> ordered to
> provide training or supervision in its use. I am not suggesting
> that there
> was intentional collusion between any researchers and those who
> have used
> this knowledge to develop methods of torture. Who is to speak out
> againstthis use of our research by highlighting the enormous
> distinction between
> generating knowledge, and approving of the unethical uses to which
> it is
> put? It does not do to assume that individual researchers should
> make this
> point, because no individual researcher can fully anticipate the
> uses to
> which his or her research will be put. It is, I suggest, the ethical
> responsibility of the professional organization, speaking for the
> professionand all its members, to make this point very strongly
> when torture, cruel
> and inhuman treatment is at issue. I further suggest that
> statements must
> be backed up by opposition to the existence of situations in which

> psychologists could be legally ordered to apply their knowledge in
> unethicalways.
>
> These points with respect to the ethical responsibilities
> of the
> organization are intended to address your point about what we seek to
> accomplish beyond the August resolution. On the point about the
> changesmade to the Army Field Manual, this is a welcome
> development. The army has
> consistently been alert to ethical issues around the treatment of
> "enemycombatants". However, this manual does not guide employees
> of the Central
> Intelligence Agency who may not be working under military rules.
> The field
> manual has the status of regulations for military personnel, not
> the status
> of law. The inconsistency between the field manual, which
> mandates the
> application of common article 3 of the Geneva Conventions, and the
> 2006Military Commissions Act that makes breaches of common article
> 3 legal as
> long as they do not rise to the level of "grave" breaches (as
> determined by
> the President) creates a vague and inadequate legal basis for the
> currentset of regulations, which fails to provide adequate
> guidance to the
> psychologist as to what is legal and what is not.
>
> On the point about the precedent established of a
> moratorium based on
> location, I think the basis should be seen not as location per se, but
> rather on the inconsistent legal framework. If autistic or
> developmentallydisabled adults were ever defined as dangers to
> society in a way that caused
> the government to suspend their legal and human rights, such as
> their habeas
> corpus rights, as a group, the same concerns as are raised in the
> presentcontext should also be raised. But there is, in fact a
> clear and consistent
> legal framework for dealing with persons who are shown to
> constitute a
> danger to self or others on the basis of mental illness or
> developmentaldisability. As long as autistic and developmentally
> disabled persons have
> the same human rights as other US citizens, their situation is in
> no way
> comparable to that of "enemy combatants".
>
> Now, to some definitional points: As to the term "U.S.
> detention centers":
> this term could be changed to "U.S. detention centers holding 'enemy

> combatants'", so as not to include hospitals, jails and prisons,
> and INS
> centers. This also addresses the point about the meaning of
> "foreign".
> I hope that I have responded to the committee's concerns
> clearly and in
> sufficient detail. I would be pleased to respond to any follow-up
> questions. If a conference call or in-person meeting would be
> helpful, I
> would be glad to participate. I look forward to working with you
> and the
> ethics committee.
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> Neil Altman, Ph.D.
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> Get the latest Windows Live Messenger 8.1 Beta version. Join now.
> http://ideas.live.com <http://ideas.live.com/>
>
>
>

Dr. Stephen Behnke
Director, Ethics Office
American Psychological Association 11/5/06

Dear Dr. Behnke, Dr. Moorehead-Slaughter, and the entire Ethics Committee,

Thank you for your detailed consideration of, and response to, the new business item I submitted for Council. I will first take up some of the larger issues that you raise about this item, and then respond to some issues of definition and wording.

You raise the question of the ethical responsibilities of the organization, as opposed to the ethical responsibilities of the individual members of the organization. Certainly one ethical responsibility of the organization is to provide ethical guidance to its members and to enforce certain standards of conduct as a condition of membership. In a situation in which there is an inconsistency between the human rights standards of the United Nations to which APA has pledged to adhere, and United States Government standards which provide the basis for orders to its employees, there is a need to provide clear guidance to psychologists who may be caught between these differing standards.

A high priority, of course, is to revise ethical principles 1.02 and 1.03 so that lawful (as per U.S. law) orders do not trump our ethical principles and our commitment to international law. The forthcoming casebook will also go a long way toward guiding our members in specific terms. First of all, however, I believe that it is not enough to guide our members, who are in a situation governed by conflicting principles, by telling them that when and if they are confronted with a conflict, they must follow the commitments of their professional organization. In the detention centers under current US law, detainees may be mistreated by virtue of being denied basic human rights guaranteed to US citizens, such as access to the courts under habeas corpus, not by virtue of the acts of individuals. Guidance to individuals cannot possibly solve this problem.

It is a heavy burden for an individual to walk away from, and to report to higher authorities, an order that is legal by national standards, on the basis of its illegality by international standards. Is it fair for us to ask individual psychologists to make a judgment as to whether a given interrogation technique constitutes a simple "breach" of common article 3 of the Geneva Conventions, or whether it constitutes a "grave breach"? It is neither in the training nor in the job description of psychologists to make these judgments and to take responsibility for monitoring the legal acceptability of the interrogation techniques that they observe or on which they are asked to provide training.

Comment [LMB1]: Obviously, he did not understand your comment. He does not seem to ever address the ethical responsibility we have to society.

Comment [LMB2]: This is, of course, a rather remarkable concept he is raising. It actually brings to light an issue that APA has not, in my opinion, ever thought through carefully. When the APA takes a position that supports "international law," (and I certainly don't need to tell you how much ground that covers,) it must be sure that it is not in conflict with US law. If it is, then APA is in the position of supporting disobedience to US law. Even today, that will not play well in the press.

Comment [LMB3]: His assertion is contingent upon the idea that unless an individual is given all the rights of a US citizen, then he or she may be mistreated. This is an obvious logical fallacy. Individuals may be mistreated regardless of citizenship.

Comment [LMB4]: In fact, it is ILLEGAL for a soldier to disobey a legal order, not just a "heavy burden." He is arguing that soldiers disobey legal orders. This is the kind of dangerous ground that he, and potentially APA, are treading.

Comment [LMB5]: It IS in the job description and training of EVERY officer in DOD to make exactly these kinds of judgments. He is factually inaccurate, and is logically implying that Military Psychologists are not officers.

I am suggesting that in the unprecedented situation in which we find ourselves, organized psychology must, on ethical, not political, grounds, take a stand that declares that we are opposed to our members being placed in situations where their behavior is governed by inconsistent national and international human rights standards and laws. I say that this is an ethical, not a political position, because we would be taking this position regardless of which political party or politician is responsible for the promulgation of laws that violate international standards. In a sense, APA, faced with conflicting national and international standards of conduct is in a similar position as the individual psychologist ordered to take an action, or to tolerate an action, that is permissible under local law but considered illegal or unethical by other standards, such as international law, or the ethics code of a professional organization. Whatever choice is made, the basis can be seen as either ethical, to the extent that one consults one's own ethical standards, or political, to the extent that one's choice conforms, or defies, the policies of the current government. It seems to me that neither an individual nor an organization is released from the obligation to make ethical choices simply because these choices can be characterized as political in nature.

A second point with respect to the ethical responsibility of the organization, as opposed to the individual members, relates to the fact that modern methods of torture rely heavily on psychological research and that therefore psychologists are particularly likely to be asked or ordered to provide training or supervision in its use. I am not suggesting that there was intentional collusion between any researchers and those who have used this knowledge to develop methods of torture. Who is to speak out against this use of our research by highlighting the enormous distinction between generating knowledge, and approving of the unethical uses to which it is put? It does not do to assume that individual researchers should make this point, because no individual researcher can fully anticipate the uses to which his or her research will be put. It is, I suggest, the ethical responsibility of the professional organization, speaking for the profession and all its members, to make this point very strongly when torture, cruel and inhuman treatment is at issue. I further suggest that statements must be backed up by opposition to the existence of situations in which psychologists could be legally ordered to apply their knowledge in unethical ways.

These points with respect to the ethical responsibilities of the organization are intended to address your point about what we seek to accomplish beyond the August resolution. On the point about the changes made to the Army Field Manual, this is a welcome development. The army has consistently been alert to ethical issues around the treatment of "enemy combatants". However, this manual does not guide employees of the Central Intelligence Agency who may not be working under military rules. The field manual has the status of regulations for military personnel, not the status of law. The inconsistency between the field manual, which mandates the application of common article 3 of the Geneva Conventions, and the 2006 Military Commissions Act that makes breaches of common article 3 legal as long as they do not rise to the level of "grave" breaches (as determined by the President) creates a vague and inadequate legal basis for the current set of regulations, which fails to provide adequate guidance to the psychologist as to what is legal and what is not.

Comment [LMB6]: I am trying not to be sarcastic, but is he serious? If so, then he needs a course in intro US History, 101.

Comment [LMB7]: This is a painful point. If APA decides somehow that international law (not signed by the US) trumps US law, I can foresee very unpleasant results, both to the profession and to APA. We run the risk of becoming as impotent as anthropology.

Comment [LMB8]: The rule of law seems to have escaped his train of thought.

Comment [LMB9]: Show me the data.

Comment [LMB10]: There are innumerable situations where a military psychologist could be given a legal order that would violate their ethics. This is why we have a process for dealing with such cases. They are actually very rare in my experience, but they can happen. (It would be almost impossible for it to happen regarding interrogation, given the current oversight and law, however.)

Comment [LMB11]: He is again factually wrong. The McCain Amendment gives it the status of law for DOD.

On the point about the precedent established of a moratorium based on location, I think the basis should be seen not as location per se, but rather on the inconsistent legal framework. If autistic or developmentally disabled adults were ever defined as dangers to society in a way that caused the government to suspend their legal and human rights, such as their habeas corpus rights, as a group, the same concerns as are raised in the present context should also be raised. But there is, in fact a clear and consistent legal framework for dealing with persons who are shown to constitute a danger to self or others on the basis of mental illness or developmental disability. As long as autistic and developmentally disabled persons have the same human rights as other US citizens, their situation is in no way comparable to that of "enemy combatants".

Comment [LMB12]: I'm sorry, I have no clue what point he is trying to make here.

Now, to some definitional points: As to the term "U.S. detention centers": this term could be changed to "U.S. detention centers holding 'enemy combatants'", so as not to include hospitals, jails and prisons, and INS centers. This also addresses the point about the meaning of "foreign".

I hope that I have responded to the committee's concerns clearly and in sufficient detail. I would be pleased to respond to any follow-up questions. If a conference call or in-person meeting would be helpful, I would be glad to participate. I look forward to working with you and the ethics committee.

Neil Altman, Ph.D.

l

Sender:	louie.morgan.banks@us.army.mil
Sent:	Wednesday, November 22, 2006 3:41:55 AM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	Re: FW: Ethics and Interrogations/Association positions

---

Steve,

A very thoughtful exchange. This is a good sign, as he is signaling that he does not personally support their position. I think that you are right on in supporting a dialog, and that you may be able to craft some position statements together. I think he is very switched on to be conscious of the risks when you have too many people involved in a sensitive topic. Good luck. And have a great Thanksgiving. I am, without a doubt.

Morgan

----- **Original Message** -----

From: "Behnke, Stephen" <sbehnke@apa.org>

Date: Wednesday, November 22, 2006 3:28 am

Subject: FW: Ethics and Interrogations/Association positions

> CONFIDENTIAL--PLEASE DO NOT FORWARD OR SHARE
>
> Morgan, this is an exchange I've had with the president of the
> AmericanPsychiatric Association, who was on the trip to Guantanamo
> Bay. I am
> leaving town shortly, to see how much turkey and mashed potatoes I can
> eat, but I'd be very interested in your thoughts, at your convenience.
> (3 messages total)
>
> Steve
>
> -----Original Message-----
> From: Behnke, Stephen
> Sent: Wednesday, November 22, 2006 12:22 AM
> To: 'Ruiz, Pedro '
> Cc: Gerald P. Koocher, Ph.D.
> Subject: RE: Ethics and Interrogations/Association positions
>
> Dear Pedro,
>
> Thank you for your thoughtful message. There are certainly political
> complexities to this situation that we must respect and
> appreciate. At
> the same time--and even though we have different positions on this

> issue--I believe there are areas where we agree, and that offer at
> leastthe possibility of collaboration and perhaps a joint
> statement that will
> leave both our positions intact. Language in the American Medical
> Association Report may well offer some fruitful possibilities.
>
> I hope you are well, and appreciate your taking the time to respond.
>
> Steve
>
> -----Original Message-----
> From: Ruiz, Pedro PRIVACY REDACTION
> Sent: Tuesday, November 21, 2006 9:24 PM
> To: Behnke, Stephen
> Cc: Gerald P. Koocher, Ph.D.
> Subject: RE: Ethics and Interrogations/Association positions
>
> Dear Steve: I sincerely think that the ethical position taken on this
> issue by the Am. Psychological Ass. is excellent. The problem that
> I see
> is that with respect to the strategic position, the Am.
> Psychiatric Ass.
> approved a position against psychiatrists been inviolved at all
> in any
> interrogation activities. I must respect that position since it was
> approved by our Board last year. I think that what we need to do
> is to
> find areas in which both associations jointly support ethical and
> otherrelated issues; for instances I think that the military personel
> assigned to the Guantanamo base is doing an excellent job under a very
> difficult set of circunstances. Gerry has invited a group of our APA
> leaders to meet with representatives of his Board on Friday,
> December 8,
> 2006, at 5:30 PM at your APA Headquafrters. See if you can attend this
> meeting, and will jointly explore areas of possible joint
> collaboration.I most, however, admit that I am concerned about the
> number of people
> that will attend this meeting. At first, it was going to be me only;
> later, I suggested to Gerry a few key leaders from our APA; still
> later,your APA Exec. Direct. in communication with our APA Medical
> Directorended in inviting too many people in my opinion. I am
> copying Gerry to
> warm him about this potential negative outcome of our meeting.
> Will see
> what happens in this meeting. If it is not productive, we might
> have to
> appoint (Gerry and me) a joint small Task Force to focus on
> collaboration rather than independent positions. I think that this
> issueis so important that deserves our best joint efforts.
> Best wishes. Pedro Ruiz
>

> _____
>
> From: Behnke, Stephen [mailto:sbehnke@apa.org]
> Sent: Tue 11/21/2006 1:59 AM
> To: Ruiz, Pedro
> Cc: Gerald P. Koocher, Ph.D.
> Subject: Ethics and Interrogations/Association positions
>
>
>
> Dear Dr. Ruiz,
>
>
>
> It was a great pleasure to meet you on our trip to Guantanamo Bay.
> I
> was especially pleased that we had an opportunity to discuss the
> possibility of collaborating on the complex issue of our members'
> involvement in interrogations.
>
>
>
> The American Psychological Association has issued several
> statements on
> this issue since July of 2005. My strong sense from our
> discussions is
> that you would fully support everything we have said thus far:
> Psychologists never participate in, condone, or in any manner
> facilitatetorture or other cruel, inhuman, or degrading treatment
> at any time or
> in any place. Such behaviors are antithetical to the very
> identity of a
> healing professional and are in every instance unethical. In
> addition,psychologists must work in accordance with international
> human rights
> instruments relevant to their roles and are required to report any
> actsof torture or cruel, inhuman, or degrading treatment. On
> September 21,
> two APA presidents signed onto a letter to Senator McCain, drafted by
> Physicians for Human Rights, identifying specific interrogation
> techniques that should be prohibited. The American Psychological
> Association's approach to interrogations is firmly based on the
> conceptthat building a relationship is essential and that any type
> of abusive
> behavior that is cruel, inhuman, or degrading, or that constitutes
> torture, is inconsistent with this approach and is unethical. It
> is our
> position that psychologists have a positive contribution to make in
> helping to ensure that interrogations remain safe, legal, ethical, and
> effective.
>

>
>
> It may be helpful to place our position in a context. We believe that
> there are two critical questions surrounding the interrogations issue:
> (1) What is an ethical interrogation? and (2) What is the most
> effectivestrategy to promote ethical interrogations? There is no
> disagreementwithin the Psychological Association regarding the
> first. All agree that
> ethical interrogations are based on building a relationship and
> formingrapport, and that techniques that are abusive or coercive
> (e.g., water
> boarding, sexual humiliation, use of phobias, temperature extremes,
> stress positions) are inconsistent with this way of thinking and are
> both unethical and largely ineffective. There is complete consensus
> within our association that these techniques and techniques like them
> are never
>
> to be used.
>
>
>
> Regarding the second issue, we believe there exists strong (but
> admittedly not universal) support for a common goal: ethical
> interrogations that leave no room for abusive or harmful techniques.
> While there has been much debate is about the best strategy to achieve
> this goal, the American Psychological Association has chosen a
> strategyof engagement. The congressional hearings following the
> June 29 Hamdan
> vs. Rumsfeld decision made clear that there is debate within the U.S.
> government about the role of the Geneva Conventions and the centrality
> of due process in trying detainees. At the hearings, military
> attorneysargued in favor of having the Geneva Conventions and due
> process, as set
> forth in the Uniform Code of Military Justice, play a central role in
> the treatment of detainees. A parallel debate has been going on in the
> government about the appropriateness of certain methods of
> interrogation.
>
>
>
> We have made a decision that the most effective way to promote our
> philosophy of ethical interrogations is to stay engaged, and we
> are very
> encouraged by the new Army field manual, which came out in
> September and
> directly and explicitly identifies and prohibits abusive interrogation
> techniques. The Army field manual is highly consistent with our task
> force report. Our ultimate goal, which we hope to promote by
> forming a
> relationship with our colleagues in the military who strongly support
> our philosophy of ethical interrogations, is to marginalize those who

> endorse, promote, or use what we and our colleagues in the
> military all
> agree are unethical and largely ineffective interrogation techniques.
>
>
>
> A strategy of disengagement would send an expressive message of
> disapproval and a refusal to be considered complicit in unethical
> behavior. The cost of disengagement is that one loses the ability to
> influence policy-one no longer has a place at the table, and
> hence, no
> longer the voice in the debate that we very much want to retain. In
> addition, with disengagement our members would lose an opportunity to
> make a valuable and important contribution to ensuring that
> interrogations are done properly, with due regard for safety, human
> dignity, and the legitimate goal of preventing future acts of terror.
> As a consequence, we have opted for a strategy of engagement.
>
>
>
> I believe that our associations have a shared goal: Ethical
> interrogations in which there is no room for abuse or inhuman
> treatmentor the infliction of harm, and that each of us wants to
> find the
> strategy that will best promote that common goal.
>
>
>
> Attached to this message please find the American Psychological
> Association Report of the Presidential Task Force on Psychological
> Ethics and National Security, and a Resolution that our Council of
> Representatives passed at our annual meeting this past August. Again,
> my firm belief is that this message, the Report of our task force, and
> the August 2006 Resolution will be highly consonant with your thinking
> on this issue.
>
>
>
> I would be very pleased to discuss any questions you may have at your
> convenience, and to meet with you in person at a time and place
> convenient for you, if that would be helpful in clarifying our
> position.
>
>
>
>
> Sincerely,
>
>
>
> Stephen Behnke

>
> Director, Ethics Office
>
> American Psychological Association
>
> (202) 336-6006
>
>
>

Sender:	Olivia Moorehead-Slaughter[redacted]
Sent:	Thursday, March 15, 2007 2:52:50 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	Fwd: Response to Proposed Moratorium
Attachments:	Gellesletter[1].pdf

Hi Steve, Sorry to subject you to my "percocet" fog. This muscle spasm is being very naughty. Olivia

----- Original Message -----

Neil/Olivia

I apologize if you receive two messages, a problem with Compuserve. Please find attached a letter which offers my view regarding the proposed moratorium for psychologists in foreign detention facilities. I recognize that this is a very critical issue and should be given great consideration. I look forward to future discussions.

Best Regards,

Michael

Sender:	Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent:	Wednesday, March 14, 2007 6:56:17 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	RE: Could you look over?

You are a silver tongued devil. I am humbled by your changes. I look forward to seeing you soon.

Morgan

COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Wednesday, March 14, 2007 6:39 PM
To: Banks, Louie M. COL
Subject: RE: Could you look over?

Morgan, I've tweaked in light of your comments; could you take a second gander? Thanks so much,

Steve

From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Wednesday, March 14, 2007 6:16 PM
To: Behnke, Stephen
Subject: RE: Could you look over?

You asked.

Stay safe. Your mini-symposium on this. Do you think it will be helpful? And not just a bullet magnet for the speaker? I would like to see your thoughts, as I have huge respect. I am just fearful that whomever gets up and speaks supporting interrogation support will be murdered without anyone listening.

Morgan

COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Tuesday, March 13, 2007 12:59 PM
To: Banks, Louie M. COL
Subject: Could you look over?

Morgan, several months ago I asked you to look this statement over; at the time (and following the trip to Guantanamo Bay, with the president of the American Psychiatric Association), I was hopeful about a joint statement between the two APA's. They won't sign on, but the Ethics Committee is likely to make its own statement.

Could you read this over again, just to make sure we're okay? (The second paragraph is language taken from documents already approved by the Council of Representatives)

Thanks so much,

Steve

Sender:	Farberman, Rhea </O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>
Sent:	Wednesday, March 14, 2007 8:30:13 AM
Recipient:	Behnke, Stephen <sbehnke@apa.org>
Subject:	RE: A question

Steve – I understand what you are trying to achieve but I think attaching the news article might turn people off. How about Olivia attaching a short cover memo to Mike's letter that give the "facts" of Mike's intervention at Gitmo – to put this letter and his knowledge of the issue in context, etc.

Rhea

From: Behnke, Stephen
Sent: Wednesday, March 14, 2007 12:42 AM
To: Farberman, Rhea
Cc: Willenz, Pamela
Subject: A question

Rhea, when Mike Gelles sends his letter to Neil Altman and Olivia, Olivia is going to distribute to individuals and groups working on the resolution. While many people have heard of Mike, many have not. Do you think it would make sense, when Olivia forwards the letter (the letter will be a pdf file), for her also to forward the Boston Globe article below (again as a pdf), for people who don't know about Mike to read and know who he is/what he did? It will definitely set a context for the letter…

Thanks for letting me know,

Steve

http://www.boston.com/news/world/latinamerica/articles/2005/03/16/abuse_led_navy_to_consider_pulling_cuba_ir mode=PF

Sender:	Gilfoyle, Nathalie </O=APA/OU=DC/CN=RECIPIENTS/CN=NPG>
Sent:	Sunday, March 11, 2007 7:44:11 PM
Recipient:	Behnke, Stephen <sbehnke@apa.org>
Subject:	FW: Need your eye...
Attachments:	MGlettersb2.doc

One minor and not critical question see attached. My only other query is is “elicitation” a word? I think “eliciting “ is right but that is surely the least of anyone’s worries. Looks fine. N

From: Behnke, Stephen
Sent: Sunday, March 11, 2007 4:17 PM
To: Gilfoyle, Nathalie
Subject: Need your eye...

Mike G. has edited the letter I wrote—wanted to put it into his own words. I’ve edited his draft—I think this will do what we want. Could you read and see whether you hear any sour notes?

Thanks so much,

S.

P.S. Spent the day yesterday in Berkeley, talking about psychologists and interrogations…what a scene.

Michael G. Gelles, Psy.D., ABPP
PRIVACY REDACTION

March 14, 2007

President, DSJ
President, Division 19
President Division 39
President, Division 48
Dr. Neil Altman
Dr. Olivia Moorehead-Slaughter

Dear Drs.,

Recently, I learned about the resolution in progress that calls for a moratorium on psychologist involvement in military interrogations conducted at centers for foreign detainees. I felt that it was important to write to you both as a psychologist who for almost twenty years was intimately involved in work related to national security and public safety, and as a member of the American Psychological Association. While in government, and since my departure from government several months ago, I continue to have enormous respect for those who bring a sense of social justice to this issue. For that very reason, I respectfully request that you consider a different perspective on the resolution in progress, from a psychologist whose presence at a detention facility and involvement in interrogation consultations bore witness to tragic and destructive events.

Based on my active involvement, I was able to bring forth grave concerns to senior leaders about what I had witnessed. These leaders then changed the methods and procedures used to elicit information. My actions are of public record in the press and in memoranda to senior public officials. My primary concern with the resolution lies in the ramifications if psychologists with appropriate training and professional guidance are not present in these settings. I firmly believe that my presence and active engagement made things better for all involved in interrogation processes.

As you well know, there are different and competing philosophies regarding the elicitation of information from detainees. Unfortunately, at times in the past, those who have both conducted and consulted to interrogations and who have worked to develop methods for eliciting information have had little to no training, guidance, or oversight. The results have been catastrophic and the collateral damage far reaching. We all agree that interrogations left to those who are not properly trained can lead to drift and result in

APA_0090163

brutality, which is utterly contrary to the competent and effective methods for eliciting accurate and reliable information employed by those who have the appropriate training and experience.

Having worked with law enforcement, the intelligence community and correctional officers, I am very familiar with the structure and function of detention facilities. I am too aware of how easily aggression can get out of hand, how the well intentioned can become carried away with emotion and perverse purpose and drift across boundaries, all of which can result in aggressive, violent and humiliating acts to detainees. What we know serves to keep aggression and the tendency to over identify with a role and a method in check are well trained professionals, clear guidelines, established procedures and scrupulous oversight. Removing trained professional psychologists from these settings will impact both the level 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.

The need for psychologists to consult in the areas of law enforcement and intelligence will continue in both domestic and foreign settings. The critical question is whether professional psychology, of which APA is a leader, will bring to the debate over interrogations, and the practice of interrogations, a philosophy that leaves no room for abuse, cruelty or humiliation. For psychologists to continue to provide critical consultation, APA has taken exactly the right position.

APA continues to state its unequivocal position that abusing anyone for any reason is unethical and antiethical to the very notion of being a psychologist. APA's philosophy precludes abusive behavior of any kind. This is exactly the philosophy that we need to have for all psychologists who consult to interrogations. Although in the past abuses have occurred, that, in my opinion, is at least in part because APA had not yet become fully involved in this issue. Rather than a reason for APA to withdraw from interrogations, that abuses have taken place is itself a powerful reason, and identifies a professional need, to have APA be a strong and forceful presence.

Like most psychologists, I am disturbed by the legal framework that has arisen regarding the detainees. I am also profoundly disturbed by the treatment of mentally ill in our jails and prisons. Recent media accounts of occurrences in US correctional facilities depict incidents as heinous as those recounted by the media regarding foreign facilities. Our response should not to be to withdraw from these settings. We must not "throw the baby out with the bath water," but we must rather examine the mistakes that have been made and the abuses that have occurred, continue to develop the guidelines and parameters that direct us professionally, and remain engaged with these difficult and complex issues.

Although it will be harder and more challenging to the views of many, we must remain engaged in interrogations as a persistent voice for the right way to do things. I am deeply concerned for our profession, our communities, and our nation as a whole, should we begin the slow and insidious retreat from participating in settings as professionals who bring value to a broad spectrum of activities and initiatives that, when done in a

competent and ethical fashion, propagate humane treatment, facilitate the elicitation of accurate and reliable information, and promote peace by preventing acts of violence.

In terms of a resolution, I would strongly support a document that assists psychologists in maintaining the highest ethical standards of our profession. APA has set forth multiple and clear prohibitions for psychologists working in these areas. Rather than focus on what psychologists cannot do, I would respectfully suggest that it would now be more productive for APA to write a resolution [??? Could he just say "provide guidance on" – do we want or need a resolution that parses ambiguous situations? } that focuses on promoting ethical behavior, addresses what psychologists in challenging and ambiguous ethical situations may do to ensure they remain firmly within the bounds of our ethics, and specifies what we as colleagues can do to support their efforts. Such a positive statement would be affirming of the role that psychologists play and would make a significant contribution to psychologists in this and other areas of work, especially to our newest members.

Sincerely,

Sender: Dunivin, Debra L LTC WRAMC-Wash DC <Debra.Dunivin@NA.AMEDD.ARMY.MIL>
Sent: Sunday, March 25, 2007 12:29:23 PM
Recipient: Breham, Sharon </O=APA/OU=DC/CN=RECIPIENTS/CN=SHARONBREHM>; Gerald Koocher
Cc: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject: Re: Request for Consultation

Sharon, Gerry, Barry:
I am frankly incredulous that you would send such a response to a request for ethics consultation. You seem not to understand or appreciate the realities of the situation that make this tantamoiunt to saying that APA is not interested in providing assistance. Rebuffing an invitation to provide consultation on-ste and requiring service members to leave a theater of operations during wartime to obtain a consultation is not a viable suggestion. This raises questions about the ability of APA leadership to make sound decisions to support military psychologists as directed by Council after discussion of the PENS TF Report. I hope that you will seek input that will better inform such actions in the future.
Sincerely,
Debra Dunivin

-----Original Message-----
From: Behnke, Stephen <sbehnke@apa.org>
To: Hoofman, Pennie L LTC USSOUTHCOM JTFGTMO <Pennie.L.Hoofman@jtfgtmo.southcom.mil>
CC: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>; Dunivin, Debra L LTC WRAMC-Wash DC
Sent: Sat Mar 24 22:43:39 2007
Subject: Request for Consultation

Pennie,

Regarding the request for an ethics consultation at Guantanamo Bay, APA would be very pleased to offer an ethics consultation or training on the PENS Report in Washington, DC, to you and any of your colleagues who would find such a consultation helpful.

I recognize the considerable effort that you, Debra, and Morgan have expended on this matter, and you especially. I hope I will be able to do something to convey my deep appreciation and admiration for the work that you, and all the psychologists with whom you work, do each day on our behalf.

I hope that you are well and safe,

Steve

Sender: Dunivin, Debra L LTC WRAMC-Wash DC <Debra.Dunivin@NA.AMEDD.ARMY.MIL>
Sent: Wednesday, March 21, 2007 9:26:07 PM
Recipient: Mike Gelles
Subject: Re: Fw: [COR] APA on Ethics and Interrogations

Mike - am on the road until early April, will calll when I can. The forum in which I think you could be most helpful is the mini- convention on national security issues and specifically the panel on interrogation support. We need a reasoned credible voice. I'm still a bit to close to the front line to speak inthat setting. I think you would be well-received by both sides - you are seen as a hero and whistle-blower in a sense. When I can connect with solid remote access, I will forward materials for you to review about the convention plans. Thanks! Debra

-----Original Message-----
From: Mike Gelles
To: Dunivin, Debra L LTC WRAMC-Wash DC
Sent: Wed Mar 21 20:48:25 2007
Subject: RE: Fw: [COR] APA on Ethics and Interrogations

Debra,

I think at this point I am committed to whatever I can do to help our profession and operational psychology. I plan to be at APA and would feel priviledged to support whateve I can to help you and our colleagues. I cannot understand the degree to which some of our collegaues continue to take this issue. Given I am no longer in government, though a cleared contractor in DHS, I feel I have a degree of freedom to engage and represent all of my friends and colleagues who displayed incredible courage in supporting national security and public safety.

Best Regards and hope to speak to you soon. Feel free to give a call if you get a chance hear you are doing great things at the FT. PRIVACY REDACTION

Mike

"Dunivin, Debra L LTC WRAMC-Wash DC" <Debra.Dunivin@NA.AMEDD.ARMY.MIL> wrote:

>Mike:
> Very nice letter. Thanks for writing it. Hope all is well with
>you in the civilian sector. I am grateful for your continued
>participation in this arena and hopeful that you might be willing to
>speak to these issues at the APA Convention in August. Any chance you'd
>consider it?
> Sincerely,
>Debra
>
>DEBRA DUNIVIN
>LTC MS USA
>Chief, Dept of Psychology
>Walter Reed Army Medical Center
>202/782-5917; DSN 662-5917
>Debra.Dunivin@na.amedd.army.mil
>
>
> "O'Brien,
> Maureen"
> <mobrien@APA.ORG>
>To
> Sent by: Council COR@LISTS.APA.ORG
> Representatives
>cc
> List

>	<COR@LISTS.APA.OR
>Subject
>	G>	[COR] APA on Ethics and
>		Interrogations
>
>	03/20/2007 02:33
>	PM
>
>
>	Please respond to
>	"O'Brien,
>	Maureen"
>	<mobrien@APA.ORG>
>
>
>
>
>
>
>Dear Members of Council,
>
>At Council in February I provided an update on PENS-related activities.
>I discussed a moratorium resolution introduced by Neil Altman as part of
>APA's ongoing work on this issue. As I mentioned during my
>presentation, Dr. Altman's resolution and accompanying materials can be
>found on the ethics portion of APA's website (www.apa.org/ethics).
>
>Attached please find a letter from Dr. Mike Gelles offering a different
>perspective on the resolution. Dr. Gelles is an APA member whose
>actions at Guantanamo Bay, calling abuses to the attention of his
>superiors, resulted in what medical ethicist Steven Miles has called a
>"successful medical protest of prisoner abuse." Dr. Gelles' actions
>have been discussed in the press, including in the New Yorker Magazine.
>
>Dr. Altman and Dr. Gelles will have further correspondences related to
>this issue, which will be available at the ethics website. I encourage
>you to visit the website to read their ongoing exchanges on this
>important issue.
>In addition, this Friday at Consolidated, there will be an open meeting
>at 5pm to discuss Dr. Altman's resolution. Dr. Altman will be present
>for discussion and to answer questions.
>
>Sincerely,
>
>Olivia Moorehead-Slaughter
> (See attached file: Gellesletter.pdf)
>
>

Sender:	Hoofman, Pennie L LTC USSOUTHCOM JTFGTMO <Pennie.L.Hoofman@jtfgtmo.southcom.mil>
Sent:	Wednesday, March 21, 2007 6:24:21 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Cc:	Banks, Louie M. COL <louie.morgan.banks@us.army.mil>;Dunivin, Debra L LTC WRAMC-Wash DC <Debra.Dunivin@NA.AMEDD.ARMY.MIL>
Subject:	RE: travel orders

Steve,

We are the source of funding. We are paying for this consultation trip via Invitational Travel Orders and the new budget we now have.

See you next week!

Pennie

-----Original Message-----
From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Wednesday, March 21, 2007 2:46 PM
To: Hoofman, Pennie L LTC USSOUTHCOM JTFGTMO
Cc: Banks, Louie M. COL; Dunivin, Debra L LTC WRAMC-Wash DC
Subject: RE: travel orders

Pennie, thank you. To confirm, have we identified the source of my funding?

Steve

_____

From: Hoofman, Pennie L LTC USSOUTHCOM JTFGTMO [mailto:Pennie.L.Hoofman@jtfgtmo.southcom.mil]
Sent: Wednesday, March 21, 2007 10:40 AM
To: Behnke, Stephen
Cc: Carter, William J MAJ USSOUTHCOM JTFGTMO; Banks, Louie M. COL
Subject: travel orders

Steve,

Attached is a copy of the signed travel order for you to travel on. Please have this at the terminal at Norfolk NAS along with your passport and ID. This should be the last piece of the puzzle.

V/R

Pennie

Sender:	Olivia Moorehead-Slaughter PRIVACY REDACTION
Sent:	Thursday, March 15, 2007 8:26:19 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	Fwd: Letter from Mike Gelles re: APA and Interrogations
Attachments:	Gellesletter[1].pdf

----- Original Message -----

Dear Ms. Strassburger,

Dr. Mike Gelles is an APA member whose actions at Guantanamo Bay, calling abuses to the attention of his superiors, resulted in what medical ethicist Steven Miles has called a "successful medical protest of prisoner abuse." Dr. Gelles' actions have been discussed in the press, including in the New Yorker Magazine. Attached please find a letter Dr. Gelles has written regarding the moratorium resolution.

I thought the Board of Directors would have an interest in hearing Dr. Gelles' perspective.

Sincerely,

Olivia Moorehead-Slaughter, PhD

Michael G. Gelles, Psy.D., ABPP
PRIVACY REDACTION

March 14, 2007

Dr. Neil Altman
Dr. Olivia Moorehead-Slaughter

Dear Drs. Altman and Moorehead-Slaughter,

Recently, I learned about the resolution in progress that calls for a moratorium on psychologist involvement in military interrogations conducted at centers for foreign detainees. I felt that it was important to write to you both as a psychologist who for almost twenty years was intimately involved in work related to national security and public safety (I am now no longer in government service), and as a member of the American Psychological Association. I have enormous respect for those who bring a sense of social justice to this issue. For that very reason, I respectfully request that you consider a different perspective on the resolution in progress, from a psychologist whose presence at a detention facility and involvement in interrogation consultations resulted directly in the uncovering of deeply disturbing events.

Based on my active involvement, I was able to bring forth grave concerns to senior leaders about what I had learned. These leaders then changed the methods and procedures used to elicit information. My actions are of public record in the press and in memoranda to senior public officials. My primary concern with the resolution lies in the ramifications if psychologists with appropriate training and professional guidance are not present in these settings. I firmly believe that my presence and active engagement had a significant and positive impact on the manner in which interrogations are conducted.

As you well know, there are very different and competing philosophies regarding what methods should be permissible in eliciting information from detainees. Unfortunately, at times in the past, those who have both conducted and consulted to interrogations and who have worked to develop methods for eliciting information have had little or no training, guidance, or oversight. The results have been catastrophic and the collateral damage far reaching. Interrogations left to those who are not properly trained can lead to drift and result in brutality, which is utterly contrary to the competent and effective methods for eliciting accurate and reliable information employed by those who have the appropriate training and experience.

Having worked with law enforcement, the intelligence community and correctional officers, I am very familiar with the structure and function of detention facilities. I am too aware of how easily aggression can get out of hand, and how the well intentioned can become carried away with emotion and perverse purpose and drift across boundaries, all of which may result in aggressive, violent and humiliating acts to detainees. We know that well trained professionals, clear guidelines, established procedures and scrupulous oversight serve to keep in check aggression and the tendency to over identify with a role and a method. Removing trained

professional psychologists from these settings 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.

The need for psychologists to consult in the areas of law enforcement and intelligence will continue in both domestic and foreign settings. The critical question is whether professional psychology, of which APA is the leader, will bring to the debate over interrogations, as well as to the practice of interrogations, a philosophy that leaves no room for abuse, cruelty or humiliation. APA has taken exactly the right position: Abusing anyone for any reason is unethical and antithetical to the very notion of a psychologist. APA's philosophy of interrogation, founded upon the value of building rapport, precludes abusive behavior of any kind. Rather than a reason for APA to withdraw from settings in which interrogations take place, that abuses have taken place is itself a powerful reason, and identifies a professional need, to have APA as a strong and forceful presence and voice in these settings.

Like most psychologists, I am deeply disturbed by the legal framework that has arisen regarding the detainees. I am also profoundly disturbed by the treatment of mentally ill persons in our jails and prisons. Recent media accounts of occurrences in US correctional facilities depict incidents as heinous as those recounted by the media regarding foreign facilities. Our response should not therefore be to withdraw from correctional facilities. Likewise, we must not "throw the baby out with the bath water," but we must rather examine the mistakes that have been made and the abuses that have occurred in interrogation settings, continue to develop guidelines and parameters that direct us professionally, and remain fully engaged with these difficult and complex issues.

My direct experience leads me to conclude that we should remain engaged in interrogations as a persistent voice for the right way to do things. I am deeply concerned for our profession, our communities, and our nation as a whole, should psychologists withdraw from participating in settings as professionals who bring value to a broad spectrum of activities and initiatives that, when conducted in a competent and ethical fashion, propagate humane treatment, facilitate the eliciting of accurate and reliable information, and promote peace by preventing acts of violence.

In terms of future APA initiatives, I would strongly support a document that assists psychologists in maintaining the highest ethical standards of our profession. APA has set forth multiple and clear prohibitions for psychologists consulting to interrogations. Rather than focus on what psychologists cannot do, I would respectfully suggest that it would be more productive for APA to provide guidance that promotes ethical behavior by addressing what psychologists in challenging and ambiguous ethical situations may do to ensure they remain firmly within the bounds of our ethics, and by addressing what we as colleagues can do to support their efforts. Such a positive statement would be affirming of the role that psychologists play and would make a significant contribution to psychologists in this and other areas of work, a contribution that would be especially valuable to our newest members.

Respectfully,



Mike Gelles

Sender: [redacted]
Sent: Tuesday, March 20, 2007 7:34:34 AM
Recipient: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject: Eyes Only
Attachments: eyes-only.doc

Steve,

[redacted] That is why I am sending this to you from my home account. I sent the document to my home account, and will destroy it once you tell me you have received it. This may be a case where the more this gentleman says, the better off we are. We certainly need to make sure that anyone seriously addressing this have at their disposal the new FM and the OTSG policy. If a service member violates the FM, they can be prosecuted under UCMJ. The policy document has less authority behind it, although it applies to Army Medical Personnel.

Morgan

AOL now offers free email to everyone. Find out more about what's free from AOL at AOL.com.

Neil Altman, Ph.D.
PRIVACY REDACTION

Dr. Michael Gelles
Dr. Olivia Moorehead-Slaughter

March 18, 2007

Dear Drs. Gelles and Moorehead-Slaughter,

I appreciate receiving your letter, Dr. Gelles, and I resonate with many of the points you make in it. I admire your courage in reporting your concerns about interrogations to senior leaders, and I agree with you that psychologists can potentially have a positive effect in training interrogators in safe and effective ways, based on the fostering of rapport, of questioning detainees. However, I would like to make some additional points, not addressed in your letter, that have convinced me that it is not appropriate for psychologists to be involved in interrogations at US detention centers holding "enemy combatants".

1. Psychologists working in the detention centers could legally be ordered to train or otherwise to participate in interrogations that would be illegal under international law, but legal under current US law. As per the military commissions bill of 2006, only "grave breaches" of the Geneva Conventions, as defined by the President, qualify as war crimes under US law. Simple breaches of the Geneva Conventions are not illegal under current US law as long as they do not rise to the level of "grave breaches" in the view of the President. A psychologist who reported abuses to superiors, as you did, would have to make the case that what he or she observed was more than simply a breach of the Geneva Conventions.

2. The use of interrogation techniques that are damaging to the psychological state of detainees is not limited to those who are not properly trained. "Fear up" "Pride and ego down" and "futility" techniques of interrogation are acceptable in the military as long as they do not cross a line into torture, or cruel, inhuman, or inhuman treatment. This line, however, is poorly defined. When does "pride and ego down" become humiliation (banned under the Geneva Conventions), when does "fear up" become a threat (also

Comment [LMB1]: As could any agent of the US, State, or City government, if you want to be precise. We operate by US law, and these days it is fairly specific. See the FM, etc.

Comment [LMB2]: He is incorrect here. They may not be considered "War Crimes", but they what he is talking about are certainly against the law, and military members are subject to UCMJ action should they abuse detainees. He confused illegal with War Crimes. To be explicit, all War Crimes are illegal, but not all illegal acts are War Crimes.

Comment [LMB3]: Again, factually incorrect, as any JAG could explain better than I. In fact, there are currently numerous reporting requirements, to include reporting requirements in the new OTSG policy document.

Comment [LMB4]: The only people who can conduct interrogations are those who meet specific criteria, and they must all be individually cleared to conduct them. They must be a graduate of an approved school, e.g., Ft. Huachuca.

banned), and so on. The answer has to be: no one can know for certain, because the standard set by the Geneva Conventions is not the same as the standard currently set by the US Government. Psychologists working in the detention centers could be ordered to train interrogators in techniques that create fear and damage the self esteem of detainees, and they would have no right to object unless the damage met the standard set by a "grave" breach of the Geneva Conventions. A psychologist could object that training interrogators in techniques that raise the fear and humiliation level of detainees runs counter to the ethical principles of psychologists that state that psychologists do no harm. Presumably the forthcoming case book could advise psychologists in techniques that are considered unethical from this point of view. Yet, if the techniques are legal under US law, the psychologists could be legally ordered to participate; if they decided to participate for fear of damage to their careers or fear of court martial, they would have an ethical loophole in the form of standards 1.02 and 1.03 that allow psychologists to follow orders even when they run counter to the ethical principles.

3. Your reporting of abuses to your superiors was a courageous and noble act. It does not follow that such action should be expected from all military psychologists. Assessing the legal status of an interrogation technique and reporting abuses is not in the training and job description of a psychologist. To put psychologists in a position where they would have to do so is to take upon ourselves, as a profession, the burden of trying to prevent or undo the damage caused by inadequate legal protection. This burden properly belongs to politicians and government officials whose job it is to protect basic human rights.

4. I do not think it would be appropriate to call for a moratorium on the presence of psychologists in prisons because, despite the mistreatment of mentally ill prisoners, those prisoners do have legal rights and courts of law to which they can turn to challenge their detentions and the treatment they are receiving. This is not the case for "enemy combatants".

5. In an ambiguous legal framework, psychologists and others who participate directly and indirectly in interrogations are in danger of damage to their careers if they refuse an order they find unethical or illegal, but in danger of future criminal prosecution if they carry out that order. Government officials are retroactively protected against war crimes prosecution under the 2006 Military Commissions bill, showing how seriously the threat of future criminal prosecution is being taken by those who have authorized interrogation techniques. APA, in my view, needs to take seriously the question of how to protect psychologists from such a no-win situation.

I understand that the absence of psychologists in detention centers would do nothing directly or immediately to improve the situation there, and could even lead to short-term deterioration in conditions if advocates for safe and effective interrogations were removed. On the other hand, in my view the problem is systemic, a lack of legal protection of basic human rights, not a few people who are poorly trained and as a result get carried away. APA, all of us as a group, can make a better contribution to changing this situation by publicly recognizing it as untenable for psychologists and for all those

Comment [LMB5]: Read the FM. It actually does a pretty good job of explaining this line.

Comment [LMB6]: Finally, we agree. I am only amazed that Dr. Altman actually made this statement. Yes, I fully admit that I am very comfortable damaging the self-esteem of sociopaths who want to kill me. You bet.

Comment [LMB7]: I think he has again missed your point about the tension between do no harm and help society. Presumably he is strongly against court testimony that would put someone in jail for life, or worse yet, might get someone the death penalty.

Comment [LMB8]: He needs to read the manual.

Comment [LMB9]: Tell Mike he is my hero…..

Comment [LMB10]: Actually, such action is not only expected, it is required of all Officers.

Comment [LMB11]: It IS in the job description of a Military Officer.

Comment [LMB12]: What is the inadequate legal protection? There is enormous protection in this area, from whistle blower statutes to the Inspector General.

Comment [LMB13]: No, it is the responsibility of every officer and NCO.

Comment [LMB14]: If they have no legal rights, how come HAMDAN made it to the supremes?

Comment [LMB15]: Can he give ONE example of this, or is this only his overactive imagination?

Comment [LMB16]: If we are in such need, how many psychologists who have actually conducted this work are asking for your help? None? Why is that? IT is nice that this gentleman wants to be big brother and help us, but we have not asked for his help.

Comment [LMB17]: I think his definition of human rights includes self-esteem. If so, then he may be right. There is no legal protection from a lack of self-esteem.

who live and work in the detention centers. We do not want to create any impression, unjustified though it may be, that we approve of the legal framework around the detention centers by virtue of our functioning within that framework.

Once again, Dr. Gelles, I have the highest respect for you and for what you have done. I appreciate and respect your concern.

Best regards,

Neil Altman, Ph.D.

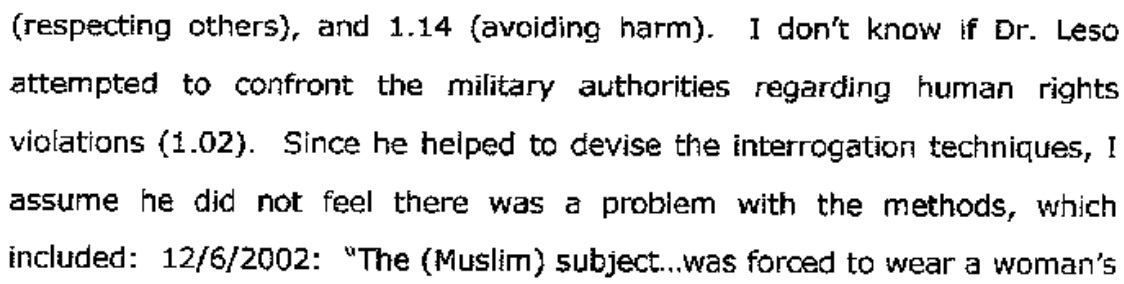
CONFIDENTIAL

SEJ Review of Complaint by AS Against JL
General.
Speculative Allegations
Is the Complaint Proper?
Are 1.02 or 8.03 Defenses?
Is the PENS Report a Defense?
Changes in 1.02 and 8.03 in the 2002 Ethics Code
Evidence in the Complaint Record
Complainant's Descriptions/Allegations
Army Regulation 15-6: Final Report
Interrogation Log Detainee 063 (Time Web Site)
Options

SEJ Review of Complaint by AS Against JL

General. This is a "third party" complaint; the complainant has no direct knowledge of the behaviors at issue, but has "been educated about some of his duties." The complainant includes part of the public materials available. While most of the public materials available are articles that include only secondary materials, analysis, and opinion, there are materials that are relatively direct evidence regarding this matter. For example, the complainant includes the "Army Regulation 15-6: Final Report" of the "Investigation into FBI Allegations of Detainee Abuse at Guantanamo Bay, Cuba Detention Facility" dated "1 Apr 05 (Amended 9 Jun 05)." The complainant does not include the Interrogation Log of Detainee 063 as obtained from the Time Magazine web site; I have included this in the review and attach a copy for the record. I believe that APA can add any public materials it wishes (or any materials for that matter as long as they are provided to the respondent), and should do so if they are necessary to ensure a reasonably thorough investigation. I do not believe that articles giving opinion are necessary.

Speculative Allegations. Various behaviors (all?) complained about by the complainant are speculative. See "I don't know" and "I assume he did not" in this excerpt. (The pdf files are images, not converted text, so it is not convenient to extract text. You will not be able to copy and paste the following which is an image.)


(respecting others), and 1.14 (avoiding harm). I don't know if Dr. Leso attempted to confront the military authorities regarding human rights violations (1.02). Since he helped to devise the interrogation techniques, I assume he did not feel there was a problem with the methods, which included: 12/6/2002: "The (Muslim) subject...was forced to wear a woman's

It must also be asked, whether the focus of the complainant is appropriate for a complaint when, by the complainant's own admission, "he is part of a chain of command." (I.e. the complainant seems to be saying that even the complainant is not sure that there is an actual violation of ethics on the part of the respondent.)

I do not like to single out one individual for ethical violations, when he is part of a chain of command allowing such activities. However, I am ashamed and disgusted that psychologists are performing actions like these, and believe that I must start somewhere in addressing my profound concerns.

Is the Complaint Proper? This direct statement by a complainant is unusual, so for the sake of completeness, I consider whether such a complaint is proper and find that such a motive does not appear to rise to the level of making the complaint "improper." The test for improper complaints in the Ethics Code is not met:

> 1.07 Improper Complaints. Psychologists do not file or encourage the filing of ethics complaints that are made with reckless disregard for or willful ignorance of facts that would disprove the allegation.

Nor is the test in the Rules met:

> 2.3 Sua Sponte Action Based Upon a Member's Filing of a Capricious or Malicious Complaint. To prevent abuse of the ethics process, the Committee is empowered to bring charges itself against a complainant if the initial complaint is judged by two thirds of Committee members voting to be (a) frivolous and (b) intended to harm the respondent rather than to protect the public. The filing of such a complaint constitutes a violation of the Ethics Code.

Accordingly, it is appropriate to proceed with reviewing the complaint on its merits.

Are 1.02 or 8.03 Defenses? It might also be argued that the complainant's point ("…[the respondent] is part of a chain of command allowing such activities.") is itself a defense under Standard 1.02 or 8.03, to the extent that the psychologist was fulfilling requirements of a military position. Some roles/requirements of psychologists in military positions have been considered subject to 1.02 (rather than 8.03 – see below). Both of these standards are substantially similar in what they require of the psychologist, since neither requires complying with the code and both require making known commitment to the code. However, Standard 8.03 additionally requires seeking to resolve the conflict.

Relevance of 1.02.

> 1.02 Relationship of Ethics and Law. If psychologists' ethical responsibilities conflict with law, psychologists make known their commitment to the Ethics Code and take steps to resolve the conflict in a responsible manner.

While 1.02 is relevant on the face, the type of behavior that invokes 1.02 is one is which the law requires an action that violates the code. This has been considered to apply when a psychologist has been ordered by a commander acting under the force of law or regulations to provide confidential information. A psychologist who is using his own discretion to provide recommendations is probably not excused by 1.02. But we do not have enough information to be certain. It is possible that the psychologist "made known" to his superiors that some advice to interrogation teams would violate the code and that he was ordered to provide advice anyway. Ultimately there might be a 1.02 defense.

> 8.03 Conflicts Between Ethics and Organizational Demands. If the demands of an organization with which psychologists are affiliated conflict with this Ethics Code, psychologists clarify the nature of the conflict, make known their commitment to the Ethics Code, and to the extent feasible, seek to resolve the conflict in a way that permits the fullest adherence to the Ethics Code.

The organization here clearly required the psychologist's role in which he was required to give advice to the interrogation teams, and in which he played a role in a system that defined a wide range of techniques as "authorized." We do not know what the respondent did and did not do. However, it is difficult to imagine that in discussions about formation and use of the Behavioral Science Consultation Teams the respondent did not say something that would constitute clarifying the nature of the conflict and making known his commitment to the Ethics Code. Since the behaviors used regularly in the interrogations appear to have been authorized by military policy (see the Army Regulation report) and the respondent is required to do his job, there may have been little latitude as to what would constitute seeking to resolve the conflict in a way that permits the fullest adherence to the Ethics Code.

Is the PENS Report a Defense? Another issue is whether the PENS report and the action by the Ethics Committee, endorsing the PENS statements, and by the BD adopting the statements as APA policy, have any relevance. The activities at issue in this complaint occurred before the PENS, EC, and BD actions occurred. In addition, it must be noted (as did the complainant) that the behaviors occurred in the fall of 2002 (the "log" indicates dates from Nov 2002 to Jan 2003) and that the 1992 Ethics Code applies. The PENS, EC, and BD actions are regarding the 2002 Ethics Code (effective June 1, 2003). So a respondent might argue that an issue requiring clarification, even if the Ethics Committee's action was to affirm that the code applies and prohibits the behavior, indicates that there was a lack of notice as to what behavior was prohibited in 2002 and early 2003.

However, to the extent that the EC action is simply to affirm that the code applies and prohibits the behavior, it is reasonable for APA to enforce the rule. (I.e. a member has adequate notice that assisting in any way with interrogations that include torture violates

the code). A legal position as to which position is ultimately proper would only be found if APA were legally challenged on this, probably only after having taken action against the respondent. Ultimately the issue becomes whether there was notice for the behavior at issue. The Ethics Code does not use the words "torture," "cruel," "inhuman," or "degrading." It does use words such as harassment, demeaning, and misuse of psychologists work.

Changes in 1.02 and 8.03 in the 2002 Ethics Code. These standards were arguably relaxed in the 2002 Ethics Code (now 1.02 and 1.03 respectively). The effect of this for the current matter is unclear, but it would raise a question in a close matter as to punishing a member for a standard that was relaxed in the new code, unless the behavior would violate both codes.

Evidence in the Complaint Record.

Complainant's Descriptions/Allegations.

In document 6, the complainant says, "…as the Chairman of the Behavioral Science Consultation Team … helped establish procedures for interrogating detainees, and presided at interrogation sessions in which cruel, degrading and disrespectful treatment of these individuals occurred…" Regarding consequences, "[the respondent] failed to intervene to stop such treatment…."

A complaint was filed with the NY state licensure board and dismissed because the behaviors did not occur in NY.

The complainant refers to and gives web address for several articles. I located the "hungryblues" and Znet (zmag) articles (and included them in the review). I did not locate the Time "9171.17071284" article. The complainant does not identify a web address for the Army Regulation report. I located it as www.defenselink.mil/news/Jul2005/d20050714report.pdf. Note that this report is the bulk of the material in the complaint, and appears to be the full report.

Army Regulation 15-6: Final Report. The name of the respondent does not appear in the investigation report. The words "behavioral science" and "psychologist" are found only once each on p. 15. That part includes:

Discussion: b. An interrogator testified that the MWD [military wording dog] was in the booth on one occasion for the subject of the first Special Interrogation Plan. He testified that he was approached by another interrogator and discussed the use of a MWD in an interrogation session. Specifically, the first interrogator stated that the second interrogator told him that a MWD was brought into the doorway of the interrogation room and ordered by the dog handler to growl, show teeth and bark at the detainee. In addition a psychologist assigned to the Behavioral Science Consultation Team (BSCT) for JTF-170/JTF-GTMO witnessed the use of a MWD named "Zeus" during a military interrogation of the subject of the first Special Interrogation Plan during the November

2002 time period. In his interview, the ICE Chief acknowledged that an MWD had entered the interrogation room of the subject of the first Special Interrogation Plan under the authority of a "special IP" for the subject of the first Special Interrogation Plan. The unsigned but approved interrogation plan for the subject of the first Special Interrogation Plan is from 12 Nov 02. (Church p. 115) It indicates dogs will only be used in interrogation if approved in writing, in advance. Both JTF-GTMO Commanders who were in charge during the execution of the special interrogation plan deny that they authorized the use of MWDs in the interrogation room.

Organizational response: a. and b. None. Current SOPs expressly prohibit the use of MWDs in the interrogation room. There is no evidence that this has ever happened again.

Recommendation #11: The allegation should be closed. While the ICE Chief was aware of and condoned the first use of the MWD, additional corrective action is not necessary. The event occurred on two occasions and was expressly approved after the first occasion for this detainee. This practice is now specifically prohibited by current GTMO interrogation policy.

The Executive Summary of this investigation states, "Detention and interrogation operations at Joint Task Force Guantanamo (JTF-GTMO) cover a three-year period and over 24,000 interrogations. This AR 15-6 investigation found only three interrogation acts in violation of interrogation techniques authorized by Army Field Manual 34-52 and DoD guidance. The AR 15-6 also found that the Commander of JTF-GTMO failed to monitor the interrogation of one high value detainee in late 2002. The AR 15-6 found that the interrogation of this same high value detainee resulted in degrading and abusive treatment but did not rise to the level of being inhumane treatment. Finally, the AR 15-6 found that the communication of a threat to another high value detainee was in violation of SECDEF guidance and the UCMJ. The AR 15-6 found no evidence of torture or inhumane treatment at JTF-GTMO.

Interrogation Log Detainee 063 (Time Web Site). . The name of the respondent does not appear in the logs. The words "behavioral science" and "psychologist" are not found in the logs. "BSCT" (Behavioral Science Consultation Team) is found as follows:

12/2/02 2345. SGT M questioned detainee about his family. Detainee was very evasive and refused to provide anything other than his family's PO box. BSCT observation indicated that detainee was lying during entire exchange.

12/11/02 1530. Detainee taken to bathroom and walked for 10 minutes. The futility approach was run. The detainee was allowed to speak to the linguist for five minutes. The detainee tried to develop rapport with the linguist and the interrogators reentered the booth and ran the futility approach by telling the detainee the linguist was on their side. Control began talking in a low sympathetic tone of voice and spoke to him about his past, present, and possible future. Detainee began to cry. Detainee asked to sleep in a different room and only be interrogated in the present room. Control asked why the detainee

would make such a request and detainee replied that control was human. The BSCT observed that the detainee was only trying to run an approach on the control and gain sympathy.

12/25/02 0300. Detainee offered water and refused. Interrogator poured some water on detainee's head and detainee decided to drink a half bottle of water. Interrogator began to play cards with MP to ignore the detainee due to a BSCT assessment that the interrogators may be becoming the family figures of the detainee, and the interrogator wanted to see if the detainee would try to seek attention. The detainee tried to interrupt the card game by saying "You choose to pour water on me, you do this to me," and "I don't understand why you pour water on me when I refuse to drink, I decide when I'm thirsty". The interrogator laughed at the detainee and replied that the interrogator controlled all in the booth, and the detainee chose to stay in the booth. Detainee started falling asleep so interrogator had detainee stand up for 30 minutes.

12/29/02 2930. Detainee seemed too comfortable. He was questioned about why he was unaffected by our discussion of the victims of 9/11. Detainee immediately sat up in his chair. BSCT observed that detainee does not like it when the interrogator points out his nonverbal responses. Detainee professed his innocence and interrogator laughed. At this point, detainee made a comment about the interrogators nonverbal responses to try to take control of the interrogation. Detainee stated, somewhat sarcastically, that he was very happy that the interrogator was laughing and enjoying himself. Detainee refused water.

Options

There is very little information that provides any direct information as to the actions of the respondent. Those actions are unlikely to violate the code, particularly in light of Standard 8.03. Many of the allegations are speculative and may be disregarded in the cause for action review. Opinions of no cause for action are defensible.

Another alternative is a preliminary investigation, but this is likely to raise substantial issues as to the respondent's ability to provide information about his actions. (I don't recall the details as to the arguments, but I will also note that a complaint against a psychologist in a Veterans Administration Hospital was strongly resisted by federal attorneys.) A preliminary investigation is most appropriate when there are specific questions to be answered. While such questions could be framed, there is little indication that the respondent devised or ordered the most extreme interrogation behaviors.

Further investigation might also be done as to whether there is additional more or less direct information about the events.

Sender:	Mike Gelles
Sent:	Monday, March 19, 2007 8:43:50 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	[FWD: RE: Response to Proposed Moratorium]
Attachments:	RE: Response to Proposed Moratorium

Draft

Neil,

I received your letter and thank you for responding in writing. I appreciate your sharing your position. Clearly there is some common ground in our shared concerns about human rights and the role, function and potential consquences for psychologists who engage in this type of consultation. However, some of the ideas that you put forth appear to me be to be somewhat outdated, inaccurate and I believe, based on my experiences, misunderstood. I would like to respond in particular to the inaccuaracies and misunderstanding that I suspect comes from media coverage and stories that have become distorted and outdated over time. As you know, there has been significant progress made with the help of APA and others in this area with psychologists who continue to conduct consultation. Given that your response is thoughtful and complex, I would like to take the time to appropriately respond in writing and hopefully offer some clarity to some of the issues you have posed. I look forward to future discussions about this very important issue confronting our profession.

Best Regards,

Michael

Sender:	Farberman, Rhea </O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>
Sent:	Monday, March 19, 2007 5:20:20 PM
Recipient:	Behnke, Stephen <sbehnke@apa.org>
Subject:	FW: Please review

Two small edits –

Rhea

From: Behnke, Stephen
Sent: Monday, March 19, 2007 11:31 AM
To: Farberman, Rhea
Subject: Please review

Dear Members of Council,

At Council in February I provided an update on PENS-related activities. I discussed a moratorium resolution introduced by Neil Altman as part of APA's ongoing work on this issue. As I mentioned ~~when at~~ during my presentation, Dr. Altman's resolution and accompanying materials can be found on the ethics portion of APA's website (www.apa.org/ethics).

Attached please find a letter from Dr. Mike Gelles offering a different perspective on the resolution. Dr. Gelles is an APA member whose actions at Guantanamo Bay, calling abuses to the attention of his superiors, resulted in what medical ethicist Steven Miles has called a "successful medical protest of prisoner abuse." Dr. Gelles' actions have been discussed in the press, including in the *New Yorker Magazine*.

I fully anticipate that Dr. Altman and Dr. Gelles will have further correspondences related to this issue, which will be available at the ethics website. I encourage you to visit the website to read their ongoing exchanges on this important issue.

Sincerely,

Olivia

Sender:	Hoofman, Pennie L LTC USSOUTHCOM JTFGTMO <Pennie.L.Hoofman@jtfgtmo.southcom.mil>
Sent:	Monday, March 19, 2007 5:16:15 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	Request Ethics Consultation
Attachments:	Scan001.pdf

Steve,

Attached is a copy of the letter requesting your assistance for a confidential ethics consultation. I'm still working on getting the actual orders done. But please make your travel arrangements and lodging arrangements.

What is the status of your Security Clearance? Are you still waiting for the fingerprints?

I am looking forward to your visit!

Thanks for your patience with all this!

V/R

Pennie

DEPARTMENT OF DEFENSE
HEADQUARTERS, JOINT TASK FORCE GUANTANAMO
U.S. NAVAL BASE, GUANTANAMO BAY, CUBA
APO AE 09360

JTF-GTMO-BSCT

19 March 2007

MEMORANDUM FOR Stephen Behnke, JD, PhD., Director, Ethics Office, American Psychological Association, 750 First Street, NE Washington, DC 2002-4242

SUBJECT: Request Staff Assistance Visit for Behavioral Science Consultation Team

1. Request your support as a consultant and member of a Staff Assistance Visit (SAV) to Joint Task Force-Guantanamo Bay (JTF-GTMO) to include observing the Behavioral Science Consultation Team (BSCT) activities based on your subject matter expertise in psychological ethics. The SAV will be led by Dr. (COL) L. Morgan Banks and include Dr. (LTC) Debra Dunivin.

2. We request that you, a highly respected psychologist and ethics consultant, provide consultation regarding the American Psychological Association (APA) Ethics Code, the Psychological Ethics in National Security (PENS) report, and Council resolutions. Current Department of Defense (DoD) policy explicitly references the Psychological Ethics in National Security (PENS) report. As a member of the SAV team, we request that you provide input to the JTF-GTMO commander regarding the DoD Instruction 2310.08E (Medical Program Support for Detainee Operations) and the OTSG/MEDCOM Policy 06-029 (Behavioral Science Consultation Policy). In addition, please provide consultation to psychologists and those working with psychologists on APA's position, discuss how that position is put into practice, and examine ways of ensuring that psychologists in all functional activities remain within the proper ethical bounds in their work. The psychologists currently at JTF-GTMO are APA members.

3. While previous visits to GTMO that included APA officials provided structured tours and presentations, no restrictions were placed on participants' discussion of the trip following return home. The nature of this visit and request is substantially different. This on-site consultation will allow you to receive full explanations of current procedures and observe aspects of the process in the actual physical context at the level of your security clearance. You will be able to speak with multiple individuals involved in the process and ask questions about the process from individuals as questions arise. It is important that you treat all related interactions as a confidential ethics consultation.

4. Based on individual schedules, this consultation will occur from March 27-March 31, 2007, with travel dates including March 26, 27, 31 and April 1.

JTF-GTMO-BSCT
SUBJECT: Request Staff Assistance Visit for Behavioral Science Consultation Team

5. The project officer is Dr. (LTC) Pennie Hoofman at DSN 660-3759. Thank you for your consideration.

PETER A. HUSTA
Captain, U.S. Navy
Chief of Staff

Sender: Olivia Moorehead-Slaughter [redacted]
Sent: Monday, March 19, 2007 2:05:11 PM
Recipient: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject: Fwd: RE: Response to Proposed Moratorium
Attachments: gelles response.doc

----- Original Message -----

Dear Mike and Olivia,
Attached please find a draft of my response to Mike's letter. I may want to tweak it a bit until tonight, but I wanted to give you a sense of the drift of my thoughts. If possible, I'd appreciate it not being sent out till Monday, but if it has to go our today, its OK to send this out.
Thanks,
Neil

>From [redacted]
>To: [redacted]
>CC: [redacted]
>Subject: Response to Proposed Moratorium
>Date: Thu, 15 Mar 2007 06:56:27 -0400
>
>Neil/Olivia
>
>I apologize if you receive two messages, a problem with Compuserve. Please
>find attached a letter which offers my view regarding the proposed
>moratorium for psychologists in foreign detention facilities. I recognize
>that this is a very critical issue and should be given great consideration.
>I look forward to future discussions.
>
>Best Regards,
>
>Michael

><< Gellesletter[1].pdf >>

Get a FREE Web site, company branded e-mail and more from Microsoft Office Live! http://clk.atdmt.com/MRT/go/mcrssaub0050001411mrt/direct/01/

Sender:	Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent:	Monday, March 19, 2007 4:54:01 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	Re: Final check

Good job. I should have caught that. Thanks for showing it to me. I look forward to seeing you in a week.

Morgan
COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
Banksl@usasoc.socom.smil.mil/banksl@soc.mil
(Sent from Blackberry)

-----Original Message-----
From: Behnke, Stephen <sbehnke@apa.org>
To: Banks, Louie M. COL
Sent: Mon Mar 19 14:51:23 2007
Subject: Final check

Morgan, this is what the Committee approved—a couple of slight tweaks in the language (the Committee wanted to ensure that the statement would not cause a problem for SERE training).

Steve

Sender:	Mike Gelles
Sent:	Thursday, April 05, 2007 5:52:31 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	[FWD: Response]
Attachments:	Response

Sender:	Farberman, Rhea </O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>
Sent:	Thursday, April 05, 2007 9:45:30 AM
Recipient:	Behnke, Stephen <sbehnke@apa.org>
Subject:	FW: Could you read this draft in the am?
Attachments:	Gellesreplyletter.doc

Hey Steve – please see the two places where I have marked copy in bold type –

First section of bold type – to me this text implies that psychologist(s) were doing improper things. Is that what Mike wants to say.

Second section of bold type – strikes me as somewhat obnoxious; Mike could make the point through the second part of the section – whom to ask...

Rhea

From: Behnke, Stephen
Sent: Wednesday, April 04, 2007 11:21 PM
To: Farberman, Rhea
Subject: Could you read this draft in the am?

Thanks so much, Rhea—would like to get this taken care of today. I think this is going to be the last letter Gelles sends—we're at the point of diminishing returns.

Steve

Sender: Laumeier, Emily </O=APA/OU=DC/CN=RECIPIENTS/CN=ELL>
Sent: Thursday, April 26, 2007 3:41:25 PM
Recipient: 'Olivia Moorehead Slaughter PhD' PRIVACY REDACTION
Cc: Behnke, Stephen <sbehnke@apa.org>
Subject: From Steve Behnke
Attachments: NeilAltman0806CRresolutiongovernancefeedback0407.doc;0806CRresolutiongovernanc

---

Hi Olivia,

Here are the documents you are expecting from Steve. The WORD document is a letter to Neil, and the PDF document is a compilation of governance group responses. Call me if you need anything. PRIVACY REDACTION direct line.

Em

Emily Laumeier
Governance Coordinator
Ethics Office
American Psychological Association
750 First Street NE
Washington, DC 20002-4242
Phone 202 336 5930
Fax 202 336-5997
e-mail elaumeier@apa.org



April 26, 2007

Neil Altman, PhD
PRIVACY REDACTION

Dear Neil,

I write to provide you an update about the status of the moratorium resolution in the governance process. Late last fall, you asked the Ethics Office and Committee to become more actively involved in reaching out to governance groups to seek consensus on the resolution's language. Division 19, with whom you had been in contact, has reviewed drafts of the resolution and provided you feedback. In addition, the resolution was provided to all groups at the Consolidated meetings this spring, where you led an open meeting to hear from governance group representatives. We were fortunate to receive specific and extensive feedback on the resolution at the open meeting.

We have now received written feedback on the draft resolution from several governance groups representing a broad range of issues and areas of expertise. It is clear that this issue has generated significant interest and attention from our members and from governance. The nature and extent of the written comments reflect that interest. I interpret such activity to be the sign of a flourishing association.

At the present moment, we need to examine the feedback carefully. It is important to note that, while one group has indicated that the content matter of the resolution lies outside its area of expertise, other groups have raised substantial issues to address. We now have three possible avenues of moving forward. As we discuss which of the three is best, I believe it will be helpful to consider our options in light of our ethics and interrogation program at Convention.

First, we could proceed with the normal governance process of having the Ethics Committee, as the lead governance group, review the current main motion and make a recommendation to the Board of Directors for its June meeting. This path would require the Ethics Committee to review the resolution and decide upon a recommendation within the next several days. I would strongly recommend against this course of action. Given the number and complexity of the issues that other groups have raised, the Ethics Committee will almost certainly not support the resolution in its current form. It would be highly inadvisable for the resolution to be put forward at Council without the support of the Ethics Committee.

Second, you could assess the likelihood of reaching consensus on the resolution before Council meets, with the intent of having Council review the resolution in August without the Board's June review. Following this path will require a request on the floor of Council that Council suspend its rules. The Ethics Office and Committee will commit considerable resources for a collaborative effort to seek consensus on the resolution following this second path. At the same time, given that Convention is three and one-half months away, it is important that we recognize the effort this course of action will entail. The authors of the 2006 resolution put in hundreds of hours in the several months leading up to Convention in New Orleans and I anticipate that an equal or even greater effort would be required in this collaborative effort, given the nature and extent of the feedback we have received. It is also important to remember that, even with a high degree of consensus going into the meeting, the 2006 resolution generated significant discussion on the floor of Council. I would therefore recommend this second course of action only if you are able to devote considerable time and energy to a collaborative effort before Council meets; following this path and having the resolution defeated on the floor of Council, or having the request that Council vote to suspend its rules fail, would be highly undesirable outcomes for us. Either would likely end Council's consideration of this issue for a long time to come.

Third and finally, the resolution could go through another round of Consolidated meetings this fall. In many respects, this may be the preferable course of action, insofar as it will allow groups to review the issues and your resolution in a more deliberative and considered manner, and meet with you to discuss their concerns and hear your responses. Given the complexity of the issues and intensity of the passions involved, I believe is it very important that governance groups have enough time to become familiar with the resolution's reasoning and conclusions, and feel comfortable that their feedback has been taken into consideration and incorporated into the resolution's text. Feedback from governance groups thus far makes clear that work in this regard remains to be done.

Given how the resolution has been framed, it will be especially important to be engaged with the practice, forensic and military communities as the resolution moves forward. The stated purpose of the resolution is to protect military psychologists in a particular area of practice, and you have described the necessity of this protection as arising from an ambiguous legal framework. The resolution's stated goal and rationale therefore highlight the value of feedback from Practice governance groups, Division 19 and the Committee on Legal Issues. I am confident that reaching consensus with these groups will establish an excellent foundation for the resolution to receive wide support at Council. I would encourage us to view the Convention program as an opportunity to gather with representatives from these groups. A small group meeting, perhaps over dinner following the Town Hall meeting on Sunday evening, would be a good venue.

I am copying Paul Donnelly, in case you have any questions about the process. I look forward to hearing your thoughts, and again want to emphasize the willingness of the Ethics Committee and Office to expend considerable resources in working toward a consensus resolution that Council will adopt.

Warmly,

Olivia

Responses from APA Governance Groups

April 26, 2007

Board for the Advancement of Psychology in the Public Interest (BAPPI)

Board of Educational Affairs (BEA)

Board of Professional Affairs (BPA)

Committee on Division/APA Relations (CODAPAR)

Committee on Ethnic Minority Affairs (CEMA)

Committee on Legal Issues (COLI)

Spring Consolidated Meetings March 23-25, 2007 Agenda Item CC-23
Psychologist Participation at US Detention Centers

AMERICAN
PSYCHOLOGICAL
ASSOCIATION

MEMORANDUM

TO: Ethics Committee

FROM: Board for the Advancement of Psychology in the Public Interest (BAPPI)

RE: C/R new business item 25D: Psychologist Participation at US Detention Centers

DATE: April 26, 2007

BAPPI commends the work that went into developing the Resolution calling for a moratorium on psychologist involvement in interrogations at US detention centers for foreign detainees. BAPPI recognizes that the goal of this resolution was intended to support psychologists in the military who may be placed in ethical dilemmas in relation to their employers at US detention centers. As initially conceived, this resolution was intended to be temporary until a casebook could be developed to guide psychologists when faced with ethical dilemmas related to interrogations.

BAPPI is committed to supporting the principles outlined in the APA Resolution Against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment and affirms that psychologists regardless of their roles, shall not knowingly engage in, tolerate, direct, support, advise or offer training in torture or other cruel, inhuman, or degrading treatment or punishment. BAPPI further recognizes that this resolution is important, not because psychologists are participating in such activities, but rather to support psychologists in the military who may find it necessary to disobey orders in order to avoid engaging in activities that are unethical. BAPPI further recognizes the importance of the results of the Stanford prison experiment by Dr. Zimbardo questioning the ability of psychologists to remain neutral when situated in environments that are coercive and punitive.

However, BAPPI questions whether a moratorium will serve these interests and whether they will instead place psychologists in the military at US detention centers at risk without the protection of the profession. If the expected outcomes of the Resolution are to improve ethical and legal guidance for psychologists working in US detention centers;

to protect individuals from the use of torture and other cruel, inhuman, or degrading treatment during interrogations at US detention centers; and to protect psychologists from involvement in such interrogations, then it is appropriate that the focus of activities be on the following:

- Immediate development of the ethical casebook as originally intended
- Dissemination of the original resolution affirming APA's clear and unequivocal position against the use of torture and other cruel, inhuman, or degrading treatment of punishment at US detention centers.
- Communication to the public of a clear message about fundamental human values on which American psychological research, practice, and consultation are based and evaluated

BAPPI believes it is appropriate for APA to be visible on this issue because psychologists have an important responsibility to promote social justice and human rights in the public interest. However, BAPPI it is unable to support a moratorium. A moratorium will be impractical since it will not speed up the development of a case book, nor will it protect psychologists in the military from penalties for refusing to follow lawful orders, nor will it ensure legal defense or ethical guidance to psychologists in the military.

cc: Stephen Behnke, JD, PhD
Jean Chin, PhD
Olivia Moorehead-Slaughter, PhD
Gwendolyn P. Keita, PhD
Shirlene A. Archer, JD

AMERICAN PSYCHOLOGICAL ASSOCIATION

Memorandum

To: Stephen Behnke, JD, PhD
Director, Ethics Office

From: Board of Educational Affairs (BEA)
Luis Espinoza, Governance Officer
Education Directorate

Date: April 16, 2007

Subject: BEA Comments on Cross-Cutting Item 23

At the Spring 2007 consolidated meetings, a BEA representative attended the open meeting regarding the proposed resolution placing a moratorium on psychologists' involvement in military interrogations at centers for foreign detainees. During the course of the meeting, the sponsor emphasized that the purpose of the resolution was to protect military psychologists by providing support for a refusal to engage in interrogations in contexts where there is ambiguous or insufficient legal guidance. The sponsor also emphasized that the problem to be addressed is inconsistency between US law and international human rights standards.

Upon reflection, BEA would like to hear from military psychologists concerning whether they believe the protection envisioned by the resolution is needed or appropriate, and whether the resolution in its current form will offer such protection. In addition, BEA would like to receive input regarding APA's appropriate role in reconciling US law and international human rights standards. BEA would also like to know whether there is any precedent for APA requesting or requiring its members to remove themselves from contexts in which there is potential inconsistency between US law and human rights standards.

Should you require additional information, please contact Luis Espinoza at (202) 336-5783 or Lespinoza@apa.org. Thank you.

cc: Richard Babumba, Administrative Coordinator, Education Directorate
Cynthia Belar, PhD, Executive Director, Education Directorate
Linda Campbell, PhD, Chair, BEA
Robert Walsh, Associate Executive Director for Governance, Education Directorate

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(202) 336-6123 TDD
Web: www.apa.org

Please Recycle

MEMORANDUM

TO: **Stephen Behnke, JD, PhD, Director**
Ethics Office, Executive Office

FROM: **Mary G. Hardiman, MS, Director of Board Operations**
Practice Research & Policy, Practice Directorate

RE: Unapproved Minute from the Board of Professional Affairs Spring 2007 Meeting at APA Consolidated Meetings, March 23-25, 2007

DATE: Monday, April 23, 2007

Following is the unapproved minute from the Board of Professional Affairs Spring 2007 Meeting at APA's Consolidated Meetings, held March 23-25, 2007. If any substantive changes are made to the contents of this minute, we will endeavor to provide you with a revised minute on the same.

The Board of Professional Affairs appreciates the opportunity to provide comments on this item.

Item 14: CC-23 **New Business Item 25D. Psychologist Participation at US Detention Centers**

Subsequent to the 2006 APA Resolution against Torture and Other Cruel, Inhumane, or Degrading Treatment, Neil Altman, PhD, has introduced a motion calling on APA for a moratorium on psychologists' involvement in interrogations taking place at U.S. Detention Centers for foreign detainees. He lists the purpose of the resolution as two-fold: (1) to protect individuals from possible use of torture and other cruel, inhumane or degrading treatment during interrogations at the U.S. Detention Centers for foreign detainees; and, (2) to protect psychologists legally, ethically and psychologically from involvement in such interrogations.

All Boards and Committees, including the Board of Professional Affairs, were asked at APA's Spring Consolidated Meetings to review this item and provide comment on the revised motion. An open meeting was held to conduct a discussion on the item, and provide additional information. The Board of Professional Affairs was represented at the open meeting during which Dr.

Altman was available to respond to questions.

The Board of Professional Affairs had an extensive discussion regarding the item and some members did express the need for a statement by APA regarding interrogations at detention centers. However, BPA finds the resolution submitted by Dr. Altman insufficient for the following reasons:

1) The intent of the resolution appears political in nature rather than principally focused on the welfare or activities of psychologists.
2) The tone and focus of the resolution impugns the ethics and engagement of the work of military and career psychologists at the detention centers without direct knowledge or specific instances of how their work is, perhaps, compromised.
3) The resolution does not build in protections for psychologists who are appropriately engaged in work at the detention centers. Thus, the resolution may do more harm than good.

After careful consideration of this item, the Board of Professional Affairs recommends that the resolution should be withdrawn and/or rejected.

To: Stephen H. Behnke, JD, PhD
APA Ethics Office

From: Committee on Division / APA Relation

Re: Council New Business Item #25D: Psychologist Participation at U.S. Detention Centers

Date: April 3, 2007

AMERICAN PSYCHOLOGICAL ASSOCIATION
CODAPAR
Division Services
750 First Street Northeast
Washington, D.C. 20002

At its Spring Consolidated Meeting, March 23 - 25, CODAPAR was asked to review and comment on the Council New Business Item #25D: Psychologist Participation at U.S. Detention Centers. The Committee discussed this item in detail and decided that the item bears no direct impact on divisions. CODAPAR has no further comments at this time.

AMERICAN
PSYCHOLOGICAL
ASSOCIATION

Public Interest Directorate

MEMORANDUM

DATE: April 23, 2007

TO: Stephen H. Behnke, PhD, JD APA Ethics Office

FROM: APA Committee on Ethnic Minority Affairs (CEMA)

SUBJECT: CC-23 – Psychologists Participation at U.S. Detention Centers

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The APA Committee on Ethnic Minority Affairs (CEMA), during its March 23-35, 2007 meeting, reviewed and discussed the proposed APA Division 39 resolution titled, *Psychologist Participation at US Detention Centers* (A moratorium on psychologist involvement in interrogations at US detention centers for foreign detainees) , being considered by the APA Council of Representatives (C/Rs) as New Business Item No. 25D. CEMA is sympathetic to the intent of the proposed resolution but has concerns that it narrows the focus upon what should be a much broader issue about psychologists' role in various detention facilitates both domestic as well as international.

CEMA believes for example that psychologists participate in forms of interrogations in many other contexts such as with law enforcement and correctional entities. A psychologist's roles in these work circumstances equally require review. For example psychologists in correctional facilities find themselves working between judicial as well as correctional detention imperatives that need scrutiny about appropriate professional behavior.

Therefore, CEMA believes what is raised by this resolution is the need to review ethical, social justice and other appropriate behavior of psychologists not only in U.S. detention centers but also in state and local detention centers where psychologists' professional expertise is engaged. CEMA is particularly concerned about domestic detention centers given the disproportionate number of persons of color in such contexts. CEMA feels that consideration of the human rights as well as the citizen rights of persons in domestic detention centers be a part of deliberations of this resolution. CEMA recomends that the resolution be returned to its movers so that it can be significantly expanded to address the broader issues raised by CEMA.

In addition, CEMA stresses the importance and value of including a multicultural/ethnic minority perspective in the development of all APA related projects, activities, initiatives, and policy. Accordingly, CEMA's comments and recommendations in this correspondence reflect another example of the importance of ethnic minority representation, expertise, and participation on all APA task forces, work groups, initiatives, and other APA projects. CEMA strongly recommends that as a matter of conventional practice, commitment to multicultural/ethnic minority concerns and inclusion of ethnic minority expertise shall consistently be a high priority in all APA related endeavors.

cc: BAPPI; Gwendolyn P. Keita, PhD

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Web: www.apa.org/pi

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AMERICAN PSYCHOLOGICAL ASSOCIATION

MEMORANDUM

To: Stephen Behnke, JD, PhD, Director
APA Office of Ethics

From: Donna Beavers, Staff Liaison
Committee on Legal Issues

Date: April 25, 2007

Re: C/R New Business Item 25D: *Psychologist Participation at US Detention Centers*

The Committee on Legal Issues (COLI), during its March 23-24 meeting, reviewed C/R New Business Item 25D / COLI Agenda Item 7: "Psychologist Participation at US Detention Centers." COLI member, Michelle Keeney, led the Committee in a review and discussion of the proposed resolution calling for a moratorium on psychologists' involvement in centers for foreign detainees, and COLI members participated in the open meeting on Friday, March 23.

The rationale for the resolution, as stated by the sponsor, is the legal framework that governs the treatment of detainees. COLI has strong objections to the resolution in its current form. While detailed comments on the proposal will be provided by the Committee in the near future, a preliminary statement on behalf of COLI is submitted at this time, as follows:

> COLI objects to the resolution in its current form on a number of grounds. Four examples follow. First, the statement focuses on a legal framework. For reasons that will be expanded upon, COLI has serious reservations about the American Psychological Association setting forth legal criteria for when psychologists may engage in a particular area of practice. Second, the resolution sponsor has been explicit that the resolution has a political basis. COLI believes that APA members have an obligation to engage in political discussion, debate and advocacy *as citizens*, but does not believe that Council resolutions are the appropriate place to make political statements, however wide the support for a given political position in the Association may be. COLI believes that grounding a political statement on a legal argument represents a significant departure from APA's objectives as stated in the Bylaws. Third, the resolution is described as intended to "protect" members of a community, representatives of which are indicating that the resolution in its current form will likely be harmful in their efforts to promote the ethical practice of interrogations. Fourth, the resolution does not address conditions of

confinement, treatment or interrogation in US correctional facilities which, as described in numerous official and media reports, rise to the level of torture or cruel, inhuman and degrading treatment. Despite the resolution sponsor's argument—that US citizens have a right of redress—a resolution addressing conditions of treatment and detention falls significantly short if it does not examine what occurs in US settings. COLI will provide an expanded version of this statement in the very near future.

Sender:	Beavers, Donna </O=APA/OU=DC/CN=RECIPIENTS/CN=DJB>
Sent:	Thursday, April 26, 2007 9:26:22 AM
Recipient:	Behnke, Stephen <sbehnke@apa.org>;Laumeier, Emily <elaumeier@apa.org>
Cc:	'COLI listserv' <COLI@LISTS.APA.ORG>
Subject:	COLI PRELIMINARY Comments on C/R Item: Psyc Participation at US Detention Centers
Attachments:	COLI Agenda Item 7 Psyc in Detention Ctrs March 2007.doc

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Steve and Emily,

Attached is a memorandum conveying COLI's preliminary comments only in response to the Committee's review of the proposed resolution calling for a moratorium on psychologists' involvement in US Detention Centers (Dr. Neil Altman's C/R new business item). As previously discussed, COLI plans to submit rather extensive comments which will address the many issues raised by COLI during our March 23-24 meeting. COLI's more comprehensive comments will be submitted next week – with a target date of Thursday, May 3 – once the full Committee has had an opportunity to review, issue comments, and approve the more extensive draft comment document which is being prepared by COLI member, Michelle Keeney. Please consider the attached preliminary comments as you prepare the agenda item for the Board of Directors, due next Monday, with the understanding that you can expect to receive more extensive COLI comments to supplement that item.

Thank you,
Donna

Donna J. Beavers
Director, Law/Psychology Coordination
Office of General Counsel
American Psychological Association
750 First Street, NE
Washington, DC 20002-4242
202/336-6078 (telephone)
202/336-6069 (fax)
Email: dbeavers@apa.org

AMERICAN PSYCHOLOGICAL ASSOCIATION

MEMORANDUM

To: Stephen Behnke, JD, PhD, Director
APA Office of Ethics

From: Donna Beavers, Staff Liaison
Committee on Legal Issues

Date: April 25, 2007

Re: C/R New Business Item 25D: *Psychologist Participation at US Detention Centers*

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> COLI objects to the resolution in its current form on a number of grounds. Four examples follow. First, the statement focuses on a legal framework. For reasons that will be expanded upon, COLI has serious reservations about the American Psychological Association setting forth legal criteria for when psychologists may engage in a particular area of practice. Second, the resolution sponsor has been explicit that the resolution has a political basis. COLI believes that APA members have an obligation to engage in political discussion, debate and advocacy *as citizens*, but does not believe that Council resolutions are the appropriate place to make political statements, however wide the support for a given political position in the Association may be. COLI believes that grounding a political statement on a legal argument represents a significant departure from APA's objectives as stated in the Bylaws. Third, the resolution is described as intended to "protect" members of a community, representatives of which are indicating that the resolution in its current form will likely be harmful in their efforts to promote the ethical practice of interrogations. Fourth, the resolution does not address conditions of

confinement, treatment or interrogation in US correctional facilities which, as described in numerous official and media reports, rise to the level of torture or cruel, inhuman and degrading treatment. Despite the resolution sponsor's argument—that US citizens have a right of redress—a resolution addressing conditions of treatment and detention falls significantly short if it does not examine what occurs in US settings. COLI will provide an expanded version of this statement in the very near future.

M E M O R A N D U M

TO: **Stephen Behnke, JD, PhD, Director**
Ethics Office, Executive Office

FROM: **Mary G. Hardiman, MS, Director of Board Operations**
Practice Research & Policy, Practice Directorate

RE: Unapproved Minute from the Board of Professional Affairs Spring 2007 Meeting at APA Consolidated Meetings, March 23-25, 2007

DATE: Monday, April 23, 2007

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The Board of Professional Affairs appreciates the opportunity to provide comments on this item.

Item 14: CC-23 **New Business Item 25D. Psychologist Participation at US Detention Centers**

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legally, ethically and psychologically from involvement in such interrogations.

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The Board of Professional Affairs had an extensive discussion regarding the item and some members did express the need for a statement by APA regarding interrogations at detention centers. However, BPA finds the resolution submitted by Dr. Altman insufficient for the following reasons:

1) The intent of the resolution appears political in nature rather than principally focused on the welfare or activities of psychologists.
2) The tone and focus of the resolution impugns the ethics and engagement of the work of military and career psychologists at the detention centers without direct knowledge or specific instances of how their work is, perhaps, compromised.
3) The resolution does not build in protections for psychologists who are appropriately engaged in work at the detention centers. Thus, the resolution may do more harm than good.

After careful consideration of this item, the Board of Professional Affairs recommends that the resolution should be withdrawn and/or rejected.

Sender:	Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent:	Wednesday, April 18, 2007 3:32:39 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	Recent Article
Attachments:	Talk delivered on March 17.doc

Steve,

PRIVACY REDACTION PRIVACY REDACTION PRIVACY REDACTION

I have received a request from the Admiral in charge of GTMO. The attached article was published in the local GTMO newspaper, and he would like me or someone "at my level" to respond. I am looking at it right now, but wanted to check and see if you were going to address it, or if you had any recommendations. (I actually have to be very careful responding, given my Command.) Debra is also looking at it.

<<Talk delivered on March 17.doc>>

I appreciate your thoughts, and if you are planning on a formal response, then, with your permission, that would probably be best. If not, then we will come up with something.

Very sorry I missed you down here.

Morgan

COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

Sender:	Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent:	Wednesday, April 18, 2007 3:47:56 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	RE: Recent Article

Yes. The best number right now is PRIVACY REDACTION. My bb has very poor coverage here.

COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Wednesday, April 18, 2007 3:35 PM
To: Banks, Louie M. COL
Subject: RE: Recent Article

Morgan, you available for a quick shout?

Steve

From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Wednesday, April 18, 2007 3:33 PM
To: Behnke, Stephen
Subject: Recent Article

Steve,

PRIVACY REDACTION PRIVACY REDACTION PRIVACY REDACTION

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Morgan

COL L. Morgan Banks

Director, Psychological Applications Directorate
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PRIVACY REDACTION
banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

Sender:	Neil Massoth [redacted]
Sent:	Monday, April 30, 2007 9:21:59 AM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	Fw: [SOCIAL] letter I sent to moratorium resolution co-sponsors

Steve,
Neil A. is moving forward with the Resolution.
The attached is an e-mail from Ed T. in response.
Any thoughts on an appropriate reply?
I will be at APA Thurs & Fri of this week for a CRSPPP meeting. Perhaps I will run into you.
Neil

----- Original Message -----
From: Ed Tejirian
To: SOCIALJUSTICE@LISTS.APA.ORG
Sent: Sunday, April 29, 2007 10:53 PM
Subject: Re: [SOCIAL] letter I sent to moratorium resolution co-sponsors

Neil,

Are we to understand that the Ethics Committee (and Steve Behnke) have said that there is NO ethical issue with respect to psychologists' participation in interrrogations because 1.02 stipulates that psychologists may "ethically" follow the law even if to do so contravenes any other provision of the Ethics Code?

And whose interpretation was it that declared that the 2006 Resolution was not relevant to psychologists' partiicipating in interrogations in situations that violated the 5th, 8th, and 14 amendments?

Finally, what is the procedure that will ensure that the Moratorium Resolution will come before Council in August (and what is the role of the Board of Directors in that process?)

Ed

Frank Summers [redacted] wrote:

> Neil. great letter. Frank
>
> Frank Summers, Ph.D.,ABPP
> [redacted]
>
> href="http://www.franksummersphd.com/">www.franksummersphd.com
>
> ----Original Message Follows----
> From: Neil Altman
> Reply-To: Social Justice Discussion forum

To: SOCIALJUSTICE@LISTS.APA.ORG
Subject: [SOCIAL] letter I sent to moratorium resolution co-sponsors
Date: Sun, 29 Apr 2007 06:36:34 -0400

Dear all,
Here is a letter I sent out today to moratorium resolution co-sponsors

Thank you to those of you who made comments to me about how to proceed with the Moratorium Resolution. On Saturday I had a phone conversation with Steve Behnke, Olivia Moorehead-Slaughter, Robin Deutsch (current chair of the ethics committee) and Paul Donnelly (who consulted to us on procedural matters). I told them I want to proceed with the resolution and present it to the Board of Directors and then to the Council or Representatives, with or without the endorsement of the Ethics Committee. I want to explain why I came to this conclusion.

First, I found no basis in the comments of the Governance Groups for further negotiations. Objection was taken to a political basis for the resolution, and objection was taken to a legal basis for the resolution. There can be no ethical basis for the resolution, since the current code of ethics of APA allows for the ethics code to be violated when a member is given a lawful order, or is following a lawful regulation (as per US law). So, as far as I can tell, no basis for the resolution is recognized as legitimate by the govenance groups. The primary justification for the resolution as set forth was a legal one, having to do with potential and actual discrepancies between US and international law that put those involved with interrogations in detention centers in an untenable legal position. The Committee on Legal Issues held to their position that APA should not take a position on a legal issue despite my argument to the contrary at the Consolidated Meetings. There is not any quarrel with the justification itself; rather the objection is to the legitimacy of any legal justification. No group recognized that the 2006 APA resolution against torture affirmed that APA is now bound to promote international law as set forth in UN documents and resolutions, and no group recognized that the lack of due process for detainees is itself cruel, inhuman, and degrading as per the 5th, 8th, and 14th amendments to the US constitution, which is how the US itself defines torture and cruel, inhuman, and degrading treatment (in its ratification of the Geneva Conventions). So I see no reason to believe that further negotiations would lead to a compromise that would preserve the point of the resolution, nor was any such negotiation invited by the Committee on Legal Issues.

Other groups did suggest that torture and cruel, inhuman, and degrading treatment at domestic prisons should be addressed by the resolution, but to me this is a separate problem, though a serious one. US citizens held in US prisons have due process available to them, where ï¿½enemy combatantsï¿½ held off shore do not. The moratorium resolution addresses only this latter situation. I would be very supportive if someone were to offer a moratorium resolution addressing psychologist participation in torture and cruel, inhuman and degrading treatment at US prisons, but that would be a separate matter and would result in an additional extensive process within APA

involving considerable negotiation, I am sure, with prison and police psychologists.

This latter point brings me to the question of timing. I believe that the moratorium resolution needs to be considered in August, one year after I proposed it. If I were to agree not to let it go forward to the Board of Directors at this point, Council would have to suspend its rules to consider it in August. If it failed to do so, the matter would be put off until February at least. I consider it likely that, given the political situation in the US, a new administration in Washington in 2009 will close down Guantanamo Bay and other off shore detention facilities operated by the Military Services (though CIA and other non-military centers will likely remain). At that point, APAï¿½s opportunity to take a position on this dark chapter in US history will have passed. While I greatly value APAï¿½s commitment to consensus-building, there are situations of urgent need to address an immediate situation in which people are being mistreated.

I remain willing and eager to talk to any division or governance group that wants to negotiate on the Moratorium Resolution. The Military Psychologists have indicated that they think a moratorium would be harmful to their members; I have indicated to them that I am willing to consider language that would express respect for those who continue to function in various health-care capacities in the detention centers, and that recognizes differences of opinion on the value of psychologist involvement with interrogations. I also have indicated that I am open to language calling on APA to support, financially and otherwise, military psychologists who encounter legal or other problems as a result of refusal to participate in interrogations despite being ordered to do so.

I understand that some of you recommended that I delay taking the resolution to the Board of Directors to allow time for re-thinking the matter given the positions taken by Governance Groups. If some of you wish to withdraw your support for the resolution, I will understand. I hope that I have laid out clearly my reasons for wanting to go forward, and I will be happy to explain further if you get in touch with me.

Neil Altman

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Sender: Melba Vasquez
Sent: Monday, April 30, 2007 10:46:05 PM
Recipient: Behnke, Stephen
</O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>Patricia Spiegel ;Jeffrey Younggren
Subject: Re: Jeff, Melba, Mike, Steve, & Tricia -- seeking a consult

---

Ken,
During the Ethics Committe Task Force to Revise the Ethics Code, we struggled with this one, but kept coming back to the current version for all the reasons described so far.

Melba
In a message dated 4/30/07 8:17:16 PM, sbehnke@apa.org writes:
We all agree there are laws one must not follow. In terms of the language of the Ethics Code, it seems that at least two points are important to consider:

1. Civil disobedience is entirely consistent with standard 1.02;
2. Finding the right language to identify which laws one may never follow is not so easily done. The current and immediate past-presidents of the DSJ had a difference of opinion on this question (specifically, whether the standard 1.02 language should be "torture and cruel, inhuman, or degrading treatment"); "basic principles of human rights" may be overly generally for an enforceable standard; and reference to the UN Declaration of Human Rights generates another definitional problem.

Steve

From: Patricia Spiegel PRIVACY REDACTION
Sent: Monday, April 30, 2007 2:47 PM
To: Jeffrey Younggren ; Mike Gottlieb; Behnke, Stephen; Melba Vasquez; Ken Pope
Subject: Re: Jeff, Melba, Mike, Steve, & Tricia -- seeking a consult

Jeff wrote: "Obviously, to me, there are circumstances where a psychologist could not compromise ethics even if it meant that they might lose their job or violate the law..."

This is the issue I think Ken is getting at--there is not a "no compromise" statement in the ethics code. The code as stated implies that there is no such thing as a line that cannot be crossed so long as the psychologist goes though the motions of "making known" his/her responsibilities first. Here is where the wild card comes in--each psychologists' individual moral standards.

Another quirk here: Suppose a psychologist is ordered by a supervisor to administer immediately a psychodiagnostic test that requires considerable training, but the psychologist has none. She tells the supervisor this (and about the associated ethical obligations). The supervisor tells her to take the manual home over the weekend and be prepared to start testing patients on Monday morning. The code seems to imply that going ahead is OK, but in doing so the psychologist do will be breaking other principles in the ethics code.

This debate does not solve easy!

Tricia

----- Original Message -----
From: Jeffrey Younggren
To: "Tricia Keith-Spiegel" PRIVACY REDACTION ; "Mike Gottlieb" PRIVACY REDACTION ; "Steve Behnke" <sbehnke@apa.org>; "Melba Vasquez" PRIVACY REDACTION ; "Ken Pope" PRIVACY REDACTION

Sent: Sunday, April 29, 2007 6:54 PM

Subject: Re: Jeff, Melba, Mike, Steve, & Tricia -- seeking a consult

> Hi Ken:
>
> I think that the problems here have to do with the conflict that naturally occurs with extremes and absolutes. Obviously, to me, there are circumstances where a psychologist could not compromise ethics even if it meant that they might lose their job or violate the law, but there are times where such compromises are both practical and necessary. So, to me, psychologists confronted with such conflicts must work with them and arrive at informed decisions. This forces psychologists to work with the code but not to be placed in a position where they would necessarily have to starve because they quit their job over such a dilemma. I think we all recall where a psychologist in the military, many years ago, was sanctioned by APA for adhering to a direct order to release records. Under the UCMJ, such a request is legal, APA thought not. I think the current wording would allow for a better solution now. So, it is vague, and surely not perfect, a good match for the human condition.
>
> Jeff
> ---- Ken Pope PRIVACY REDACTION wrote:
>> Hi, Jeff, Melba, Mike, Steve, and Tricia,
>>
>> I'm writing to request an ethical consult. An issue has been tugging at
>> my sleeve for the longest time -- I keep setting it aside, thinking that
>> I'll see it from a different perspective, but no luck. I'm sure I'm
>> overlooking something, or misreading or misunderstanding part of our
>> ethics code, but I can't figure out where I'm going wrong. So I thought
>> I'd ask some ethics experts.
>>
>> Here's the issue I'm having trouble thinking through: Section 1.02
>> ("Conflicts Between Ethics and Law, Regulations, or Other Governing

>> Legal Authority") of our ethics code states: "If psychologists' ethical
>> responsibilities conflict with law, regulations, or other governing
>> legal authority, psychologists make known their commitment to the Ethics
>> Code and take steps to resolve the conflict. If the conflict is
>> unresolvable via such means, psychologists may adhere to the
>> requirements of the law, regulations, or other governing legal authority."
>>
>> I'm puzzled because this seems (and again, I'm sure that I'm somehow
>> misinterpreting this passage) to mean that our association, in voicing
>> its ethical values, holds that if there is an irreconcilable conflict
>> between "ethical responsibilities" and the law or authority, it is OK to
>> set aside our ethical responsibilities and just follow the law or authority.
>>
>> This seems to take a stance at odds with the Nuremberg principle that
>> one could not set aside personal responsibility on the basis of just
>> following the state's law or orders from an authority.
>>
>> I'd greatly appreciate any thoughts you have that would help me think
>> this through.
>>
>> Thanks, as always, for your help!
>>
>> Ken
>>
>> 3 wonderful therapy cats in our offices:
>> <http://kenpope.com/bluemoonflutie/index.php>
>>
>> "We who lived in concentration camps can remember the people who walked
>> through the huts comforting others, giving away their last piece of
>> bread. They may have been few in number, but they offer sufficient
>> proof that everything can be taken from a person but one thing: the last
>> of the human freedoms -- to choose one's attitude in any given set of
>> circumstances, to choose one's own way."
>> --Viktor Frankl (1905-1997)
>>
>
>
Melba J. T. Vasquez, PhD, ABPP
Board of Directors, American Psychological Association
Past-President, Texas Psychological Association
PRIVACY REDACTION
PRIVACY REDACTION
PRIVACY REDACTION
PRIVACY REDACTION
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****
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Sender:	Bryson, Jennifer CIV OSD POLICY <Jennifer.Bryson@osd.mil>
Sent:	Wednesday, May 16, 2007 2:41:54 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	RE: A very confidential request
Attachments:	comments EC0307Interrogationstatement.doc

Here you go.

-----Original Message-----
From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Wednesday, May 16, 2007 14:24
To: Jennifer Bryson; Bryson, Jennifer CIV OSD POLICY
Subject: A very confidential request

Jennifer, could you please review this statement and tell me whether you would have any problem with it? (also, please do not share)

Thanks so much,

Steve

The American Psychological Association has made no less than five statements regarding its absolute and unequivocal prohibition against torture. These include the *Against Torture: Joint Resolution of the American Psychiatric Association and American Psychological Association* (1985); *Resolution Against Torture* (1986); the *Report of the Task Force on Psychological Ethics and National Security* (2005), motions passed by the Council of Representatives in 2005, and the *2006 Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*. Based on these actions, the APA Ethics Committee further elaborates its position:

Psychologists must never participate in, condone, or in any manner facilitate torture or other cruel, inhuman, or degrading treatment. This unequivocal condemnation includes an absolute prohibition against the use of cruel, inhuman, and degrading interrogation approaches and techniques in attempts ~~order~~ to elicit information from incarcerated or detained individuals. While neither the list below nor any list could be exhaustive, the underlying principle is that legitimate activities, such as eliciting information to prevent acts of violence, never justify psychologists or any individuals using psychology or psychological techniques to abuse and inflict harm. Thus, there is an absolute prohibition against "water-boarding"; mock executions; sexual shaming and degradation; degradation based on culture, ethnicity or religion; sensory deprivation and overload; forced nudity; extreme temperatures and induced hypothermia; exploitation of phobias; "hooding"; the use of dogs to threaten or intimidate; stress positions; sleep deprivation; prolonged isolation; or threats to use any of the above, as an interrogation approach or technique.

Psychologists must work in accordance with international human rights instruments relevant to their roles. In addition, psychologists must have and are mandated to follow a clear process for reporting when they become aware of acts of torture or cruel, inhuman, or degrading treatment, or when they have reasonable cause to suspect that abusive approaches or techniques such as those identified above are being used. Psychologists must never engage in a dual relationship by mixing the role of mental health care provider and consultant to an interrogation process.

Comment [JB1]: "in order to" sounds like it could be effective

Comment [JB2]: this seems vague and not belonging in the same category as the other items on the list; what about telling a British sailor he looks like Mr. Bean? -- to say that such a statement is on par with mock execution et al. belittles mock execution et al.

Comment [JB3]: What does "instrument" mean in this context? Just wondering.

Comment [JB4]: Sensible and well worded -- so long as the reporting process can be the process of the institution they work for, without having APA set up a parallel process outside of existing institutions

Comment [JB5]: Do you mean only for the detainee, or for the both detainee and those engaged with the interrogation (interrogator, analyst, ...)?

Sender:	Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent:	Wednesday, May 16, 2007 10:03:08 AM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	RE: A question
Attachments:	EC0307Interrogationstatement.doc

Steve,

I am in Spokane, with limited connectivity, at our annual SERE Psychology conference. We have a lot of great young psychologists doing tremendous work. Being taken hostage is a terrible thing, and these folks are working damn hard to train folks how to survive it. (And then take care of them when we get them back under our control.)

I have just now reviewed the document, and bled on it. Here are my 2 cents.

Hope all is well with you.

Morgann

COL L. Morgan Banks
Director, Psychological Applications Directorate
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Tuesday, May 15, 2007 12:59 PM
To: Banks, Louie M. COL
Subject: A question

Hey Morgan,

I hope you're well, and someplace safe. We're starting to take some pretty heavy fire again, in anticipation of Convention. Would prefer that we weren't meeting in San Francisco this year, but that's well above my pay grade.

I'm been working on this statement—you've seen a couple of earlier drafts. Could you take a look at see if this would be okay from your perspective? It's just slightly tweaked from what you saw last. I've tried to emphasize that the behaviors identified are when applied to incarcerated or detained individuals, and that these behaviors are prohibited when they are used as an interrogation approach or technique (and are thus not merely incidental to the incarceration/detention).

Thanks, Morgan,

Steve

The American Psychological Association has made no less than five statements regarding its absolute and unequivocal prohibition against torture. These include the *Against Torture: Joint Resolution of the American Psychiatric Association and American Psychological Association* (1985); *Resolution Against Torture* (1986); the *Report of the Task Force on Psychological Ethics and National Security* (2005), motions passed by the Council of Representatives in 2005, and the *2006 Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*. Based on these actions, the APA Ethics Committee further elaborates its position:

Psychologists must never participate in, condone, or in any manner facilitate torture or other cruel, inhuman, or degrading treatment. This unequivocal condemnation includes an absolute prohibition against the use of cruel, inhuman, and degrading interrogation approaches and techniques in order to elicit information from incarcerated or detained individuals. While neither the list below nor any list could be exhaustive, the underlying principle is that legitimate activities, such as eliciting information to prevent acts of violence, do not justify the use of psychology or psychological techniques that abuse and inflict harm on individuals. Thus, there is an absolute prohibition against "water-boarding"; mock executions; sexual shaming and degradation; degradation based on culture, ethnicity or religion; sensory deprivation and overload; forced nudity; extreme temperatures and induced hypothermia; exploitation of phobias; "hooding"; the use of dogs to threaten or intimidate; stress positions; sleep deprivation; isolation; or threats to use any of the above, as an interrogation approach or technique.

Psychologists must work in accordance with international human rights instruments relevant to their roles. In addition, psychologists must have and are mandated to follow a clear process for reporting when they become aware of acts of torture or cruel, inhuman, or degrading treatment, or when they have reasonable cause to suspect that abusive approaches or techniques such as those identified above are being used. Psychologists must never mix the roles of providing mental health care to an individual and consulting to a related ~~n~~ interrogation process.

Comment [LMB1]: Strongly agree.

Comment [LMB2]: I see this as an explanation, and not a formal statement or rule. In addition, the modifier "inflict" implies something active. If so, then it's fine. The problem is how you define harm. If a criminal admits to a crime (that he actually committed), it will cause him harm. Am I inflicting it?

Comment [LMB3]: Agree. The only issue revolves around the definition of sleep deprivation. It would probably help if some modifier were used, but I realize this is problematic also. Is there a consensual definition in the psychology literature as to what constitutes sleep deprivation?

Comment [LMB4]: I realize that "relevant to their roles" is the critical modifier, but this is pretty open to massively diverse interpretation. No DoD psychologist will work in accordance with an international instrument that is not consistent with US law. If we are not a signatory to it, then it is ordinarily not binding, and may be contrary to US law. (It is also possible that it is consistent with US law, and that it would be followed, but it is the exception that concerns me.)

Comment [LMB5]: Strongly agree.

Comment [LMB6]: Does this mean that if a psychologist is supporting the interrogation process, he or she cannot provide mental health to an individual not associated with interrogations? This could potentially be interpreted to be much more restrictive than we have made it in the past. Obviously, I strongly concur that a psychologist must prevent harmful dual relationships, and should never (except in an emergency) provide mental health care to someone he or she is helping interrogate, and I would extend this prohibition (and have) to others where there is a reasonable likelihood of a potentially harmful dual relationship (interrogators, analysts, etc.). See my thoughts in the text.

Sender: Olivia Moorehead-Slaughter PRIVACY REDACTION
Sent: Thursday, April 26, 2007 5:04:59 PM
Recipient: Neil Altman
Cc: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>;Donnelly, Paul </O=APA/OU=DC/CN=RECIPIENTS/CN=PJD>
Subject: Comments on Resolution
Attachments: NeilAltman0806CRresolutiongovernancefeedback0407.doc;0806CRresolutiongovernan

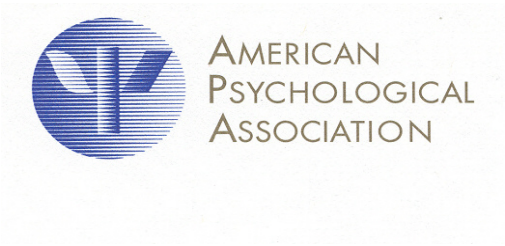
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Dear Neil,

Please see the attached letter and document, regarding the moratorium resolution. I'd like to have a call with you and Steve over the weekend, to discuss our next steps. We'll need to make a decision by Monday morning, depending upon which of the options in the letter we want to pursue. I realize that this is not a great deal of time, but there is a Board of Director's deadline that we must take into consideration.

Warmly,

Olivia



April 26, 2007

Neil Altman, PhD
PRIVACY REDACTION

Dear Neil,

I write to provide you an update about the status of the moratorium resolution in the governance process. Late last fall, you asked the Ethics Office and Committee to become more actively involved in reaching out to governance groups to seek consensus on the resolution's language. Division 19, with whom you had been in contact, has reviewed drafts of the resolution and provided you feedback. In addition, the resolution was provided to all groups at the Consolidated meetings this spring, where you led an open meeting to hear from governance group representatives. We were fortunate to receive specific and extensive feedback on the resolution at the open meeting.

We have now received written feedback on the draft resolution from several governance groups representing a broad range of issues and areas of expertise. It is clear that this issue has generated significant interest and attention from our members and from governance. The nature and extent of the written comments reflect that interest. I interpret such activity to be the sign of a flourishing association.

At the present moment, we need to examine the feedback carefully. It is important to note that, while one group has indicated that the content matter of the resolution lies outside its area of expertise, other groups have raised substantial issues to address. We now have three possible avenues of moving forward. As we discuss which of the three is best, I believe it will be helpful to consider our options in light of our ethics and interrogation program at Convention.

First, we could proceed with the normal governance process of having the Ethics Committee, as the lead governance group, review the current main motion and make a recommendation to the Board of Directors for its June meeting. This path would require the Ethics Committee to review the resolution and decide upon a recommendation within the next several days. I would strongly recommend against this course of action. Given the number and complexity of the issues that other groups have raised, the Ethics Committee will almost certainly not support the resolution in its current form. It would be highly inadvisable for the resolution to be put forward at Council without the support of the Ethics Committee.

Second, you could assess the likelihood of reaching consensus on the resolution before Council meets, with the intent of having Council review the resolution in August without the Board's June review. Following this path will require a request on the floor of Council that Council suspend its rules. The Ethics Office and Committee will commit considerable resources for a collaborative effort to seek consensus on the resolution following this second path. At the same time, given that Convention is three and one-half months away, it is important that we recognize the effort this course of action will entail. The authors of the 2006 resolution put in hundreds of hours in the several months leading up to Convention in New Orleans and I anticipate that an equal or even greater effort would be required in this collaborative effort, given the nature and extent of the feedback we have received. It is also important to remember that, even with a high degree of consensus going into the meeting, the 2006 resolution generated significant discussion on the floor of Council. I would therefore recommend this second course of action only if you are able to devote considerable time and energy to a collaborative effort before Council meets; following this path and having the resolution defeated on the floor of Council, or having the request that Council vote to suspend its rules fail, would be highly undesirable outcomes for us. Either would likely end Council's consideration of this issue for a long time to come.

Third and finally, the resolution could go through another round of Consolidated meetings this fall. In many respects, this may be the preferable course of action, insofar as it will allow groups to review the issues and your resolution in a more deliberative and considered manner, and meet with you to discuss their concerns and hear your responses. Given the complexity of the issues and intensity of the passions involved, I believe is it very important that governance groups have enough time to become familiar with the resolution's reasoning and conclusions, and feel comfortable that their feedback has been taken into consideration and incorporated into the resolution's text. Feedback from governance groups thus far makes clear that work in this regard remains to be done.

Given how the resolution has been framed, it will be especially important to be engaged with the practice, forensic and military communities as the resolution moves forward. The stated purpose of the resolution is to protect military psychologists in a particular area of practice, and you have described the necessity of this protection as arising from an ambiguous legal framework. The resolution's stated goal and rationale therefore highlight the value of feedback from Practice governance groups, Division 19 and the Committee on Legal Issues. I am confident that reaching consensus with these groups will establish an excellent foundation for the resolution to receive wide support at Council. I would encourage us to view the Convention program as an opportunity to gather with representatives from these groups. A small group meeting, perhaps over dinner following the Town Hall meeting on Sunday evening, would be a good venue.

I am copying Paul Donnelly, in case you have any questions about the process. I look forward to hearing your thoughts, and again want to emphasize the willingness of the Ethics Committee and Office to expend considerable resources in working toward a consensus resolution that Council will adopt.

Warmly,

Olivia

Sender: Olivia Moorehead-Slaughter PRIVACY REDACTION
Sent: Friday, May 04, 2007 11:59:05 AM
Recipient: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject: Fwd: Next steps
Attachments: 0806CRresolutiongovernancefeedback0507.pdf

----- Original Message -----

Friday, May 4, 2007 11:57:55 AM
Message
From: Olivia Moorehead-Slaughter
Subject: Next steps
To: Neil Altman
Attachments: 0806CRresolutiongovernancefeedback0507.pdf 737K

5407_115454_0.pct

May 3, 2007

Neil Altman, PhD
PRIVACY REDACTION

Dear Neil,

Thank you for taking the time to speak on the weekend regarding next steps in your resolution moving forward through the APA governance process. I write to confirm that, of the three possibilities described in my April 27 letter, you have decided that the first is preferable. As that possibility is described in my letter to you:

> First, we could proceed with the normal governance process of having the Ethics Committee, as the lead governance group, review the current main motion and make a recommendation to the Board of Directors for its June meeting. This path would require the Ethics Committee to review the resolution and decide upon a recommendation within the next several days. ....

As indicated, the Ethics Committee will now review the resolution and make a recommendation to the Board of Directors. Accompanying the materials that the Committee will provide the Board for review will be complete feedback from other governance groups, which is attached.

The Board will review the Committee's recommendation and accompanying materials, and the item will be placed on Council's August agenda.

I look forward to seeing you in San Francisco,

Olivia

Sender:	Dunivin, Debra L LTC WRAMC-Wash DC <Debra.Dunivin@NA.AMEDD.ARMY.MIL>
Sent:	Thursday, June 14, 2007 5:06:11 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	RE: Editorial and APA response; a request for Captain Banks' contact information (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Hi, Steve.
He is a MAJOR - 'michael.d.banks@us.army.mil'
He is probably getting ready to move; I wrote him a couple of weeks ago and haven't heard back.
The other Banks is looking forward to meeting you for dinner.
Would love to lunch soon.
Take care,
Debra

-----Original Message-----
From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Thursday, June 14, 2007 4:19 PM
To: Dunivin, Debra L LTC WRAMC-Wash DC
Subject: Editorial and APA response; a request for Captain Banks' contact information

Hi Debra, I hope you are well. I am working on a response to the letter you wrote a message to me and Rhea about last week.

Do you have Captain Banks' email address? I would like to ask him a couple of questions about law and interrogations.

Let's get together for lunch at the diner sometime soon. There is much to talk about.

Thanks, Debra,

Steve

Classification: UNCLASSIFIED
Caveats: NONE

Sender: Jennifer Bryson PRIVACY REDACTION
Sent: Thursday, June 14, 2007 1:11:30 PM
Recipient: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject: comments

Hi Steve. My thoughts:

para 6. Arabs do not usually fit US definitions of "persons of color" and I think this distracts, perhaps seriously, from the important topic this resolution gets at.

para 7. the "and" in between torture and cruel could be a trouble-causer; I can imagine some lawyer questioning whether torture only a problem when it happens along with cruel, ...treatment of punishment; would using "as well as" solve this? well, you're the lawyer, I'll let you figure this out!

para 8: suggest you delete "used in ill conceived attempts"; while I appreciate the sentiment that such efforts are ill conceived, I don't want someone to think this is ok when the attempts are well conceived

para 8: extreme temperatures ..... you might want "*intentionally* extreme temperatures" -- in Baghdad it can be 120 degrees F naturally; did I show you the language I came up with for the JTF GTMO SOP? I wrote into the SOP something along the lines that interrogators could not have temperatures for detainees which the interrogators themselves, dressed in similar weight of clothing to the detainees, were not also enduring (I spent a while coming up with a way to word that, can't remember now what it was)

para 9: suggest you take out "current version of" -- call me and I'll explain

para 11: let's say someone is at JTF GTMO, and feels need to report something to a channel outside "the relevant system" -- would DoD IG qualify? If not, call me.

para 12: suggest you ditch this paragraph and replace it with support for examinations of what actually works and why; instead of looking back look forward and do so substantively and in an informed manner

para 13: frightening and outside the lane of the APA; what about Geneva Conventions and pre-GWOT precedents? Do you really think this country can fight an adversary individual by individual in a court system designed for a peacetime western country?

para 14: interrogations are for intelligence collection, not criminal investigative interviews; if you want this resolution to apply to the latter, you may need to change wording earlier in the resolution; suddenly bringing up courts in a document otherwise about interrogation is conflating two unrelated processes

---

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FOLLOW UP TO THE JUNE 2007 BOARD MEETING

Each listing below includes the agenda item number, the title of the agenda item, a brief description of the action taken by the Board, and the staff assigned responsibility for the follow-up action. Where more than one staff member is listed as having responsibility, the individual whose name is underlined has primary responsibility for implementing the Board's action.

---

1. **Approval of the Minutes of the February 14 & 15, 2007, Meeting of the Board of Directors.** B/D approved main motion. M. O'Brien

2. **Revision of Practice Awards for Distinguished Contributions.** B/D recommended C/R approval of main motion. To C/R in August 2007. M. Hardiman, L. Bufka

3. **Representation on the Board of Directors and Allocation of Resources Across Directorates.** B/D gave input on the item to be provided to P&P and C/R. Drs. Haldeman, Vasquez, Wertheimer and Jack McKay to draft comments from B/D. G. Coad, J. McKay, N. Anderson

4. **Psychologist Participation at US Detention Centers (NBI #25D).** B/D approved substitute motion originated by the B/D. Language to be provided to B/D on email prior to inclusion in C/R item. To C/R in August 2007. S. Behnke, R. Farberman, N. Anderson

5. **Options for Council Action in Considering Task Force Reports.** B/D recommended that C/R reject the main motion. Rationale to be drafted and provided to B/D on email prior to inclusion in C/R item. S. Jordan

6. **Diversity Training for APA Governance Members**. B/D approved sending motion to C/R requesting C/R approval of diversity training on sexual orientation and gender identify for C/R in February 2008 and boards and committees in March 2008. Training would be coordinated by Governance Affairs Office with assistance from Office on Lesbian, Gay and Bisexual Concerns. To C/R in August 2007. J. Strassburger, N. Anderson

7. **2006 Division Annual Reports.** B/D approved main motion. T. Booker

8. **2007 Divisional 5-Year Reviews 2002-2006.** B/D approved main motion. T. Booker

9. **Interdivisional Grants Program.** B/D approved main motion. T. Booker

10. **National Ethnic Minority Psychological Associations.** B/D recommended C/R approval of main motion. To C/R in August 2007. B/D also requested that an item be brought to the B/D amending the APA Bylaws and Association Rules throughout to include "territorial" where state and provincial associations are mentioned. S. Jordan, D. Abrahamson

10A. **Proposal for Convening Wildcard III Task Force.** B/D approved forwarding a proposal for a new method for determining seats on C/R to boards and committees for comment. To fall 2007 Consolidated Meetings. G. Coad, J. Strassburger, P. Donnelly

11. **Division 36 Journal Proposal**. Item withdrawn; no follow-up.

12. **Division 12 Journal Sponsorship Request.** B/D recommended C/R approval of main motion. To C/R in August 2007. J. Soller, G. VandenBos

13. **APA Special Events Funding.** B/D postponed item to its August 2007 meeting. C. Won

14. **Behavioral Psychology as a Specialty in Professional Psychology – CRSPPP Recommendation for Extension of Recognition.** B/D recommended C/R approval of main motion. To

C/R in August 2007. C. Grus, J. Freund

15. **CRSPPP Recommendation for the Renewed Recognition of Psychoanalytic Psychology as a Specialty in Professional Psychology.** B/D recommended C/R approval of main motion. To C/R in August 2007. C. Grus, J. Freund

16. **Resolution in Support of Education for Sustainable Development.** B/D recommended C/R approval of main motion. To C/R in August 2007. R. Hailstorks, M. Boenau

17. **Proposed Changes to Accreditation Operating Procedures Regarding Complaints Against a Program.** B/D approved main motion. S. Zlotlow, T. Scales

18. **Reclaiming Recognition of Psychology.** B/D recommended C/R approval of substitute motion. To C/R in August 2007. E. Winkelman

19. **Policy on Healthcare Reform.** B/D recommended C/R approval of substitute motion. To C/R in August 2007. E. Winkelman

19A. **Proposed Revisions of the Recommended Postdoctoral Education and Training Program in Psychopharmacology for the Prescriptive Authority ad Model Legislation for Prescriptive Authority.** B/D recommended C/R approval of main motion. To C/R in August 2007. D. Abrahamson, C. Grus, D. Baker, B. Walsh

20. **Communicating the Value of APA to the Scientific Community: Developing a Strategic Plan.** B/D discussed and provided input on the strategic plan for communicating the value of APA to the scientific community. S. Breckler

21. **Increase Monetary Prize for APA Awards.** B/D requested the item be referred to the Finance Committee to be considered for inclusion in 2009 Preliminary Budget. To Finance Committee and B/D in June 2008. S. Wandersman

22. **The Ambassador's Program of Division 41: A Novel Approach to the Recruitment of Minority Undergraduate Students to Graduate Study in Psychology and Law (NBI #25H).** B/D approved substitute motion originated by the B/D requesting that the item be referred to BSA and BEA for development of other ways APA can support the Division 41 program. To C/R in August 2007. S. Breckler

23. **Amendment to Resolution on Anti-Semitic and Anti-Jewish Prejudice.** B/D recommended C/R approval of main motion. To C/R in August 2007. S. Archer

24. **Resolution on Religious, Religion-Related and/or Religion-Derived Prejudice.** B/D recommended C/R approval of main motion. To C/R in August 2007. P. Donnelly

25. **Final Report of the APA Task Force on Multicultural Training.** B/D recommended that the name of the report be changed to "Final Report of the APA Task Force on Multicultural Training and Disaster Response Situations: the Catrina Case Study" and that C/R file the report. To C/R in August 2007. S. Archer

26. **Leadership Development for Women: Request for Board Discretionary Funds.** B/D allocated $1500 from its 2007 discretionary fund and recommended that Council allocate $300 from its 2007 discretionary fund to support the development of a leadership program/institute for women in psychology. Request for $300 from C/R's 2007 discretionary fund to C/R in August 2007. S. Miles-Cohen

27. **Request for Approval to Include Funding for Minority Fellowship Program in APA Budget.** B/D recommended that C/R approve a substitute motion originated by the B/D approving the addition of $16,000 to the 2008 Preliminary Budget for the Minority Fellowship Program Transition Planning and Advisory Committee. To C/R in August 2007. G. Keita, A. Austin-Dailey, J. Jones

28. **APA CEMMRAT 2 Task Force Report.** B/D recommended C/R approval of main motion. To C/R

in August 2007. B. Holliday, A. Figueroa-Garcia

29. **CEMRRAT2 Task Force Proposed Resolution to Enhance Ethnic Minority Recruitment, Retention and Training in Psychology.** B/D recommended C/R approval of main motion as amended (removing lines 34-37). B/D recommended C/R approval of $106,000 in 2008 Preliminary Budget to continue current funding for CEMRRAT2 activities. To C/R in August 2007. B. Holliday, A. Figueroa-Garcia

30. **Funding for Ethnic Minority Members of Council.** B/D recommended C/R approval of main motion as originated by B/D providing full reimbursement for ethnic minority members of Council elected during 2008-2010 for their attendance at the convention meeting of Council. To C/R in August 2007. B/D also requested that information be provided to the B/D at its August 2007 meeting showing the constituencies represented by ethnic minority members from 2002-2007. M. O'Brien

31. **Draft 2008 Preliminary Budget.** B/D approved substitute motion as originated by B/D. S. Graves

32. **2008-2010 Financial Forecast and Net Asset Allocation Plan.** B/D recommended C/R approval of main motion. To C/R in August 2007. S. Graves

33. **2006 Audited Financial Statements.** B/D approved main motion. S. Graves

Sender:	Farberman, Rhea </O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>
Sent:	Sunday, June 10, 2007 11:54:17 AM
Recipient:	'Dunivin, Debra L LTC WRAMC-Wash DC' <Debra.Dunivin@NA.AMEDD.ARMY.MIL>;Newman, Russ <rnewman@apa.org>;Behnke, Stephen <sbehnke@apa.org>
Subject:	RE: Letter to APA president

Hi Debra -- No, I haven't seen any pick-up. Not sure what the "press release" label really means in this case -- certainly Saturday evening is not a good time to issue a press release...?

Rhea

-----Original Message-----
From: Dunivin, Debra L LTC WRAMC-Wash DC [mailto:Debra.Dunivin@NA.AMEDD.ARMY.MIL]
Sent: Sunday, June 10, 2007 11:24 AM
To: Newman, Russ; Behnke, Stephen; Farberman, Rhea
Subject: FW: Letter to APA president

This is pretty ugly. It says press release; do you know if it was picked up and printed anywhere?

Letter To APA On Psychologist Work With Torture

Saturday, 9 June 2007, 8:04 pm
Press Release:

Letter To APA On Psychologist Involvement In Torture

From Concerned Psychologists

June 6, 2007

Sharon Brehm, Ph.D.
President
American Psychological Association

Dear President Brehm:

We write you as psychologists concerned about the participation of our profession in abusive interrogations of national security detainees at Guantánamo, in Iraq and Afghanistan, and at the so-called CIA "black sites."

Our profession is founded on the fundamental ethical principle, enshrined as Principle A in our Ethical Principles of Psychologists and Code of Conduct: "Psychologists strive to benefit those with whom they work and take care to do no harm." Irrefutable evidence now shows that psychologists participating in national security interrogations have systematically violated this principle. A recently declassified August 2006 report by the Department of Defense Office of the Inspector General (OIG) -Review of DoD-Directed Investigations of Detainee Abuse <file:///p://www.fas.org/irp/agency/dod/abuse.pdf> -describes in detail how psychologists from the military's Survival, Evasion Resistance, and Escape (SERE) program were instructed to apply their expertise in abusive interrogation techniques to interrogations being conducted by the DoD throughout all three theaters of the War on Terror (Guantánamo, Afghanistan, and Iraq).

SERE is the US military's program designed to train Special Forces and other troops at high risk of capture to resist "breaking" during harsh interrogations conducted by a ruthless enemy. During SERE training, trainees are subjected to extensive abusive treatment, including sensory deprivation, sleep deprivation, isolation, cultural and sexual humiliation, and, in some cases, simulated drowning ("waterboarding"). By SERE's own admission, these techniques are classified as torture or cruel, inhuman, or degrading treatment.

The OIG report details a number of trainings and consultations provided by SERE psychologists to psychologists and other personnel involved in interrogations, including those on the Behavioral Science Consultation Teams (BSCT), generally composed of and headed by psychologists. The OIG confirms repeated press accounts over the last two years that SERE techniques were "reverse engineered" by SERE psychologists in consultation with the BSCT psychologists and others, to develop and standardize a regime of psychological torture used by interrogators at Guantánamo, and in Iraq and Afghanistan. The OIG report states: "Counterresistance techniques [SERE] were introduced because personnel believed that interrogation methods used were no longer effective in obtaining useful information from some detainees."

The OIG report also clearly reveals the central role of psychologists in these processes:

"On September 16, 2002, the Army Special Operations Command and the Joint Personnel Recovery Agency [the military unit containing SERE] co-hosted a SERE psychologist conference at Fort Bragg for JTF-170 [the military component responsible for interrogations at Guantánamo] interrogation personnel. The Army's Behavioral Science Consultation Team from Guantánamo Bay also attended the conference. Joint Personnel Recovery Agency briefed JTF-170 representatives on the exploitation techniques and methods used in resistance (to interrogation) training at SERE schools. The JTF-170 personnel understood that they were to become familiar with SERE training and be capable of determining which SERE information and techniques might be useful in interrogations at Guantánamo. Guantánamo Behavioral Science Consultation Team personnel understood that they were to review documentation and standard operating procedures for SERE training in developing the standard operating procedure for the JTF-170, if the command approved those practices. The Army Special Operations Command was examining the role of interrogation support as a 'SERE Psychologist competency area'" (p. 25, emphasis added).

It is now indisputable that psychologists and psychology were directly and officially responsible for the development and migration of abusive interrogation techniques, techniques which the International Committee of the Red Cross has labeled "tantamount to torture." Reports of psychologists' (along with other health professionals') participation in abusive interrogations surfaced more than two years ago.

While other health professional associations expressed dismay when it was reported that their members had participated in these abuses and took principled stands against their members' direct participation in interrogations, the APA undertook a campaign to support such involvement. In 2005, APA President Ron Levant created the PENS Task Force to assess the ethics of such participation. Six of the nine voting psychologist members selected for the task force were uniformed and civilian personnel from military and intelligence agencies, most with direct connections to national security interrogations. Perhaps most problematic, it is clear from the OIG Report that three of the PENS members were directly in the chain of command translating SERE techniques into harsh interrogation tactics. Although we cannot know exactly what each of these individuals did, their presence in the chain of command is troubling.

One such task Force member is Colonel Morgan Banks who, according to his Task Force biography

"is the senior Army Survival, Evasion, Resistance, and Escape (SERE) Psychologist, responsible for the training and oversight of all Army SERE Psychologists, who include those involved in SERE training.... He provides technical support and consultation to all Army psychologists providing interrogation support.... His initial duty assignment as a psychologist was to assist in establishing the Army's first permanent SERE training program involving a simulated captivity experience.... In November 1991 [sic: 2001], he deployed to Afghanistan, where he spent four months over the winter of 2001/2002 at Bagram Airfield, supporting combat operations against Al Qaida and Taliban fighters."

Thus, according to the OIG report, Colonel Banks had direct command responsibility for the SERE psychologists training, consulting, and participating in interrogations and provided "support and consultation" to other psychologists involved in abusive interrogations. In fact, reading the OIG report renders it difficult to imagine that Colonel Banks was not himself directly involved in developing and/or implementing these abusive activities. The OIG report appears to confirm what has been suspected at least since the publication in July 2005 of Jane Mayer's New Yorker article "The Experiment": that Colonel Banks was intimately involved in the teaching and development of the abusive interrogation tactics documented by the International Committee of the Red Cross, and now by the Department of Defense, as being used at Guantánamo.

Colonel Larry James, a second PENS member, "was the Chief Psychologist for the Joint Intelligence Group at GTMO, Cuba" (PENS Task Force member biographies) starting in January 2003. Col. Larry James has often been cited by Gerald Koocher, Stephen Behnke, and others, as the one who 'cleaned up' Guantánamo and Abu Ghraib. The OIG report, however, makes it clear that Guantánamo BSCTs played an essential role in transforming SERE techniques into standard operating interrogation procedure; that the Commander of Guantánamo detainee operations requested official approval for the use of these torture techniques in October, 2002; and that permission was granted by Defense Secretary Rumsfeld in December 2002. Additionally, as stated in his PENS biography, in 2003 James "was the Chief Psychologist for the Joint Intelligence Group at GTMO, Cuba." In 2004, James was Director, Behavioral Science Unit, Joint Interrogation and Debriefing Center at Abu Ghraib. It should be noted that that in 2004, according to many sources, Gen. Geoffrey Miller, Guantánamo Commander, too, went from Guantánamo to Iraq, and brought the SERE techniques with him. James was the commander of the BSCTs at the time the FBI and other law enforcement agents were reporting that severe abuses were occurring at Guantánamo. The FBI and other Criminal Investigative Task Force agents reporting these abuses referred to them as "SERE" and "counter-resistance" tactics in documents obtained by the ACLU under the Freedom of Information Act.

Yet another task Force member, Captain Bryce Lefever, had previously been a SERE psychologist where he supervised "personnel undergoing intensive exposure to enemy interrogation, torture, and exploitation techniques." He "was deployed as the Joint Special Forces Task Force psychologist to Afghanistan in 2002," presumably replacing Col. Banks who had previously held that role. Capt. Lefever "lectured to interrogators and was consulted on various interrogation techniques" (PENS Task Force member biographies). That is, he had the requisite SERE background and it appears that he was involved in interrogations in Afghanistan at the time that, as the OIG report reveals, the abusive SERE-based techniques were being utilized through Special Forces units.

In addition to these three members who were directly in the military chain of command responsible for employing the SERE techniques as interrogation tactics, another member of the PENS Task Force, Scott Shumate, stated in a conference biographical statement that "From April 2001 until May of 2003 he was the chief operational psychologist for the CIA's Counter Terrorism Center (CTC).... He has been with several of the key apprehended terrorists." The CTC, according to press reports, is responsible for managing the CIA's Black Site facilities where the top 14 Al Qaeda operatives in US custody were initially held and interrogated. The "key apprehended terrorists" that Shumate refers to are very likely those Al Qaeda operatives subjected to the CIA's brutal "enhanced interrogation techniques." Thus, the available evidence strongly suggests that the PENS Task Force included a number of individuals who oversaw or directly participated in torture or other cruel, inhuman, or degrading treatment that is allegedly banned by the APA.

Not surprisingly, given its membership, the PENS Task Force report concluded that "[i]t is consistent with the APA Code of Ethics for psychologists to serve in consultative roles to interrogation and information-gathering processes for national security-related purposes...." The Task Force report further echoed the Department of Defense cover story for employing BSCT psychologists: "While engaging in such consultative and advisory roles entails a delicate balance of ethical considerations, doing so puts psychologists in a unique position to assist in ensuring that such processes are safe and ethical for all participants."

Since the release of the PENS report, numerous articles in the press have documented that psychologists at Guantánamo and elsewhere have utilized abusive SERE techniques on detainees. (Jane Meyer's New Yorker article appeared one week after the PENS report.) All the while, the APA leadership has ignored the mounting evidence to the contrary and reiterated this flawed PENS premise, as you yourself did in response to such an article in the Washington Monthly: "[t]he Association's

position is rooted in our belief that having psychologists consult with interrogation teams makes an important contribution toward keeping interrogations safe and ethical."

Every report of horrific abuses occurring at Guantánamo and elsewhere has not only cast doubt upon this basic premise of APA policy, these reports have repeatedly highlighted psychologists' abuse of psychological knowledge for purposes of cruel, inhuman and degrading treatment. Yet the APA has never made any public attempt to investigate such reports. Even if certain psychologists attempted to "keep interrogations safe and ethical," the OIG report demonstrates once and for all that BSCT and SERE psychologists, among others, were responsible for the development, migration, and perpetration of abuses.

It is time for the APA to acknowledge that the central premise of its years-long policy of condoning and encouraging psychologist participation in interrogations is wrong. It has now been revealed by the DoD itself that, rather than assuring safety, psychologists were central to the abuse. This remains true even if some psychologists made efforts to reduce such harm during their involvement in these interrogation contexts at some point in time. It is critical that APA take immediate steps to remedy the damage done to the reputation of the organization, to our ethical standards, to the field of psychology, and to human rights in this age where they are under concerted attack. The following steps will begin the process of correcting this egregious error by the organization and its leadership. We urgently recommend that:

1. The President of the APA acknowledge errors and abuses and chart a new direction re-emphasizing human rights. In light of the recent revelations, you, as President of the APA, should issue a clear public statement that acknowledges the errors made by APA, in both policy and public statements, and abuses perpetrated by psychologists; you should call on the association to go in a new direction, giving primary emphasis to human rights concerns in forging policy around ethics and national security.

2. The APA Board of Directors and Ethics Committee endorse the APA Moratorium on psychologist participation in interrogations of foreign detainees. It is critical to immediately disengage psychologists from any direct or supervisory participation in interrogations of individual detainees. Such a step would do much to bring the APA in line with the positions adopted some time ago by the American Psychiatric Association, the American Medical Association, and the American Nurses Association. Thus, the APA leadership should support and the Council of Representatives must, at the August Convention, pass the Moratorium on Psychologist Involvement in Interrogations at US Detention Centers for Foreign Detainees proposed by Dr. Neil Altman and scheduled for a vote at Council.

3. The APA Board of Directors encourage, support, and cooperate with the Senate investigations of detainee treatment. It is essential that the APA support and cooperate fully with the announced investigation of the Senate Armed Services Committee (SASC) into the role of SERE in the creation of abusive interrogation strategies, as well as the Senate Intelligence Committee's announced investigation into the CIA's handling of detainees in their custody. In fact, the APA Board of Directors should do what it can to expedite this and other external, non-partisan investigations of all localities that utilize BSCT psychologists.

4. The APA Board of Directors commence a neutral third-party investigation of its own involvement, and that of APA staff, in APA-military conflicts of interest. It is essential that the APA membership and the concerned public develop an in-depth understanding of how and why the APA accepted a rationale for psychologist involvement in interrogations that has been revealed to have been advanced by involved psychologists, and which permitted their continued participation and supervision of abusive interrogation processes. The concept of "legal, ethical, safe, and effective" has been exposed as a euphemism for psychologist oversight of abuse; these activities can only be considered "ethical" because the APA Ethics Code (Standard 1.02) was rewritten in 2002 to define complying with any law or military regulation as "ethical."

The membership has a right to know why, in the face of continually emerging sets of tangible evidence suggesting that the its policy was flawed and that psychologists were systematically employing expert psychological knowledge for purposes of abuse, the APA leadership refused to investigate, and continued to give cover for these abuses. (According to APA Ethics

Director, Dr. Stephen Behnke, the BSCTs attach a copy of the PENS report to their training manuals.) Therefore, it is critical that an independent investigation be launched - conducted by individuals well-known for their commitment to human rights - into the development of APA policy in this area, and into the broader issues that likely contributed to a series of suspicious procedural activities. Among the issues this investigation must examine are:

a) the numerous procedural irregularities alleged to have occurred during the PENS process;

b) the role of the military and intelligence agencies in the formation and functioning of the PENS Task Force;

c) the reasons the APA and its leadership have systematically ignored the accumulating evidence that psychologists participating in interrogations are contributing to torture or cruel, inhuman, or degrading treatment, rather than helping to prevent it;

d) the overall nexus of close ties between the APA staff/leadership and the military and intelligence agencies, ties that may have contributed to a climate that permits undo influence of military and intelligence agencies in the creation of these policies and that encourages turning a blind eye to abuse;

e) the transformation of the APA Ethics Code, from one that protects psychologists' ethical conduct when such conduct conflicts with law and military regulations to one that protects psychologists who follow unethical law and military regulations.

Only such an inve stigatory process can restore the faith of the membership and the broader public in the APA and in the profession of psychology. To fail to act now would be to continue an organizational policy that maintains and protects psychologists' roles as the architects of what can only be interpreted as a torture paradigm; one that has intentionally violated the Geneva Conventions, our nation's values, and our professional ethics.

We look forward to your affirmation, acceptance, and action in regard to this call for immediate steps to remedy this saddening situation for our organization and our discipline.

Sincerely*,

Stephen Soldz, Director, Center for Research, Evaluation, and Program Development & Professor, Boston Graduate School of Psychoanalysis; University of Massachusetts, Boston

Brad Olson, Assistant Research Professor, Northwestern University

Steven Reisner, Senior Faculty and Supervisor, International Trauma Studies Program, Mailman School of Public Health, Columbia University; Clinical Assistant Professor, Department of Psychiatry, New York University Medical School

Mike Wessells, Former Member, PENS Task Force; Columbia University

Rhoda Unger, Brandeis University

Uwe Jacobs, Director, Survivors International, San Francisco

Ed Tejirian, New York

Bernice Lott, University of Rhode Island

Jeffrey Kaye, San Francisco

Elliot Mishler, Professor of Social Psychology in the Department of Psychiatry, Harvard Medical School

Ghislaine Boulanger, Steering Committee, withholdapadues.com

Morton Deutsch, E.L. Thorndike Professor Emeritus of Psychology, Director Emeritus of the International Center for Cooperation and Conflict Resolution (ICCCR) Teachers College, Columbia University

Faye J Crosby, Psychology Department, University of California, Santa Cruz

Marc Pilisuk, Professor Emeritus, the University of California; Professor, Saybrook Graduate School and Research Center

Marybeth Shinn, Professor of Applied Psychology and Public Policy, New York University

Stephan L. Chorover, Professor of Psychology, MIT

Mary Brydon-Miller, Director, Action Research Center, Associate Professor, Educational Studies and Urban Educational Leadership, College of Education, Criminal Justice, and Human Services, University of Cincinnati

M. Brinton Lykes, Associate Director, Center for Human Rights & International Justice, Associate Dean, Lynch School of Education, Boston College

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Barbara Gutek, PrEller Professor of Women and Leadership, Department of Management and Organizations, University of Arizona

Frank Summers, Associate Professor of Clinical Psychiatry and the Behavioral Sciences, Northwestern University Medical School

Kevin Lanning, Wilkes Honors College, Florida Atlantic University

Alice Shaw, San Francisco

Lila Braine, Professor Emerita, Barnard College, Columbia University

Stuart Oskamp, Professor Emeritus of Psychology, Claremont Graduate University

Linda M. Woolf, Professor of Psychology and International Human Rights, Webster University

Arlene Lu Steinberg, President, Division 39 Section IX, APA: Psychoanalysis for Social Responsibility

Lew Aron, Director, New York University Postdoctoral Program in Psychoanalysis and Psychotherapy

Scot D. Evans, Community Psychology, Wilfrid Laurier University

Susan Torres-Harding, Roosevelt University

Allen L. Roland, Sonoma, CA

Emily K. Filardo, Director, Women's Studies, & Associate Professor, Department of Psychology, Kean University

Maram Hallak, Borough of Manhattan Community College; the Association for Women in Psychology (AWP)

Anthony J. Marsella, Professor Emeritus, Department of Psychology, University of Hawaii

Barbara Eisold, New York Medical College

Kathleen Malley-Morrison, Department of Psychology, Boston University

Chrysoula K.E. Fantaousakis, Kean University

Karen Rosica, Faculty, Psychoanalytic Institute of Northern California; Director of Special Projects, SalusWorld.org

Hal S. Bertilson, University of Wisconsin-Superior

Ibrahim Kira, Access Community Health and Research Center, Dearborn, MI

Lynne Layton, Harvard Medical School

Allen M. Omoto, School of Behavioral and Organizational Sciences, Claremont Graduate University

Richard V. Wagner, Bates College

* Affiliations listed for identification purposes only.

Note: Additional signatories will continue to be recruited.

Contact:

Stephen Soldz
PRIVACY REDACTION

Steven Reisner
PRIVACY REDACTION

Brad Olson
PRIVACY REDACTION

Expecting? Get great news right away with email Auto-Check.
<http://us.rd.yahoo.com/evt=49982/*http://advision.webevents.yahoo.com/mailbeta/newmail_tools.html>
Try the Yahoo! Mail Beta.
<http://us.rd.yahoo.com/evt=49982/*http://advision.webevents.yahoo.com/mailbeta/newmail_tools.html>

Sender:	Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent:	Wednesday, May 30, 2007 9:44:07 AM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	RE: [SOCIAL] Definitive Evidence: Psychologists at Center of US Torture

Certainly. I will try to give you a call.

Morgan

COL L. Morgan Banks
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US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Tuesday, May 29, 2007 10:56 PM
To: Banks, Louie M. COL
Subject: FW: [SOCIAL] Definitive Evidence: Psychologists at Center of US Torture

Morgan, could we discuss? Thanks so much, Steve

From: Social Justice Discussion forum [mailto:SOCIALJUSTICE@LISTS.APA.ORG] **On Behalf Of** Stephen Soldz
Sent: Tuesday, May 29, 2007 7:36 PM
To: SOCIALJUSTICE@LISTS.APA.ORG
Subject: [SOCIAL] Definitive Evidence: Psychologists at Center of US Torture

Folks, two new articles by me on the role of psychologists in abusive interrogations. The first is a piece I wrote with fellow psychologist-activist Brad Olson:

Positive Illusions and the Necessity of a Bright Line Forbidding Psychologist Involvement in Detainee Interrogations I have attached this article, which appeared in *Analyses of Social Issues and Public Policy (ASAP)*, a journal of the Society for the Psychological Study of Social Issues (SPSSI) . This issue contains several other good pieces, cluding a great one by Bernice Lott. It also contains a defense of US interrogation policy by a former CIA official (now national security "consultant").

The second article was the lead article in CounterPunch today, and is appearing on many other web sites. It presents the first definitive proof, from official Defense Department sources, that psychologists were at the center of United States torture at Guantanamo, Abu Ghraib, an Afghanistan. It shows that the suspicions, which we have been complaining about over the last years , are, unfortunately, true. We now know that it is extremely likely that APA apointed some of America's top torturers to the PENS Task Force,.

I have pasted this article below the link . tommorrow ZNet will post a version with many links documenting my sources .

http://counterpunch.org/soldz05292007.html

May 29, 2007

Pentagon IG Report Details Central Role of Psychologists in Detainee Interrogations and Abuse

Shrinks and the SERE Technique at Guantanamo

By STEPHEN SOLDZ

The Defense Department (DoD) has just declassified a report from their Inspector General (OIG) looking at the various investigations that the Department has conducted into repeated claims of detainee abuse--a.k.a. "torture" and "cruel, inhuman, or degrading treatment"--banned by international and United States law. The report documents that the various DoD "investigations were, individually and in total, inadequate:

> Allegations of detainee abuse were not consistently reported, investigated, or managed in an effective, systematic, and timely manner. Multiple reporting channels were available for reporting allegations and, once reported, command discretion could be used in determining the action to be taken on the reported allegation. We did not identify any specific allegations that were not reported or reported and not investigated. Nevertheless, no single entity within any level of command was aware of the scope and breadth of detainee abuse.

SERE

Perhaps the most important information in this report, however, is that it provides further documentation that psychologists were central to the development of the abusive interrogation paradigm developed at Guantanamo and migrated to Abu Ghraib and other Iraqi prisons. In particular, the OIG provides concrete evidence that techniques developed in the US military's SERE (Survival, Evasion, Resistance, and Escape) program to help US troops at high risk of becoming POWs evade capture and resist breaking under abusive interrogations were systematically imported to Guantanamo and, less systematically, to Iraq and Afghanistan. As the report describes:

> "DoD SERE training, sometimes referred to as code of conduct training, prepares select military personnel with survival and evasion techniques in case they are isolated from friendly forces. The schools also teach resistance techniques that are designed to provide U.S. military members, who may be captured or detained, with the physical and mental tools to survive a hostile interrogation and deny the enemy the information they wish to obtain. SERE training incorporates physical and psychological pressures, which act as counterresistance techniques, to replicate harsh conditions that the Service member might encounter if they are held by forces that do not abide by the Geneva Conventions." (p. 23)

As part of the SERE program, trainees are subjected to abuse, including sleep deprivation, sexual and cultural humiliation, and, in some instances, waterboarding, described by one SERE graduate thus:

> "[Y]ou are strapped to a board, a washcloth or other article covers your face, and water is continuously poured, depriving you of air, and suffocating you until it is removed, and/or inducing you to ingest water. We were carefully monitored (although how they determined these limits is beyond me), but it was a most unpleasant experience, and its threat alone was sufficient to induce compliance, unless one was so deprived of water that it would be an unintentional means to nourishment.

Former Air Force officer and now psychoanalyst Eric Anders described his SERE training experience thusly:

> "I remember a variety of sadistic abuses, often in the form of mind games and humiliation. It was a horrible experience, but I imagine it might have prepared me to be in the position some of the Iraqi prisoners have unfortunately found themselves in."

Central to SERE is the role of psychologists. A psychologist is required to be present during certain aspects of the process, such as waterboarding as a "safety officer," to stop the training if (s)he perceives the trainee is being overly-traumatized.

In 2005, the *New Yorker*'s Jane Mayer reported evidence that interrogators at Guantanamo were being trained in SERE techniques; they were "reverse engineering" the resistance techniques in order to figure out how to break down detainees. While Mayer reported suspicions, direct evidence of SERE involvement at Guantanamo was lacking for another year, till, in July 2006 *Salon*'s Mark Benjamin, in Torture Teachers reported documentary evidence that SERE was, indeed, taught at Guantanamo. In addition to documentary evidence that SERE techniques were taught at Guantanamo, Benjamin pointed out the similarities between what is done to US troops during SERE training and what was done to US detainees:

> "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."
>
> Michael Otterman, in his marvelous and very disturbing new book, American Torture, put together then extant evidence of SERE reverse-engineering. Though the use of SERE techniques at US detention facilities was hardly in doubt after the reporting of Mayer, Benjamin, and Otterman , it was not clear until the OIG report whether the use of the techniques was intentional or inadvertent, a result of widespread exposure to them by US personnel during training.

The new OIG report resolves this question, containing as it does official admissions that SERE was, indeed systematically taught at Guantanamo and in Iraq.

"Counterresistance techniques taught by the Joint Personnel Recovery Agency [the agency responsible for SERE training] contributed to the development of interrogation policy at the U.S. Southern Command. According to interviewees, at some point in 2002, the U.S. Southern Command began to question the effectiveness of the Joint Task Force 170 (JTF-170), the organization at Guantanamo that was responsible for collecting intelligence from a group of hard core al Qaeda and Taliban detainees.

Counterresistance techniques were introduced because personnel believed that interrogation methods used were no longer effective in obtaining useful information from some detainees. On June 17, 2002, the Acting Commander, Southern Command requested that the Chairman, Joint Chiefs of Staff (CJCS) provide his command with an external review of ongoing detainee intelligence collection operations at Guantanamo Bay, which included an examination of information and psychological operations plans. The CJCS review recommended that the Federal Bureau of Investigation Behavioral Science Unit, the Army's Behavioral Science Consultation Team, the Southern Command Psychological Operations Support Element, and the JTF-170 clinical psychologist develop a plan to exploit detainee vulnerabilities. The Commander, JTF-170 expanded on the CJCS recommendations and decided to also consider SERE training techniques and other external interrogation methodologies as possible DoD interrogation alternatives" (pp. 24-25).

As a result of this review, SERE was introduced at Guantanamo. Notice that psychologists were key

to this process:

> "On September 16, 2002, the Army Special Operations Command and the Joint Personnel Recovery Agency co-hosted a **SERE psychologist** conference at Fort Bragg for JTF-170 [the military component responsible for interrogations at Guantanamo] interrogation personnel. The Army's **Behavioral Science Consultation Team** from Guantanamo Bay also attended the conference. Joint Personnel Recovery Agency personnel briefed JTF-170 representatives on the exploitation techniques and methods used in resistance (to interrogation) training at SERE schools. The JTF-170 personnel understood that they were to become familiar with SERE training and be capable of determining which SERE information and techniques might be useful in interrogations at Guantanamo. Guantanamo **Behavioral Science Consultation Team** personnel understood that they were to review documentation and standard operating procedures for SERE training in developing the standard operating procedure for the JTF-170, if the command approved those practices. The Army Special Operations Command was examining the role of interrogation support as a " Sere Psychologist competency area" (p. 25, emphasis added.)

For those of opposed to the participation of psychologists in abusive interrogations, this document contains the first definitive proof that the Behavioral Science Consultation Teams (BSCTs), consisting at that point of psychologists and psychiatrists (later, the military announced that they preferred psychologists for this role), were deliberately trained in abusive SERE techniques.

According to the OIG report, SERE psychologists were apparently not directly involved in individual interrogations. Rather, their role was to train those conducting or supervising the interrogations:

> "On September 24, 2002, a Joint Personnel Recovery Agency representative at the SERE conference recommended in a conference memorandum report to his Commander that their organization "not get directly involved in actual operations." Specifically, the memorandum states that the agency had "no actual experience in real world prisoner handling," developed concepts based "on our past enemies," and assumes that "procedures we use to exploit our personnel will be effective against the current detainees." In a later interview, the Commander, Joint Personnel Recovery Agency stated that his agency's support to train and teach "was so common that he probably got 15 similar reports [memoranda] a week" (p. 25).

Indeed, the report documents that SERE instructors went to Guantanamo and provided training:

"On at least two occasions, the JTF-170 requested that Joint Personnel Recovery Agency instructors be sent to Guantanamo to instruct interrogators in SERE counterresistance interrogation techniques. SERE instructors from Fort Bragg responded to Guantanamo requests for instructors trained in the use of SERE interrogation resistance techniques" (p. 26).

These efforts led to a October 11, 2002 memorandum and legal brief requesting approval of a selection of these SERE techniques. This request led to December 2, 2002 approval of many of these SERE-based techniques by Secretary of Defense Rumsfeld

All evidence is that these SERE techniques continued to be used, with active participation of the BST psychologists. For example, it is well documented (see the interrogation log) that the chair of the Guantanamo BSCT team, psychologist Major John Leso participated in the abusive interrogation (a.k.a. torture) of prisoner 063, Mohammed al-Qahtani. A July 14, 2004 memo from the FBI to the Army Criminal Investigation Command documents the effects of this interrogation on al-Qatani:

"In September or October of 2002 FBI agents observed that a canine was used in an aggressive

manner to intimidate detainee __ after he had been subjected to intense isolation for over three months. During that time period, __ was totally isolated (with the exception of occasional interrogations) in a cell that was always flooded with light. By late November, the detainee was evidencing behavior consistent with extreme psychological trauma (talking to non-existent people, reporting hearing voices, crouching in the corner of a cell covered with a sheet for hours on end). It is unknown to the FBI whether such extended isolation was approved by DoD authorities."

SERE in Iraq and Afghanistan

According to the report, these SERE techniques "migrated" to Afghanistan and Iraq:

> "Counterresistance interrogation techniques in the U.S. Central Command Area of Operation derived from multiple sources that included migration of documents and personnel, the JTF-Guantanamo Assessment Team, and the Joint Personnel Recovery Agency" (p. 26, emphasis added).

The report also provides direct evidence that SERE techniques were deliberately brought to Iraq.

> "The Joint Personnel Recovery Agency was also responsible for the migration of counterresistance interrogation techniques into the U.S. Central Command's area of responsibility. In September 2003, at the request of the Commander, TF-20, the Commander, Joint Personnel Recovery Agency sent an interrogation assessment team to Iraq to provide advice and assistance to the task force interrogation mission. The TF-20 was the special mission unit that operated in the CJTF-7 area of operations" (p. 28).

In fact, TF-20 was a 40-person special forces unit, with its own "private aviation unit" tasked with capturing or killing former Iraqi Baath leadership and resistance leaders ("high value targets"). TF-20 was accused of being "trigger happy," leading to innocent civilian deaths. Those captured by TF-20 were, according to the OIG report, subject to SERE techniques. In Iraq it also appears that SERE staff got to participate directly in interrogations:

> "The Commander, Joint Personnel Recovery Agency, explained that he understood that the detainees held by TF-20 were determined to be Designated Unlawful Combatants (DUCs), not Enemy Prisoners of War (EPW) protected by the Geneva Convention and that the interrogation techniques were authorized and that the JPRA team members were not to exceed the standards used in SERE training on our own Service members. He also confirmed that the U.S. Joint Forces Command J-3 and the Commanding Officer, TF-20 gave a verbal approval for the SERE team to actively participate in "one or two demonstration" interrogations" (p. 28).

It appears that TF-20 were so brutal in their application of SERE techniques that there was disagreement between SERE and TF-20 staff regarding the appropriateness of using the SERE-based techniques:

> "SERE team members and TF-20 staff disagreed about whether SERE techniques were in compliance with the Geneva Conventions. When it became apparent that friction was developing, the decision was made to pull the team out before more damage was done to the relationship between the two organizations. The SERE team members prepared After Action Reports that detailed the confusion and allegations of abuse that took place during the deployment" (p. 28).

American Psychological Association response

With the release of the OIG's report, it is now irrefutable that both SERE psychologists and Guantanamo BSCT psychologists were involved in the development of these forms of interrogation abuse, forms of interrogation that clearly constitute psychological torture and were illegal under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and various US laws until the 2006 Military Commissions Act granted immunity to those who had previously broken these laws during the "Global War On Terror."

Since psychologists became aware that their profession was being utilized to teach and conduct abusive interrogations, there has been a movement among them to ban participation in abusive interrogations. In response, the American Psychological Association (APA), the main psychologist professional organizations adopted a resolution condemning torture and cruel, inhuman or degrading treatment and forbidding members to participate in abusive treatment.

However, like the Bush administration, the APA is always against torture and abusive treatment but never actually sees it. Thus, the APA has never expressed concern as reports have come flooding out suggesting that abuse treatment (whether formally "torture" or merely "cruel, inhuman, or degrading treatment or punishment") is common in US detention facilities holding so-called enemy combatants. Neither has the APA expressed concern at the repeated reports of psychologist participation in abusive interrogations. Rather, they have attacked the critics of psychologist abuse. In a statement that he probably now regrets for making so obvious his contempt for those shedding light on psychologists' role in abusive interrogations, the 2006 APA President, Gerald Koocher, wrote: "A number of opportunistic commentators masquerading as scholars have continued to report on alleged abuses by mental health professionals."

However, the APA, like other health provider professional organizations felt the heat as these reports escalated. Thus, in June 2005 they convened a Presidential Task Force on Psychological Ethics and National Security (PENS), clearly designed to provide a rubber stamp on the participation of psychologists in national security interrogations. After 2_ days of deliberations this Task Force concluded:

> "It is consistent with the APA Code of Ethics for psychologists to serve in consultative roles to interrogation- or information-gathering processes for national security-related purposes. While engaging in such consultative and advisory roles entails a delicate balance of ethical considerations, doing so puts psychologists in a unique position to assist in ensuring that such processes are safe and ethical for all participants."

Of course, the value of a Task Force report depends upon the composition and expertise of the membership of that Task Force. So who did the APA see fit to include on its Task Force? Strangely, when the report was released, it did not include a list of members; its authorship was, rather, anonymous. When members asked who was on the task Force, they were told the membership was confidential. (For the record it should be noted that the PENS membership, while kept from the public and the broader Association membership, was, in fact, released to the APAs Council of Representatives) When, a year later, the membership was finally published by Mark Benjamin in *Salon*, it was revealed that six of nine voting members were from the military and intelligence agencies with direct connections to interrogations at Guantanamo and elsewhere; the conclusion of the task Force's deliberations was obviously foregone.

Especially relevant, given the revelations in this newly-released OIG, at least two of the members of this Task Force had direct SERE connections. Captain Bryce E. Lefeve had served at the Navy SERE school from 1990 to 1993 before joining the special forces and becoming the "Joint Special Forces Task Force psychologist to Afghanistan in 2002, where he lectured to interrogators and was consulted on various interrogation techniques." (Criously,, he has "lectured on Brainwashing: The Method of Forceful Interrogation".)

But perhaps most disturbingly, on the task force was Colonel Morgan Banks. His biography states

that "[h]e is the senior Army Survival, Evasion, Resistance, and Escape (SERE) Psychologist, responsible for the training and oversight of all Army SERE Psychologists, who include those involved in SERE training. He provides technical support and consultation to all Army psychologists providing interrogation support. His initial duty assignment as a psychologist was to assist in establishing the Army's first permanent SERE training program involving a simulated captivity experience."

Given what the OIG's report reveals about the central role of SERE in the development of US abusive interrogation techniques, as well as revelations regarding other PENS members, it appears ever more likely that the APA appointed some of this country's top torturers to formulate its policy on participation in abusive interrogations. The PENS report lacks any credibility. If the APA maintained a shred of decency, they would take the opportunity provided by the release of the OIG report to admit that they made a mistake in creating the PENS Task Force and would immediately set aside the PENS report and begin a new open discussion of the facts and the ethics involved in participation in national security interrogations.

In addition, if the APA were really concerned about ethics and decency, they would join the call by Physicians for Human Rights and by bioethicist Steven Miles for an independent Congressional (or Congressional sponsored) investigation into detainee abuse and the role of psychologists and other health professionals in that abuse. For only a full investigation can clear up the question of exactly what types of abuse went on in the US detention facilities and exactly what role did psychologists and other health professionals play in these abuses. If, as the APA repetitively states as if a mantra, its policies are based upon "our belief that having psychologists consult with interrogation teams makes an important contribution toward keeping interrogations safe and ethical," then the APA would surely want an investigation to reveal any abuses that occurred so as to help prevent future abuses. Of course, if, despite the mountains of evidence, psychologists truly are innocent of involvement in detainee abuse, only a full investigation could clear the air.

Unfortunately, I don't expect the APA to set aside the PENS report nor to endorse an independent investigation of detainee abuse. All evidence is that, from the beginning, APA actions have had one goal in mind, to maintain psychologist involvement in interrogations at all cost. After 9/11, the APA sought to show the government that psychologists were key players in "homeland security" [see Making psychological research a priority for countering terrorism]. To eschew involvement, abuse or not, would be to forsake the access and influence for which they have fought so hard.

Stephen Soldz is psychoanalyst, psychologist, public health researcher, and faculty member at the Boston Graduate School of Psychoanalysis. He maintains the Psychoanalysts for Peace and Justice web site and the Psyche, Science, and Society blog.

http://counterpunch.org/soldz05292007.html

Sender:	Stolrow, Jeffrey P LTC MIL USA TRADOC <jeffrey.stolrow@us.army.mil>
Sent:	Thursday, January 10, 2008 9:40:46 AM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Cc:	Dunivin, Debra L LTC WRAMC-Wash DC <Debra.Dunivin@NA.AMEDD.ARMY.MIL>
Subject:	DOD/ARMY BSCT INSTRUCTIONS, POLICIES, DIRECTIVES
Attachments:	OTSG MEDCOM Policy 06-029-BSCT.pdf;311509 DOD Directive Intelligence Interrogations, Detainee Debriefings, and Tactical Questioning.pdf;231008 DOD Instruction Medical Program Support to Detainee Operations.pdf

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Hi, Steve,

Morgan Banks and I are sending you some important attachments to use in California.

Good luck; you are our Knight in Shining Armor:-)

More to follow....

Happy New Year and hope you are doing well,

Jeff

Sender:	Stolrow, Jeffrey P LTC MIL USA TRADOC <jeffrey.stolrow@us.army.mil>
Sent:	Thursday, January 10, 2008 12:29:35 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Cc:	Dunivin, Debra L LTC WRAMC-Wash DC <Debra.Dunivin@NA.AMEDD.ARMY.MIL>
Subject:	ADDITIONAL BSCT REFERENCE SOURCE
Attachments:	dod_directive_2310_01E.pdf

Hi, Steve,

I was asked by Morgan to send you an additional BSCT DoD reference source for use in California.

Hope this helps!

Jeff

PS I will be retiring to California. I have more than an academic interest in the outcome of your efforts....

Sender:	Stolrow, Jeffrey P LTC MIL USA TRADOC <jeffrey.stolrow@us.army.mil>
Sent:	Thursday, January 10, 2008 9:47:01 AM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Cc:	Dunivin, Debra L LTC WRAMC-Wash DC <Debra.Dunivin@NA.AMEDD.ARMY.MIL>
Subject:	MORE BSCT MATERIALS
Attachments:	Med Prog Principles Procedures for Detainees in Custody.pdf;DETAINEECARE.pdf;DA Interim Interrogation Policy Signed 20070817.pdf

---

Hi, Steve,

Here are more attachments to assist your efforts.

Thanks,

Jeff

Sender: Banks Louie M. COL <louie.morgan.banks@us.army.mil>
Sent: Thursday, January 10, 2008 9:22:32 AM
Recipient: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>;Debra.Dunivin@amedd.army.mil
Subject: Re: More from California

DODD 3115.09 page 3, para 3.4.3.2. And para 3.4.3.3. (Not helpful, but you must read it)

DODI 2310.08e, page 3, para 4.4. And para 4.4.1 and 2. Para 4.5. - the whole para.

Now for the helpful stuff. Enclosure 2 to the last DODI, page 9, para E2.1.7 and .8. ...shall not ... Use mental health information ... In a manner that would result in inhumane treatment or not be in accordance with applicable law.
COL L. Morgan Banks
Director, Psychological Applications
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
Banksl@usasoc.socom.smil.mil/banksl@soc.mil
(Sent from Blackberry)

-----Original Message-----
From: Behnke, Stephen <sbehnke@apa.org>
To: Dunivin, Debra L LTC WRAMC-Wash DC <Debra.Dunivin@amedd.army.mil>; Banks Louie M. COL
Sent: Thu Jan 10 00:14:47 2008
Subject: RE: More from California

Hi Debra,

Thanks so much for confirming what I thought. Yes, let us indeed make deli plans.

Now, for the less-than-good news. A citation would be helpful asap; need to get this information to our friends in CA so they can provide accurate information to the folks on the Senate subcommittee.

Could you give me a general sense of where the relevant policy might be? I could then search.

Off to Hong Kong and Guam next week; looking forward to eating one of those scorpions on a stick. I hear that's what Morgan likes for breakfast...

Steve

-----Original Message-----
From: Dunivin, Debra L LTC WRAMC-Wash DC
[mailto:Debra.Dunivin@amedd.army.mil]
Sent: Wednesday, January 09, 2008 10:33 PM
To: Behnke, Stephen; louie.morgan.banks@us.army.mil
Subject: Re: More from California

Happy New Year to you, too, Steve! Thought we were going to visit the deli before you faced any more of these challenges...the whereas is inaccurate of course. Doesn't violate professional ethics and doesn't permit medical info to aid interrogations. Hope you don't need this first thing in the morning, cause BRAC is on the agenda for me, then could collect some specifics for you. Available to talk it through?
Debra

----- Original Message -----
From: Behnke, Stephen <sbehnke@apa.org>
To: Banks Louie M. COL <louie.morgan.banks@us.army.mil>; Dunivin, Debra L LTC WRAMC-Wash DC
Sent: Wed Jan 09 19:50:00 2008
Subject: More from California

Dear Morgan and Debra,

I hope you are both well and that you had a relaxing holiday. Attached is a resolution before the California Senate Business and Professions Committee.

I will be traveling to California to testify on this resolution. There is one phrase (the underlined phrase below) in the resolution that I would very much like your help on. A "whereas" reads:

WHEREAS, Current United States Department of Defense guidelines authorize the participation of certain military health personnel, especially psychologists, in the interrogation of detainees as members of "Behavioral Science Consulting Teams" in violation of professional ethics. These guidelines also permit the use of confidential clinical information from medical records to aid in interrogations; and

Could you give me a citation or language from a DoD policy that speaks to this issue? I believe DoD policy has an absolute firewall (even more stringent than the PENS report), but I can't recall for certain and don't want to make any statements until I have the actual language in front of me.

There are a number of other inaccuracies in the text, which I think I'm in a good position to address, but I could use some help on this one.

Thanks so much,

Steve

Sender: Banks Louie M. COL <louie.morgan.banks@us.army.mil>
Sent: Thursday, January 10, 2008 7:17:07 AM
Recipient: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>;Debra.Dunivin@amedd.army.mil
Subject: Re: More from California

Working it I am tdy at Ft Huachuca right now, and will need to review my references on it. I should have something by noon east coast time.

Morgan

COL L. Morgan Banks
Director, Psychological Applications
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
Banksl@usasoc.socom.smil.mil/banksl@soc.mil
(Sent from Blackberry)

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From: Behnke, Stephen <sbehnke@apa.org>
To: Dunivin, Debra L LTC WRAMC-Wash DC <Debra.Dunivin@amedd.army.mil>; Banks Louie M. COL
Sent: Thu Jan 10 00:14:47 2008
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-----Original Message-----
From: Dunivin, Debra L LTC WRAMC-Wash DC
[mailto:Debra.Dunivin@amedd.army.mil]
Sent: Wednesday, January 09, 2008 10:33 PM
To: Behnke, Stephen; louie.morgan.banks@us.army.mil
Subject: Re: More from California

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----- Original Message -----
From: Behnke, Stephen <sbehnke@apa.org>
To: Banks Louie M. COL <louie.morgan.banks@us.army.mil>; Dunivin, Debra L LTC WRAMC-Wash DC
Sent: Wed Jan 09 19:50:00 2008
Subject: More from California

Dear Morgan and Debra,

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I will be traveling to California to testify on this resolution. There is one phrase (the underlined phrase below) in the resolution that I would very much like your help on. A "whereas" reads:

WHEREAS, Current United States Department of Defense guidelines authorize the participation of certain military health personnel, especially psychologists, in the interrogation of detainees as members of "Behavioral Science Consulting Teams" in violation of professional ethics. These guidelines also permit the use of confidential clinical information from medical records to aid in interrogations; and

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There are a number of other inaccuracies in the text, which I think I'm in a good position to address, but I could use some help on this one.

Thanks so much,

Steve

Sender:	Dunivin, Debra L LTC WRAMC-Wash DC <Debra.Dunivin@amedd.army.mil>
Sent:	Wednesday, January 09, 2008 10:32:49 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>;louie.morgan.banks@us.army.mil
Subject:	Re: More from California

Happy New Year to you, too, Steve! Thought we were going to visit the deli before you faced any more of these challenges...the whereas is inaccurate of course. Doesn't violate professional ethics and doesn't permit medical info to aid interrogations. Hope you don't need this first thing in the morning, cause BRAC is on the agenda for me, then could collect some specifics for you. Available to talk it through? Debra

----- Original Message -----
From: Behnke, Stephen <sbehnke@apa.org>
To: Banks Louie M. COL <louie.morgan.banks@us.army.mil>; Dunivin, Debra L LTC WRAMC-Wash DC
Sent: Wed Jan 09 19:50:00 2008
Subject: More from California

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Thanks so much,

Steve

Sender:	Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent:	Monday, August 13, 2007 1:50:46 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	RE: How does this sound

What is the best number to call you right now? I just finished it, and have some thoughts.

COL L. Morgan Banks
Director, Psychological Applications
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Monday, August 13, 2007 1:44 PM
To: Banks, Louie M. COL
Subject: How does this sound

…at detention facilities operated by the United States government where there are extra-judicial proceedings and where no due process of law is afforded…

Sender:	SSB PRIVACY REDACTION
Sent:	Wednesday, September 05, 2007 9:37:35 AM
Recipient:	Olivia Moorehead-Slaughter PRIVACY REDACTION
Cc:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	FW: Letter from Olivia Moorehead-Slaughter
Attachments:	Olivia0905letter.doc

Here it is -- Sharon

-----Original Message-----
From: SSB
Sent: Wednesday, September 05, 2007 7:19 AM
To: COR@LISTS.APA.ORG
Cc: APABODEMG@LISTS.APA.ORG
Subject: Letter from Olivia Moorehead-Slaughter

Dear colleagues,

With her permission, I'm forwarding you a letter from Dr. Olivia Moorehead-Slaughter that responds to comments made by Dr. Jean Maria Arrigo and Amy Goodman, host of the program "Democracy Now." These comments were posted on the Democracy Now website http://www.democracynow.org/article.pl?sid=07/08/20/1628234 and were also posted by Ken Pope to his listserv.

I hope you will find the information provided by Dr. Moorehead-Slaughter to be useful in your own thinking and I would encourage you to forward Dr. Moorehead-Slaughter's letter to any individuals or organizations interested in this issue.

Thank you for your consideration, Sharon

Sharon Stephens Brehm
2007 APA President

Dr. Sharon Stephens Brehm
President
American Psychological Association

Dear Dr. Brehm,

I am writing in response to a listserv post regarding APA's Task Force on Psychological Ethics and National Security (PENS) that is composed of writings by Amy Goodman, host of the program "Democracy Now," and Dr. Jean Maria Arrigo, who was a member of the PENS Task Force. While I have not spoken outside of APA venues in my role as chair of the PENS Task Force, the Goodman/Arrigo post presents such a gross distortion of the PENS process—a process that concluded over two years ago—that silence no longer seems reasonable or prudent. Please distribute this letter as you deem appropriate.

First, I want to be clear: I have never worked in any capacity for the CIA, the FBI, or the Department of Defense. I am a psychologist for a nursery through 9th grade private school. I also serve on the training faculty for a university-based, multicultural center. I have served as chair of the APA Ethics Committee and chair of my state's psychology licensing board. I am currently a member of the APA Board for the Advancement of Psychology in the Public Interest (BAPPI). Like hundreds of other APA members, I have volunteered my time for APA activities. I have never received monies or compensation of any nature from APA for my time. While my employers have allowed flexibility in my work schedules to attend meetings, APA activities have never been counted toward my professional advancement. When I was asked to chair the PENS Task Force, I accepted. At no point was there any mention of compensation, reward, benefit, or other inducement for serving in this role or for coming to a particular position on the substantive issues. Any other suggestion is, quite frankly, an insult to my integrity.

Second, the Goodman/Arrigo post implies that virtually everyone in the room when the PENS Task Force met, other than Dr. Arrigo, was either covertly providing information to the military or had significant conflicts of interest that would predetermine a position. The APA staff present, many of whom are long-standing APA members, have been unspeakably poised and gracious in not publicly responding to the implication that their own integrity was compromised. A cursory review of APA activities reveals that APA has taken positions at significant odds with the United States government. The most recent example is the 2007 resolution on interrogations itself. The Washington Post calls APA's 2007 resolution "a rebuke of the Bush administration's anti-terrorism policies."

Third, the names and biographical statements of the Task Force members were provided to the APA Council of Representatives and posted on an APA division website weeks before the Task Force met with no restrictions whatsoever on how this information could be disseminated. This information was readily available through the Internet for interested members of the public. On the night the PENS Task Force began its work in Washington, a journalist contacted the director of the Ethics Office and asked for hotel information for specific members of the Task Force, by name. The notion that either the names of Task Force members or their biographical descriptions were not publicly available until a year after the Task Force met is completely false.

Fourth, as PENS Task Force Chair, I responded immediately when Dr. Arrigo raised allegations of "irregularities" in the PENS process. I believed strongly that the individuals directly involved should have the first opportunity to hear and respond to any such allegations. Nonetheless, despite numerous entreaties over several weeks, Dr. Arrigo refused to provide any substantive response to my requests that she explain what she viewed as Task Force irregularities. What are finally raised in the Goodman/Arrigo post as examples are, in fact, not irregularities at all. Other APA task forces have had multiple observers. In regard to the question of an investigation, the president-elect of APA pointed out to Dr. Arrigo that APA has neither subpoena power nor the necessary security clearances, so an "investigation" would be pointless—and would serve to demonstrate only that APA did not understand what a competent investigation would require. The Goodman/Arrigo post states "No task force member was permitted to speak about the PENS report." In fact, Dr. Arrigo has spoken a great deal about the PENS report. At no point has APA taken any action to discourage Dr. Arrigo from doing so. Much to the contrary, Dr. Arrigo spoke most recently at an APA Convention program on ethics and interrogations, the planning for which was funded by the APA Board of Directors.

Fifth, in discussing the composition of the PENS Task Force, the Goodman/Arrigo post fails to address how several of the Task Force members have been described in publicly available documents as taking central roles in fighting detainee abuse. Dr. Mike Gelles has been hailed for a successful protest of prisoner abuse in Guantanamo Bay. The work of Dr. Larry James in implementing procedures to prevent further abuses at Abu Ghraib has been described in a recent book by a former APA president. Dr. Robert Fein, chair of the Intelligence Science Board study on educing information, is demonstrating that research does not support the effectiveness of harsh interrogation techniques in eliciting accurate and reliable information; his work has been discussed in the *New York Times*. Dr. Morgan Banks has been described by Jane Mayer in the *New Yorker* magazine as taking an unequivocal position against "reverse-engineering" of SERE techniques; Dr. Banks has repeatedly stated that "reverse SERE engineering" is both unethical and ineffective. Dr. Scott Shumate is portrayed in a recent *Vanity Fair* article as "disgusted" in reaction to detainee abuse. The Goodman/Arrigo post states "Six of the ten members were highly placed in the Department of Defense" (an inaccurate statement), and then goes on to ignore entirely the publicly available information about what these individuals have done to fight the abuse of detainees. The post likewise ignores how Mike Gelles has since left government service and remains a strong and vocal supporter of the PENS Task Force conclusions. Neither Amy Goodman nor Dr. Arrigo saw fit in their post so much as even to acknowledge the position of these PENS Task Force members or their actions to fight against detainee abuse.

Sixth, immediately following the PENS Task Force meeting after Task Force members had left Washington, a final draft of the report was distributed for their approval. Dr. Arrigo's response reads in its entirety:

> The depth, scope, and wisdom of this document are indeed impressive, and I approve it as a Task Force member. Also, I appreciate its literary grace (owing to Steve). As mentioned previously, I have felt uneasy with some elements, primarily omissions. Fulfillment of the Task Force recommendations would relieve my concerns, and I hope for an opportunity for further participation. Thanks to the APA ethics committee, board, and staff members who have mobilized for swift review and dissemination of the PENS report. Jean Maria Arrigo

(Given that Dr. Arrigo has now provided this information to multiple individuals and entities, including an investigative journalist, I will assume that she has waived any expectation of her own privacy regarding these materials). The year following release of the PENS report, a majority of PENS Task Force members determined that the APA Ethics Committee was the appropriate body to write a casebook/commentary on the PENS report. Dr. Arrigo dissented vigorously and argued that the PENS Task Force should continue its involvement in PENS-related work.

Seventh and finally, I note with dismay that nowhere on the Democracy Now website was I able to find any material from the many voices at Convention and on APA Council who spoke strongly in support of APA's position and eloquently against a limitation of psychologists' roles in detention centers. In contrast, APA leadership ensured that all voices and perspectives would be heard at our annual meeting.

In response to continued member interest in this issue, the APA Board of Directors funded a group to plan an extensive program on ethics and interrogations at the 2007 Convention in San Francisco. The program consisted of nine, two-hour sessions. The majority of members on the program planning group were affiliated with the Divisions for Social Justice. Some of the harshest critics of APA's position (including Dr. Arrigo) spoke at the Convention program—with APA leadership's knowledge and full support. Democracy Now filmed at several of the sessions, including the Town Hall meeting, again with APA leadership's knowledge and support. The Board of Directors was entirely committed to ensuring that a proposal limiting the roles of APA members in detention facilities would be discussed and debated at the Council of Representatives meeting. The discussion took place on the final day of Council's meeting, as requested by the chair of the Divisions for Social Justice. The resolution adopted by Council was the result of an intense, open and inclusive collaboration between Council representatives from numerous and diverse APA groups.

I appreciate that our membership has passionate differences of opinion on this complex issue. APA's current position is the result of intelligent, informed, and thoughtful debate that has been ongoing for over two years. We have explored every aspect of this issue in challenging and sometimes painful discourse, and we have reached a considered position. For those truly interested in a democratic process, APA leadership provided an excellent example in San Francisco of democracy in action.

Sincerely,

Olivia Moorehead-Slaughter, PhD
Chair, PENS Task Force

Sender: Ken Pope PRIVACY REDACTION
Sent: Thursday, August 30, 2007 12:09:21 PM
Recipient: Ken Pope PRIVACY REDACTION
Subject: Gerry Koocher's open letter re: APA interrogation controversy

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As those of you who have been member of the Psychology News List in recent years know, I have been circulating copies of published items representing the full range of views regarding the controversy over psychologists and other professionals participating in detainee interrogations that have previously appeared in newspapers, journals, the web, etc.

Recently journalist Amy Goodman published the transcript of Dr. Jean Maria Arrigo's presentation at the recent APA convention.

Gerry Koocher, immediate past president of the American Psychological Association and Dean of the School for Health Studies at Simmons College, has published on his web site an open letter to Amy Goodman, addressing these issues. His letter is online at <http://www.ethicsresearch.com/forms.html>.

Here is the text of the letter:

[begin Koocher letter]

Ms. Goodman:

Dr. Jean Maria Arrigo recently spoke on "Democracy Now" and made a substantial number of false and defamatory allegations regarding me and other members and staff of the American Psychological Association. She also omitted mention of several factors regarding personal her biases and troubled past. Sadly, listeners to "Democracy Now" will therefore have no way to evaluate the validity of her assertions. Until now, I have not commented in public about Dr. Arrigo's personal difficulties, however her recent public statements on your broadcast demand full disclosure.

Dr. Arrigo stated that she, "was one of the three civilian members of the 2005 PENS Task Force." That statement is patently false. Here are the facts. Six of the ten task force members and both members of the APA Board of Directors who participated in the meetings were civilians. Each psychologist (including Dr. Arrigo) was selected because of their knowledge and expertise, not as a function of employment. If we had intentionally sought to bias the work of the group we certainly would not have included the wide range of people we selected.

Dr. Arrigo also conveniently ignores the fact that the task force's report was reviewed, edited and approved by the completely independent APA Ethics Committee, a group composed entirely of civilians. Dr. Arrigo stated, "The first irregularity was APA board liaisons who interfered in task force business. As I learned from these other insiders, APA task forces typically have only one liaison from the APA board. The liaison's role is to coordinate with the task force, but not to make decisions or to intervene in task force business. For us, a second board liaison was added: President-Elect Gerald Koocher. He exerted strong control over task force decisions."

Here are the facts. The PENS group was officially the Presidential Task Force on Psychological Ethics and National Security. It was appointed by

2005 APA President Ronald F. Levant. The Board of Director's liaison was Dr. Barry Anton of the University of Puget Sound. Because Dr. Levant could not attend the meeting, I (as 2006 President) represented him at the start of the meeting to help the group understand it's charge and . I was present for only the first six hours of the two day meeting.

During the introductions Dr.Arrigo disclosed that her father served as a military officer during the Korean War, he interrogated and tortured people, and he committed suicide. She has therefore made it her life's mission to campaign against torture and interrogation. Dr. Arrigo then advocated a broad expansion of the task force's mission and scope. At that time I spoke up, expressed sadness and respect for her traumatic life experiences, but noted that the task force had been budgeted for a single 2-day meeting and had a highly specific charge (i.e., to recommend to the Ethics Committee - the only body authorized to interpret our ethics code - what guidance might be offered to our members who found themselves in roles involving such matters). It was Dr. Arrigo, not me, who sought to intervene in the business of the task force, and who became embittered when she was rebuffed by the full group.

Such was the nature of my alleged "strong controlling" behavior. Until now, I had remained respectfully silent in public regarding Dr. Arrigo's biases, history of personal trauma, and lack of boundaries, but will no longer do so. Her behavior during the portions of the meeting I attended, and in subsequent public forums, has underscored the sad emotional aftermath of a troubled upbringing complicated by the suicide of a parent who engaged behaviors she now abhors.

Finally, I want to address Dr. Arrigo's defamatory statements regarding the APA staff and observers in attendance at the task force meeting. Observers from APA staff or membership groups are common at such meetings and often add value by virtue of their special topical and organizational expertise. They do not participate in voting or report writing. Dr. Arrigo has no factual basis for the slanderous innuendos she casts at these hard working conscientious individuals.

Gerald P. Koocher, Ph.D.
Dean, School for Health Studies
Simmons College
Boston, MA

[end Koocher open letter]

Ken Pope

Disability & Accessibility Resources for Psychology Training & Practice:
<http://kpope.com/>

"Hear the other side."
--Saint Augustine (354-430 AD)

Sender:	Council Representatives List <COR@LISTS.APA.ORG> on behalf of Corann Okorodudu PRIVACY REDACTION
Sent:	Monday, August 13, 2007 10:19:24 AM
Recipient:	COR@LISTS.APA.ORG
Subject:	[COR] Request to Sign-On
Attachments:	AmendmentsSubMotion8.12.6pm.doc

Dear Colleagues/Friends,

Attached is the current edited revision of the amendments to the BOD's Substitute Motion from our ad hoc drafting group, incorporating most of the comments and suggestions made by Division 19, the Divisions for Social Justice, and various other constituencies thus far. We are planning for further consultations with key stakeholders at the Convention to achieve as much consensus as possible prior to the consideration of Agenda Item #5 by Council. Please feel free to continue to send us your further comments and suggestions.

Although the amendments are still a work in progress, we are inviting you to sign-on to this version (with your divisional/state psychological affiliation) if possible by 12:00 EST tomorrow (Tuesday) when it will be sent as an update to the BOD for their meeting on Wednesday. We will continue to accept sign-ons before and during the Convention. Division 48 has approved the amendments, so I am taking the liberty of signing-on for Judy, Linda and me below.

All the best,

Corann Okorodudu

SIGN-ONS:

Judy Van Hoorn, Division 48, Peace Psychology COR
Linda Woolf , Division 48, Peace Psychology, Past President
Corann Okorodudu, Division 48, Peace Psychology COR

------ End of Forwarded Message

Green text—text taken directly from the 2006 Resolution that needs to be incorporated
Purple text—friendly amendments that are directly related to the 2006 Resolution

Blue text—the substantive amendments

DRAFT AMENDMENTS

Reaffirmation ~~and Elaboration~~ of the American Psychological Association Position Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and Application to Issues of Prisoner Interrogations

WHEREAS the mission of the American Psychological Association is to advance psychology as a science and profession and as a means of promoting health, education and human welfare through the establishment and maintenance of the highest standards of professional ethics and conduct of the members of the Association;

WHEREAS the American Psychological Association is an accredited non-governmental organization at the United Nations and so is committed to promote and protect human rights in accordance with the United Nations Charter and the Universal Declaration of Human Rights;

WHEREAS subjecting individuals to torture and cruel, inhuman, or degrading treatment for any reason in any context is wholly antithetical to these goals and purposes;

WHEREAS the American Psychological Association passed the 2006 Resolution Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; a comprehensive and foundational position applicable to all individuals, in all settings and in all contexts without exception;

WHEREAS in 2006, the American Psychological Association defined torture, in accordance with Article I of the United Nations Declaration and Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment,

> [T]he term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted upon a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official [e.g., governmental, religious, political, organizational] capacity. It does not include pain or suffering arising only from, inherent in, or incidental to lawful sanctions [in accordance with both domestic and international law];

WHEREAS in 2006, the American Psychological Association defined the term "cruel, inhuman, or degrading treatment or punishment" to mean treatment or punishment by a psychologist that, in accordance with the McCain Amendment, is of a kind that would be "prohibited by the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, as defined in the United States Reservations, Declarations and Understandings to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment done at New York, December 10, 1984." Specifically, United States Reservation I.1 of the Reservations, Declarations and Understandings to the United Nations Convention Against Torture stating, "the term 'cruel, inhuman or degrading treatment or punishment' means the cruel, unusual and inhumane treatment or punishment prohibited by the Fifth, Eighth, and/or Fourteenth Amendments

to the Constitution of the United States."[1]

WHEREAS the American Psychological Association's 2006 Resolution Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment applies to all persons, in all settings and in all contexts and that

> [T]here are no exceptional circumstances whatsoever, whether induced by a state of war or threat of war, internal political instability or any other public emergency, that may be invoked as a justification for torture, including the invocation of laws, regulations, or orders;

WHEREAS the 2007 American Psychological Association Council Policy Manual, Chapter XII. Public Interest (Part 1), 1975 Psychological Treatment in Prison Settings affirmed that the American Psychological Association opposes the misuse of indeterminate sentences;

BE IT RESOLVED that the American Psychological Association reaffirms unequivocally the 2006 Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment in its entirety in both substance and content (see Appendix A);

BE IT RESOLVED that the American Psychological Association reaffirms that there an there are no exceptional circumstances whatsoever, whether induced by a state of war or threat of war, internal political instability or any other public emergency, that may be invoked as a justification for torture or cruel, inhuman, or degrading treatment or punishment, including the invocation of laws, regulations, or orders;

BE IT RESOLVED that the American Psychological Association unequivocally condemns torture and cruel, inhuman, or degrading treatment or punishment, under any and all conditions, including detention and interrogations.

BE IT RESOLVED that the unequivocal condemnation includes an absolute prohibition against psychologists' planning, designing, assisting, or participating in any activities, including interrogations, which involve the use of torture and any form of cruel, inhuman or degrading treatment or punishment;

BE IT RESOLVED that this unequivocal condemnation includes, all techniques defined as torture or cruel, inhuman or degrading treatment or punishment under the 2006 Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, the United Nations Convention Against Torture, and the Geneva Conventions. This unequivocal condemnation includes, but is by no means limited to, an absolute prohibition for psychologists against direct or indirect participation during interrogation processes or other detainee-related operations in: mock executions; water-boarding or any other form of simulated drowning or suffocation; sensory deprivation and over-stimulation; "hooding" in the process of interrogations; forced nakedness; sexual humiliation; rape; cultural or religious humiliation; exploitation of phobias or psychopathology; stress positions; the use of dogs to threaten or intimidate; physical assault, including slapping and shaking; exposure to extreme heat or cold; induced hypothermia; the use of psychotropic drugs or mind-altering substances used for the purpose of eliciting information or purposes other than directly therapeutic ones; isolation and sleep deprivation used in a manner that adversely affects an individual's physical or mental health; threats of harm or death; or the threatened use of any of the above techniques to the individual or to members of the individual's family;

BE IT RESOLVED that the American Psychological Association's unequivocal condemnation of torture and other cruel, inhuman, or degrading treatment or punishment remains applicable at detention and other sites where detainees[2] may not be guaranteed human rights protections, particularly in relation to due process and humane interrogation techniques as established under

the Geneva Conventions and other UN documents, treaties, conventions, and protocols;

BE IT RESOLVED that the American Psychological Association calls on the United States government—including Congress, the Department of Defense, and the Central Intelligence Agency—to prohibit the use of these methods in all interrogations and that the American Psychological Association shall inform relevant parties with the United States government that psychologists are prohibited from participating in such methods or in interrogations in contexts denying due process as defined under the 2006 Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment;

BE IT RESOLVED that the American Psychological Association in recognizing that torture and other cruel, inhuman or degrading treatment and punishment can result not only from the behavior of individuals, but also from the conditions of confinement calls upon the United States Government to prohibit the use of psychologists participating in or facilitating extra-judicial[3] detentions, except in health personnel[4] roles that aid the health of detainees.

BE IT RESOLVED that, the objectives of the APA shall be to advance psychology as a science and profession and as a means of promoting health, education and welfare…" (Bylaws of the APA: Article 1) and, therefore, the roles of psychologists in conditions in which prisoners are held in extra-judicial[5] detention, should be limited as health personnel[6] to the promotion of health.

BE IT RESOLVED that the American Psychological Association asserts that any individual with knowledge that a member of the Association has engaged in torture or cruel, inhuman, or degrading treatment or punishment, including the specific behaviors listed above, has an ethical responsibility to provide this information to the Ethics Committee, and directs the Ethics Committee to take appropriate action based upon such information; and if an individual has such knowledge about a psychologist who is not a member of the Association, the APA encourages that psychologist to provide this information to the appropriate state licensing board, ethics committee or other accrediting authority;

BE IT RESOLVED that the American Psychological association commends those psychologists who have taken clear and unequivocal stands against torture and cruel, inhuman or degrading treatment or punishment including in the line of duty, and including stands against the specific behaviors or conditions listed above; and that the American Psychological Association will lend its support to psychologists who report a conflict between law, orders or regulations and torture, cruel, inhuman or degrading treatment or punishment;

BE IT RESOLVED that the American Psychological Association asserts that all psychologists with information relevant to the use of any method of interrogation constituting torture or cruel, inhuman, or degrading treatment or punishment have an ethical responsibility to inform their superiors of such knowledge, to inform the relevant office of inspector generals when appropriate, and to cooperate fully with all oversight activities, including hearings by the United States Congress and all branches of the United States government, to examine the perpetration of torture and cruel, inhuman, or degrading treatment or punishment against individuals in United States custody, for the purpose of ensuring that no individual in the custody of the United States is subjected to torture or cruel, inhuman, or degrading treatment or punishment;

BE IT RESOLVED that in writing a casebook and commentary, the APA Ethics Committee shall set forth guidelines for all psychologists working in contexts of war and imprisonment that are consistent with international human rights instruments, as well as guidelines developed for health professionals, including but not limited to: Common Article 3 of the Geneva Conventions; The United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; The United Nations Principles of Medical Ethics Relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture

and Other Cruel, Inhuman, or Degrading Treatment or Punishment; and The World Medical Association Declaration of Tokyo: Guidelines for Physicians Concerning Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in Relation to Detention and Imprisonment;

BE IT RESOLVED that the American Psychological Association, in order to protect against torture and cruel, inhuman, or degrading treatment or punishment, and in order to mitigate against the likelihood that unreliable and/or inaccurate information is entered into legal proceedings, calls upon United States legal systems to reject testimony that results from torture or cruel, inhuman, or degrading treatment or punishment.

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[1] Article V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Article VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Article XIV.

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

[2] "Detainees" defined as both unlawful enemy combatants and lawful enemy combatants as set forth in the U.S. Military Commissions Act of 2006 (Chapter 47A; Subchapter I: § 948a. Definitions)

‘‘(1) UNLAWFUL ENEMY COMBATANT.—(

A) The term ‘unlawful enemy combatant’ means—

‘‘(i) a person who has engaged in hostilities or who has purposefully and materially supported hostilities against the United States or its co-belligerents who is not a lawful enemy combatant (including a person who is part of the Taliban, al Qaeda, or associated forces); or

‘‘(ii) a person who, before, on, or after the date of the enactment of the Military Commissions Act of 2006, has been determined to be an unlawful enemy combatant by a Combatant Status Review Tribunal or another competent tribunal established under the authority of the President or the Secretary of Defense.

‘‘(B) CO-BELLIGERENT.—In this paragraph, the term ‘cobelligerent’, with respect to the United States, means any State or armed force joining and directly engaged with the United States in hostilities or directly supporting hostilities against a common enemy.

‘‘(2) LAWFUL ENEMY COMBATANT.—The term ‘lawful enemy combatant’ means a person who is—

‘‘(A) a member of the regular forces of a State party engaged in hostilities against the United States;

‘‘(B) a member of a militia, volunteer corps, or organized resistance movement belonging to a State party engaged in such hostilities, which are under responsible command, wear a fixed distinctive sign recognizable at a distance, carry their arms openly, and abide by the law of war; or

‘‘(C) a member of a regular armed force who professes allegiance to a government engaged in such hostilities, but not recognized by the United States.

[3, 5] Extrajudicial: not involving, occurring in, or forming part of a legal proceeding: stemming from something outside of a court proceeding (http://research.lawyers.com/glossary/extrajudicial.html)

[4,6] The Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (http://www.unhchr.ch/html/menu3/b/h_comp40.htm) is a UN Human Rights Instrument adopted by the General Assembly resolution 37/194of 18 December 1982. It contains a code of health personnel ethics relevant to the protection of persons subjected to any form of detention or imprisonment against torture and other cruel, inhuman, or degrading treatment or punishment.

Sender: SSB [redacted]
Sent: Thursday, August 09, 2007 2:11:03 PM
Recipient: APABOD@LISTS.APA.ORG
Cc: Strassburger, Judy </O=APA/OU=DC/CN=RECIPIENTS/CN=JAS>;Farberman, Rhea </O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>;Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>;Anderson, Norman </O=APA/OU=DC/CN=RECIPIENTS/CN=NBA>
Subject: Item 5

Dear colleagues, I just want to update you on my conversation yesterday with Neil Altman, Morgan Sammons, and Judy. The purpose of this conversation was to try to develop an understanding of the procedure Council could/should follow during Sunday morning's discussion of Item 5. There were two major concerns. First, we just don't have much time, as the item is scheduled for 10:45 - noon. I will, of course, make every effort to make sure that all the previous agenda items have been addressed by then. You should know that Bernice Lott requested -- on behalf of the divisions for social justice (DSJ) coalition -- to have Item 5 discussed on Sunday in order for Council members to have the opportunity to attend the mini-convention programming on ethics and interrogations before Council addresses Item 5.

The second concern focuses on amendments to the Board's Substitute Motion 2. Apparently, there are many such amendments being discussed by a variety of groups. During the yesterday's phone call, we all agreed that trying to address a multitude of amendments during a short time period would not be a good process. Fortunately, as indicated by various emails over the past week from various individuals and groups, and as confirmed by Neil, there is an effort to consolidate these amendments as much as possible.

We also agreed that Neil and Morgan should give short statements (3 minutes each) to begin the discussion on Substitute Motion 2. Neil indicated that he would try to forward the various amendments to Judy and/or me in time to present them to the Board before or during our meeting on Wednesday morning. We would, of course, welcome any amendments from any individual or group. Having prior notice of these amendments would be very helpful, particularly if there are amendments that the Board would decide to endorse as "friendly" vis-a-vis Substitute Motion 2.

I also want to alert you to another issue (which Judy and I did not focus on during the phone call with Neil and Morgan) that has been mentioned by various individuals and groups, i.e. that Substitute Motion 2 does not qualify as a substitute. It is alleged that SM2 is not "germane to the issue" raised in the original motion. Both Nathalie and Andy Benjamin agree that SM2 is germane. My layperson's interpretation of Nathalie’s legal opinion is as follows. The intent of SM2 is the same as the intent of MM and SM1: to ensure ethical behavior by psychologists. However, MM and SM1 focus on prohibiting psychologists' participation in any form at a specific type of place, whereas SM2 prohibits unethical behavior everywhere.

I'm sure we'll want to discuss these matters in SF, but I hope this update would be helpful -- Sharon

Sender:	Gilfoyle, Nathalie </O=APA/OU=DC/CN=RECIPIENTS/CN=NPG>
Sent:	Monday, August 06, 2007 4:14:29 PM
Recipient:	Farberman, Rhea <rfarberman@apa.org>;Behnke, Stephen <sbehnke@apa.org>;Strassburger, Judy <jstrassburger@apa.org>;Beavers, Donna <dbeavers@apa.org>
Subject:	RE: A question

Just to reflect my phone call with Steve this morning, I agree that a communication to the effect that there is not time for the Ethics Committee as a group to address this and take a position before Council , is fine . I beleive that the Ethics Committee should be the center of gravity for interpretations of the Ethics Code and that those interpretations are best made with distance from the political process and in a deliberative manner . Nathalie

---

From: Farberman, Rhea
Sent: Monday, August 06, 2007 2:47 PM
To: Behnke, Stephen; Strassburger, Judy; Gilfoyle, Nathalie; Beavers, Donna
Subject: RE: A question

Steve – Sharon has gotten a similar communication from Laurel Wagner asking for Board feedback on same. I've suggested to Sharon that she wait to see what happens on the Neil/Morgan front before responding. I agree that an appropriate response would be that it's not possible to give feedback in the next week – maybe we'll also have something constructive to say based on the Sharon/Neil/Morgan call.

The latest re: Neil and Morgan is that Sharon has sent them an email (not the letter text) asking for a time that they (Sharon/Judy/Neil/Morgan) can talk by phone to brain storm about process issues.

Rhea

From: Behnke, Stephen
Sent: Monday, August 06, 2007 10:22 AM
To: Strassburger, Judy; Farberman, Rhea; Gilfoyle, Nathalie; Beavers, Donna
Subject: A question

Everyone,

Robin Deutsch, chair of the ethics committee, has received a message like myself and the COLI folks (and I assume others) from individuals in the DSJ, asking for feedback on extensive proposed amendments to the Board's substitute motion. The feedback is requested by August 8.

Now, this spring Olivia wrote Neil a letter, in which she "strongly advised" Neil not to move forward, because more governance process was needed. Neil decided to move forward nonetheless, and now we are in precisely the position Olivia foresaw, with folks attempting to deal with very complex issues in a very short--too short, in my opinion--period of time.

Robin and Olivia will consider writing (in the case, Bernice) a letter indicating that it will simply not be possible to provide feedback from the Ethics Committee in the time they have requested. Robin's letter may also include a reference to Olivia's earlier letter to Neil. Would that outcome not be acceptable from anyone's perspective?

Thank you,

Steve

Sender: Deutsch, Robin PRIVACY REDACTION
Sent: Monday, August 06, 2007 9:55:48 AM
Recipient: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>; Olivia Moorehead-Slaughter
Subject: FW: BOD's Substitute Motion to Moratorium Resolution, Agenda item #5
Attachments: SubstMotAmendFINAL

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comments from me?

Robin M. Deutsch, Ph.D.
Director of Forensic Services
Children and the Law Program
Department of Psychiatry
Massachusetts General Hospital
PRIVACY REDACTION

Assistant Clinical Professor of Psychology
Harvard Medical School

PRIVACY REDACTION

From: Bernice Lott PRIVACY REDACTION
Sent: Mon 8/6/2007 9:03 AM
To: Deutsch, Robin
Cc: Laurel B Wagner
Subject: Re: BOD's Substitute Motion to Moratorium Resolution, Agenda item #5

Robin Deutsch
Ethics Committee
APA
>>
>>
>> Dear Robin,
>>
>> I am writing to you as chair of the Ethics Committee on
>> behalf of a group of Council Representatives, most of whom are
>> co-sponsors of Dr. Altman's Moratorium Resolution. We want to share
>> with you our thoughts and suggestions with regard to Substitute
>> Motion #2. We appreciate the Board of Directors efforts to be
>> responsive to the Moratorium Resolution, as well as the concerns of
>> many APA members, but we do not see Substitute Motion #2 as meeting
>> the criteria for a substitute motion. The Council of Representatives
>> Handbook (p.19) reads, "In order to warrant consideration...substitute
>> motions should be germane to the issue. They should not be used to
>> change an affirmative main motion into a negative proposal to not
>> take that action...They also should not contradict the intent of the
>> main motion." Substitute Motion #2 appears to negate taking the

>> action (a moratorium on psychologists' participation in
>> interrogations of detainees) called for by the main motion. As
>> written, the substitute motion may be a step backwards from APA's
>> 2006 Resolution Against Torture and other Cruel, Inhumane and
>> Degrading Treatment or Punishment.
>>
>> We want to work with the BOD on the substitute motion by
>> offering amendments which both meet the criteria for a substitute
>> motion and which reaffirm and elaborate on the 2006 APA Resolution
>> against Torture. These amendments were crafted in large part by the
>> leadership of Division 48, Drs. Okorodudu, Van Horne and Woolf, who,
>> as you know, were sponsors of the 2006 Resolution Against Torture and
>> other Cruel, Inhumane and Degrading Treatment or Punishment. We
>> view some of the amendments as clearly "friendly," while other
>> amendments are more substantive in that they explain how APA's policy
>> applies to psychologists' work in detention centers with "enemy
>> combatants."
>>
>> In addition to asking the Board of Directors to review
>> these amendments we are writing to COLI, your Committee, Division 19,
>> and Steve Behnke for any suggested modifications which would enable
>> you and them to support these amendments to the substitute motion.
>> Please see the attachment. Since we became aware of the BOD's
>> substitute motion we have worked quickly, but thoughtfully, to find
>> amendments which would allow us to support it. In view of the time
>> constraints, we would appreciate a response as soon as possible,
>> hopefully no later than August 8.
>>
>> Best Regards,
>> Bernice Lott
>> Council Representative, Division 9
>>
>>

The information transmitted in this electronic communication is intended only for the person or entity to whom it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this information in error, please contact the Compliance HelpLine at 800-856-1983 and properly dispose of this information.

Sender: morgan sammons PRIVACY REDACTION

Sent: Sunday, August 05, 2007 4:32:06 PM

Recipient: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>;morgan.sammons@med.navy.mil;mo

Subject: talking points

Attachments: Moratorium consolidated document.doc

Steve, here's what I came up with to distribute, basically minor tweaks of your excellent synopsis. Let me know if there is anything else you think I should include. If you think it's a go, I'll send individually to the people we identified.
Best
Morgan

I'm writing to ask that you take time out of your schedule to attend some caucus meetings, where the subject of the Moratorium on Psychologist Participation in Interrogations will almost certainly be raised. As you know, Psychologists for an Ethical APA, the Divisions for Social Justice, and other groups are making this a centerpiece of activities at convention this year. (Information on Psychologists for an Ethical APA may be found at http://ethicalapa.com/.) They will almost certainly be visiting many caucus meetings to present their case.

While not questioning the sincerity of those in favor of a moratorium, I believe that the proposition is fundamentally flawed and will hurt both the association and those military psychologists involved in managing detainees. It has also been my experience that when people discuss this highly emotional issue, psychologist participation is often conflated to imply that we have some role in abusive practices – something that has never been conclusively demonstrated, and something which I do not believe has occurred.

Psychologist participation at US Detention Centers is Agenda Item 5 in the Council Agenda. There is also supplementing material in the first appendix to the agenda book. The moratorium (Substitute Motion #1), and Substitute Motion #2, as proposed by the Board of Directors, can be found in the agenda item. I strongly recommend support for substitute motion #2.

I'd encourage you to visit as many caucus meetings as you can. I've attached a schedule of the caucuses as well as some potential talking points that may be useful in discussing this item. Of course, the best advice is to keep responses simple. The opposition has a way of making things ridiculously complex. Have three to five simple and clear points.

Talking Points.

1. Seven governance groups have reviewed the moratorium resolution. None support it. Their feedback is very thoughtful and is available on the APA website.

2. The sponsor of the resolution says he has two goals: to address an ambiguous legal framework and to protect military psychologists. COLI has done an extensive legal analysis indicating that the sponsor has an incorrect understanding of the law. Division 19 has stated that this resolution will not protect military psychologists and may in fact have the opposite effect. Indeed, a moratorium might place military psychologists at risk – should they refuse to take an assignment to the detention center or a similar facility on the basis of the moratorium, they would be at risk for court-martial on the grounds of disobeying an order. The moratorium would obviate the dedicated work that military psychologists have contributed over the past few years to ensuring that interrogations are ethical and humanely conducted.. Thus the moratorium resolution will not achieve either of the sponsor's two stated goals.

3. There is no evidence aside from hearsay that psychologists have been involved in abusive practices and torture. The movers, however, have an unfortunate tendency to conflate psychologist participation in interrogations to suggest that this is prima facie evidence of involvement in abusive practices. If anything, our work for the past few years has been to build mechanisms that will protect detainees. The work of military psychologists is subject to the highest degrees of legal scrutiny, particularly in this area. A moratorium would deny us the ability to continue working to ensure that national security information can be acquired in humane and ethically sound ways.

4. The Board's substitute motion will, in fact, achieve the sponsor's stated goals. The Board's motion will provide a level of guidance and specificity that will be helpful to military psychologists—that's what military psychologists are looking for. The Board's motion will actually accomplish what the resolution sponsor wants the moratorium resolution to do.

5. We are psychologists, not lawyers, we do not have the capability to investigate practices at military installations. We are already extensively involved at detention centers in our role of providing health care to detainees. A moratorium would rob us of the ability to provide this service, which paradoxically might

endanger the mental health of detainees. What is helpful to military psychologists is to have guidance regarding specific behaviors, not complex statements about the law that will require an attorney to interpret.)

6. Psychologists routinely work in situations where patients/clients are involuntary participants - the criminal justice system, or in healthcare facilities where patients are held by court order or are otherwise mandated treatment. This does not suggest that our practice in these situations is unethical, simply that we have to take additional measures to ensure that the rights of these individuals are maintained.

7. An elaboration: A moratorium resolution misses the entire point of what military psychologists need. Military psychologists need guidance, of the sort the Board's resolution provides. A moratorium—a pause until adequate legal guidance is available—delays the very thing we need most and hence has precisely the opposite effect it is intended to achieve. There is no timetable associated with the moratorium, and published regulations, which all servicemembers are beholden to, already provide guidance that protects the rights of detainees.

CAUCUS/COALITION AND OTHER MEETINGS
AUGUST 2007

WEDNESDAY, AUGUST 15

4:00 - 5:00 p.m.	Caucus Chairs	Yerba Buena Salon 14
5:00 - 6:30 p.m.	Council Plenary Session	Yerba Buena Salons 10 thru 13
7:00 - 8:00 p.m.	HealthCare/Health Science Caucus	Yerba Buena Salon 14
7:30 - 8:30 p.m.	Public Interest Caucus	Yerba Buena Salon 15
8:00 - 9:00 p.m.	Coalition for Academic, Scientific and Applied-research Psychology	Yerba Buena Salon 14
8:00 – 9:00 p.m.	Association of Practicing Psychologists/ Division 31/CAPP/Caucus of State and Provincial & Territorial Representatives/ Rural Health Interest Group and Caucus	Club Room
8:30 - 9:30 p.m.	Assembly of Scientist/Practitioner Psychologists	Yerba Buena Salon 15
9:00 - 10:00 p.m.	Women's Caucus	Club Room
9:30 - 10:30 p.m.	Caucus for the Optimal Utilization of New Talent	Yerba Buena Salon 15

THURSDAY, AUGUST 16

7:00 - 8:00 a.m.	Caucus of State/Provincial/Territorial	Yerba Buena Salons 10 and 11

	Representatives	
7:30 - 8:30 a.m.	Ethnic Minority Caucus	Nob Hill Room B
8:00 - 9:00 a.m.	Rural Health Interest Group and Caucus	Nob Hill Room A
8:00 - 9:00 a.m.	Education and Training Caucus	Yerba Buena Salons 10 and 11
12:00-1:30 p.m.	Council Lunch	Golden Gate Salon A
12:00 - 1:30 p.m.	Child and Adolescent Caucus	Yerba Buena Salons 10 and 11
6:00 - 8:00 p.m.	Association of Practicing Psychologists	Yerba Buena Salons 10 and 11

SUNDAY, AUGUST 19

7:30 - 9:00 a.m.	Women's Caucus	Nob Hill Rooms A and B

Sender:	SSB PRIVACY REDACTION
Sent:	Saturday, August 04, 2007 1:14:05 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	FW: BOD's Substitute Motion to Moratorium Resolution
Attachments:	SubstMotAmend8.01.07.11am.doc;ATT41982784.txt

FYI - Sharon

-----Original Message-----
From: Laurel B Wagner PRIVACY REDACTION
Sent: Saturday, August 04, 2007 12:11 PM
To: Norman Anderson; Barry Anton; SSB; Jessica Hernderson Daniel; Carol Goodheart; Lisa Grossman; Douglas Haldeman; Alan Kazdin; Gerald Koocher; Ronald Rozensky; Melba Vasques; Michael Wertheimer; Kristi Van Sickle
Subject: BOD's Substitute Motion to Moratorium Resolution

Dear Board of Directors of the American Psychological Association,

I am writing on behalf of a group of Council Representatives, many of whom are co-sponsors of Dr. Altman's Moratorium Resolution. We appreciate the Board of Directors offering a substitute motion in an attempt to be responsive to the Moratorium Resolution, as well as the concerns of many APA members. However, we do not see Substitute Motion #2 as meeting the criteria for a substitute motion. The Council of Representatives Handbook (p.19) reads, "In order to warrant consideration...substitute motions should be germane to the issue. They should not be used to change an affirmative main motion into a negative proposal to not take that action...They also should not contradict the intent of the main motion." It appears to us that Substitute Motion #2 is an attempt to not take the action (a moratorium on psychologists' participation in interrogations of detainees) called for by the main motion. Additionally, we are concerned that as written the substitute motion unwittingly may be a step backwards from APA's 2006 Resolution Against Torture and other Cruel, Inhumane and Degrading Treatment or Punishment.

We want to work with the BOD on the substitute motion by offering amendments which both meet the criteria for a substitute motion and which reaffirm and elaborate on the 2006 APA Resolution against Torture. These amendments were crafted in large part by the leadership of Division 48, Drs. Okorodudu, Van Horne and Woolf, who, as you know, were sponsors of the 2006 Resolution Against Torture and other Cruel, Inhumane and Degrading Treatment or Punishment. We view some of the amendments as "friendly," in that they state what is in the 2006 APA Resolution Against Torture or are statements directly related to the resolution. Other amendments are more substantive in that they explain how APA's policy applies to psychologists' work in detention centers with enemy

combatants.

In addition to asking the Board of Directors to review these amendments we are writing COLI, the Ethics Committee, Division 19 and Steve Behnke for advice and any suggested modifications, if necessary, which would enable you and them to support these amendments to the substitute motion. Since we became aware of the BOD's substitute motion we have worked quickly, but thoughtfully to find amendments which would allow us to support it. In view of the time constraints, we would appreciate a response as soon as possible, hopefully no later than August 8.

Best Regards,
Laurel Bass Wagner, Ph.D.
Council Representative, Division 39

PRIVACY REDACTION

Green text—text taken directly from the 2006 Resolution that needs to be incorporated
Purple text—friendly amendments that are directly related to the 2006 Resolution

Blue text—the substantive amendments

DRAFT AMENDMENTS

Reaffirmation ~~and Elaboration~~ of the American Psychological Association Position Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and Application to Issues of Prisoner Interrogations

WHEREAS the mission of the American Psychological Association is to advance psychology as a science and profession and as a means of promoting health, education and human welfare through the establishment and maintenance of the highest standards of professional ethics and conduct of the members of the Association;

WHEREAS the American Psychological Association is an accredited non-governmental organization at the United Nations and so is committed to promote and protect human rights in accordance with the United Nations Charter and the Universal Declaration of Human Rights;

WHEREAS subjecting individuals to torture and cruel, inhuman, or degrading treatment for any reason in any context is wholly antithetical to these goals and purposes;

WHEREAS the American Psychological Association passed the 2006 Resolution Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; a comprehensive and foundational position applicable to all individuals, in all settings and in all contexts without exception;

WHEREAS The American Psychological Association's 2006 Resolution Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment applies to all persons, in all settings and in all contexts, including the context of due process regardless of changing US definitions of torture and cruel, inhuman or degrading treatment or punishment[1];

WHEREAS the 2007 American Psychological Association Council Policy Manual, Chapter XII. Public Interest (Part 1), 1975 Psychological Treatment in Prison Settings affirmed that the American Psychological Association:

> 1. Opposes the misuse of indeterminate sentences, a practice in which the claim of psychological treatment is often used as justification for depriving individuals of their personal liberty and civil rights without due process;

WHEREAS prisoners held without due process of law, particularly indefinite detention, may suffer long-term psychological and related harms (Morishima, 1982; Potts, 1994; Robbins, MacKeith, Davison, Kopelman, Meux, Ratnam, Somekh, & Taylor, 2005);

BE IT RESOLVED that the American Psychological Association reaffirms unequivocally the 2006 Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment in its entirety in both substance and content (see Appendix A);

BE IT RESOLVED that the American Psychological Association unequivocally condemns torture and cruel, inhuman, or degrading treatment or punishment, under any and all conditions, including detention and interrogations.

BE IT RESOLVED that the unequivocal condemnation includes an absolute prohibition against psychologists' planning, designing, assisting, or participating in any activities, including interrogations, which involve the use of torture and any form of cruel, inhuman or degrading treatment or punishment;

BE IT RESOLVED that this unequivocal condemnation includes, a range of techniques both known and unknown but defined as torture or cruel, inhuman or degrading treatment or

punishment under the 2006 Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, the United Nations Convention Against Torture, and the Geneva Conventions. This unequivocal condemnation includes, but is by no means limited to, an absolute prohibition for psychologists against direct or indirect participation during interrogation processes or other detainee-related operations in: mock executions; water-boarding or any other form of simulated drowning or suffocation; sensory deprivation and over-stimulation; "hooding"; forced nakedness; sexual humiliation; rape; cultural or religious humiliation; exploitation or exacerbation of fears,~~of~~ phobias or psychopathology; stress positions; the use of dogs to threaten or intimidate; physical assault, including slapping and shaking; exposure to extreme heat or cold; induced hypothermia; the use of psychotropic drugs or mind-altering substances used for the purpose of eliciting information or purposes other than directly therapeutic ones; isolation and sleep deprivation used in a manner that adversely affects an individual's physical or mental health; threats of harm or death; or the threatened use of any of the above techniques to the individual or to members of the individual's family;

BE IT RESOLVED that the American Psychological Associations's unequivocal condemnation of torture and other cruel, inhuman, or degrading treatment or punishment remains applicable at detention and other sites where persons are identified as enemy combatants or illegal enemy combatants and as such may not be guaranteed human rights protections, particularly in relation to due process and humane interrogation techniques as established under the Geneva Conventions and other UN documents, treaties, conventions, and protocols;

BE IT RESOLVED that the American Psychological Association calls on the United States government—including Congress, the Department of Defense, and the Central Intelligence Agency—to prohibit the use of these methods in all interrogations and that the American Psychological Association shall inform relevant parties with the United States government that psychologists are prohibited from participating in such methods or in interrogations in contexts denying due process as defined under the 2006 Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment;

BE IT RESOLVED that the American Psychological Association in recognizing that torture and other cruel, inhuman or degrading treatment and punishment can result not only from the behavior of individuals, but also from the conditions of confinement calls upon the United States Government to prohibit the use of psychologists' participating in or facilitating extra-judicial[2] detentions, except in roles that aid the health of detainees.

OR

BE IT RESOLVED that, the objects of the APA shall be to advance psychology as a science and profession and as a means of promoting health, education and welfare…" (Bylaws of the APA: Article 1) and, therefore, the roles of psychologists in conditions in which prisoners are held in extra-judicial[3] detention, should be limited to the promotion of health.

BE IT RESOLVED that the American Psychological Association asserts that any individual with knowledge that a member of the Association has engaged in torture or cruel, inhuman, or degrading treatment or punishment, including the specific behaviors listed above, has an ethical responsibility to provide this information to the Ethics Committee, and directs the Ethics Committee to take appropriate action based upon such information; and if an individual has such knowledge about a psychologist who is not a member of the Association, the APA encourages that psychologist to provide this information to the appropriate state licensing board, ethics committee or other accrediting authority;

BE IT RESOLVED that the American Psychological association commends those psychologists who have taken clear and unequivocal stands against torture and cruel, inhuman or degrading treatment or punishment including in the line of duty, and including stands against the specific behaviors or conditions listed above; and that the American Psychological Association will lend its support to psychologists who report a conflict between law, orders or regulations and torture, cruel, inhuman or degrading treatment or punishment;

BE IT RESOLVED that the American Psychological Association asserts that all psychologists with

information relevant to the use of any method of interrogation constituting torture or cruel, inhuman, or degrading treatment or punishment have an ethical responsibility to inform their superiors of such knowledge, to inform the relevant office of inspector generals when appropriate, and to cooperate fully with all oversight activities, including hearings by the United States Congress and all branches of the United States government, to examine the perpetration of torture and cruel, inhuman, or degrading treatment or punishment against individuals in United States custody, for the purpose of ensuring that no individual in the custody of the United States is subjected to torture or cruel, inhuman, or degrading treatment or punishment;

BE IT RESOLVED that in writing a casebook and commentary, the APA Ethics Committee shall set forth guidelines for all psychologists working in contexts of war and imprisonment that are consistent with international human rights instruments, as well as guidelines developed for health professionals, including but not limited to: Common Article 3 of the Geneva Conventions; The United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; The United Nations Principles of Medical Ethics Relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; and The World Medical Association Declaration of Tokyo: Guidelines for Physicians Concerning Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in Relation to Detention and Imprisonment;

BE IT RESOLVED that the American Psychological Association, in order to protect against torture and cruel, inhuman, or degrading treatment or punishment, and in order to mitigate against the likelihood that unreliable and/or inaccurate information is entered into legal proceedings, calls upon United States legal systems to reject testimony that results from torture or cruel, inhuman, or degrading treatment or punishment.

References

Formatted

Morishima, J. K. (1982). American Psychological Association statement on wartime relocation and internment of civilians. *AAPA Journal, 7*(1), 6-12.

Potts, M. K. (1994). Long-term effects of trauma: Post-traumatic stress among civilian internees of the Japanese during World War II. *Journal of Clinical Psychology, 50*, 681-698.

Robbins, I., MacKeith, J., Davison, S., Kopelman, M., Meux, C., Ratnam, S., Somekh, D., & Taylor, R. (2005). Psychiatric problems of detainees under the Anti-Terrorism Crime and Security Act 2001. *Psychiatric Bulletin, 29*, 407-409.

[1] In 2006 the American Psychological Association defined torture, in accordance with Article I of the United Nations Declaration and Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment,

> [T]he term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted upon a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official [e.g., governmental, religious, political, organizational] capacity. It does not include pain or suffering arising only from, inherent in, or incidental to lawful sanctions [in accordance with both domestic and international law];

In 2006 the American Psychological Association defined the term "cruel, inhuman, or degrading treatment or punishment" to mean treatment or punishment by a psychologist that, in accordance with the McCain Amendment, is of a kind that would be "prohibited by the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, as defined in the United States Reservations, Declarations and Understandings to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment done at New York, December 10, 1984." Specifically, United States Reservation I.1 of the Reservations, Declarations and Understandings to the United Nations Convention Against Torture stating, "the term 'cruel, inhuman or degrading treatment or punishment' means the cruel, unusual and inhumane treatment or punishment prohibited by the Fifth, Eighth, and/or Fourteenth Amendments to the Constitution of the United States."

Article V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Article VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Article XIV.

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

[2, 3] Extrajudicial: not involving, occurring in, or forming part of a legal proceeding: stemming from something outside of a court proceeding (http://research.lawyers.com/glossary/extrajudicial.html)

Sender:	Linda M. Woolf, Ph.D. PRIVACY REDACTION
Sent:	Sunday, July 29, 2007 7:33:50 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	Just between us elves! - [Fwd: Re: [SOCIAL] an opinion..]
Attachments:	Amendments7.27.07.pdf;Amendments7.27.07.doc;WoolfThoughtsResolution.pdf

Hi Steve,

It is amazing to watch some folks do the "APA is evil" and "let's all work together and have fun" dance.

Okay, I'm home but exhausted! Exciting game. Down 5 to zip and a comeback win of 5-9. And humid!! It was like sitting in a steam bath.

I have attached my original comments when the draft of the substitute motion first came out. I've also attached the long working draft (in both word and pdf) that we will be discussing tomorrow evening.

From a 48 perspective, we want to make sure that somehow the substitute motion doesn't weaken in any way the 2006 Resolution. I'm reminded of the Archbishop in St. Louis who came to speak on Friday night at my synagogue and discussed the kindred nature of Judaism and Christianity. He then talked about how we have the Old Testament but that this has been replaced by the New Testament. I don't think he even noticed that this didn't sit too well with folks. Anyway, we want to make sure that new wording will not supersede any of the wording in the 2006 document.

The green and to a certain extent the purple represents points to bring the documents into agreement with the 2006 Resolution. Much of what is in green might be simply not needed if a general amendment were added that simply states that APA reaffirms all of the 2006 Resolution in its entirety.

I think the addition of the definitions reflects an attempt to insure that there is broader understanding of what was agreed to last year and limits of that agreement when it comes to the U.S. Reservations to the UNCAT.

The blue text is the new material. Note that there is at least one place where two Be It Resolved draft statements are included but just different versions representing the somewhat the same sentiment. Everything is added at this point and some things could be deleted tomorrow. For example, I don't think this is the place to discuss changes related to the Ethics code and for that matter, I think the section about the casebook could be deleted.

Anyway, if you want to touch base later today or tomorrow, let me know. I'm working on finishing up stuff for the book - acknowledgments, author index, etc. We hope to have it "in the mail" to Blackwell on Tuesday.

Did I mention, I was approached by Dan Christie (former President of 48; Prof. at Ohio State) about submitting a proposal to the Peace Psychology Book Series being published by Springer for an edited book on Ethics and Interrogations? Mike and I are seriously considering the idea and would be soliciting papers from many of the folks involved in the mini-convention as well as others who work also within the domestic justice system as well as researchers on these issues. We have to get the current book off our plate first.

Linda

-------- Original Message --------
Subject: Re: [SOCIAL] an opinion..
Date: Sun, 29 Jul 2007 17:54:09 -0500
From: Brad Olson PRIVACY REDACTION
Reply-To: Social Justice Discussion forum <SOCIALJUSTICE@LISTS.APA.ORG>
Organization: Northwestern University
To:SOCIALJUSTICE@LISTS.APA.ORG

Thank you Judy,

As you know from our conversation on the phone, I, in addition to the items you ment
moratorium will get voted on. I expect it to. There has been a lot of work put into
from good people and divisions, and there has been a lot of talk about APA being run

I also hope and expect that it will be more than one amendment we can all agree upon
are substantial concerns and they seem to be growing. Of course our "amendments comm
come up with one or two dynamite amendments that cover enough, but that is a tall or
We have a very good group working on this.

Signs from the APA board that certain amendments are deemed "friendly" will have to
rather than later as well. That too is a tall order. The signs I have been given hav
particularly promising up until now. That's disappointing. While I was always distur
process of Substitute Motion #2, I thought it was worth making a best faith effort.
also my feelings about just how subsersive this process was has grown considerably.

But again, I believe in our amendments committee, several of us have provided some t
recommendations to them. We're all in for some fun discussion and an interesting nex
Brad

==========Original message text==========
On Sat, 28 Jul 2007 8:55:40 pm CDT Judith Van Hoorn wrote:

Dear Brad,

In my opinion,

I appreciate your willingness to listen to all of us.
I appreciate the hundreds of hours you have spent on this issue all year, snow or sh

And, as a DSJ laison from Division 48 - I hope that the DSJ laisons can take an offi
support of one or more amendments to Motion #2 and the Guantanamo Resolution. I hope
be able to make such an official statement as DSJ Chair - and I hope that a DSJ COR
able to make an official statement on the floor of Council.

Judy

>>> Brad Olson PRIVACY REDACTION >>>
As in every conversation I have with individuals or with larger groups, if it comes
question of who I am representing, whether I am representing Northwestern, DSJ, Divi
Withdrawal, Coalition for an Ethical APA, APA etc., I will make it absolutely clear.
something is asked specifically about the groups I represent, I am rather certain th

"I believe that..." and "In my opinion."

I have other content-based issues that will be at the top of my mind, but I can guar
not attempt to mislead anyone about any affiliation I do or do not have. I promise n
any U.S. presidential candidates for the primary....

As I told Judy on the phone, when she called me a bit ago, I appreciate "sticklers"
Judy's term, not mine), although clear by-laws for DSJ would be helpful as well. We
work to do.

I will say that if any "sticklers" want to ask Steve Behnke why the casebook hasn't
why 1.02 hasn't been addressed, two years after Council requested it (and in all has
be a good target for your energies as well. But please, don't stop checking up on me
Brad

==========Original message text==========
On Sat, 28 Jul 2007 5:03:49 pm CDT Judith Van Hoorn wrote:

Hi Brad,

I'm looking forward to hearing it. This is a great opportunity for discussion of the

This may be an "unpopular question" but is one that Steve R's note a while ago raise
our own DSJ process. I was going to ask you this question with respect to the rally
important now. This seems like a critical issue to clear up - not just now, but for
statements next year, etc.

Will you be identified as the DSJ chair, the laison from 27, or an active and involv

>From my point of view, you have been so involved in the process as the DSJ chair re
to letters, working on the mini-convention) that people assume that you are speaking
DSJ - unless you clarify that you are not the spokesperson on this issue/ this occas

I'm curious to think what other DSJ laisons think.

Judy

p.s. For issues of transparency re. my own thoughts. I have reclused myself from Psy
this issue as a rep from 48.

>>> Brad Olson PRIVACY REDACTION >>>
Hi All,
I just wanted to let you know that I'm going to be on Democracy Now on Monday mornin
Katherine Eban, the author of the Vanity Fair article. Steve Behnke may be on there
Brad
==========End of original message text==========
==========End of original message text==========

--
Linda M. Woolf, Ph.D.
Professor of Psychology and International Human Rights
Past-President, Society for the Study of Peace, Conflict, & Violence (Div. 48, APA)
Steering Committee, Psychologists for Social Responsibility (PsySR)
Secretary, Raphael Lemkin Award Committee, Institute for the Study of Genocide
Coordinator - Holocaust & Genocide Studies
Center for the Study of the Holocaust, Genocide, and Human Rights
Webster University
PRIVACY REDACTION

Main Webpage: http://www.webster.edu/~woolflm/
PRIVACY REDACTION

"Outside of a dog, a book is a man's (and woman's) best friend. . . .
Inside a dog, it's too dark to read."
- Groucho Marx

Green text—text taken directly from the 2006 Resolution that needs to be incorporated
Purple text—friendly amendments that are directly related to the 2006 Resolution

Blue text—the substantive amendments

Reaffirmation ~~and Elaboration~~ of the American Psychological Association Position Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and Application to Issues of Prisoner Interrogations

WHEREAS the mission of the American Psychological Association is to advance psychology as a science and profession and as a means of promoting health, education and human welfare through the establishment and maintenance of the highest standards of professional ethics and conduct of the members of the Association;

WHEREAS the Ethical Principles of the APA Ethical Principles of Psychologists and Code of Conduct (2002) call upon members of the APA to respect the inherent dignity and worth of the individual and strive for the preservation and protection of fundamental human rights recognizing the equal and inalienable rights of all members of the human family;

WHEREAS the American Psychological Association is an accredited non-governmental organization at the United Nations and so is committed to promote and protect human rights in accordance with the United Nations Charter; ~~and~~ the Universal Declaration of Human Rights; the United Nations Declaration and Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; the United Nations Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; the United Nations Basic Principles for the Treatment of Prisoners; and the United Nations Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment;

WHEREAS subjecting populations and/or individuals to torture and cruel, inhuman, or degrading treatment for any reason in any context is wholly antithetical to these goals and purposes;

WHEREAS in 2006 the American Psychological Association unambiguously affirmed its support for the 2006 Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment of Punishment as a comprehensive and foundational position applicable with to all individuals, in all settings, and in all contexts without exception;

WHEREAS APA's 2006 Resolution places APA's status as an accredited non-governmental organization at the United Nations (UN) at the center of the framework of APA's policies and commitment to basic human rights (e.g. children, women, racism, sexual identity, anti-semitism, prejudice, etc.);

WHEREAS in 2006 the American Psychological Association defined torture, in accordance with Article I of the United Nations Declaration and Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment,

> [T]he term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted upon a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official [e.g., governmental, religious, political, organizational] capacity. It does not include pain or suffering arising only from, inherent in, or incidental to lawful sanctions [in accordance with both domestic and international law];

WHEREAS in 2006 the American Psychological Association defined the term "cruel, inhuman,

or degrading treatment or punishment" to mean treatment or punishment by a psychologist that, in accordance with the McCain Amendment, is of a kind that would be "prohibited by the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, as defined in the United States Reservations, Declarations and Understandings to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment done at New York, December 10, 1984." Specifically, United States Reservation I.1 of the Reservations, Declarations and Understandings to the United Nations Convention Against Torture stating, "the term 'cruel, inhuman or degrading treatment or punishment' means the cruel, unusual and inhumane treatment or punishment prohibited by the Fifth, Eighth, and/or Fourteenth Amendments to the Constitution of the United States."

> Article V.
>
> No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.
>
> Article VIII.
>
> Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.
>
> Article XIV.
>
> Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

WHEREAS in 2006 the APA reaffirmed its support for the United Nations Declaration and Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and its adoption of Article 2.2, which states

> [T]here are no exceptional circumstances whatsoever, whether induced by a state of war or a threat of war, internal political instability or any other public emergency, that may be invoked as a justification of torture;

WHEREAS these definitions therefore apply to all persons, in all settings, and in all contexts, and include issues of due process, consistent with APA's 2006 Resolution Against Torture and UN declarations and conventions, this unequivocal condemnation applies, in spite of changing U.S. definitions of torture and cruel, inhuman, or degrading treatment or punishment;

WHEREAS the 2007 American Psychological Association Council Policy Manual, Chapter XII. Public Interest (Part 1), 1975 Psychological Treatment in Prison Settings affirmed that the American Psychological Association:

> 1. Opposes the misuse of indeterminate sentences, a practice in which the claim of psychological treatment is often used as justification for depriving individuals of their personal liberty and civil rights without due process;

WHEREAS Prisoners held without due process of law, particularly indefinite detention, may suffer long-term psychological harm and related harms (Morishima, 1982; Potts, 1994; Robbins, MacKeith, Davison, Kopelman, Meux, Ratnam, Somekh, & Taylor, 2005);

BE IT RESOLVED that the American Psychological Association unequivocally condemns torture and cruel, inhuman, or degrading treatment or punishment, for any and all purposes,

including detention and interrogation;

BE IT RESOLVED that the unequivocal condemnation includes an absolute prohibition against psychologists' planning, designing, assisting, advising, training, tolerating, or participating in any activities, including interrogations, which involve the use of torture and any form of cruel, inhuman or degrading treatment or punishment;

BE IT RESOLVED that this unequivocal condemnation includes, a range of techniques both known and unknown but defined as torture or cruel, inhuman or degrading under the 2006 Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, the United Nations Convention Against Torture, and the Geneva Conventions. This unequivocal condemnation includes, but by no means limited to, an absolute prohibition for psychologists against direct or indirect participation during interrogation processes or other detainee-related operations in: mock executions; water-boarding or any other form of simulated drowning or suffocation; sensory deprivation and over-stimulation; "hooding"; forced nakedness; sexual humiliation; rape; cultural or religious humiliation; exploitation or exacerbation of fears,~~of~~ phobias or psychopathology; stress positions; the use of dogs to threaten or intimidate; physical assault, including slapping and shaking; exposure to extreme heat or cold; induced hypothermia; the use of psychotropic drugs or mind-altering substances used for the purpose of eliciting information or purposes other than directly therapeutic ones; isolation and sleep deprivation used in a manner that adversely affects an individual's physical or mental health; threats of harm or death; or the threatened use of any of the above techniques to the individual or to members of the individual's family;

BE IT RESOLVED that APA's unequivocal condemnation of torture and other cruel, inhuman, or degrading treatment or punishment applies to detention and other centers at international, national or local levels where persons may be held as enemy combatants and as such may not be guaranteed human rights protections, particularly in relation to due process and humane interrogation techniques as established under the Geneva Conventions and other UN documents, treaties, conventions, and protocols that protect human rights without exception;

BE IT RESOLVED that the American Psychological Association calls on the United States government—including Congress, the Department of Defense, and the Central Intelligence Agency—to prohibit the use of these methods in all interrogations and that the American Psychological Association shall inform relevant parties with the United States government that psychologists are prohibited from participating in such methods or in interrogations in contexts denying due process as defined under the 2006 Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and the United Nations Convention Against Torture, specifically U.S. Reservation I.1, the United Nations Universal Declaration of Human Rights;

BE IT RESOLVED that the American Psychological Association is unequivocally opposed to the detention by the United States government of persons under conditions that do not meet the standards of protection of their civil rights as defined by United States constitutional law, in the case of United States citizens and legal residents; OR the applicable articles of the International Convention on Civil and Political Rights; the Universal Declaration of Human Rights; the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; and the Geneva Conventions, in the case of persons who are neither citizens nor legal residents of the UnitedStates.

BE IT RESOLVED that if a psychologist is working in an environment where detainees are held outside of the conditions guaranteed by the US Constitution and in accordance with human rights according to the relevant international instruments and treaties, the psychologist's role is limited to providing therapeutic benefits and to bringing these conditions in line with international human rights standards.

BE IT RESOLVED that ~~the American Psychological Association encourages~~ any individual with knowledge that a member of the Association has engaged in torture or cruel, inhuman, or degrading treatment or punishment, including the specific behaviors listed above, have an ethical responsibility to provide this information to the Ethics Committee, and directs the Ethics Committee to take appropriate action based upon such information; and if an individual has such knowledge about a psychologist who is not a member of the Association,

the APA encourages that psychologist to provide this information to the appropriate state licensing board, ethics committee or other accrediting authority;

BE IT RESOLVED that the American Psychological association commends those psychologists who have taken clear and unequivocal stands against torture and cruel, inhuman or degrading treatment or punishment including in the line of duty, and including stands against the specific behaviors or conditions listed above; and that the American Psychological Association will lend its support to psychologists who report a conflict between law, orders or regulations and torture, cruel, inhuman or degrading treatment or punishment;

BE IT RESOLVED that ~~the American Psychological Association urges~~ all psychologists with information relevant to the use of any method of interrogation constituting torture or cruel, inhuman, or degrading treatment or punishment have an ethical responsibility to inform their superiors of such knowledge, to inform the relevant office of inspector generals when appropriate, and to cooperate fully with all oversight activities, including hearings by the United States Congress and all branches of the United States government, to examine the perpetration of torture and cruel, inhuman, or degrading treatment or punishment against individuals in United States custody, for the purpose of ensuring that no individual in the custody of the United States is subjected to torture or cruel, inhuman, or degrading treatment or punishment;

BE IT RESOLVED that in writing a casebook and commentary, the APA Ethics Committee shall set forth guidelines for all psychologists working in contexts of war and imprisonment that are consistent with international human rights instruments, as well as guidelines developed for health professionals, including but not limited to: Common Article 3 of the Geneva Conventions; The United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; The United Nations Principles of Medical Ethics Relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; and The World Medical Association Declaration of Tokyo: Guidelines for Physicians Concerning Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in Relation to Detention and Imprisonment;

or

BE IT RESOLVED that psychologists working in the contexts of war, imprisonment and detainee interrogations behave at all times in a manner consistent with relevant international human rights instruments and guidelines including those developed for health professionals,[1] and that in writing a casebook and commentary, the APA Ethics Committee shall set forth guidelines for all psychologists working in contexts of war and imprisonment that are consistent with these instruments;

BE IT RESOLVED that the American Psychological Association, in order to protect against torture and cruel, inhuman, or degrading treatment or punishment, and in order to mitigate against the likelihood that unreliable and/or inaccurate information is entered into legal proceedings, calls upon United States legal systems to reject testimony that results from torture or cruel, inhuman, or degrading treatment or punishment.

BE IT RESOLVED that the APA Council of Representatives calls on the Ethics Committee to make changes to Ethical Principles 1.02 and 1.03 forthwith as called for by vote of Council in 2005.

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Robbins, I., MacKeith, J., Davison, S., Kopelman, M., Meux, C., Ratnam, S., Somekh, D., & Taylor, R. (2005). Psychiatric problems of detainees under the Anti-Terrorism Crime and Security Act 2001.

Psychiatric Bulletin, 29, 407-409.

From: Linda M. Woolf, Ph.D., Professor of Psychology and International Human Rights, Webster University. Past-President, Society for the Study of Peace, Conflict, and Violence: Division 48, American Psychological Association (APA)

Re: Proposed Alternate Resolution—Reaffirmation and Elaboration of the American Psychological Association Position Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Date: July 17, 2007

I have outlined my initial general thoughts and concerns below. In terms of specific comments, I note these within the context of the resolution itself (also below). Please be aware that these represent my initial reactions and I have may have more comment based upon further reflection and discussion. All of my specific comments within the context of the proposed resolution are in blue to highlight them within the resolution.

First, I think the Board of APA is working hard to tackle the very real concerns of abusive interrogations at detention sites for foreign detainees defined as "enemy combatants" under the Military Commissions Act of 2006. These are challenging times for the APA, military psychologists, and indeed the country. I very much appreciate the involvement of the Board and the Ethics Office in endeavoring to address these issues in a sincere and ethical manner. I also applaud the work of psychologists from a range of specialties who have added their voice, time, and efforts towards human rights for all, including prisoners.

Second, I would personally add that none of my comments below are intended to denigrate military psychologists or diminish the heroic role that some military psychologists have played in fighting abusive interrogation techniques.

And now for my concerns about the proposed resolution:

1. It largely reiterates and unfortunately, may weaken the 2006 APA Resolution Against Torture and Other Cruel, Inhuman, or Degraded Treatment or Punishment. The proposed resolution elaborates very little on the previous document (largely an encapsulation). Unfortunately, on points of elaboration, the net result may be a weakening of the 2006 Resolution. I do not believe this was the intent of the authors but rather problems with the wording of the proposed resolution. See noted problems below within the context of the proposed resolution.

2. The proposed resolution reads largely as a press release. It seems to mix previous Resolutions with aspirational statements containing few underlying mandates. If the proposed resolution becomes identified solely as a "press" or "image" statement, then it may further harm APA's already tarnished image on this issue. The points omitted in the proposed resolution are issues addressed already in the press and are noticeably absent in this document. My sense is that the Board is genuinely concerned in regards to addressing these concerns but this proposed resolution may unfortunately be interpreted as evasive, incomplete, and complicit in harm.

3. It fails to address key concerns associated with psychologist involvement at interrogation centers for foreign detainees defined as "enemy combatants." For example, it fails to address or adequately address:

   - **Risk to Psychologists:** Psychologists working in U.S. detention centers may be at risk due to an expectation that they can make judgments outside of their area of expertise. The legality of interrogation techniques and whether a particular technique constitutes a violation of law (e.g., whether a technique is abusive or not) is the role of legal counsel. Currently, psychologists are asked to insure that interrogation techniques are non-abusive, safe, and legal. This represents a position outside of their area of training and expertise and is a by-product of the lack of detainee due process of law.**

   - **Problems of Definition:** Current interrogation methods at U.S. detention centers may now legally include techniques defined as torture or other cruel, inhuman, or degrading treatment or punishment under the 2006 APA Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment due to changes in the Federal Code resulting from the Military Commissions Bill of 2006.**

   - **Contradiction with APA's status as an NGO:** In October 2006, the United States government through the Military Commissions Act(7) declared that certain people held at detention centers are "enemy combatants." As such, these detainees are not guaranteed human rights protections, particularly in relation to due process, and possibly humane interrogation techniques, as established under the Geneva Conventions and other UN documents, treaties, conventions, and protocols that protect the human rights of people without exception.**

   - U.S. detention centers are currently in violation of the UN Universal Declaration of Human Rights, the UN Basic Principles for the Treatment of Prisoners, and the UN International Covenant on Civil and Political Rights by denying due process of law to prisoners. Additionally, U.S. detention centers are currently in violation of the UN Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment specifically, United States Reservation I.1 of the Reservations, Declarations and Understandings to the United Nations Convention Against Torture and the Geneva Conventions.**

   - The 2006 United Nations Human Rights Council has called for the immediate closure of the U.S. detention facilities at Guantanamo Bay and called for an immediate cessation of "all special interrogation techniques authorized by the Department of Defense" (p. 25).**

   - **Risk to Prisoners:** The 2006 United Nations Human Rights Council has determined that indefinite detention constitutes "inhuman" treatment. The report states "uncertainty about the length of detention and prolonged solitary confinement, amount to inhuman treatment and to a violation of the right to health as well as a violation of the right of detainees under article 10, paragraph 1, of ICCPR to be treated with humanity and with respect for the inherent dignity of the human person" (p. 24).**

- U.S. detention centers currently deny prisoners due process of law (e.g., legal representation and subjected to indefinite incarceration) as defined by the Fifth, Eighth, and Fourteenth Amendments of the U.S. Constitution.** The definition of cruel, inhuman, or degrading as constituted by violations of the Fifth, Eighth, and Fourteenth Amendments of the U. S. Constitutions was adopted by APA Council, August 2006.

- Prisoners held without due process of law, particularly indefinite detention, may suffer long-term psychological harm and related harms (Morishima, 1982; Potts, 1994; Robbins, MacKeith, Davison, Kopelman, Meux, Ratnam, Somekh, & Taylor, 2005).**

- As stated in the APA Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, torture victims and victims of other cruel, inhuman, or degrading treatment or cruel, inhuman, or degrading punishment may suffer from long-term, multiple psychological and physical problems (e.g., Carlsson, Mortensen, & Kastrup, 2005; Gerrity, Keane, & Tuma, 2001; Hermansson, Timpka, & Thyber, 2003; Kanninen, Punamaki, & Qouta, 2003; Somnier, Vesti, Kastrup, & Genefke, 1992).**

Specific thoughts:

Reaffirmation and Elaboration of the American Psychological Association Position Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

WHEREAS the mission of the American Psychological Association is to advance psychology as a science and profession and as a means of promoting health, education and human welfare through the establishment and maintenance of the highest standards of professional ethics and conduct of the members of the Association;

WHEREAS the American Psychological Association is an accredited non-governmental organization at the United Nations and so is committed to promote and protect human rights in accordance with the United Nations Charter and the Universal Declaration of Human Rights;

WHEREAS subjecting individuals to torture and cruel, inhuman, or degrading treatment for any reason in any context is wholly antithetical to these goals and purposes;

All of the above is a reiteration of previous APA Resolutions

BE IT RESOLVED that the American Psychological Association unequivocally condemns torture and cruel, inhuman, or degrading treatment or punishment, for any and all purposes, including interrogation; **Reiterates 2006 Resolution**

BE IT RESOLVED that the unequivocal condemnation includes an absolute prohibition against psychologists' planning, designing, assisting or participating in any activities, including interrogations, which involve the use of torture and any form of cruel, inhuman or degrading treatment or punishment; **Reiterates 2006 Resolution**

BE IT RESOLVED that this unequivocal condemnation includes, but is not limited to, an

absolute prohibition for psychologists against direct or indirect participation during interrogation processes in: mock executions; water-boarding or any other form of simulated drowning or suffocation; sensory deprivation and over-stimulation; "hooding"; forced nakedness; sexual humiliation; cultural or religious humiliation; exploitation of phobias; stress positions; the use of dogs to threaten or intimidate; physical assault, including slapping and shaking; exposure to extreme heat or cold; induced hypothermia; mind-altering substances used for the purpose of eliciting information; isolation and sleep deprivation used in a manner that adversely affects an individual's physical or mental health; or the threatened use of any of the above techniques to the individual or to members of the individual's family; **In part, reiterates the 2006 Resolution.**

The 2006 also provided some examples but we purposefully avoided trying to create a broad listing such as the above. We endeavored to preclude the perception that our listing was a definitive list or a compilation of the most commonly used abusive techniques.

The inclusion of the above list is problematic for four reasons:

1. **It omits a broad range of techniques but gives the appearance of inclusiveness despite the wording "not limited to." The bullet point does not highlight and emphasize that these are only examples and may not even be examples of current or new abusive techniques.**

2. **Does not address the issue of whether psychologists can participate in interrogations that are cruel, inhuman, or degrading* but not defined as such due to changing U.S. definitions of such "torture" and "cruel, inhuman, or degrading." This is where the above listing becomes highly problematic when psychologists are asked to participate in ambiguous interrogation techniques. If the abusive techniques are not on the list, psychologists may assume they are acceptable because they are not on the list but approved by the U.S. government. I refer to this area of ambiguity as the gray zone. This listing and indeed proposed Resolution does not address interrogation techniques within the gray zone created by disparities in U.S. and international law. Nor does it address the situational pressures faced by psychologists when placed in situations with non-listed or evolving interrogation techniques.**

3. **Does not address the gray zone issue of whether psychologists should be involved in harmful interrogations that do not reach the level or are right on the edge of being defined as cruel, inhuman, or degrading as defined under international law.* Does not address the situational pressures faced by psychologists under such circumstances.**

4. **Does not address the issue of interrogations being conducted in conditions that are inherently cruel, inhuman, or degrading* regardless of actual interrogation techniques utilized. Psychologist involvement in interrogations in such settings is problematic regardless of interrogation techniques employed based on the 2006 APA Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. This is a major point of omission in the proposed resolution.**

BE IT RESOLVED that the American Psychological Association calls on the United States government—including Congress, the Department of Defense, and the Central Intelligence

Agency—to prohibit the use of these methods in all interrogations and that the American Psychological Association shall inform relevant parties with the United States government that psychologists are prohibited from participating in such methods; **An aspirational statement that is largely undefined.**

Does "methods" refer to all techniques/situations defined as abusive under the 2006 Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment or to the listing provided in the bullet point above or methods defined as abusive by the U. S. government? These are three different definitions of "methods." If the "methods" refers to the 2006 Resolution, then this includes the broader abusive conditions inherent at sites such as Guantanamo Bay and would be supportive of a moratorium against psychologist involvement at such sites.

BE IT RESOLVED that the American Psychological Association encourages any individual with knowledge that a member of the Association has engaged in torture or cruel, inhuman, or degrading treatment or punishment, including the specific behaviors listed above, to provide this information to the Ethics Committee, and directs the Ethics Committee to take appropriate action based upon such information; **Reiterates the 2006 Resolution.**

BE IT RESOLVED that the American Psychological association commends those psychologists who have taken clear and unequivocal stands against torture and cruel, inhuman or degrading treatment or punishment in the line of duty, including stands against the specific behaviors listed above; **This is an important sentiment but reads more like a press release.**

Also, omits the work of those outside of the military who have taken a firm stand on these issues noting that such stands may also include risk (e.g., loss of employment). For example, the administration at my university has fielded angry calls/emails/letters in response to my work on this issue. I am sure that I am not alone in experiencing these complaints, and I am aware that such complaints can potentially affect an individual's professional status. The fact that I, an individual who holds a relatively safe academic position, have been informed of such complaints sends a message.

BE IT RESOLVED that the American Psychological Association urges all psychologists with information relevant to the use of any method of interrogation constituting torture or cruel, inhuman, or degrading treatment or punishment to inform their superiors of such knowledge, to inform the relevant office of inspector generals when appropriate, and to cooperate fully with all oversight activities, including hearings by the United States Congress and all branches of the United States government, to examine the perpetration of torture and cruel, inhuman, or degrading treatment or punishment against individuals in United States custody, for the purpose of ensuring that no individual in the custody of the United States is subjected to torture or cruel, inhuman, or degrading treatment or punishment; **In part reiterates the 2006 Resolution but also includes broader cooperation with investigations.**

It should be noted that the 2006 Resolution mandated attempted reporting whereas this reduces the level of involvement to "urges all psychologists." This is very problematic and could be interpreted as a step backward.

BE IT RESOLVED that in writing a casebook and commentary, the APA Ethics Committee shall set forth guidelines for psychologists working in contexts of war and imprisonment that are consistent with international human rights instruments, as well as guidelines developed for health

professionals, including but not limited to: Common Article 3 of the Geneva Conventions; The United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; The United Nations Principles of Medical Ethics Relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; and The World Medical Association Declaration of Tokyo: Guidelines for Physicians Concerning Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in Relation to Detention and Imprisonment; **This statement adds nothing to the proposed resolution other than a reiterative call for a casebook.**

APA has discussed this casebook for two years with no progress. This bullet point also highlights that the casebook will be for "health professionals" when indeed many, if not most, psychologists involved in interrogations are not clinicians. The guidelines need to be for all psychologists.

BE IT RESOLVED that the American Psychological Association, in order to protect against torture and cruel, inhuman, or degrading treatment or punishment, and in order to mitigate against the likelihood that unreliable and/or inaccurate information is entered into legal proceedings, calls upon United States legal systems to reject testimony that results from torture or cruel, inhuman, or degrading treatment or punishment. **This statement is good but has few teeth in relation to the pressing issue of psychologist involvement in abusive interrogations particularly at centers for foreign detainees defined as "enemy combatants."**

* Cruel, inhuman, and degrading as defined under the U.S. Reservations to the United Nations Convention Against Torture. Specifically, and as cited in the 2006 APA Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment as:

> Treatment or punishment by a psychologist that, in accordance with the McCain Amendment3, is of a kind that would be "prohibited by the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, as defined in the United States Reservations4, Declarations and Understandings to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment done at New York, December 10, 1984."

** Taken from the Call for an APA Moratorium Resolution, Executive Committee, Society for the Study of Peace, Conflict, and Violence: Peace Psychology Division 48, April 2007. http://www.webster.edu/peacepsychology/2007Moratorium/MoratoriumStatement07.html

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Sender:	Melba Vasquez
Sent:	Wednesday, July 25, 2007 9:58:51 AM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	Fwd: [DIV35EXEC] The moratorium resolution, take two
Attachments:	Re: [DIV35EXEC] The moratorium resolution, take two

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Steve, I'm not sure who Linda is...
Melba
In a message dated 7/24/07 9:26:47 AM, Bernice Lott writes:
The subcommittee that will be drafting amendments (to substitute motion#2) to bring to Council consists of Corann, Judy, Neil, Linda, and me.

Your thoughts are welcome.

bernice

On Jul 24, 2007, at 6:16 AM, Melba J. T. Vasquez, Private Practice wrote:
> Thanks, Jean. I look forward to seeing the amendments. Are you and
> Corann on the subcommittee?
>
> melba
> In a message dated 7/23/07 9:18:28 PM, Jean Lau Chin writes:
>
>
>
> Thanks Melba for the substitute motion.
> The DSJ just had a conference call to discuss this motion and the
> Moratorium resolution which it is intended to replace.
> The gist of it all is that all felt that it is a good motion.
> However, there are several amendments which it would like to see
> included that is not addressed. Most importantly is that it does not
> address the issue of the absence of due process. Secondly, it is
> shifting away from a focus on the individual psychologist, and focus
> on what APA should be doing on these issues of basic human rights.
> Lastly, the issue of communication was addressed with the DSJ
> listserv including many who are not on council, and therefore
> unfamiliar with APA Council process.
> Bottom line is that a subgroup is now in the process of drafting some
> amendments to the substitute motion, which if accepted by APA Council,
> will replace the Moratorium Resolution.
>
> Sendus your comments since this clearly is a hot topic as Laura Brown
> has indicated, and will be discussed on Council before our EC meeting
> in August.
> Jean Lau Chin
> Div 35 Council Rep
>

> "Melba J. T. Vasquez, Private Practice" PRIVACY REDACTION wrote:
>
> Laura and others,
>
> Here is a possible substitute motion that has been put forward by the
> BOD, just to help the discussion/thoughts/etc.
>
> Melba
>
> Reaffirmation and Elaboration of the American Psychological Association
> Position Against Torture and Other Cruel, Inhuman, or Degrading
> Treatment or Punishment
>
> WHEREAS the mission of the American Psychological Association is to
> advance psychology as a science and profession and as a means of
> promoting health, education and human welfare through the
> establishment and maintenance of the highest standards of professional
> ethics and conduct of the members of the Association;
> WHEREAS the American Psychological Association is an accredited
> non-governmental organization at the United Nations and so is
> committed to promote and protect human rights in accordance with the
> United Nations Charter and the Universal Declaration of Human Rights;
> WHEREAS subjecting individuals to torture and cruel, inhuman, or
> degrading treatment for any reason in any context is wholly
> antithetical to these goals and purposes;
>
> BE IT RESOLVED that the American Psychological Association
> unequivocally condemns torture and cruel, inhuman, or degrading
> treatment or punishment, for any and all purposes, including
> interrogation;
>
> BE IT RESOLVED that the unequivocal condemnation includes an absolute
> prohibition against psychologists$(D+$"o planning, designing, assisting or
> participating in any activities, including interrogations, which
> involve the use of torture and any form of cruel, inhuman or degrading
> treatment or punishment;
>
> BE IT RESOLVED that this unequivocal condemnation includes, but is
> not limited to, an absolute prohibition for psychologists against
> direct or indirect participation during interrogation processes in:
> mock executions; water-boarding or any other form of simulated
> drowning or suffocation; sensory deprivation and over-stimulation;
> $(D+$)Mhooding$(D+$〓; forced nakedness; sexual humiliation; cultural or
> religious humiliation; exploitation of phobias; stress positions; the
> use of dogs to threaten or intimidate; physical assault, including
> slapping and shaking; exposure to extreme heat or cold; induced
> hypothermia; mind-altering substances used for the purpose of
> eliciting information; isolation and sleep deprivation used in a
> manner that adversely affects an individual$(D+$"os physical or mental
> health; or the threatened use of any of the above techniques to the
> individual or to members of the individual$(D+$"os family;

>
> BE IT RESOLVED that the American Psychological Association calls on
> the United States government$(D+$"including Congress, the Department of
> Defense, and the Central Intelligence Agency$(D+$"to prohibit the use of
> these methods in all interrogations and that the American
> Psychological Association shall inform relevant parties with the
> United States government that psychologists are prohibited from
> participating in such methods;
>
> BE IT RESOLVED that the American Psychological Association encourages
> any individual with knowledge that a member of the Association has
> engaged in torture or cruel, inhuman, or degrading treatment or
> punishment, including the specific behaviors listed above, to provide
> this information to the Ethics Committee, and directs the Ethics
> Committee to take appropriate action based upon such information;
>
> BE IT RESOLVED that the American Psychological association commends
> those psychologists who have taken clear and unequivocal stands
> against torture and cruel, inhuman or degrading treatment or
> punishment in the line of duty, including stands against the specific
> behaviors listed above;
>
> BE IT RESOLVED that the American Psychological Association urges all
> psychologists with information relevant to the use of any method of
> interrogation constituting torture or cruel, inhuman, or degrading
> treatment or punishment to inform their superiors of such knowledge,
> to inform the relevant office of inspector generals when appropriate,
> and to cooperate fully with all oversight activities, including
> hearings by the United States Congress and all branches of the United
> States government, to examine the perpetration of torture and cruel,
> inhuman, or degrading treatment or punishment against individuals in
> United States custody, for the purpose of ensuring that no individual
> in the custody of the United States is subjected to torture or cruel,
> inhuman, or degrading treatment or punishment;
>
> BE IT RESOLVED that in writing a casebook and commentary, the APA
> Ethics Committee shall set forth guidelines for psychologists working
> in contexts of war and imprisonment that are consistent with
> international human rights instruments, as well as guidelines
> developed for health professionals, including but not limited to:
> Common Article 3 of the Geneva Conventions; The United Nations
> Convention Against Torture and Other Cruel, Inhuman, or Degrading
> Treatment or Punishment; The United Nations Principles of Medical
> Ethics Relevant to the Role of Health Personnel, particularly
> Physicians, in the Protection of Prisoners and Detainees against
> Torture and Other Cruel, Inhuman, or Degrading Treatment or
> Punishment; and The World Medical Association Declaration of Tokyo:
> Guidelines for Physicians Concerning Torture and other Cruel, Inhuman
> or Degrading Treatment or Punishment in Relation to Detention and
> Imprisonment;
>

> BE IT RESOLVED that the American Psychological Association, in order
> to protect against torture and cruel, inhuman, or degrading treatment
> or punishment, and in order to mitigate against the likelihood that
> unreliable and/or inaccurate information is entered into legal
> proceedings, calls upon United States legal systems to reject
> testimony that results from torture or cruel, inhuman, or degrading
> treatment or punishment.
>
>
> In a message dated 7/23/07 3:37:50 PM, Laura Brown writes:
>
>
>
> Hi all. As many of you know, the resolution for a moratorium on
> psychologists's partticipation in interrograions is coming back up to
> Council for a vote in August. There has been a very large and public
> campaign aimed to convince members of Council to support this
> resolution. As you all may recall, when we discussed this during our
> mid-winter meeting the collective wisdom was that Div. 35 did not
> support the resolution as written, which sentiment I have conveyed (to
> quite hostile feedback) on the DSJ listserv.
>
> This issue is a very large one, and although Div. 35's reps to
> Council have a heritage of voting our conscience on the floor, I feel
> a personal obligation to find out where people are at this time. I
> have continued to push for amendment language that is protective of
> military psychologists and their families, as we had discussed, and
> we're starting to get some forward movement on that finally. There is
> some of what I have perceived as overt hostility to military
> psychologists among the DSJ listserv membership (most of whom are not
> Council reps), as well as some movement toward greater conciliation on
> the part of DSJ leadership.
>
> So where are folks at? As various substitute motions come to me do
> you all want to see them? This is one of the more important votes APA
> is likely to take in terms of our perception in the public domain, and
> when I stand up on the floor of Council to say my two cents' worth I
> want to be a voice for our organization, not simply my own voice. So
> please, let's hear from folks and reprise our conversations from
> January.
>
> Laura Brown
>
>
>
>
>
>
>
>
> Melba J. T. Vasquez, PhD, ABPP
> Board of Directors, American Psychological Association

> Past-President, Texas Psychological Association
> PRIVACY REDACTION
>
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> **********
> Get a sneak peek of the all-new AOL at
> http://discover.aol.com/memed/aolcom30tour
>
>
>
> Jean Lau Chin, ED.D., ABPP; PRIVACY REDACTION
> Adelphi University, Dean, Derner Institute for Advanced Psychological
> Studies; PRIVACY REDACTION
>
> Recent Book Releases: Learning from My Mother's Voice: Family Legend
> and the Chinese American Experience, TC Press, ISBN:0807745510;
> Women and Leadership: Transforming Visions and Diverse Voices,
> Blackwell Publishers, ISBN: 9781405155830
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> Melba J. T. Vasquez, PhD, ABPP
> Board of Directors, American Psychological Association
> Past-President, Texas Psychological Association
> PRIVACY REDACTION
>

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> **********
> Get a sneak peek of the all-new AOL at
> http://discover.aol.com/memed/aolcom30tour=
Melba J. T. Vasquez, PhD, ABPP
Board of Directors, American Psychological Association
Past-President, Texas Psychological Association
PRIVACY REDACTION

****
Get a sneak peek of the all-new AOL at http://discover.aol.com/memed/aolcom30tour

Sender:	Morgan Banks
Sent:	Saturday, July 07, 2007 1:23:36 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	Draft of letter
Attachments:	Letter to APA.doc

Tell me what you think.

Morgan

See what's free at AOL.com.

Dr. Sharon Brehm
President
American Psychological Association

Dear Dr. Brehm,

I am writing this letter as a personal and professional response to the numerous allegations contained in a recent open letter to you, as APA president. The inaccuracy of this "open letter" is astounding and professionally disappointing.

I have been a licensed psychologist for more than 20 years, all of that time serving in the United States Army. In the last several years, as the country's leadership has struggled with the legal and ethical questions associated with the proper treatment of detainees captured in Afghanistan and Iraq, there have been numerous disturbing reports on the treatment of these detainees. Some of these reports have implied that I either participated or supported abusive treatment of these detainees. I feel I must now correct these reports.

Since 1985, the focus of much of my work has been on the training of U.S. Soldiers, specifically on how they could best resist the torture and abuse that is likely should they be held by our enemies. Initially, my studies began by looking at our experiences in the Vietnam War, but gradually it expanded to include the experiences of captives in all U.S. conflicts (both U.S. personnel and our POWs), and those of many other nations. Some of my earliest reading in this area was that from Amnesty International on the world-wide treatment of captives. This study provided me, very early in my career, a very strong belief that the torture or abuse of people in captivity is morally wrong, and something that no nation, and certainly not the United States, must ever tolerate. My position on this subject is well documented and widely known by my colleagues.

The United States military has utilized psychologists to support the safe and legal interrogation of detainees for many years. I have seen the positive effects of this role. Psychologists bring a depth of knowledge on how social influences can shape behavior that is unique. Not only does a properly trained psychologist understand the powerful dynamic of the power differential between a guard and a detainee, and the huge danger that this poses, but he or she also has training in how to assist in designing processes that will decrease the likelihood of abuse. I expect there is little dispute on the unique perspective and knowledge we have in this area. This is a major function of every psychologist within the military who supports our safe and legal interrogation efforts.

In addition to this safety role, however, I will not back away from the positive role that a psychologist can also play in helping interrogators perform their legal duties. Partly due to television bombardment in our culture, many people believe that successful interrogation must be conducted in a manner that is abusive. Nothing could be further from the truth. In my experience, treating detainees professionally, with dignity and respect, is usually the most powerful method to gather useful, accurate information. Even more relevant is the fact that the military has very strict guidelines on the conduct of interrogations. These guidelines, if followed, preclude abusive interrogations. As a serving officer, I am required to uphold these guidelines. If I see something that is not lawful and I do not report it, then I am equally culpable. In thirty-three years of total military service, I have never been ordered, told, or otherwise pressured to abuse anyone, certainly not a detainee.

The real area of honest controversy, in my opinion, concerns the ethical dilemmas that can occur when a psychologist is placed in the role of supporting interrogations. On this I hope all can agree: If a psychologist is going to perform this role, then specialized training is required. I recognized this training deficit in 2002, and began to develop a training model, and then a course, that would properly prepare DOD psychologists to perform this mission. This is the training that was erroneously identified in the recently released DOD IG report as a SERE (Survival, Evasion, Resistance, and Escape) psychologist conference for interrogation personnel. This is a complete mischaracterization of the training, which was for the purpose of training psychologists to support safe, legal, ethical, and effective interrogations. Explicit instruction was conducted on the legal requirements concerning the treatment of detainees, including the Army Regulation which outlaws abuse, and Article 3 of the Geneva Conventions. At no time was any type of abusive treatment condoned, much less taught. Neither I, nor anyone working for me, has ever supported using any "technique" that is abusive. Through the very hard work of a number of dedicated psychologists and others, this training has now become a formal Army training course. A major focus of this course concerns the ethical standards that must be adhered to while performing this mission, and the potential

ethical pitfalls of which one must always be vigilant. As you are aware, we have received superb support from the APA on the development and execution of this course. Everything we teach, and continue to teach, is consistent with the APA ethical guidelines, U.S. law, and the international instruments to which the U.S. is a signatory.
Again through the hard work of a number of dedicated psychologists, the outline of this training, and the strong ethical and procedural standards contained in it, were released to the public last year in the Army Medical Command's Policy Memorandum. I welcome, and strongly encourage, informed debate about the standards contained in this document. A debate on how to help sustain the safe, legal, ethical, and effective interrogation of detainees under U.S. control is essential for the profession and for our country. But this debate must be framed with the facts and a thoughtful analysis. The psychologists with whom I work care very strongly about maintaining the integrity of their profession, the reputation of our country, and more importantly, protecting the humanity of individuals under interrogation situations. They have worked hard to both prevent abuse, and to assist in gathering useful, accurate intelligence from our enemies. They will get no positive public recognition for their work, but I have seen what they do and am incredibly proud of them and what they have accomplished.

Sender:	Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent:	Monday, July 02, 2007 9:55:06 AM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	Please review, then destroy
Attachments:	Letter to Dr Brehm.doc

Steve,

Thanks in advance. You have my permission to state that I was interviewed (for 3h 20m) by the professional staff of the SASC, for what that's worth.

Here is my first draft of a letter to Dr. Brehm. Please be brutal - this is damn important to me. It has not yet been approved for release, so please destroy it after giving me feedback. As always, you help is really appreciated.

Morgan

<<Letter to Dr Brehm.doc>>

COL L. Morgan Banks
Director, Psychological Applications
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

DRAFT

Dr. Sharon Brehm
President
American Psychological Association

Dear Dr. Brehm,

I am writing this letter as a formal response to the numerous allegations contained in a recent open letter to you, as APA president. The inaccuracy of this "open letter" is rather astounding to me, and prompted me to write this letter.

I have been a licensed psychologist for over 20 years, all of that serving in the United States Army. In the last several years, as the country has struggled with how to handle detainees captured in Afghanistan and Iraq, there have been numerous disturbing reports on the treatment of these detainees. Some of these reports have implied that I either participated or supported the abusive treatment of these detainees. Partly because of the nature of my work, but mostly because I knew that the reports were totally inaccurate, I have ignored these reports. Unfortunately for me, I have been forced to recognize the adage, "a lie undisputed becomes the truth." Hence the reason for this letter.

Since 1985, I have focused much of my work on the training of soldiers on how to resist the torture and abuse that is likely should they be held by our enemies. My studies began looking at our experiences in the Vietnam War, but gradually expanded to include the experiences of captives in all US conflicts (both US personnel and our POWs), and those of many other nations. Some of my earliest reading in this area was that from Amnesty International on the treatment of captives world wide. This gave me, very early in my career, a very strong belief that the torture or abuse of people in captivity is morally wrong, and something that no nation, and certainly not the United States, must ever tolerate. Everyone who works with me knows my feelings on this issue. This is the major reason I choose to ignore the initial press reports on this topic, since they were so obviously fallacious.

The United States Military has utilized psychologists to support the safe and legal interrogation of detainees for many years. I have seen the positive effects of this role. Psychologists bring a depth of knowledge of how social influences can shape behavior that is unique. Not only does a properly trained psychologist understand the powerful dynamic of the power differential between a guard and a detainee, and the huge danger that this poses, but he or she also has training in how to assist in designing processes that will decrease the likelihood of abuse. I expect there is little dispute on the unique perspective and knowledge we have in this area. This is a major function of every psychologist within in DOD who supports interrogation.

In addition to this safety role, however, I will not back away from the positive role that a psychologist can also play in helping interrogators perform their legal duties. Partly due to television bombardment in our culture, many people believe that successful interrogation must be conducted in a manner that is abusive. Nothing could be further from the truth. In my experience, treating detainees professionally, with dignity and respect, is usually the most powerful method to gather useful, accurate information. This

opinion, however, is not particularly relevant, given that we already have very strict guidelines within DOD on the conduct of interrogations. These guidelines, if followed, preclude abusive interrogations. As a serving officer, I am required to uphold these guidelines. If I see something that is not lawful and I do not report it, then I am equally culpable. In thirty-three years of total military service, I have never been ordered, told, or otherwise pressured to abuse anyone, certainly not any detainee. There have in fact been occasions where I took positive actions that prevented abuse.

The real area of honest controversy, again in my opinion, concerns the ethical dilemmas that can occur when a psychologist is placed in the role of supporting interrogations. On this I hope all can agree: If a psychologist is going to perform this role, then specialized training is required. I recognized this training deficit in 2002, and began to develop a training model, and then a course, that would properly prepare DOD psychologists to perform this mission. At no time have I, or anyone working for me, every supported using any "technique" that would be abusive. Through the very hard work of a number of dedicated psychologists and others, this training has now become a formal Army training course. A major focus of this course concerns the ethical standards that must be adhered to while performing this mission, and the potential ethical pitfalls of which one must be aware. As you are aware, we have received superb support from the APA on the development and execution of this course. Everything we teach, and have taught, is consistent with the APA ethical guidelines, and most certainly with US law and the international instruments to which the US is a signatory.

Again through the hard work of a number of dedicated psychologists, the outline of this training, and the strong ethical and procedural standards contained in it, were released to the public last year in the Army Medical Command's Policy Memorandum. I welcome, and strongly encourage, informed debate about the standards contained in this document. A debate on how to help sustain the safe, legal, ethical, and effective interrogation of detainees within US control is essential for the profession and for our country. But this debate must be informed by facts and a thoughtful analysis. The psychologists with whom I work care very strongly about maintaining the integrity of their profession, and more importantly, the reputation of our country. They have worked hard to both prevent abuse, and to assist in gathering useful, accurate intelligence from our enemies. They will get no positive public recognition for their work, but I have seen what they do and am incredibly proud of them and what they have accomplished.

Sender:	Gerald P. Koocher, Ph.D. PRIVACY REDACTION
Sent:	Tuesday, June 26, 2007 8:51:12 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Cc:	Gerald P. Koocher, Ph.D. PRIVACY REDACTION Lisa Grossman PRIVACY REDACTION ;'Barry S. Anton, ;Anderson, Norman </O=APA/OU=DC/CN=RECIPIENTS/CN=NBA>;Strassburger, Judy </O=APA/OU=DC/CN=RECIPIENTS/CN=JAS>;Farberman, Rhea </O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>;Breham, Sharon </O=APA/OU=DC/CN=RECIPIENTS/CN=SHARONBREHM>
Subject:	Re: Substitute motion--Revised Draft

All I can add----these people lack imagination!
GPK

Behnke, Stephen wrote:

> Gerry, good catch about "inspectors general"—that went right by me!
>
> In terms of the laundry list, the reason is that there are specific techniques that have been associated with torture alleged to have occurred at Guantanamo and Abu Ghraib. (Of course, there have been criminal convictions based on abuse, and the log of detainee 063 at Guantanamo confirms that at least some of these techniques were indeed used.) In the human rights literature, these are the specific techniques that are consistently mentioned. Some of these were in the letter drafted by Physicians for Human Rights that you signed onto this past fall, and others have been discussed by Alfred McCoy in his book "A Question of Torture." When I was on a panel with McCoy this past April, I posed the question you are asking below, "Why these techniques…isn't the list limited only by human imagination?" and was surprised by the response, that there is indeed a finite list of techniques that seem consistently to recur.
>
> At any rate, the list in the substitute motion will be immediately recognizable to groups that have been working on this issue in the human rights communities. (From a purely strategic perspective, the list will get a positive response from the more moderate individuals—and there really are some of those folks—in those camps.)
>
> Steve
>
> ---
>
> **From:** Gerald P. Koocher, Ph.D. PRIVACY REDACTION
> **Sent:** Tuesday, June 26, 2007 8:07 PM
> **To:** Behnke, Stephen
> **Cc:** Gerry Koocher; Lisa Grossman ; 'Barry S. Anton,; Breham, Sharon; Anderson, Norman; Strassburger, Judy; Farberman, Rhea
> **Subject:** Re: Substitute motion--Revised Draft
>
> **Dear Steve,**
>
> **You deserve a substantial prize for persisting.**
>
> **I still think this resolution is worth a B-, because the "laundry list of torture" remains a problem.**

Why not cover administering electric shocks to genitalia, pulling out finger nails, removal of dentition sans anesthetic, use of large reptiles to intimidate, forcing people to listen to Tiny Tim sing, need I go on? Perhaps those techniques are not "torture," but rather "aggressive interrogation" a la Cheney?

I would personally prefer to emulate the Justice Potter Stewart definition of obscenity, we may not be able to provide a precise definition of torture, but should know such offensive conduct when we see it, as opposed to the laundry list mentality.

Also,I think the plural of "inspector general" was "inspectors general," not "inspector generals" as in the text.

Cheers,

Gerry

Behnke, Stephen wrote:
Dear Gerry, Lisa, and Barry,

Attached please find a revised draft of the motion based on your comments. Please let me know how this looks to you.

Thank you,

Steve

Sender: Strassburger, Judy </O=APA/OU=DC/CN=RECIPIENTS/CN=JAS>
Sent: Monday, June 25, 2007 3:18:10 PM
Recipient: 'SSB' PRIVACY REDACTION
Cc: Behnke, Stephen <sbehnke@apa.org>;Laumeier, Emily <elaumeier@apa.org>
Subject: FW: [APABOD] Draft Resolution

Here is Ron's approval. Judy

Judy A. Strassburger, Executive Director
Governance Affairs
American Psychological Association
750 First Street, NE
Washington, DC 20002-4242
(202) 336-6088
(202) 336-6157 Fax
jstrassburger@apa.org

From: Ron Rozensky PRIVACY REDACTION
Sent: Monday, June 25, 2007 1:50 PM
To: Strassburger, Judy
Subject: Re: [APABOD] Draft Resolution

AOK with me,
Ron

>>> "Strassburger, Judy" <jstrassburger@APA.ORG> 6/25/2007 10:46 AM >>>
Good morning:

Actually I have the following as approving Jessica, Michael, Kristi, Melba, Carol, Barry and Alan. Doug responded that he would go along. Lisa has some questions. So if my count is correct, we need only to hear from 3 more.

As for the date for any revisions, the EMG is reviewing the Council agenda this Thursday but it could be inserted in the agenda as late as Friday, July 6.

Judy

Judy A. Strassburger, Executive Director
Governance Affairs
American Psychological Association
750 First Street, NE
Washington, DC 20002-4242
(202) 336-6088
(202) 336-6157 Fax
jstrassburger@apa.org

From: SSB PRIVACY REDACTION
Sent: Monday, June 25, 2007 9:55 AM
To: APABOD@LISTS.APA.ORG
Cc: Strassburger, Judy; Behnke, Stephen
Subject: Draft Resolution

Dear colleagues, Here's an update on responses to the PENS reaffirmation motion. As best I can track the emails,

We have 5 members who are OK with the substitute motion re Affirmation and Elaboration of APA's position against torture and other cruel, inhuman, or degrading treatment or punishment

We have 2 members who have expressed concerns about the feasibility of conducting ethics investigations properly/ethically

As best I can tell from my email files, we have not heard from 6 members.

Moreover, this draft resolution may be revised based on new information/understandings that Steve may have received this weekend. (BTW, I have no details about this info/understandings, but the possibility of such was mentioned last week)

Given this situation, I've copied this email to Judy and Steve and ask them to respond to the following issues:

--By what date, must all revisions to the motion be provided to Judy?

--Steve, we need to hear from you about (1) any new info/understandings you would want to include in the resolution and (2) your response to concerns about the ethics processes that would be involved.

As for the 6 members we've not yet heard from, we'll just have to hope that at least some of them will get in touch with us fairly soon -- Sharon

Sender:	Barry S Anton PRIVACY REDACTION
Sent:	Thursday, June 21, 2007 6:13:08 PM
Recipient:	Strassburger, Judy </O=APA/OU=DC/CN=RECIPIENTS/CN=JAS>
Subject:	RE: Board Substitute motion

I approve.

Best,

Barry
**

From: Strassburger, Judy [mailto:jstrassburger@apa.org]
Sent: Thu 6/21/2007 10:35 AM
To: Alan E. Kazdin, PhD; Anderson, Norman B. PhD; Barry S Anton; Carol Goodheart, EdD; Douglas C. Haldeman, PhD; Jessica Henderson Daniel, PhD; Koocher, Dr. Gerald P.; Kristi Sands Van Sickle, PsyD; Lisa R. Grossman, JD, PhD; Melba Vasquez, PhD; Michael Wertheimer, PhD; Ronald H. Rozensky, PhD; Sharon Stephens Brehm, PhD
Cc: Behnke, Stephen; Farberman, Rhea
Subject: FW: Board Substitute motion

Attached is the substitute motion for your approval prior to inclusion in the August Council item: Psychologists Participation at US Detention Centers. Please let me know if you approve by cob tomorrow (Friday).

Thanks,

Judy

Judy A. Strassburger, Executive Director
Governance Affairs
American Psychological Association
750 First Street, NE
Washington, DC 20002-4242
(202) 336-6088
(202) 336-6157 Fax
jstrassburger@apa.org

From: Laumeier, Emily
Sent: Thursday, June 21, 2007 1:26 PM
To: Strassburger, Judy
Subject: FW: Board Substitute motion

Hi Judy,

I believe I may be the first person intercepting your message so here is the motion. Em

---

From: Behnke, Stephen

Sent: Wednesday, June 20, 2007 6:34 PM
To: Behnke, Stephen; Anderson, Norman; Farberman, Rhea; Gilfoyle, Nathalie; Donnelly, Paul; Strassburger, Judy
Cc: Laumeier, Emily
Subject: RE: Board Substitute motion

Dear Norman, Rhea, Nathalie, Paul, and Judy,

Attached please find the substitute motion following input from everyone. Nathalie and I have addressed the legal concerns this afternoon.

If Norman and Rhea could give the "go ahead," Judy could then forward to the Board for approval. I will be available all tomorrow and tomorrow evening to answer any questions that might arise. On Friday I will be at a torture conference.

Judy and Paul, we will be getting you the item itself by the Friday deadline.

Thank you for your help and patience,

Steve

From: Behnke, Stephen
Sent: Tuesday, June 19, 2007 10:57 PM
To: Anderson, Norman; Farberman, Rhea; Gilfoyle, Nathalie; Donnelly, Paul; Strassburger, Judy
Subject: Board Substitute motion

Norman, Rhea, Nathalie, Paul, and Judy,

Attached please find the substitute motion, with the edits that were discussed today. Please review and, if it looks okay, forward to the Board for its approval.

Let us hope that Board will adopt as is (I think we should ask for approval by noon on Thursday). If they want to tinker, we'll need to take a close look, because a very slight change in wording can have a significant impact.

I wasn't quite sure how to label, so perhaps Paul and Judy could look at what I've done and let us know if it's okay.

I am out of town tomorrow, to lead an ethics discussion at the meetings of the American Psychoanalytic Association, but please do call if anything comes up that we should discuss. I will be back in the office all day Thursday. Friday I am going to a torture conference in New York.

Steve
PRIVACY REDACTION

Sender:	Council Representatives List <COR@LISTS.APA.ORG> on behalf of Melba J. T. Vasquez, Private Practice PRIVACY REDACTION
Sent:	Saturday, June 23, 2007 11:42:27 AM
Recipient:	COR@LISTS.APA.ORG
Subject:	[COR] Open letter to Col. Larry James
Attachments:	ResponsetoLarryJames.doc

Dear Larry,
Copied below and also attached is a letter expressing some sentiments of support from several of us. I (almost arbitrarily) contacted a few people who have signed on, but I imagine that many more would have as well, had I had time to contact more. Perhaps they can send individual messages to you. Also, I'm hoping that several people who sent glowing comments to me about their knowledge of you send those comments to you as well.

Best wishes, Larry.

Melba Vasquez

An Open Letter to Larry C. James
Colonel, United States Army
Dear Larry,

We want to respond to your open letter to APA President Sharon Brehm, in which you strongly object to the implication that you have ever, in any setting, been involved in the use of torture, cruel and abusive treatment or punishment. We appreciate the need for you to speak out in honor of your dignity and integrity.

We want you to know that we believe that this unfortunate portrayal is antithetical to who you are as a person and as an officer in the United States military. The portrayal is certainly antithetical to what we know about you.

We believe that throughout your career you have done your best to adhere to the highest standards of ethical conduct. We are pleased to hear that no one in your chain of command ordered you to do anything inconsistent with this code of behavior.

We are aware that you are a person of color who has taken a unique leadership role among psychologists in the military. We perceive you to be a hero in your work at Abu Ghraib to develop training and to implement systems to prevent further acts of abuse. We are proud of your application of psychological research, materials and principles in doing so.

We are very pleased to hear that you perceive that APA's continuing work has given psychologists an invaluable resource to fight against promoters of harsh and abusive interrogation techniques, and that we are making progress in that arena.

We regret that well-meaning psychologists have engaged in listing of your and others' names associated with torture, directly and through innuendo. We can only imagine the demoralizing impact on you and others. We strongly regret this, and want you to know that many others of us see things differently.

We believe that most of your colleagues, including on the Council of Representatives wish you well as

you are soon to be deployed. We personally hope that this horrific war ends soon, and the cost—in lives, and in cost to decency and respect—will soon end, and that you will be home again soon.

Sincerely,

Melba Vasquez, PhD ABPP
Rosie Phillips Bingham, PhD, ABPP
Laura Brown, PhD, ABPP
Nanci Klein, PhD
Erica H. Wise, PhD
Kristin Hancock, PhD
David M. Rudd, PhD
John N Moritsugu, PhD
Beth N. Rom-Rymer, PhD, FICPP
Stephen J.Lally, PhD
Asuncion Miteria Austria, PhD
Lenore Walker, PhD
Martha E. Banks, PhD
Dianne S. Salter, PhD, Esquire
Sandy Portnoy, PhD
Jenny Cornish, PhD, ABPP
Michael J. Murphy, PhD, ABPP
Jennifer F. Kelly, PhD
Beverly Green, PhD, ABPP
Sandy L. Shullman, PhD
Melba J. T. Vasquez, PhD, ABPP
Board of Directors, American Psychological Association
Past-President, Texas Psychological Association
PRIVACY REDACTION

****
See what's free at http://www.aol.com.

Sender:	Daniel, Jessica (Psychiatry) PRIVACY REDACTION
Sent:	Friday, June 22, 2007 4:38:07 PM
Recipient:	Strassburger, Judy </O=APA/OU=DC/CN=RECIPIENTS/CN=JAS>;Alan E. Kazdin, PhD PRIVACY REDACTION ;Anderson, Norman </O=APA/OU=DC/CN=RECIPIENTS/CN=NBA>;Barry S. Anton, PhD PRIVACY REDACTION ;Carol Goodheart, EdD PRIVACY REDACTION ;Douglas C. Haldeman, PhD PRIVACY REDACTION ;Koocher, Dr. Gerald P. PRIVACY REDACTION ;Kristi Sands Van Sickle, PsyD PRIVACY REDACTION ;Lisa R. Grossman, JD, PhD PRIVACY REDACTION Melba Vasquez, PhD PRIVACY REDACTION ;Michael Wertheimer, PhD PRIVACY REDACTION ;Ronald H. Rozensky, PhD PRIVACY REDACTION ;Breham, Sharon </O=APA/OU=DC/CN=RECIPIENTS/CN=SHARONBREHM>
Cc:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>;Farberman, Rhea </O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>
Subject:	RE: Board Substitute motion

I approve.
Jessica

From: Strassburger, Judy [mailto:jstrassburger@apa.org]
Sent: Thursday, June 21, 2007 1:36 PM
To: Alan E. Kazdin, PhD; Anderson, Norman B. PhD; Barry S. Anton, PhD; Carol Goodheart, EdD; Douglas C. Haldeman, PhD; Daniel, Jessica (Psychiatry); Koocher, Dr. Gerald P.; Kristi Sands Van Sickle, PsyD; Lisa R. Grossman, JD, PhD; Melba Vasquez, PhD; Michael Wertheimer, PhD; Ronald H. Rozensky, PhD; Sharon Stephens Brehm, PhD
Cc: Behnke, Stephen; Farberman, Rhea
Subject: FW: Board Substitute motion

Attached is the substitute motion for your approval prior to inclusion in the August Council item: Psychologists Participation at US Detention Centers. Please let me know if you approve by cob tomorrow (Friday).

Thanks,

Judy

Judy A. Strassburger, Executive Director
Governance Affairs
American Psychological Association
750 First Street, NE
Washington, DC 20002-4242
(202) 336-6088
(202) 336-6157 Fax
jstrassburger@apa.org

From: Laumeier, Emily
Sent: Thursday, June 21, 2007 1:26 PM
To: Strassburger, Judy
Subject: FW: Board Substitute motion

Hi Judy,

I believe I may be the first person intercepting your message so here is the motion. Em

---

From: Behnke, Stephen
Sent: Wednesday, June 20, 2007 6:34 PM
To: Behnke, Stephen; Anderson, Norman; Farberman, Rhea; Gilfoyle, Nathalie; Donnelly, Paul; Strassburger, Judy
Cc: Laumeier, Emily
Subject: RE: Board Substitute motion

Dear Norman, Rhea, Nathalie, Paul, and Judy,

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Judy and Paul, we will be getting you the item itself by the Friday deadline.

Thank you for your help and patience,

Steve

From: Behnke, Stephen
Sent: Tuesday, June 19, 2007 10:57 PM
To: Anderson, Norman; Farberman, Rhea; Gilfoyle, Nathalie; Donnelly, Paul; Strassburger, Judy
Subject: Board Substitute motion

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Steve
PRIVACY REDACTION

Sender: Michael Wertheimer PRIVACY REDACTION

Sent: Friday, June 22, 2007 1:05:01 PM

Recipient: Strassburger, Judy </O=APA/OU=DC/CN=RECIPIENTS/CN=JAS>;Alan E. Kazdin, PhD PRIVACY REDACTION ;Anderson, Norman </O=APA/OU=DC/CN=RECIPIENTS/CN=NBA>;Barry S. Anton, PhD PRIVACY REDACTION ;Carol Goodheart, EdD PRIVACY REDACTION ;Douglas C. Haldeman, PhD PRIVACY REDACTION ;Jessica Henderson Daniel, PhD PRIVACY REDACTION ;Koocher, Dr. Gerald P. PRIVACY REDACTION ;Kristi Sands Van Sickle, PsyD PRIVACY REDACTION ;Lisa R. Grossman, JD, PhD PRIVACY REDACTION ;Melba Vasquez, PhD PRIVACY REDACTION ;Michael Wertheimer, PhD PRIVACY REDACTION ;Ronald H. Rozensky, PhD PRIVACY REDACTION ;Breham, Sharon </O=APA/OU=DC/CN=RECIPIENTS/CN=SHARONBREHM>

Cc: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>;Farberman, Rhea </O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>

Subject: Re: FW: Board Substitute motion

Overall, this substitute looks acceptable to me (though I haven't examined it with a fine-tooth legal comb--a gadget which I don't really own anyway). Thanks to all who have been involved in crafting what looks like a carefully and thoughtfully drafted document. --Michael

---- Original message ----
>Date: Thu, 21 Jun 2007 13:35:31 -0400
>From: "Strassburger, Judy" <jstrassburger@apa.org>
>Subject: FW: Board Substitute motion
>To: "Alan E. Kazdin, PhD" PRIVACY REDACTION , "Anderson, Norman B. PhD" <nanderson@apa.org>, "Barry S. Anton, PhD" PRIVACY REDACTION , "Carol Goodheart, EdD" PRIVACY REDACTION , "Douglas C. Haldeman, PhD" PRIVACY REDACTION "Jessica Henderson Daniel, PhD" PRIVACY REDACTION , "Koocher, Dr. Gerald P." PRIVACY REDACTION "Kristi Sands Van Sickle, PsyD" PRIVACY REDACTION "Lisa R. Grossman, JD, PhD" PRIVACY REDACTION , "Melba Vasquez, PhD" PRIVACY REDACTION , "Michael Wertheimer, PhD" PRIVACY REDACTION "Ronald H. Rozensky, PhD" PRIVACY REDACTION "Sharon Stephens Brehm, PhD" PRIVACY REDACTION
>Cc: "Behnke, Stephen" <sbehnke@apa.org>, "Farberman, Rhea" <rfarberman@apa.org>
>
> Attached is the substitute motion for your approval
> prior to inclusion in the August Council item:
> Psychologists Participation at US Detention
> Centers. Please let me know if you approve by cob
> tomorrow (Friday).
>
> Thanks,
>
> Judy
>
>
> Judy A. Strassburger, Executive Director
> Governance Affairs
> American Psychological Association
> 750 First Street, NE
> Washington, DC 20002-4242
> (202) 336-6088
> (202) 336-6157 Fax
> jstrassburger@apa.org

> ----------
>
> From: Laumeier, Emily
> Sent: Thursday, June 21, 2007 1:26 PM
> To: Strassburger, Judy
> Subject: FW: Board Substitute motion
>
> Hi Judy,
>
> I believe I may be the first person intercepting
> your message so here is the motion. Em
>
> ----------
>
> From: Behnke, Stephen
> Sent: Wednesday, June 20, 2007 6:34 PM
> To: Behnke, Stephen; Anderson, Norman; Farberman,
> Rhea; Gilfoyle, Nathalie; Donnelly, Paul;
> Strassburger, Judy
> Cc: Laumeier, Emily
> Subject: RE: Board Substitute motion
>
> Dear Norman, Rhea, Nathalie, Paul, and Judy,
>
> Attached please find the substitute motion following
> input from everyone. Nathalie and I have addressed
> the legal concerns this afternoon.
>
> If Norman and Rhea could give the "go ahead," Judy
> could then forward to the Board for approval. I
> will be available all tomorrow and tomorrow evening
> to answer any questions that might arise. On Friday
> I will be at a torture conference.
>
> Judy and Paul, we will be getting you the item
> itself by the Friday deadline.
>
> Thank you for your help and patience,
>
> Steve
>

> ---
> From: Behnke, Stephen
> Sent: Tuesday, June 19, 2007 10:57 PM
> To: Anderson, Norman; Farberman, Rhea; Gilfoyle, Nathalie; Donnelly, Paul; Strassburger, Judy
> Subject: Board Substitute motion
>
> Norman, Rhea, Nathalie, Paul, and Judy,
>
> Attached please find the substitute motion, with the edits that were discussed today. Please review and, if it looks okay, forward to the Board for its approval.
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> Let us hope that Board will adopt as is (I think we should ask for approval by noon on Thursday). If they want to tinker, we'll need to take a close look, because a very slight change in wording can have a significant impact.
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>
> Steve
>
> PRIVACY REDACTION
>
>Substitute Motion 062007.doc (54k bytes)

Sender:	Doug Haldeman
Sent:	Friday, June 22, 2007 12:01:28 PM
Recipient:	Strassburger, Judy </O=APA/OU=DC/CN=RECIPIENTS/CN=JAS>;Alan E. Kazdin, PhD PRIVACY REDACTION ;Anderson, Norman </O=APA/OU=DC/CN=RECIPIENTS/CN=NBA>;Barry S. Anton, PhD PRIVACY REDACTION ;Carol Goodheart, EdD PRIVACY REDACTION ;Jessica Henderson Daniel, PhD PRIVACY REDACTION ;Koocher, Dr. Gerald P. PRIVACY REDACTION ;Kristi Sands Van Sickle, PsyD PRIVACY REDACTION ;Lisa R. Grossman, JD, PhD PRIVACY REDACTION ;Melba Vasquez, PhD PRIVACY REDACTION ;Michael Wertheimer, PhD PRIVACY REDACTION ;Ronald H. Rozensky, PhD PRIVACY REDACTION ;Breham, Sharon </O=APA/OU=DC/CN=RECIPIENTS/CN=SHARONBREHM>
Cc:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>;Farberman, Rhea </O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>
Subject:	Re: Board Substitute motion

Judy,
I cannot open the attachment and thus cannot vote on the substitute motion. I trust the judgment of my BOD colleagues wholeheartedly.
Baisers,
Doug
Ps - France is wonderful!

Sent via BlackBerry from T-Mobile

-----Original Message-----
From: "Strassburger, Judy" <jstrassburger@apa.org>

Date: Thu, 21 Jun 2007 13:35:31
To:"Alan E. Kazdin, PhD" PRIVACY REDACTION "Anderson, Norman B. PhD" <nanderson@apa.org>, "Barry S. Anton, PhD" PRIVACY REDACTION "Carol Goodheart, EdD" PRIVACY REDACTION "Douglas C. Haldeman, PhD" PRIVACY REDACTION , "Jessica Henderson Daniel, PhD" PRIVACY REDACTION , "Koocher, Dr. Gerald P." PRIVACY REDACTION , "Kristi Sands Van Sickle, PsyD" PRIVACY REDACTION "Lisa R. Grossman, JD, PhD" PRIVACY REDACTION , "Melba Vasquez, PhD" PRIVACY REDACTION , "Michael Wertheimer, PhD" PRIVACY REDACTION , "Ronald H. Rozensky, PhD" PRIVACY REDACTION , "Sharon Stephens Brehm, PhD" PRIVACY REDACTION
Cc:"Behnke, Stephen" <sbehnke@apa.org>, "Farberman, Rhea" <rfarberman@apa.org>
Subject: FW: Board Substitute motion

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Thanks,

Judy

Judy A. Strassburger, Executive Director
Governance Affairs
American Psychological Association

750 First Street, NE
Washington, DC 20002-4242
(202) 336-6088
(202) 336-6157 Fax
jstrassburger@apa.org

From: Laumeier, Emily
Sent: Thursday, June 21, 2007 1:26 PM
To: Strassburger, Judy
Subject: FW: Board Substitute motion

Hi Judy,

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Sent: Wednesday, June 20, 2007 6:34 PM
To: Behnke, Stephen; Anderson, Norman; Farberman, Rhea; Gilfoyle, Nathalie; Donnelly, Paul; Strassburger, Judy
Cc: Laumeier, Emily
Subject: RE: Board Substitute motion

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Subject: Board Substitute motion

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Steve

PRIVACY REDACTION

Sender:	Kristi Van Sickle PRIVACY REDACTION
Sent:	Friday, June 22, 2007 11:20:55 AM
Recipient:	Strassburger, Judy </O=APA/OU=DC/CN=RECIPIENTS/CN=JAS>
Subject:	RE: Board Substitute motion

Thanks Judy. I approve.

Kristi

Kristi Sands Van Sickle, Psy.D.
Chair, American Psychological Association of Graduate Students (APAGS)
PRIVACY REDACTION
Psychology Resident
James A. Haley VA Hospital
Tampa, Florida

From: Strassburger, Judy [mailto:jstrassburger@apa.org]
Sent: Thursday, June 21, 2007 1:36 PM
To: Alan E. Kazdin, PhD; Anderson, Norman B. PhD; Barry S. Anton, PhD; Carol Goodheart, EdD; Douglas C. Haldeman, PhD; Jessica Henderson Daniel, PhD; Koocher, Dr. Gerald P.; Kristi Sands Van Sickle, PsyD; Lisa R. Grossman, JD, PhD; Melba Vasquez, PhD; Michael Wertheimer, PhD; Ronald H. Rozensky, PhD; Sharon Stephens Brehm, PhD
Cc: Behnke, Stephen; Farberman, Rhea
Subject: FW: Board Substitute motion

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Thanks,

Judy

Judy A. Strassburger, Executive Director
Governance Affairs
American Psychological Association
750 First Street, NE
Washington, DC 20002-4242
(202) 336-6088
(202) 336-6157 Fax
jstrassburger@apa.org

From: Laumeier, Emily
Sent: Thursday, June 21, 2007 1:26 PM
To: Strassburger, Judy
Subject: FW: Board Substitute motion

Hi Judy,

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Sent: Wednesday, June 20, 2007 6:34 PM
To: Behnke, Stephen; Anderson, Norman; Farberman, Rhea; Gilfoyle, Nathalie; Donnelly, Paul; Strassburger, Judy
Cc: Laumeier, Emily
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Steve
PRIVACY REDACTION

Sender: Melba Vasquez
Sent: Thursday, June 21, 2007 6:58:59 PM
Recipient: Strassburger, Judy </O=APA/OU=DC/CN=RECIPIENTS/CN=JAS>PRIVACY REDACTION;
</O=APA/OU=DC/CN=RECIPIENTS/CN=NBA>PRIVACY REDACTION;Carol Goodheart
Sharon </O=APA/OU=DC/CN=RECIPIENTS/CN=SHARONBREHM>
Cc: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>;Farberman, Rhea </O=
Subject: Re: FW: Board Substitute motion

This looks very good to me.
Melba
In a message dated 6/21/07 1:39:21 PM, jstrassburger@apa.org writes:
Attached is the substitute motion for your approval prior to inclusion in the August Council item: Psychologists Participation at US Detention Centers. Please let me know if you approve by cob tomorrow (Friday).

Thanks,

Judy

Judy A. Strassburger, Executive Director
Governance Affairs
American Psychological Association
750 First Street, NE
Washington, DC 20002-4242
(202) 336-6088
(202) 336-6157 Fax
jstrassburger@apa.org
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Sent: Thursday, June 21, 2007 1:26 PM
To: Strassburger, Judy
Subject: FW: Board Substitute motion
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Cc: Laumeier, Emily
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PRIVACY REDACTION

Melba J. T. Vasquez, PhD, ABPP
Board of Directors, American Psychological Association
Past-President, Texas Psychological Association
PRIVACY REDACTION

****
See what's free at http://www.aol.com.

Sender:	Dr. Carol Goodheart PRIVACY REDACTION
Sent:	Thursday, June 21, 2007 3:47:28 PM
Recipient:	Strassburger, Judy </O=APA/OU=DC/CN=RECIPIENTS/CN=JAS>;'Alan E. Kazdin, PhD' PRIVACY REDACTION ;Anderson, Norman </O=APA/OU=DC/CN=RECIPIENTS/CN=NBA>;'Barry S. Anton, PhD' PRIVACY REDACTION ;'Douglas C. Haldeman, PhD' PRIVACY REDACTION ;'Jessica Henderson Daniel, PhD' PRIVACY REDACTION ;'Koocher, Dr. Gerald P.' PRIVACY REDACTION 'Kristi Sands Van Sickle, PsyD' PRIVACY REDACTION ;'Lisa R. Grossman, JD, PhD' PRIVACY REDACTION ;'Melba Vasquez, PhD' PRIVACY REDACTION ;'Michael Wertheimer, PhD' PRIVACY REDACTION ;'Ronald H. Rozensky, PhD' PRIVACY REDACTION ;Breham, Sharon </O=APA/OU=DC/CN=RECIPIENTS/CN=SHARONBREHM>
Cc:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>;Farberman, Rhea </O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>
Subject:	RE: Board Substitute motion

I approve.

Carol

From: Strassburger, Judy [mailto:jstrassburger@apa.org]
Sent: Thursday, June 21, 2007 1:36 PM
To: Alan E. Kazdin, PhD; Anderson, Norman B. PhD; Barry S. Anton, PhD; Carol Goodheart, EdD; Douglas C. Haldeman, PhD; Jessica Henderson Daniel, PhD; Koocher, Dr. Gerald P.; Kristi Sands Van Sickle, PsyD; Lisa R. Grossman, JD, PhD; Melba Vasquez, PhD; Michael Wertheimer, PhD; Ronald H. Rozensky, PhD; Sharon Stephens Brehm, PhD
Cc: Behnke, Stephen; Farberman, Rhea
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Judy

Judy A. Strassburger, Executive Director
Governance Affairs
American Psychological Association
750 First Street, NE
Washington, DC 20002-4242
(202) 336-6088
(202) 336-6157 Fax
jstrassburger@apa.org

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Sent: Thursday, June 21, 2007 1:26 PM
To: Strassburger, Judy
Subject: FW: Board Substitute motion

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Steve
PRIVACY REDACTION

Sender:	Alan Kazdin PRIVACY REDACTION
Sent:	Thursday, June 21, 2007 3:29:57 PM
Recipient:	Strassburger, Judy </O=APA/OU=DC/CN=RECIPIENTS/CN=JAS>
Cc:	Anderson, Norman </O=APA/OU=DC/CN=RECIPIENTS/CN=NBA>;Barry S. Anton, PhD PRIVACY REDACTION ;Carol Goodheart, EdD PRIVACY REDACTION ;Douglas C. Haldeman, PhD PRIVACY REDACTION ;Jessica Henderson Daniel, PhD PRIVACY REDACTION ;Koocher, Dr. Gerald P. PRIVACY REDACTION ;Kristi Sands Van Sickle, PsyD PRIVACY REDACTION ;Lisa R. Grossman, JD, PhD PRIVACY REDACTION ;Melba Vasquez, PhD PRIVACY REDACTION ;Michael Wertheimer, PhD PRIVACY REDACTION ;Ronald H. Rozensky, PhD PRIVACY REDACTION ;Breham, Sharon </O=APA/OU=DC/CN=RECIPIENTS/CN=SHARONBREHM>;Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>;Farberman, Rhea </O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>
Subject:	Re: FW: Board Substitute motion

Dear Judy, I approve--I expressed one concern, namely, our calling on
the US Govt, which Steve explained.
On my way to DC as we speak/write.
Best wishes, Alan

Strassburger, Judy wrote:
> Attached is the substitute motion for your approval prior to inclusion
> in the August Council item: Psychologists Participation at US
> Detention Centers. Please let me know if you approve by cob tomorrow
> (Friday).
> Thanks,
> Judy
>
> Judy A. Strassburger, Executive Director
> Governance Affairs
> American Psychological Association
> 750 First Street, NE
> Washington, DC 20002-4242
> (202) 336-6088
> (202) 336-6157 Fax
> jstrassburger@apa.org
>
>
> ---
> *From:* Laumeier, Emily
> *Sent:* Thursday, June 21, 2007 1:26 PM
> *To:* Strassburger, Judy
> *Subject:* FW: Board Substitute motion
>
> Hi Judy,
>
> I believe I may be the first person intercepting your message so here
> is the motion. Em
>
> ---
>
> *From:* Behnke, Stephen

> *Sent:* Wednesday, June 20, 2007 6:34 PM
> *To:* Behnke, Stephen; Anderson, Norman; Farberman, Rhea; Gilfoyle,
> Nathalie; Donnelly, Paul; Strassburger, Judy
> *Cc:* Laumeier, Emily
> *Subject:* RE: Board Substitute motion
>
> Dear Norman, Rhea, Nathalie, Paul, and Judy,
>
> Attached please find the substitute motion following input from
> everyone. Nathalie and I have addressed the legal concerns this afternoon.
>
> If Norman and Rhea could give the "go ahead," Judy could then forward
> to the Board for approval. I will be available all tomorrow and
> tomorrow evening to answer any questions that might arise. On Friday I
> will be at a torture conference.
>
> Judy and Paul, we will be getting you the item itself by the Friday
> deadline.
>
> Thank you for your help and patience,
>
> Steve
>
> ---
>
> *From:* Behnke, Stephen
> *Sent:* Tuesday, June 19, 2007 10:57 PM
> *To:* Anderson, Norman; Farberman, Rhea; Gilfoyle, Nathalie; Donnelly,
> Paul; Strassburger, Judy
> *Subject:* Board Substitute motion
>
> Norman, Rhea, Nathalie, Paul, and Judy,
>
> Attached please find the substitute motion, with the edits that were
> discussed today. Please review and, if it looks okay, forward to the
> Board for its approval.
>
> Let us hope that Board will adopt as is (I think we should ask for
> approval by noon on Thursday). If they want to tinker, we'll need to
> take a close look, because a very slight change in wording can have a
> significant impact.
>
> I wasn't quite sure how to label, so perhaps Paul and Judy could look
> at what I've done and let us know if it's okay.
>
> I am out of town tomorrow, to lead an ethics discussion at the
> meetings of the American Psychoanalytic Association, but please do
> call if anything comes up that we should discuss. I will be back in
> the office all day Thursday. Friday I am going to a torture conference
> in New York.
>
> Steve
>
> PRIVACY REDACTION
>

--

Alan E. Kazdin, Ph.D., ABPP
John M. Musser Professor of Psychology and Child Psychiatry
Department of Psychology

PRIVACY REDACTION

[redacted]

www.yale.edu/psychology/FacInfo/Kazdin.html
www.yale.edu/childconductclinic

Please be aware that email communication can be intercepted in transmission or misdirected. Please consider communicating any sensitive information by telephone, fax or mail. The information contained in this message may be privileged and confidential. If you are NOT the intended recipient, please notify the sender immediately with a copy to hipaa.security@yale.edu and destroy this message.

Sender: SSB [PRIVACY REDACTION]
Sent: Tuesday, June 19, 2007 12:00:38 PM
Recipient: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>;Farberman, Rhea </O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>
Cc: Anderson, Norman </O=APA/OU=DC/CN=RECIPIENTS/CN=NBA>;Strassburger, Judy </O=APA/OU=DC/CN=RECIPIENTS/CN=JAS>
Subject: FW: response letter
Attachments: Larry_James_letter_to_APA_President_Dr__Sharon_Brehm[1].pdf

---

Dear all, I just received this letter from Larry. As you can see it would like it sent to governance. Let me know how you think we should reply -- Sharon

---

From: [Larry James redacted]
Sent: Tuesday, June 19, 2007 12:05 AM
To: SSB
Subject: response letter

Dear Sharon,
Attached please find a response to the open letter regarding APA and interrogations that identifies me by name. As you know, I take great exception to this letter. I would ask that you please distribute this letter as you deem appropriate. I would like APA governance to receive a copy.
Sincerely,
Larry James

AOL now offers free email to everyone. Find out more about what's free from AOL at **AOL.com**.

Sender:	Banks, Louie M. COL <louie.morgan.banks@us.army.mil>
Sent:	Monday, June 18, 2007 3:02:28 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	RE: Confidential: Please read and delete
Attachments:	DAIG Detainee Operations Inspection Report.pdf

COL L. Morgan Banks
Director, Psychological Applications
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Monday, June 18, 2007 12:01 PM
To: Banks, Louie M. COL
Subject: Confidential: Please read and delete

Morgan, does this letter look okay to you?

Sender:	Morgan Banks
Sent:	Sunday, June 17, 2007 2:44:10 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	Fwd: Fw: Please read this version instead
Attachments:	Re: Fw: Please read this version instead

Steve,

See my comments. No issues with your comment reference mind altering substances. I had a successful interview, (I think....)
Talk to you later in the week.

Morgan

See what's free at AOL.com.

Sender:	Morgan Banks
Sent:	Sunday, June 17, 2007 2:38:34 PM
Recipient:	louie.morgan.banks@us.army.mil
Subject:	Re: Fw: Please read this version instead
Attachments:	Resolution0607draft2-Banks Comments.doc

Steve,

Here are my comments.

Morgan

See what's free at AOL.com.

WHEREAS the mission of the American Psychological Association is to advance psychology as a science and profession and as a means of promoting health, education and human welfare through the establishment and maintenance of the highest standards of professional ethics and conduct of the members of the Association;

WHEREAS the American Psychological Association is an accredited non-governmental organization at the United Nations and so is committed to promote and protect human rights in accordance with the United Nations Charter and the Universal Declaration of Human Rights;

WHEREAS subjecting individuals to torture and cruel, inhuman, or degrading treatment for any reason in any context is wholly antithetical to these goals and purposes;

BE IT RESOLVED that psychologists must work in accordance with international human rights instruments relevant to their roles including, but not limited to, Common Article 3 of the Geneva Conventions;

BE IT RESOLVED that the American Psychological Association unequivocally condemns torture and cruel, inhuman, or degrading treatment or punishment, for any and all purposes, including interrogation;

BE IT RESOLVED that the unequivocal condemnation includes an absolute prohibition against psychologists' planning, designing, assisting or participating in any activities, including interrogations, which involve the use of torture and any form of cruel, inhuman or degrading treatment of human beings;

BE IT RESOLVED that this unequivocal condemnation includes an absolute prohibition for psychologists against direct or indirect participation during interrogation processes in: mock executions; water-boarding or any other form of simulated drowning or suffocation; sensory deprivation and over-stimulation; "hooding"; forced nakedness; sexual humiliation; cultural or religious humiliation; exploitation or exacerbation of phobias or psychopathology such as severe anxiety or clinical depression; stress positions; the use of dogs to threaten or intimidate; physical assault, including slapping and shaking; exposure to extreme heat or cold; induced hypothermia; mind-altering substances used for the purpose of eliciting information; isolation and sleep deprivation used in a manner that adversely affects an individual's physical or mental health; or the threatened use of any of the above techniques to the individual or to members of the individual's family;

BE IT RESOLVED that the American Psychological Association calls on the United States government—including Congress, the Department of Defense, and the Central Intelligence Agency—to prohibit the use of these methods in all interrogations and that the American Psychological Association shall inform relevant parties with the United States government that psychologists are prohibited from participating in such methods;

BE IT RESOLVED that in writing a casebook and commentary, the APA Ethics Committee shall set forth guidelines for psychologists working in contexts of war and imprisonment that are consistent with both international treaties and human rights covenants, as well as guidelines developed for health professionals, including but not limited to: Common Article 3 of the Geneva Conventions; The United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; The United Nations Principles of Medical Ethics Relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; The World Medical Association Declaration Concerning Support for Medical Doctors Refusing to Participate in, or to Condone, the Use of Torture or Other Forms of Cruel, Inhuman or Degrading Treatment; and The World Medical Association Declaration of Tokyo: Guidelines for Physicians Concerning Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in Relation to Detention and Imprisonment;

BE IT RESOLVED that the American Psychological Association urges all psychologists with information relevant to the use of any method of interrogation constituting torture or cruel, inhuman, or degrading treatment or punishment to inform their superiors of such knowledge, to inform relevant office of inspector generals when appropriate, and to cooperate fully with all oversight activities, including hearings by the United States Congress to examine the perpetration of torture and cruel, inhuman, or degrading treatment or punishment against individuals in United States custody, for the purpose of ensuring that no individual in the custody of the United States is subjected to torture or cruel, inhuman, or degrading treatment or punishment;

BE IT RESOLVED that the American Psychological Association, in order to protect against torture and cruel, inhuman, or degrading treatment or punishment, and in order to mitigate against the likelihood the unreliable and/or inaccurate information is entered into legal proceedings, calls upon United States legal systems to reject testimony that results from torture or cruel, inhuman, or degrading treatment or punishment.

Sender:	Brad Johnson PRIVACY REDACTION
Sent:	Friday, June 15, 2007 9:27:14 AM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	FW: Open Letter: ref. psychologists participating in national security interrogations (UNCLASSIFIED)
Attachments:	FW: Open Letter: ref. psychologists participating in national security interrogations (UNCLASSIFIED)

Steve,

FYI.

Brad

Sender:	Castro, Carl A COL WRAIR-Wash DC <Carl.Castro@na.amedd.army.mil>
Sent:	Friday, June 15, 2007 6:14:12 AM
Recipient:	Brad Johnson PRIVACY REDACTION
Subject:	FW: Open Letter: ref. psychologists participating in national security interrogations (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Brad,

This reply from COL Larry James is very important for setting the record straight. I received permission from Larry to distribute to the Division 19 Leadership. I will forward to you COL Morgan Bank's organizatoinal response when I receive it.

Castro

-----Original Message-----
From: James, Larry C COL TAMC
Sent: Thursday, June 14, 2007 1:50 PM
To: Castro, Carl A COL WRAIR-Wash DC
Subject: RE: Open Letter: ref. psychologists participating in national security interrogations (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Carl, here are the facts as it relates to me:

1 I am not a SERE Psychologist--I never went to SERE School. So I have no 1st person understanding of the techniques these folks are talking about.

2. I did not attend the SEPT 2002 meeting at FT Bragg. I was at my office in Walter Reed.

3. I was not at GITMO Cuba when the abuses occurred in 2002. I did not arrive there until Jan 2003. There have been no reports on anyone being abuse by an interrogator while I was there nor after I left. All of the abuses happened in summer/fall 2002.

4. I was not at Abu Ghraib in 2003 when the Abuses occurred (nor were there any other psychologists there at that time).

5. I arrived at Abu Ghraib in June 2004 and there have been no reports of abuses there because of the safety/observation procedures I put into place.

Thanks,

Larry James

-----Original Message-----
From: Castro, Carl A COL WRAIR-Wash DC
Sent: Thursday, June 14, 2007 4:25 AM
To: James, Larry C COL TAMC; 'Banks, Louie M. COL'; Ritchie, Elspeth C COL OTSG; Polo, James A COL MAMC
Cc: Milliken, Charles S COL WRAIR-Wash DC; Peterson, Kris A LTC MAMC
Subject: RE: Open Letter: ref. psychologists participating in national security interrogations (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

All,

There really is a lot of mis-information out there on this topic. I will continue to work within Division 19 of APA to set the record straight.

Castro

-----Original Message-----
From: James, Larry C COL TAMC
Sent: Monday, June 11, 2007 1:20 PM
To: 'Banks, Louie M. COL'; Ritchie, Elspeth C COL OTSG; Polo, James A COL MAMC; Castro, Carl A COL WRAIR-Wash DC
Cc: Milliken, Charles S COL WRAIR-Wash DC; Peterson, Kris A LTC MAMC
Subject: RE: Open Letter: ref. psychologists participating in national security interrogations (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Cam, I agree with Morgan, I was at GITMO during the period when the SERE trainers supposedly came to town. It did not happen!

Larry

-----Original Message-----
From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Saturday, June 09, 2007 6:24 AM
To: Ritchie, Elspeth C COL OTSG; Polo, James A COL MAMC; Castro, Carl A COL WRAIR-Wash DC
Cc: Milliken, Charles S COL WRAIR-Wash DC; Peterson, Kris A LTC MAMC; James, Larry C COL TAMC
Subject: Re: Open Letter: ref. psychologists participating in national security interrogations (UNCLASSIFIED)

Cam,

Thanks for the note. The DAIG report contains numerous errors of fact. They did not contact my office, or my command prior to publishing it, and appear to have used onlly hearsay when preparing the report. My command is addressing the issue through command channels. As a formal response is developed, I will forward it to you. Needless to say (or so I thought) my command has never trained interrogators in how to use the physical pressures used in SERE. Neither at Ft Bragg nor anywhere else. To think that these pressures which increase resistance in training would somehow "break" an AQ detanee is simply ludicrous.

V/r

Morgan
COL L. Morgan Banks
Director, Psychological Applications Directorate US Army Special Operations Command DSN 239-6833 COM (910) 432-6833 PRIVACY REDACTION Banksl@usasoc.socom.smil.mil/banksl@soc.mil
(Sent from Blackberry)

-----Original Message-----
From: Ritchie, Elspeth C COL OTSG <Elspeth.Ritchie@us.army.mil>
To: Polo, James A COL MAMC <James.Polo@us.army.mil>; Castro, Carl A COL WRAIR-Wash DC <Carl.Castro@NA.AMEDD.ARMY.MIL>
CC: Milliken, Charles S COL WRAIR-Wash DC <Charles.Milliken@NA.AMEDD.ARMY.MIL>; Peterson, Kris A LTC MAMC <kris.peterson@us.army.mil>; Banks, Louie M. COL; James, Larry C COL TAMC <larry.james@us.army.mil>
Sent: Sat Jun 09 09:59:40 2007
Subject: Re: Open Letter: ref. psychologists participating in national security interrogations (UNCLASSIFIED)

All,
As per COL Banks the IG report contains many inaccuracies. They are working through how to respond.
Cam

Sent from my BlackBerry Wireless Handheld

-----Original Message-----
From: Polo, James A COL MAMC
To: Castro, Carl A COL WRAIR-Wash DC
CC: Ritchie, Elspeth C COL OTSG; Milliken, Charles S COL WRAIR-Wash DC; Peterson, Kris A LTC MAMC
Sent: Fri Jun 08 11:56:02 2007
Subject: RE: Open Letter: ref. psychologists participating in national security interrogations (UNCLASSIFIED)

Castro -

I think that the collection of folks is meant to imply a 'consensus' of opinion with the strength of their broad academic affiliations as credibility.

I am not completely sure what the aim is.

There may be an undertone of the pyschology group taking a 'high road' with the political strategy of continuing to parlay 'equivalency' with the psychiatry crowd.

On the other hand - it is very much in vogue to criticize both the Army and military mental health at the moment.

Cam and/or Chuck may have more insight.

Take care, Jim

_____

From: Castro, Carl A COL WRAIR-Wash DC
Sent: Fri 6/8/2007 4:28 AM
To: Polo, James A COL MAMC
Subject: RE: Open Letter: ref. psychologists participating in national security interrogations (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Jim,

Who are these folks? This is a pretty scathing letter. And I am not really sure what they are trying to achieve. Are they just trying to get the APA to adopt a similar policy to the AMA? If so, why not just say that?

Castro

-----Original Message-----
From: Polo, James A COL MAMC
Sent: Thursday, June 07, 2007 2:55 PM
To: Castro, Carl A COL WRAIR-Wash DC
Subject: RE: Open Letter: ref. psychologists participating in national security interrogations (UNCLASSIFIED)

Here it is:

June 6, 2007

Sharon Brehm, Ph.D.
President
American Psychological Association

Dear President Brehm:

We write you as psychologists concerned about the participation of our profession in abusive interrogations of national security detainees at Guantánamo, in Iraq and Afghanistan, and at the so-called CIA "black sites."

Our profession is founded on the fundamental ethical principle, enshrined as Principle A in our Ethical Principles of Psychologists and Code of Conduct: "Psychologists strive to benefit those with whom they work and take care to do no

harm." Irrefutable evidence now shows that psychologists participating in national security interrogations have systematically violated this principle. A recently declassified August 2006 report by the Department of Defense Office of the Inspector General (OIG) -Review of DoD-Directed Investigations of Detainee Abuse <http://psychoanalystsopposewar.org/blog/wp-admin/%20p:%5Cwww.fas.org%5Cirp%5Cagency%5Cdod%5Cabuse.pdf> -describes in detail how psychologists from the military's Survival, Evasion Resistance, and Escape (SERE) program were instructed to apply their expertise in abusive interrogation techniques to interrogations being conducted by the DoD throughout all three theaters of the War on Terror (Guantánamo, Afghanistan, and Iraq).

SERE is the US military's program designed to train Special Forces and other troops at high risk of capture to resist "breaking" during harsh interrogations conducted by a ruthless enemy. During SERE training, trainees are subjected to extensive abusive treatment, including sensory deprivation, sleep deprivation, isolation, cultural and sexual humiliation, and, in some cases, simulated drowning ("waterboarding"). By SERE's own admission, these techniques are classified as torture or cruel, inhuman, or degrading treatment.

The OIG report details a number of trainings and consultations provided by SERE psychologists to psychologists and other personnel involved in interrogations, including those on the Behavioral Science Consultation Teams (BSCT), generally composed of and headed by psychologists. The OIG confirms repeated press accounts over the last two years that SERE techniques were "reverse engineered" by SERE psychologists in consultation with the BSCT psychologists and others, to develop and standardize a regime of psychological torture used by interrogators at Guantánamo, and in Iraq and Afghanistan. The OIG report states: "Counterresistance techniques [SERE] were introduced because personnel believed that interrogation methods used were no longer effective in obtaining useful information from some detainees."

The OIG report also clearly reveals the central role of psychologists in these processes:

"On September 16, 2002, the Army Special Operations Command and the Joint Personnel Recovery Agency [the military unit containing SERE] co-hosted a SERE psychologist conference at Fort Bragg for JTF-170 [the military component responsible for interrogations at Guantánamo] interrogation personnel. The Army's Behavioral Science Consultation Team from Guantánamo Bay also attended the conference. Joint Personnel Recovery Agency briefed JTF-170 representatives on the exploitation techniques and methods used in resistance (to interrogation) training at SERE schools. The JTF-170 personnel understood that they were to become familiar with SERE training and be capable of determining which SERE information and techniques might be useful in interrogations at Guantánamo. Guantánamo Behavioral Science Consultation Team personnel understood that they were to review documentation and standard operating procedures for SERE training in developing the standard operating procedure for the JTF-170, if the command approved those practices. The Army Special Operations Command was examining the role of interrogation support as a 'SERE Psychologist competency area'" (p. 25, emphasis added).

It is now indisputable that psychologists and psychology were directly and officially responsible for the development and migration of abusive interrogation techniques, techniques which the International Committee of the Red Cross has labeled "tantamount to torture." Reports of psychologists' (along with other health professionals') participation in abusive interrogations surfaced more than two years ago.

While other health professional associations expressed dismay when it was reported that their members had participated in these abuses and took principled stands against their members' direct participation in interrogations, the APA undertook a campaign to support such involvement. In 2005, APA President Ron Levant created the PENS Task Force to assess the ethics of such participation. Six of the nine voting psychologist members selected for the task force were uniformed and civilian personnel from military and intelligence agencies, most with direct connections to national security interrogations. Perhaps most problematic, it is clear from the OIG Report that three of the PENS members were directly in the chain of command translating SERE techniques into harsh interrogation tactics. Although we cannot know exactly what each of these individuals did, their presence in the chain of command is troubling.

One such task Force member is Colonel Morgan Banks who, according to his Task Force biography

"is the senior Army Survival, Evasion, Resistance, and Escape (SERE) Psychologist, responsible for the training and oversight of all Army SERE Psychologists, who include those involved in SERE training.... He provides technical support and consultation to all Army psychologists providing interrogation support.... His initial duty assignment as a psychologist was to assist in establishing the Army's first permanent SERE training program involving a simulated captivity experience.... In November 1991 [sic: 2001], he deployed to Afghanistan, where he spent four months over the winter of 2001/2002 at Bagram Airfield, supporting combat operations against Al Qaida and Taliban fighters."

Thus, according to the OIG report, Colonel Banks had direct command responsibility for the SERE psychologists training, consulting, and participating in interrogations and provided "support and consultation" to other psychologists involved in abusive interrogations. In fact, reading the OIG report renders it difficult to imagine that Colonel Banks was not himself directly involved in developing and/or implementing these abusive activities. The OIG report appears to confirm what has been suspected at least since the publication in July 2005 of Jane Mayer's New Yorker article "The Experiment": that Colonel Banks was intimately involved in the teaching and development of the abusive interrogation tactics documented by the International Committee of the Red Cross, and now by the Department of Defense, as being used at Guantánamo.

Colonel Larry James, a second PENS member, "was the Chief Psychologist for the Joint Intelligence Group at GTMO, Cuba" (PENS Task Force member biographies) starting in January 2003. Col. Larry James has often been cited by Gerald Koocher, Stephen Behnke, and others, as the one who 'cleaned up' Guantánamo and Abu Ghraib. The OIG report, however, makes it clear that Guantánamo BSCTs played an essential role in transforming SERE techniques into standard operating interrogation procedure; that the Commander of Guantánamo detainee operations requested official approval for the use of these torture techniques in October, 2002; and that permission was granted by Defense Secretary Rumsfeld in December 2002. Additionally, as stated in his PENS biography, in 2003 James "was the Chief Psychologist for the Joint Intelligence Group at GTMO, Cuba." In 2004, James was Director, Behavioral Science Unit, Joint Interrogation and Debriefing Center at Abu Ghraib. It should be noted that that in 2004, according to many sources, Gen. Geoffrey Miller, Guantánamo Commander, too, went from Guantánamo to Iraq, and brought the SERE techniques with him. James was the commander of the BSCTs at the time the FBI and other law enforcement agents were reporting that severe abuses were occurring at Guantánamo. The FBI and other Criminal Investigative Task Force agents reporting these abuses referred to them as "SERE" and "counter-resistance" tactics in documents obtained by the ACLU under the Freedom of Information Act.

Yet another task Force member, Captain Bryce Lefever, had previously been a SERE psychologist where he supervised "personnel undergoing intensive exposure to enemy interrogation, torture, and exploitation techniques." He "was deployed as the Joint Special Forces Task Force psychologist to Afghanistan in 2002," presumably replacing Col. Banks who had previously held that role. Capt. Lefever "lectured to interrogators and was consulted on various interrogation techniques" (PENS Task Force member biographies). That is, he had the requisite SERE background and it appears that he was involved in interrogations in Afghanistan at the time that, as the OIG report reveals, the abusive SERE-based techniques were being utilized through Special Forces units.

In addition to these three members who were directly in the military chain of command responsible for employing the SERE techniques as interrogation tactics, another member of the PENS Task Force, Scott Shumate, stated in a conference biographical statement that "From April 2001 until May of 2003 he was the chief operational psychologist for the CIA's Counter Terrorism Center (CTC).... He has been with several of the key apprehended terrorists." The CTC, according to press reports, is responsible for managing the CIA's Black Site facilities where the top 14 Al Qaeda operatives in US custody were initially held and interrogated. The "key apprehended terrorists" that Shumate refers to are very likely those Al Qaeda operatives subjected to the CIA's brutal "enhanced interrogation techniques." Thus, the available evidence strongly suggests that the PENS Task Force included a number of individuals who oversaw or directly participated in torture or other cruel, inhuman, or degrading treatment that is allegedly banned by the APA.

Not surprisingly, given its membership, the PENS Task Force report concluded that "[i]t is consistent with the APA Code of Ethics for psychologists to serve in consultative roles to interrogation and information-gathering processes for national security-related purposes...." The Task Force report further echoed the Department of Defense cover story for employing BSCT psychologists: "While engaging in such consultative and advisory roles entails a delicate balance of ethical considerations, doing so puts psychologists in a unique position to assist in ensuring that such processes are safe and ethical for all participants."

Since the release of the PENS report, numerous articles in the press have documented that psychologists at Guantánamo and elsewhere have utilized abusive SERE techniques on detainees. (Jane Meyer's New Yorker article appeared one week after the PENS report.) All the while, the APA leadership has ignored the mounting evidence to the contrary and reiterated this flawed PENS premise, as you yourself did in response to such an article in the Washington Monthly: "[t]he Association's position is rooted in our belief that having psychologists consult with interrogation teams makes an important contribution toward keeping interrogations safe and ethical."

Every report of horrific abuses occurring at Guantánamo and elsewhere has not only cast doubt upon this basic premise of APA policy, these reports have repeatedly highlighted psychologists' abuse of psychological knowledge for purposes of cruel, inhuman and degrading treatment. Yet the APA has never made any public attempt to investigate such reports. Even if certain psychologists attempted to "keep interrogations safe and ethical," the OIG report demonstrates once and for all that BSCT and SERE psychologists, among others, were responsible for the development, migration, and perpetration of abuses.

It is time for the APA to acknowledge that the central premise of its years-long policy of condoning and encouraging

psychologist participation in interrogations is wrong. It has now been revealed by the DoD itself that, rather than assuring safety, psychologists were central to the abuse. This remains true even if some psychologists made efforts to reduce such harm during their involvement in these interrogation contexts at some point in time. It is critical that APA take immediate steps to remedy the damage done to the reputation of the organization, to our ethical standards, to the field of psychology, and to human rights in this age where they are under concerted attack. The following steps will begin the process of correcting this egregious error by the organization and its leadership. We urgently recommend that:

1. The President of the APA acknowledge errors and abuses and chart a new direction re-emphasizing human rights. In light of the recent revelations, you, as President of the APA, should issue a clear public statement that acknowledges the errors made by APA, in both policy and public statements, and abuses perpetrated by psychologists; you should call on the association to go in a new direction, giving primary emphasis to human rights concerns in forging policy around ethics and national security.

2. The APA Board of Directors and Ethics Committee endorse the APA Moratorium on psychologist participation in interrogations of foreign detainees. It is critical to immediately disengage psychologists from any direct or supervisory participation in interrogations of individual detainees. Such a step would do much to bring the APA in line with the positions adopted some time ago by the American Psychiatric Association, the American Medical Association, and the American Nurses Association. Thus, the APA leadership should support and the Council of Representatives must, at the August Convention, pass the Moratorium on Psychologist Involvement in Interrogations at US Detention Centers for Foreign Detainees proposed by Dr. Neil Altman and scheduled for a vote at Council.

3. The APA Board of Directors encourage, support, and cooperate with the Senate investigations of detainee treatment. It is essential that the APA support and cooperate fully with the announced investigation of the Senate Armed Services Committee (SASC) into the role of SERE in the creation of abusive interrogation strategies, as well as the Senate Intelligence Committee's announced investigation into the CIA's handling of detainees in their custody. In fact, the APA Board of Directors should do what it can to expedite this and other external, non-partisan investigations of all localities that utilize BSCT psychologists.

4. The APA Board of Directors commence a neutral third-party investigation of its own involvement, and that of APA staff, in APA-military conflicts of interest. It is essential that the APA membership and the concerned public develop an in-depth understanding of how and why the APA accepted a rationale for psychologist involvement in interrogations that has been revealed to have been advanced by involved psychologists, and which permitted their continued participation and supervision of abusive interrogation processes. The concept of "legal, ethical, safe, and effective" has been exposed as a euphemism for psychologist oversight of abuse; these activities can only be considered "ethical" because the APA Ethics Code (Standard 1.02) was rewritten in 2002 to define complying with any law or military regulation as "ethical."

The membership has a right to know why, in the face of continually emerging sets of tangible evidence suggesting that the its policy was flawed and that psychologists were systematically employing expert psychological knowledge for purposes of abuse, the APA leadership refused to investigate, and continued to give cover for these abuses. (According to APA Ethics Director, Dr. Stephen Behnke, the BSCTs attach a copy of the PENS report to their training manuals.) Therefore, it is critical that an independent investigation be launched - conducted by individuals well-known for their commitment to human rights - into the development of APA policy in this area, and into the broader issues that likely contributed to a series of suspicious procedural activities. Among the issues this investigation must examine are:

a) the numerous procedural irregularities alleged to have occurred during the PENS process;

b) the role of the military and intelligence agencies in the formation and functioning of the PENS Task Force;

c) the reasons the APA and its leadership have systematically ignored the accumulating evidence that psychologists participating in interrogations are contributing to torture or cruel, inhuman, or degrading treatment, rather than helping to prevent it;

d) the overall nexus of close ties between the APA staff/leadership and the military and intelligence agencies, ties that may have contributed to a climate that permits undo influence of military and intelligence agencies in the creation of these policies and that encourages turning a blind eye to abuse;

e) the transformation of the APA Ethics Code, from one that protects psychologists' ethical conduct when such conduct conflicts with law and military regulations to one that protects psychologists who follow unethical law and military regulations.

Only such an inve stigatory process can restore the faith of the membership and the broader public in the APA and in the

profession of psychology. To fail to act now would be to continue an organizational policy that maintains and protects psychologists' roles as the architects of what can only be interpreted as a torture paradigm; one that has intentionally violated the Geneva Conventions, our nation's values, and our professional ethics.

We look forward to your affirmation, acceptance, and action in regard to this call for immediate steps to remedy this saddening situation for our organization and our discipline.

Sincerely*,

Stephen Soldz, Director, Center for Research, Evaluation, and Program Development & Professor, Boston Graduate School of Psychoanalysis; University of Massachusetts, Boston

Brad Olson, Assistant Research Professor, Northwestern University

Steven Reisner, Senior Faculty and Supervisor, International Trauma Studies Program, Mailman School of Public Health, Columbia University; Clinical Assistant Professor, Department of Psychiatry, New York University Medical School

Mike Wessells, Former Member, PENS Task Force; Columbia University

Rhoda Unger, Brandeis University

Uwe Jacobs, Director, Survivors International, San Francisco

Ed Tejirian, New York

Bernice Lott, University of Rhode Island

Jeffrey Kaye, San Francisco

Elliot Mishler, Professor of Social Psychology in the Department of Psychiatry, Harvard Medical School

Ghislaine Boulanger, Steering Committee, withholdapadues.com

Morton Deutsch, E.L. Thorndike Professor Emeritus of Psychology, Director Emeritus of the International Center for Cooperation and Conflict Resolution (ICCCR) Teachers College, Columbia University

Faye J Crosby, Psychology Department, University of California, Santa Cruz

Marc Pilisuk, Professor Emeritus, the University of California; Professor, Saybrook Graduate School and Research Center

Marybeth Shinn, Professor of Applied Psychology and Public Policy, New York University

Stephan L. Chorover, Professor of Psychology, MIT

Mary Brydon-Miller, Director, Action Research Center, Associate Professor, Educational Studies and Urban Educational Leadership, College of Education, Criminal Justice, and Human Services, University of Cincinnati

M. Brinton Lykes, Associate Director, Center for Human Rights & International Justice, Associate Dean, Lynch School of Education, Boston College

Ben Harris, Department of Psychology, University of New Hampshire

Barbara Gutek, PrEller Professor of Women and Leadership, Department of Management and Organizations, University of Arizona

Frank Summers, Associate Professor of Clinical Psychiatry and the Behavioral Sciences, Northwestern University Medical School

Kevin Lanning, Wilkes Honors College, Florida Atlantic University

Alice Shaw, San Francisco

Lila Braine, Professor Emerita, Barnard College, Columbia University

Stuart Oskamp, Professor Emeritus of Psychology, Claremont Graduate University

Linda M. Woolf, Professor of Psychology and International Human Rights, Webster University

Arlene Lu Steinberg, President, Division 39 Section IX, APA: Psychoanalysis for Social Responsibility

Lew Aron, Director, New York University Postdoctoral Program in Psychoanalysis and Psychotherapy

Scot D. Evans, Community Psychology, Wilfrid Laurier University

Susan Torres-Harding, Roosevelt University

Allen L. Roland, Sonoma, CA

Emily K. Filardo, Director, Women's Studies, & Associate Professor, Department of Psychology, Kean University

Maram Hallak, Borough of Manhattan Community College; the Association for Women in Psychology (AWP)

Anthony J. Marsella, Professor Emeritus, Department of Psychology, University of Hawaii

Barbara Eisold, New York Medical College

Kathleen Malley-Morrison, Department of Psychology, Boston University

Chrysoula K.E. Fantaousakis, Kean University

Karen Rosica, Faculty, Psychoanalytic Institute of Northern California; Director of Special Projects, SalusWorld.org

Hal S. Bertilson, University of Wisconsin-Superior

Ibrahim Kira, Access Community Health and Research Center, Dearborn, MI

Lynne Layton, Harvard Medical School

Allen M. Omoto, School of Behavioral and Organizational Sciences, Claremont Graduate University

Richard V. Wagner, Bates College

* Affiliations listed for identification purposes only.

Note: Additional signatories will continue to be recruited.

Contact:

Stephen Soldz
PRIVACY REDACTION

Steven Reisner
PRIVACY REDACTION

Brad Olson
PRIVACY REDACTION

The Letter was also distributed to the press. We are seeking a wide distribution; please help. We are also developing a mechanism for other psychologists to sign on.

Authors Website: http://soldzresearch.com/stephensoldz

Authors Bio: Stephen Soldz PRIVACY REDACTION is psychoanalyst, psychologist, public health researcher, and faculty member at the Institute for the Study of Violence of the Boston Graduate School of Psychoanalysis <http://www.bgsp.edu/> . He is a member of Roslindale Neighbors for Peace and Justice. He maintains the Psyche, Science, and Society <http://psychoanalystsopposewar.org/blog/> blog.

From: Castro, Carl A COL WRAIR-Wash DC
Sent: Thu 6/7/2007 12:48 PM
To: Polo, James A COL MAMC; Cavazos, Jaime Mr MEDCOM HQ; Crow, Bruce E COL BAMC-Ft Sam Houston TX; Sutton, Loree K, COL CRDAMC Ft-Hood; Ritchie, Elspeth C COL OTSG; Hoge, Charles COL WRAIR Wash DC; James, Larry C COL TAMC

Subject: Re: Open Letter: ref. psychologists participating in national security interrogations (UNCLASSIFIED)

All,

What does the open letter say? I am TDY and can't open it on my BB. Thanks.

Castro

-----Original Message-----
From: Polo, James A COL MAMC
To: Cavazos, Jaime Mr MEDCOM HQ; Crow, Bruce E COL BAMC-Ft Sam Houston TX; Sutton, Loree K, COL CRDAMC Ft-Hood; Ritchie, Elspeth C COL OTSG; Hoge, Charles COL WRAIR Wash DC; Castro, Carl A COL WRAIR-Wash DC; James, Larry C COL TAMC

Sent: Thu Jun 07 13:42:52 2007
Subject: RE: Open Letter: ref. psychologists participating in national security interrogations (UNCLASSIFIED)

Very interesting.

The illustrious signatories should all volunteer for a rotation in Iraq or Afghanistan.

Thanks, Jim

From: Cavazos, Jaime Mr MEDCOM HQ
Sent: Thu 6/7/2007 8:10 AM
To: Crow, Bruce E COL BAMC-Ft Sam Houston TX; Polo, James A COL MAMC; Sutton, Loree K, COL CRDAMC Ft-Hood; Ritchie, Elspeth C COL OTSG; Hoge, Charles COL WRAIR Wash DC; Castro, Carl A COL WRAIR-Wash DC; James, Larry C COL TAMC

Subject: Open Letter: ref. psychologists participating in national security interrogations (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Col. James: you're mentioned in this open letter.
For your awareness.
Jaime

<<Doc4.doc>>

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Sender:	Melba Vasquez
Sent:	Saturday, February 16, 2008 3:13:40 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>Melba Vasquez
Cc:	Linda Campbell
Subject:	Re: Ken Pope response--confidential draft
Attachments:	VasqPopereplyletterdraft#2.doc

Steve and Linda,
I very much like the letter. The first paragraph acknowledges your deep respect for Ken (without commenting on his resignation, which is appropriate, I think).

I made a very minor comment in the second paragraph; I think you transposed the order of the issues he raised. In one of the last paragraphs, I made another minor suggestion to refer to the August convention as "last" year's instead of "this" year.

But I think your clarifications are very helpful; Ken himself will never consider it enough unless the wording of 1.02 is changed to how it was (he sent me two emails after his letter was published; I may ask him to share them with the two of you, and perhaps Norm A. and Alan K.); however, it is the rest of the membership who needs to hear this.

Melba
In a message dated 2/16/08 1:40:02 PM, sbehnke@apa.org writes:

Dear Melba,

Attached please find a draft of the letter Linda and I have worked on in response to Ken Pope. Could you please let us know what you think? We want the letter to be collegial and respectful, but also want to communicate some important information that Ken's letter did not contain.

Thanks, Melba,

Steve

Melba J. T. Vasquez, PhD, ABPP
Board of Directors, American Psychological Association
Past-President, Texas Psychological Association
PRIVACY REDACTION

****
Ideas to please picky eaters. Watch video on AOL Living.
(http://living.aol.com/video/how-to-please-your-picky-eater/rachel-campos-duffy/2050827?NCID=aolcmp00300000002598)

Sender:	Jacobs, Sue PRIVACY REDACTION
Sent:	Monday, May 05, 2008 11:27:48 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	FW: [DIV17DISCUSS] petition APA

fyi. Sue

From: Division 17 Discussion list [DIV17DISCUSS@LISTS.APA.ORG] On Behalf Of Melba Vasquez, Ph.D. PRIVACY REDACTION
Sent: Monday, May 05, 2008 8:09 PM
To: DIV17DISCUSS@LISTS.APA.ORG
Subject: Re: [DIV17DISCUSS] petition APA

Dear Michael,

Thank you for your very thoughtful message. Please let me emphasize two points: first, you are absolutely correct that "all persons, including prisoners of war, are endowed with certain inalienable rights." I don't know a single APA member who would not strongly support that statement. Second, APA members should follow their consciences with regard to the petition—that would be my advice to any colleague who came to me and asked what to do.

Let me say why I object to the petition. The Washington Post called APA's 2007 resolution a "rebuke" of Bush administration interrogation policies. APA has taken a clear and emphatic stance ***against*** abusive interrogations. This past week, the ACLU made available new information from a department of defense report. In the ACLU materials (13 pages in all), there is one instance cited related to the behavior of a specific psychologist. The report states that when the psychologist believed he had "observed or suspected detainee abuse," the psychologist "recommended that the interrogation not proceed and brought in medical personnel to evaluate the detainee." Thus, a psychologist behaves *precisely* as one would hope and want, intervening to stop an abusive interrogation.

All of this, of course, follows the very public actions of psychologist (and APA member) Mike Gelles, whose actions at Guantanamo Bay were hailed by a medical ethicist as a successful protest of detainee abuse. Moreover, another psychologist (and APA member) is chair of the Intelligence Science Board project that has shown how research does ***not*** support the use of abusive interrogation techniques. I believe that all three are excellent examples of precisely what we want: the involvement of psychologists to end torture and abuse. This petition would seriously impede psychologists' efforts to ensure that interrogations are conducted in a safe and ethical manner.

Certainly I agree that good people can do bad things. But it seems to me that the way to ensure bad things will happen is to remove good people. I don't think the petition accomplishes what we want.

Sincerely,
Melba Vasquez
In a message dated 5/4/08 1:19:36 AM, Michael Loewy writes:

Dr. Douce,

I appreciate your willingness to engage in this dialog. As Council Representative, you may know more about this than others. People for whom I have much admiration fall on both sides of this argument. I am trying to understand APA's position from a social justice perspective.

I understand that APA recently strengthened its position against torture, listing specific behaviors that psychologists are not allowed to engage in and offering support to any military psychologist who refuses to take part in torture. It is a very strong statement against torture.

You say this new resolution is about settings, not torture, but these settings have been internationally condemned. They are inherently objectionable and we should protest their existence even if the ICRC had not declared the conditions at Guantanamo "tantamount to torture". All persons, including prisoners of war, are endowed with certain inalienable rights, not this administration's assertion that these detainees are only entitled to the few privileges that the US decides to grant them.

I understand, too, that we are told by military officers who are psychologists, that if psychologists are there, people will be better off for it, maybe even lives saved.

However, no evidence has been shown to indicate that psychologists play any part in ensuring the safety of detainees. It is more likely is that psychologists are simply providing legitimacy and a false sense of safety to the outside world by playing these roles. According to an FBI investigation, most of the abuses at Guantanamo occurred under the direction of Behavioral Science Consultation Teams (BSCTs), which were led by psychologists and psychiatrists. Psychiatrists have since been removed from the teams.

Most important, psychologists know from decades of research that good people do bad things in bad situations (cf. Ross and Nisbett, 1991). Psychologists subject to the chain of command in an inherently abusive environment like the black sites and Guantanamo Bay are no less vulnerable to "drift" than anyone else; it is time to start applying the long lessons of psychology to psychologists. I can't imagine the depth of the conflict between ethics and organizational demands that military officers who are psychologists face, but it must be tremendous.

Dr. Larry James, a frequent and outspoken supporter of APA's current policy was recently quoted by the Associated Press as saying "I learned a long, long time ago, if I'm going to be successful in the intel community, I'm meticulously — in a very, very dedicated way — going to stay in my lane. So if I don't have a specific need to know about something, I don't want to know about it. I don't ask about it."

All I have heard from you and other leaders in the division is that you respect the ethics of the military psychologists YOU KNOW. Do you think that one or two ethical psychologists (be they any race, Dr. Vasquez) have control over this situation? Do you think that psychologists set military policy? Do you forget what our government and military are capable of? Do you think that psychologists in the military are psychologists first and military officers second?

In short, APA's current position is better, but still not good enough. For what was once the most progressive large professional organization, this is a very conservative stance. It supports the current administration's goals and the status quo. Even more puzzling to me is Division 17 toeing the party line.

Last, why not support the petition? Why are APA and the Council so sure that the current position is the correct one when so many others are convinced otherwise? All the petition asks for is that psychologists not be involved in ILLEGAL interrogations. What's wrong with that?

I hope we can continue this dialog here, in Boston, and at NMCS.

Sincerely,
Michael

Michael I Loewy PhD
Associate Professor & Chair
University of North Dakota - Department of
Counseling Psychology and Community Services
PRIVACY REDACTION
http://www.counseling.und.edu/facultypages/michael.htm

----- Original Message -----
From: "Douce, Louise A." PRIVACY REDACTION

Date: Friday, May 2, 2008 5:01 am
Subject: Re: [DIV17DISCUSS] petition APA

> I absolutely agree that we need to be respectful of different
> perspectives on how to be most effective in social action.
>
> I chose not to sign the petition for two reasons:
>
> 1. This is about facilities, not about interrogations techniques.
> We have already taken a strong stand that psychologists may not
> participate in interrogations that involve torture and have been
> very specific about what constitutes torture. This states that
> psychologists may not work in settings to which they have been
> assigned.
> 2. I respect the professionalism and ethics of the military
> psychologists I have met and believe they deserve the respect of
> their colleagues as they care for their clients/patients and do
> their work wherever they are assigned.
>
> I am opposed to the US having any facilities outside of
> international law. I do not believe that telling psychologists they
> may not work in such settings is an effective strategy to close them.
>
> Some believe we must take this stand and express our professional
> stand against these facilities by banning presence.
>
> Some believe that our military psychologists affect the climate and
> culture in these facilitites and their absence makes the postential
> situations worse.
>
> I chose the latter perspective.
>
> Thanks for the thoughtful dialogue.
>
> Louise Douce
>
> _____
>
> From: Division 17 Discussion list on behalf of Jonathan D. Raskin
> Sent: Fri 5/2/2008 7:08 AM
> To: DIV17DISCUSS@LISTS.APA.ORG
> Subject: Re: [DIV17DISCUSS] petition APA
>
>
>
> Hi everyone. I agree that the role of psychologists in military
> interrogations is a complicated political issue. When discussing such
> an emotionally volatile subject, we must all be careful to behave
> respectfully towards colleagues with whom we disagree. That said, my
> reading of the resolution is that it only disallows psychologists from
> participating in settings where interrogations violate International
> Law or the US Constitution. The exact quote from the resolution
> (http://www.ipetitions.com/petition/apademocracy/index.html) is as
> follows:
>
> "Be it resolved that psychologists may not work in settings where
> persons are held outside of, or in violation of, either International
> Law (e.g., the UN Convention Against Torture and the Geneva
> Conventions) or the US Constitution (where appropriate), unless they
> are working directly for the persons being detained or for an
> independent third party working to protect human rights."

>
> Once interrogations reach the point of violating International Law or
> the US Constitution, wouldn't it be ethically problematic for
> psychologists (or anyone, for that matter) to participate? Why
> wouldn't psychologists want to endorse what strikes me as quite a
> moderate view?
>
> This is my opinion and it is why I signed the petition. I'm curious
> about other people's opinions, however, and hope people can share them
> in a way that feels safe and respectful.
>
> Regards,
>
> Jonathan Raskin
>
> On Thu, May 1, 2008 at 4:40 PM, Melba Vasquez, Ph.D.
> PRIVACY REDACTION wrote:
> > Alan, Louise and others,
> >
> > Thank you for this discussion. I strongly encourage members who are
> > interested to explore these issues very carefully. APA has been
> very clear
> > about the unethicality of psychologist's involvement in torture
> in any way,
> > shape or form. The issue addressed in the proposed resolution
> about which
> > Alan is supportive includes disallowing psychologists to be
> involved in
> > consulting with those who are involved in interrogations per se.
> Our> military psychologists (including those of color) have
> informed us that
> > there are legitimate and ethical ways to conduct interrogations,
> and that in
> > fact, if psychologists are not involved, negative consequences can
> > ensue.Several of our military psychologists were involved in
> helping to
> > "clean up" some of the negative events that happened in the past.
> >
> > Most of us are opposed to this war in Iraq, and to many of the
> horrific> so-called strategies on the war on terrorism conducted by
> the current
> > administration. However, this particular issue is not so
> dichotomous (good
> > vs bad) in my mind, and the endorsement of it might have unintended
> > consequences.
> >
> > Melba Vasquez
> >
> >
> >
> > -----Original Message-----
> > From: Douce, Louise A. PRIVACY REDACTION
> > To: DIV17DISCUSS@LISTS.APA.ORG
> >
> > Sent: Thu, 1 May 2008 12:55 pm
> > Subject: Re: [DIV17DISCUSS] petition APA
> >
> >
> > APA has taken a strong stance against torture and listed very
> specific> examples.
> > It is not accurate to say we have not taken a stance against

> torture.>
> > _____
> >
> > From: Division 17 Discussion list on behalf of ALLEN IVEY
> > Sent: Thu 5/1/2008 9:55 AM
> > To: DIV17DISCUSS@LISTS.APA.ORG
> > Subject: Re: [DIV17DISCUSS] petition APA
> >
> >
> > Dear Colleagues,
> >
> > Division 17 has always been slow to act. The ExCommittee refused
> to endorse
> > Derald Wing Sue's report on the competencies when I was
> president. This
> > should
> > be compared with the fact that ALL other reports were endorsed. The
> > competencies
> > sat ignored for years until Gerry became president. And, it took
> an activist
> > group who also were members of 45 to make it happen under Gerry.
> It was not
> > the
> > Division 17 mainstream that supported the competencies. While our
> record now
> > looks good on paper, we are still way behind the curve.
> >
> > The whole field of psychology is rather timid, despite "liberal
> > pretentions".
> >
> > It is time to take a stand. I'm amazed that I am the only
> psychologist who
> > turned down an invitation to conduct a training workshop for the
> CIA. And,
> > you'd
> > be amazed to see how my life has intertwined with the CIA ever since
> > 1957--for
> > both good an ill. If they have focused on me, they must have a
> BIG staff
> > looking
> > around at all of us.
> >
> > Torture is torture and we always can find psychologists who will
> be glad to
> > earn
> > a living compromising themselves and the profession.
> >
> > Support the petition!
> >
> > PRIVACY REDACTION
> > Allen E. Ivey, EdD, ABPP
> > Distinguished University Professor (Emeritus)
> > University of Massachusetts, Amherst
> > and
> > Professor (Courtesy Appointment)
> > University of South Florida, Tampa
> >
> >
> > President, Microtraining Associates, Inc.
> >
> >

> >
> >
> >
> >
> >
> >
> > On May 1, 2008, at 12:16 AM, Douce, Louise A. wrote:
> >
> >
> > This is actually a complicated issue. Some people contend that
> removing> psycholoists from all US facilities that would fall in
> this definition would
> > acutally cost lives versus the opporunity to take ethical
> positions within
> > such
> > military facilities. I urge you to study the issue is some depth
> before> signing
> > this petition.
> >
> > Louise Douce
> > Council Representative
> >
> > _____
> >
> > From: Division 17 Discussion list on behalf of Michael Loewy
> > Sent: Wed 4/30/2008 3:58 PM
> > To: DIV17DISCUSS@LISTS.APA.ORG
> > Subject: [DIV17DISCUSS] petition APA
> >
> >
> >
> > Colleagues,
> >
> > There is a referendum initiative underway in the American
> > Psychological Association. I hope you would take a look at it and
> > consider signing it to support the resolution being put to the
> > membership for a vote. Please pass it on to your executive other
> listservs> as well.
> >
> > This is a wonderful opportunity to support an effort in
> participatory> democracy.
> >
> > Here is the URL (you may need to paste it into your browser):
> >
> > http://www.ipetitions.com/petition/apademocracy/index.html
> > <http://www.ipetitions.com/petition/apademocracy/index.html>
> >
> > The main "Be it resolved" clause is as follows:
> >
> > Be it resolved that psychologists may not work in settings where
> > persons are held outside of, or in violation of, either
> International> Law (e.g., the UN Convention Against Torture and
> the Geneva
> > Conventions) or the US Constitution (where appropriate), unless
> they> are working directly for the persons being detained or for an
> > independent third party working to protect human rights.
> >
> > Thank you.
> > _____
> > Michael I Loewy PhD
> > Associate Professor & Chair

> > University of North Dakota - Department of
> > Counseling Psychology and Community Services
> > PRIVACY REDACTION
> > http://www.counseling.und.edu/facultypages/michael.htm
> >
> >
> >
> > ********** Division 17 information can be found at
> > http://www.div17.org/
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> > Information on LISTSERVs may be found at
> > http://www.div17.org/about_listserv.html
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> > _____
> > Plan your next roadtrip with MapQuest.com: America's #1 Mapping
> > Site.>
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> > **********
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>

>
> --
> Jonathan D. Raskin, Ph.D.
> Professor and Graduate Coordinator
> Psychology Department
> State University of New York at New Paltz
PRIVACY REDACTION
> Home: http://www.jonathanraskin.com
> <http://www.jonathanraskin.com/>
> Department: http://www.newpaltz.edu/psychology
>
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Information on LISTSERVs may be found at
http://www.div17.org/about_listserv.html

****

Melba J. T. Vasquez, PhD, ABPP
Board of Directors, American Psychological Association
Past-President, Texas Psychological Association
PRIVACY REDACTION

****

Wondering what's for Dinner Tonight? Get new twists on family favorites at AOL Food. (http://food.aol.com/dinner-tonight?NCID=aolfod00030000000001)

Sender: Melba Vasquez
Sent: Monday, May 05, 2008 9:51:44 PM
Recipient: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject: Re: [DIV17DISCUSS] petition APA

Thanks, Steve. I sent it to Div 17 listserv. I've sent modified versions to Div 45 and 56.
melba
In a message dated 5/5/08 3:44:23 PM, sbehnke@apa.org writes:

Melba, I've drafted this response for your consideration (please use however you think appropriate)

Dear Michael,

Thank you for your very thoughtful message. Please let me emphasize two points: first, you are absolutely correct that "all persons, including prisoners of war, are endowed with certain inalienable rights." I don't know a single APA member who would not strongly support that statement. Second, APA members should follow their consciences with regard to the petition—that would be my advice to any colleague who came to me and asked what to do.

Let me say why I object to the petition. The Washington Post called APA's 2007 resolution a "rebuke" of Bush administration interrogation policies. APA has taken a clear and emphatic stance *against* abusive interrogations. This past week, the ACLU made available new information from a department of defense report. In the ACLU materials (13 pages in all), there is one instance cited related to the behavior of a specific psychologist. The report states that when the psychologist believed he had "observed or suspected detainee abuse," the psychologist "recommended that the interrogation not proceed and brought in medical personnel to evaluate the detainee." Thus, a psychologist behaves *precisely* as one would hope and want, intervening to stop an abusive interrogation.

All of this, of course, follows the very public actions of psychologist (and APA member) Mike Gelles, whose actions at Guantanamo Bay were hailed by a medical ethicist as a successful protest of detainee abuse. Moreover, another psychologist (and APA member) is chair of the Intelligence Science Board project that has shown how research does *not* support the use of abusive interrogation techniques. I believe that all three are excellent examples of precisely what we want: the involvement of psychologists to end torture and abuse. This petition would seriously impede psychologists' efforts to ensure that interrogations are conducted in a safe and ethical manner.

Certainly I agree that good people can do bad things. But it seems to me that the way to ensure bad things will happen is to remove good people. I don't think the petition accomplishes what we want.

Sincerely,

From: Melba Vasquez PRIVACY REDACTION

Sent: Monday, May 05, 2008 7:19 AM
To: Behnke, Stephen
Subject: Fwd: [DIV17DISCUSS] petition APA

Hi Steve,
Any suggestions for how to respond to this latest request for members to sign the petition? The intensity of the emotion by very bright, articulate folks takes my breath away. It is also on the Div 45 listserv, and I think on the Div 56, probably more.

melba
In a message dated 5/4/08 1:19:36 AM, [redacted] writes:
Dr. Douce,

I appreciate your willingness to engage in this dialog. As Council Representative, you may know more about this than others. People for whom I have much admiration fall on both sides of this argument. I am trying to understand APA's position from a social justice perspective.

I understand that APA recently strengthened its position against torture, listing specific behaviors that psychologists are not allowed to engage in and offering support to any military psychologist who refuses to take part in torture. It is a very strong statement against torture.

You say this new resolution is about settings, not torture, but these settings have been internationally condemned. They are inherently objectionable and we should protest their existence even if the ICRC had not declared the conditions at Guantanamo "tantamount to torture". All persons, including prisoners of war, are endowed with certain inalienable rights, not this administration's assertion that these detainees are only entitled to the few privileges that the US decides to grant them.

I understand, too, that we are told by military officers who are psychologists, that if psychologists are there, people will be better off for it, maybe even lives saved.

However, no evidence has been shown to indicate that psychologists play any part in ensuring the safety of detainees. It is more likely is that psychologists are simply providing legitimacy and a false sense of safety to the outside world by playing these roles. According to an FBI investigation, most of the abuses at Guantanamo occurred under the direction of Behavioral Science Consultation Teams (BSCTs), which were led by psychologists and psychiatrists. Psychiatrists have since been removed from the teams.

Most important, psychologists know from decades of research that good people do bad things in bad situations (cf. Ross and Nisbett, 1991). Psychologists subject to the chain of command in an inherently abusive environment like the black sites and Guantanamo Bay are no less vulnerable to "drift" than anyone else; it is time to start applying the long lessons of psychology to psychologists. I can't imagine the depth of the conflict between ethics and organizational demands that military officers who are psychologists face, but it must be tremendous.

Dr. Larry James, a frequent and outspoken supporter of APA's current policy was recently quoted by the Associated Press as saying "I learned a long, long time ago, if I'm going to be successful in the intel community, I'm meticulously — in a very, very dedicated way — going to stay in my lane. So if I don't have a specific need to know about something, I don't want to know about it. I don't ask about it."

All I have heard from you and other leaders in the division is that you respect the ethics of the military psychologists YOU KNOW. Do you think that one or two ethical psychologists (be they any race, Dr. Vasquez) have control over this situation? Do you think that psychologists set military policy? Do you

forget what our government and military are capable of? Do you think that psychologists in the military are psychologists first and military officers second?

In short, APA's current position is better, but still not good enough. For what was once the most progressive large professional organization, this is a very conservative stance. It supports the current administration's goals and the status quo. Even more puzzling to me is Division 17 toeing the party line.

Last, why not support the petition? Why are APA and the Council so sure that the current position is the correct one when so many others are convinced otherwise? All the petition asks for is that psychologists not be involved in ILLEGAL interrogations. What's wrong with that?

I hope we can continue this dialog here, in Boston, and at NMCS.

Sincerely,
Michael

Michael I Loewy PhD
Associate Professor & Chair
University of North Dakota - Department of
Counseling Psychology and Community Services
PRIVACY REDACTION
http://www.counseling.und.edu/facultypages/michael.htm
----- Original Message -----
From: "Douce, Louise A." PRIVACY REDACTION
Date: Friday, May 2, 2008 5:01 am
Subject: Re: [DIV17DISCUSS] petition APA
> I absolutely agree that we need to be respectful of different
> perspectives on how to be most effective in social action.
>
> I chose not to sign the petition for two reasons:
>
> 1. This is about facilities, not about interrogations techniques.
> We have already taken a strong stand that psychologists may not
> participate in interrogations that involve torture and have been
> very specific about what constitutes torture. This states that
> psychologists may not work in settings to which they have been
> assigned.
> 2. I respect the professionalism and ethics of the military
> psychologists I have met and believe they deserve the respect of
> their colleagues as they care for their clients/patients and do
> their work wherever they are assigned.
>
> I am opposed to the US having any facilities outside of
> international law. I do not believe that telling psychologists they
> may not work in such settings is an effective strategy to close them.
>
> Some believe we must take this stand and express our professional
> stand against these facilities by banning presence.

>
> Some believe that our military psychologists affect the climate and
> culture in these facilitites and their absence makes the postential
> situations worse.
>
> I chose the latter perspective.
>
> Thanks for the thoughtful dialogue.
>
> Louise Douce
>
> _____
>
> From: Division 17 Discussion list on behalf of Jonathan D. Raskin
> Sent: Fri 5/2/2008 7:08 AM
> To: DIV17DISCUSS@LISTS.APA.ORG
> Subject: Re: [DIV17DISCUSS] petition APA
>
>
>
> Hi everyone. I agree that the role of psychologists in military
> interrogations is a complicated political issue. When discussing such
> an emotionally volatile subject, we must all be careful to behave
> respectfully towards colleagues with whom we disagree. That said, my
> reading of the resolution is that it only disallows psychologists from
> participating in settings where interrogations violate International
> Law or the US Constitution. The exact quote from the resolution
> (http://www.ipetitions.com/petition/apademocracy/index.html) is as
> follows:
>
> "Be it resolved that psychologists may not work in settings where
> persons are held outside of, or in violation of, either International
> Law (e.g., the UN Convention Against Torture and the Geneva
> Conventions) or the US Constitution (where appropriate), unless they
> are working directly for the persons being detained or for an
> independent third party working to protect human rights."
>
> Once interrogations reach the point of violating International Law or
> the US Constitution, wouldn't it be ethically problematic for
> psychologists (or anyone, for that matter) to participate? Why
> wouldn't psychologists want to endorse what strikes me as quite a
> moderate view?
>
> This is my opinion and it is why I signed the petition. I'm curious
> about other people's opinions, however, and hope people can share them
> in a way that feels safe and respectful.
>
> Regards,
>
> Jonathan Raskin
>

> On Thu, May 1, 2008 at 4:40 PM, Melba Vasquez, Ph.D.
> PRIVACY REDACTION wrote:
> > Alan, Louise and others,
> >
> > Thank you for this discussion. I strongly encourage members who are
> > interested to explore these issues very carefully. APA has been
> very clear
> > about the unethicality of psychologist's involvement in torture
> in any way,
> > shape or form. The issue addressed in the proposed resolution
> about which
> > Alan is supportive includes disallowing psychologists to be
> involved in
> > consulting with those who are involved in interrogations per se.
> Our> military psychologists (including those of color) have
> informed us that
> > there are legitimate and ethical ways to conduct interrogations,
> and that in
> > fact, if psychologists are not involved, negative consequences can
> > ensue.Several of our military psychologists were involved in
> helping to
> > "clean up" some of the negative events that happened in the past.
> >
> > Most of us are opposed to this war in Iraq, and to many of the
> horrific> so-called strategies on the war on terrorism conducted by
> the current
> > administration. However, this particular issue is not so
> dichotomous (good
> > vs bad) in my mind, and the endorsement of it might have unintended
> > consequences.
> >
> > Melba Vasquez
> >
> >
> >
> > -----Original Message-----
> > From: Douce, Louise A. PRIVACY REDACTION
> > To: DIV17DISCUSS@LISTS.APA.ORG
> >
> > Sent: Thu, 1 May 2008 12:55 pm
> > Subject: Re: [DIV17DISCUSS] petition APA
> >
> >
> > APA has taken a strong stance against torture and listed very
> specific> examples.
> > It is not accurate to say we have not taken a stance against
> torture.>
> > _____
> >
> > From: Division 17 Discussion list on behalf of ALLEN IVEY
> > Sent: Thu 5/1/2008 9:55 AM

> > To: DIV17DISCUSS@LISTS.APA.ORG
> > Subject: Re: [DIV17DISCUSS] petition APA
> >
> >
> > Dear Colleagues,
> >
> > Division 17 has always been slow to act. The ExCommittee refused
> to endorse
> > Derald Wing Sue's report on the competencies when I was
> president. This
> > should
> > be compared with the fact that ALL other reports were endorsed. The
> > competencies
> > sat ignored for years until Gerry became president. And, it took
> an activist
> > group who also were members of 45 to make it happen under Gerry.
> It was not
> > the
> > Division 17 mainstream that supported the competencies. While our
> record now
> > looks good on paper, we are still way behind the curve.
> >
> > The whole field of psychology is rather timid, despite "liberal
> > pretentions".
> >
> > It is time to take a stand. I'm amazed that I am the only
> psychologist who
> > turned down an invitation to conduct a training workshop for the
> CIA. And,
> > you'd
> > be amazed to see how my life has intertwined with the CIA ever since
> > 1957--for
> > both good an ill. If they have focused on me, they must have a
> BIG staff
> > looking
> > around at all of us.
> >
> > Torture is torture and we always can find psychologists who will
> be glad to
> > earn
> > a living compromising themselves and the profession.
> >
> > Support the petition!
> >
> > PRIVACY REDACTION
> > Allen E. Ivey, EdD, ABPP
> > Distinguished University Professor (Emeritus)
> > University of Massachusetts, Amherst
> > and
> > Professor (Courtesy Appointment)
> > University of South Florida, Tampa

> >
> >
> > President, Microtraining Associates, Inc.
> >
> >
> >
> >
> >
> >
> >
> >
> > On May 1, 2008, at 12:16 AM, Douce, Louise A. wrote:
> >
> >
> > This is actually a complicated issue. Some people contend that
> removing> psycholoists from all US facilities that would fall in
> this definition would
> > acutally cost lives versus the opporunity to take ethical
> positions within
> > such
> > military facilities. I urge you to study the issue is some depth
> before> signing
> > this petition.
> >
> > Louise Douce
> > Council Representative
> >
> > _____
> >
> > From: Division 17 Discussion list on behalf of Michael Loewy
> > Sent: Wed 4/30/2008 3:58 PM
> > To: DIV17DISCUSS@LISTS.APA.ORG
> > Subject: [DIV17DISCUSS] petition APA
> >
> >
> >
> > Colleagues,
> >
> > There is a referendum initiative underway in the American
> > Psychological Association. I hope you would take a look at it and
> > consider signing it to support the resolution being put to the
> > membership for a vote. Please pass it on to your executive other
> listservs> as well.
> >
> > This is a wonderful opportunity to support an effort in
> participatory> democracy.
> >
> > Here is the URL (you may need to paste it into your browser):
> >
> > http://www.ipetitions.com/petition/apademocracy/index.html
> > <http://www.ipetitions.com/petition/apademocracy/index.html>

> >
> > The main "Be it resolved" clause is as follows:
> >
> > Be it resolved that psychologists may not work in settings where
> > persons are held outside of, or in violation of, either
> International> Law (e.g., the UN Convention Against Torture and
> the Geneva
> > Conventions) or the US Constitution (where appropriate), unless
> they> are working directly for the persons being detained or for an
> > independent third party working to protect human rights.
> >
> > Thank you.
> > _____
> > Michael I Loewy PhD
> > Associate Professor & Chair
> > University of North Dakota - Department of
> > Counseling Psychology and Community Services
> > PRIVACY REDACTION
> > http://www.counseling.und.edu/facultypages/michael.htm
> >
> >
> >
> > ********** Division 17 information can be found at
> > http://www.div17.org/
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> > Information on LISTSERVs may be found at
> > http://www.div17.org/about_listserv.html
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> > **********
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>
>
> --
> Jonathan D. Raskin, Ph.D.
> Professor and Graduate Coordinator
> Psychology Department
> State University of New York at New Paltz
> PRIVACY REDACTION
[redacted]
> Home: http://www.jonathanraskin.com
> <http://www.jonathanraskin.com/>
> Department: http://www.newpaltz.edu/psychology
>
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****

Melba J. T. Vasquez, PhD, ABPP
Board of Directors, American Psychological Association
Past-President, Texas Psychological Association
PRIVACY REDACTION

****
Wondering what's for Dinner Tonight? Get new twists on family favorites at AOL Food.
(http://food.aol.com/dinner-tonight?NCID=aolfod00030000000001)

Melba J. T. Vasquez, PhD, ABPP
Board of Directors, American Psychological Association
Past-President, Texas Psychological Association
PRIVACY REDACTION

****
Wondering what's for Dinner Tonight? Get new twists on family favorites at AOL Food.
(http://food.aol.com/dinner-tonight?NCID=aolfod00030000000001)

Sender:	Teegarden, Lisa A MAJ USSOUTHCOM JTFGTMO <Lisa.A.Teegarden@jtfgtmo.southcom.mil>
Sent:	Monday, June 30, 2008 2:05:26 PM
Recipient:	Luckie, Lorenzo F LTC AMEDDCS <Lorenzo.Luckie@AMEDD.ARMY.MIL>
Cc:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>;Banks Louie M. COL <louie.morgan.banks@us.army.mil>
Subject:	RE: VIP / SME Visit

Good afternoon LTC Luckie,
I hope this email finds you doing well. I wanted to check with you regarding the proposed visit to GTMO. I wanted to let you know that I spoke to both COL Banks and Dr. Stephen Behnke regarding the TDY to GTMO. After some lengthy discussion with Dr. Behnke, he was not entirely optimistic that a visit at this time (or the near future for that matter) will be possible. Dr. Behnke was going to talk to some folks at APA about the idea of a visit to GTMO and get back with me although it might be that we need to move on and make alternate plans. It might be that some people attend the training course at Ft. Huachuca instead (an alternate idea).
So, BG Zanetti said for us to plan the TDY with just yourself or with yourself and COL Banks. I am not sure if you can come prior to the BSCT Course in September. Perhaps we can brainstorm the agenda and timeline. COL Banks, do you have some ideas?
V/R,
Lisa
Lisa A. Teegarden
MAJ, MS
Director, Behavioral Science Consultation Team (BSCT)
Joint Task Force Guantanamo, Cuba
660-8079 (dsn)
011-5399-8079 (com)
011-5399-8056 (fax)
e-mail NIPR: lisa.a.teegarden@jtfgtmo.southcom.mil
e-mail SIPR: lisa.a.teegarden@jtfgtmo.southcom.smil.mil

-----Original Message-----
From: Luckie, Lorenzo F LTC AMEDDCS
[mailto:Lorenzo.Luckie@AMEDD.ARMY.MIL]
Sent: Friday, June 06, 2008 10:06 AM
To: Teegarden, Lisa A MAJ USSOUTHCOM JTFGTMO
Cc: Behnke, Stephen; Banks Louie M. COL
Subject: RE: VIP / SME Visit

MAJ Teegarden,
Thanks for the note. BG Zanetti wrote to me that you would be in contact. Thanks for being prompt. Thanks for passing along the information to COL Dunivin as well. I mentioned to BG Zanetti that I thought it would be a good idea to involve Dr. Behnke and COL Banks in this process so I'm glad that it appears everyone agrees on that. I'm

coming up on another BSCT course in SEP. Family plans won't allow me to travel in JUL, and some portion of AUG will be taken up in a tri-service conference here in San Antonio to develop a new curriculum for mental health techs, so I'm going to have to do some more digging into my schedule to come up with doable travel dates. In spite of my schedule problems, I would concur with the utility of doing this before the APA convention though I doubt it's possible for me. My chain at the C&S has given permission for me to travel, but want to know on whose dime it will be. BG Zanetti and I didn't get into those weeds, so could you please provide clarification on who is paying. I hope that the mission has started well for you. Could you also provide some clarification on how long the TDY would be? BG Zanetti is a good man to work for and an advocate for our involvement, so that is very much in your favor. I hope your stay at GTMO will go well. I've taken the liberty of cc'ing COL Banks and Dr. Behnke.
Thanks.
Lorenzo F. Luckie
LTC, MS
Chief, Mental Health Specialist Branch
Army Medical Department Center and School
PRIVACY REDACTION

-----Original Message-----
From: Teegarden, Lisa A MAJ USSOUTHCOM JTFGTMO
[mailto:Lisa.A.Teegarden@jtfgtmo.southcom.mil]
Sent: Friday, June 06, 2008 8:48 AM
To: Luckie, Lorenzo F LTC AMEDDCS
Cc: Zanetti, Gregory J BG USSOUTHCOM JTFGTMO
Subject: FW: VIP / SME Visit
Importance: High
Good morning LTC Luckie,

I hope this email finds you doing well. I have spoken to BG Zanetti about you visiting our BSCT here at GTMO. Given that COL Dunivin is the SME and course director, I spoke to her yesterday to keep her in the loop. She recalled the discussion we had with Dr. Behnke at the course in March and recommended that COL Banks also be part of the visit. Referencing the email below, RDML Thomas is also interested in having visitors who are not supporters of our mission. It would be ideal for Dr. Behnke, COL Banks and yourself to bring one or two (more?) folks from APA who are critical of the BSCT mission (see email below). I have some difficulty getting emails out of here and so I have not yet heard back from Dr. Behnke or COL Banks. What we need to do is clarify the timeline and agenda for everyone. It may be that there are multiple agendas.

Please let me know when you are available for TDY. It would be great if Dr. Behnke and COL Banks are available prior to the APA conference in August (12 - 17th).

Respectfully,

MAJ Teegarden
Lisa A. Teegarden
MAJ, MS
Director, Behavioral Science Consultation Team (BSCT) Joint Task Force
Guantanamo, Cuba
660-8079 (dsn)
011-5399-8079 (com)
011-5399-8056 (fax)
e-mail NIPR: lisa.a.teegarden@jtfgtmo.southcom.mil
e-mail SIPR: lisa.a.teegarden@jtfgtmo.southcom.smil.mil

-----Original Message-----
From: Teegarden, Lisa A MAJ USSOUTHCOM JTFGTMO
Sent: Thursday, June 05, 2008 1:12 PM
To: 'ethics@apa.org'; 'COL Morgan Banks'
Cc: 'COL Morgan Banks'
Subject: VIP / SME Visit
Importance: High

Good Afternoon Dr. Behnke ~

I hope this email finds you doing well. I last had the opportunity to talk with you at the BSCT course in AZ. At that time, we spoke about the possibility of you visiting Guantanamo Bay Cuba. This morning I spoke to RDML Thomas and he is very supportive of the BSCT mission here. He requested that we bring folks from the APA visit the Joint Task Force. Central to that visit would be Dr. Behnke and anyone else who is believed to be of importance. The other VIP's are not necessarily supporters of the mission here and he prefers that folks come who are quite critical of what we do. I was thinking that COL Banks could accompany you here and that between four of us (you, COL Banks, COL Dunivin and myself), we could identify some folks to accompany you. As well, we need to clarify the timeline of the visit and what the agenda for the visit would be. I am not sure that your schedule could accommodate the visit before APA in August but wanted to see what your availability is like. Please let me know your thoughts and we can coordinate as appropriate.

Very Respectfully,

Lisa

Lisa A. Teegarden

MAJ, MS

Director, Behavioral Science Consultation Team (BSCT)

Joint Task Force Guantanamo, Cuba

660-8079 (dsn)

011-5399-8079 (com)

011-5399-8056 (fax)
e-mail NIPR: lisa.a.teegarden@jtfgtmo.southcom.mil
<mailto:lisa.a.teegarden@jtfgtmo.southcom.mil>

e-mail SIPR: lisa.a.teegarden@jtfgtmo.southcom.smil.mil
<mailto:lisa.a.teegarden@jtfgtmo.southcom.smil.mil>

Sender:	Strassburger, Judy </O=APA/OU=DC/CN=RECIPIENTS/CN=JAS>
Sent:	Saturday, June 21, 2008 11:11:51 AM
Recipient:	'Alan Kazdin' PRIVACY REDACTION ;Behnke, Stephen <sbehnke@apa.org>
Cc:	Barry S Anton PRIVACY REDACTION ;Gilfoyle, Nathalie <ngilfoyle@apa.org>;Anderson, Norman <NAnderson@apa.org>;Farberman, Rhea <rfarberman@apa.org>;Honaker, Michael <mhonaker@apa.org>;Garrison, Ellen <egarrison@apa.org>
Subject:	RE: draft response from me to Council's questions

Alan:

I think only one Bylaw amendment passed with a pro/con. Most view pro/con statements as the "kiss of death" and the data bears this out. However, this is not a Bylaw amendment but…

Judy

From: Alan Kazdin PRIVACY REDACTION
Sent: Saturday, June 21, 2008 10:57 AM
To: Behnke, Stephen
Cc: Barry S Anton; Gilfoyle, Nathalie; Anderson, Norman; Farberman, Rhea; Strassburger, Judy; Honaker, Michael; Garrison, Ellen
Subject: Re: draft response from me to Council's questions

Steve and Barry, All very helpful. Do we have any data at all on whether the verdict on any proposal, by-law change, or anything is more likely to pass with or without a pro/con statement. I realize that if there were, the items with a pro/con statement are likely to be different in some way from those without. Either way do we have any information (data). It is important to know what we have so a belief of the kind Barry noted from an email we can address and correct if possible. Data might be only chance to override a cognitive heuristic here. And the absence of data here too would be fine. A minor point in this overall issue, but one for which the BOD and COR should have information if any is available.
On Nathalie and Ellen correspondence, yes please await until Monday.
Best wishes, Alan

Behnke, Stephen wrote:
Hi Barry,

Two quick thoughts:

1. In the response we received, the sponsors of the petition themselves indicate they "are not committed to seeing the referendum become part of the Ethics Code."
2. In terms of pro/con statements, given the ***extensive*** debate and discussion this issue has received over the past three years, it would seem virtually untenable not to have pro/con statements regarding a new proposal.

Steve

From: Barry S Anton PRIVACY REDACTION
Sent: Friday, June 20, 2008 5:33 PM
To: Gilfoyle, Nathalie; Alan Kazdin

Cc: Anderson, Norman; Farberman, Rhea; Strassburger, Judy; Honaker, Michael; Behnke, Stephen; Garrison, Ellen
Subject: RE: draft response from me to Council's questions

Hi Nathalie:
Thank you for your analysis. I think one issue in your analysis that is going to be controversial is the interpretation of the intersection of the petition and the Ethics code. I think there will be some conversation about this issue on the COR listserv.
Also, I received an email, and subsequent call, from a COR member who noted that it has been raised many times at COR that items sent with pro/con statements usually fail. He noted that it may seem "disingenuous" of APA to want to include such statements with the petition. I told him we would discuss this issue on the BoD conference call. He said he appreciated what he perceived as a "thoughtful" approach.

Best,

Barry
*****

-----Original Message-----
From: Gilfoyle, Nathalie [mailto:ngilfoyle@apa.org]
Sent: Fri 6/20/2008 2:04 PM
To: Alan Kazdin; Barry S Anton
Cc: Anderson, Norman; Farberman, Rhea; Strassburger, Judy; Honaker, Michael; Behnke, Stephen; Garrison, Ellen
Subject: draft response from me to Council's questions

Dear Alan and Barry,

Attached is the draft of my message to Council which has been reviewed internally here by the team, prior to posting. I'll wait for your reactions before posting to Council. Nathalie

This responds to several questions from Council members regarding legal issues regarding the pending petition under the provisions of Article IV.5 of the Bylaws that asks members to adopt as Association policy a resolution restricting the locations in which psychologists may work.

Article IV. 5 of the Bylaws provides

Upon petition of 1% of the Members in good standing, a request for a mail vote of the voting Members of the Association upon any matter, but not involving an amendment to the Bylaws, may be addressed to Council, which shall present the matter covered by the petition, if it is not inconsistent with the Certificate of Incorporation or these Bylaws, to the voting Members of the Association for a mail vote. Council shall take such action as may be necessary to implement the result of any such vote.

Through Association Rule 30-3.1, Council delegated to the Board of

Directors the following duties regarding petitions under this provision. The key provisions of that rule provide

The APA Recording Secretary... shall determine if the signatures on the petition meet the requirements of the APA Bylaws. When this condition is met ..the presiding officer of the Board shall determine if the petition represents a proper motion under the APA Bylaws and Association Rules. If it is determined that the motion is proper, the Board shall proceed to fix the time and manner in which the vote is to be conducted and shall notify the Election Committee of its responsibility. The Board shall determine when and in what form the ballot is to be mailed; any material that is to accompany the ballot such as information and pro and con statements; and the closing date of the vote. In setting a time for mailing the ballot, the Board may consider other mailings that are planned. Action on a petition is not complete until the next annual meeting. .... Council, in receiving the report of the Election Committee, shall make a minute of the action taken regarding the petitioned motion or of its defeat.

A petition, once submitted, is not subject to amendment. Minor editorial changes may be made by the Board of Directors with agreement of the sponsor of the petition, but such changes must not alter the sense of the petition. If substantial changes appear to be indicated, a reformulated petition should be submitted in proper form with new signatures.

To the best of our knowledge there has never been a member petition under Article IV.5 and thus neither it nor the provisions of the related Association Rule has ever been applied.

The Bylaw provides limited reasons to disallow an otherwise appropriate petition to the Members of the Association for a vote. The petition process under Article IV.5 may not be used if the substance of the petition is either 1) an amendment to the Bylaws or 2) for any matter that is inconsistent with the certificate of incorporation or the Bylaws. Other substantive issues going to the merits of a petition are left to the voting process to resolve.

The Association policy proposed in the petition by its terms provides that psychologists may not work in certain detention settings. The petition was not viewed as an effort to amend the Ethics Code, however, and therefore the Board did not need to address the question of whether the Bylaws provisions establishing the Ethics Committee's scope of authority were in conflict with the terms of the petition.

There are many issues regarding the wording of the petition, some of which have already been posed by Council members. Should APA make policy statements about where psychologists may work? Would a psychologist be able to make the threshold determinations called for in the petition

about the legal status of the venue in which they are working or are considering working ? What enforcement actions from entities outside APA might flow from having the petition adopted as APA policy? (An affirmative vote on the resolution would set official APA policy, similar to a Council resolution, which would mean that the Ethics Committee could refer to the policy in adjudicating cases or other work of the Committee, such as developing revisions to APA's Code of Conduct, but it would not amend the Code of Conduct's enforceable standards. It is unclear what enforcement effects could come from third parties who would use the policy in other settings.)

These questions can be addressed in the pro/con statements and rebuttals that will accompany the ballot on this petition but do not bar the petition from going forward under the thresholds established by the governing Bylaw provisions.

From a procedural perspective, if the policy set forth in the petition had been presented to Council as a new business item, at a minimum it would be deemed to be a guideline under Rule 30-8 ("Guidelines include pronouncements, statements, or declarations that suggest or recommend specific professional behavior, endeavor, or conduct for psychologists or for individuals or organizations that work with psychologists...") if not a standard ("specifications...for conduct in psychology..."). Under that rule, such a proposed policy would normally be referred to the governance review and public comment process spelled out in Rule 30-8 for proposed policy that prescribes professional conduct by members. But the policy set forth in the petition has not been proposed as a new business item to Council for action, but rather is presented for a vote of Members under the provisions of Article IV.5. Again, the pertinent inquiry for purposes of whether the petition goes forward for a vote under Article IV.5 is whether it conflicts with the certificate of incorporation or Bylaws or constitutes a Bylaw amendment. Because those hurdles are cleared, the petition is not subjected to the process specified in the Association Rules for standards or guidelines.

Nathalie Gilfoyle

Nathalie Gilfoyle | General Counsel

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APA Logo<http://www.apa.org/emailtemplate/e-mail_signature_logo.gif>

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--

Alan E. Kazdin, Ph.D., ABPP
President, American Psychological Association
John M. Musser Professor of Psychology
and Child Psychiatry
Department of Psychology
Yale University
PRIVACY REDACTION
[redacted]

www.yale.edu/psychology/FacInfo/Kazdin.html

www.yale.edu/childconductclinic
www.alankazdin.com
www.apa.org/about/president

Please be aware that email communication can be intercepted in transmission or misdi

Sender:	Garrison, Ellen </O=APA/OU=DC/CN=RECIPIENTS/CN=EGG>
Sent:	Friday, June 20, 2008 3:58:20 PM
Recipient:	Strassburger, Judy </O=APA/OU=DC/CN=RECIPIENTS/CN=JAS>;Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>;Honaker, Michael </O=APA/OU=DC/CN=RECIPIENTS/CN=Myh>;Gilfoyle, Nathalie </O=APA/OU=DC/CN=RECIPIENTS/CN=Npg>;Farberman, Rhea </O=APA/OU=DC/CN=RECIPIENTS/CN=Rzf>
Cc:	Anderson, Norman </O=APA/OU=DC/CN=RECIPIENTS/CN=NBA>
Subject:	RE: Discussion with Joel Dvoskin

I agree with Judy about the need for Board involvement. I'm still pondering Joel's approach and its semi-con aspect, while considering Steve's rationale for it..

I think it is also important that the con writer(s) be informed of issues/concerns that might not be readily apparent from the Council queries and a cursory review of the petition, e.g., military placements in such facilities are voluntary, military psychologists might view such an APA policy as potentially punitive even without a clear enforcement mechanism and avoid such placements, and that they would ostensibly not be able to provide health care to detainees in such settings, etc.

Ellen

From: Strassburger, Judy
Sent: Fri 6/20/2008 3:48 PM
To: Behnke, Stephen; Honaker, Michael; Gilfoyle, Nathalie; Farberman, Rhea; Garrison, Ellen
Cc: Anderson, Norman
Subject: RE: Discussion with Joel Dvoskin

Hmmm. This could really present a problem if indeed the Con statement is not seen as a Con statement. I'm afraid there is too much at stake here if it comes out that way. I understand where he is coming from but not sure everyone will. Maybe this is a decision for the Board and not just Barry or Barry may buck it to the Board. After all the Board did say for Steve to make suggestions to the Board. Judy

Judy A. Strassburger

Executive Director, Governance Affairs
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email: jstrassburger@apa.org | www.apa.org

APA 116th Convention - Boston August 14-17

From: Behnke, Stephen
Sent: Friday, June 20, 2008 3:40 PM
To: Honaker, Michael; Strassburger, Judy; Gilfoyle, Nathalie; Farberman, Rhea; Garrison, Ellen
Cc: Anderson, Norman
Subject: Discussion with Joel Dvoskin

I spoke with Joel this afternoon, and he had already written a draft of his statement. He has not contacted anyone. There are two issues:

1. Joel read the draft to me. The draft is ***very*** conciliatory in tone, endorses what Joel believes is the intent behind the petition, while making clear that the current version of the petition has significant problems that speak forcefully against its adoption. I would characterize Joel's draft as having a "revise and resubmit" tone. I myself think that there may be significant benefit to this approach, but it is also important to recognize that some of our members may want to take a much harder line. I also think it is important for us to recognize that the "con" statement, in both substance and tone, will be imputed to APA—there's just no way to distance ourselves from it, and a conciliatory tone might be very helpful in our efforts to mend fences.

2. Joel conveyed his sense that his taking on this role is likely to have professional repercussions. Certainly I think that is correct. He continues to want to reach out to Steven Reisner, Brad Olson, and Ruth Fallenbaum, so he can better understand their goals in writing the petition. Joel's response to my call was "If APA would like me to take on this role, I want to do it in the way that feels right to me." His description today of what he wants to do

sounded less like mediation and more as if he wants to reach out in the spirit of understanding the motivations behind the petition.

My recommendation:

I think we should present this to Barry (I could call him), explain the situation, and let Barry make the decision. I've given Barry other possibilities (Louise Douce, Sandy Schulman) and I could add Glenn Ally and Greg Wilmoth. However this unfolds, there will be people who are not happy and I think it's important that this be a board decision. Also, I think that once the person is chosen we need to step back and let him/her write the statement in whatever manner he/she chooses.

Sender:	Garrison, Ellen </O=APA/OU=DC/CN=RECIPIENTS/CN=EGG>
Sent:	Friday, June 20, 2008 9:19:19 AM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>;Anderson, Norman </O=APA/OU=DC/CN=RECIPIENTS/CN=NBA>;Strassburger, Judy </O=APA/OU=DC/CN=RECIPIENTS/CN=Jas>;Gilfoyle, Nathalie </O=APA/OU=DC/CN=RECIPIENTS/CN=Npg>;Farberman, Rhea </O=APA/OU=DC/CN=RECIPIENTS/CN=Rzf>
Cc:	Habash, Tony </O=APA/OU=DC/CN=RECIPIENTS/CN=Tfh>;Honaker, Michael </O=APA/OU=DC/CN=RECIPIENTS/CN=Myh>
Subject:	RE: [COR] Petition

I strongly agree with points raised by both Norman and Steve.

And now with Laurie's posting to Council, we no longer need to provide the names of the signatories.

The timing of Laurie's post is somewhat ironic, since I signed on to express my wishful thinking that we might be able to peal away a few of the original resolution writers for the con statement with the very argument that the petition goes too far by actually disallowing psychologists from working in such detention settings. It would be noted that the 2007 resolution expresses "grave concern" about such settings, recognizes the right of psychologists to refuse to work there, and offers APA support for not doing so (general restatement). Concerns about the ambiguities of the petition's enforcement, scope, etc., would also be raised.

Any chance to find such folks? This might avoid the back and forth with the petition sponsors as proposed by Joel...

Ellen

From: Behnke, Stephen
Sent: Thu 6/19/2008 11:50 PM
To: Anderson, Norman; Strassburger, Judy; Gilfoyle, Nathalie; Farberman, Rhea
Cc: Habash, Tony; Honaker, Michael; Garrison, Ellen
Subject: RE: [COR] Petition

Norman's excellent points are all in the context of the petition process being a first for APA.

Would there be a value to our encouraging members of Council to post their questions about the petition, so we can see what people are asking? I think it's to our advantage for us (really, for everyone) to know what the questions are, since it will be up to us to answer (at least some of) them. We could place our request for questions in the context of this being the first time APA has used this process.

Steve

-----Original Message-----
From: Anderson, Norman
Sent: Thursday, June 19, 2008 10:54 PM
To: Strassburger, Judy; Gilfoyle, Nathalie; Farberman, Rhea
Cc: Anderson, Norman; Habash, Tony; Honaker, Michael; Behnke, Stephen; Garrison, Ellen
Subject: RE: [COR] Petition

All,

For those of you meeting tomorrow one thing to consider in answering the COR questions is to be up front with the fact that we are in new and unprecented territory concerning the potential for APA to ban a work setting for psychologists. COR could be told that at this time it is very unclear what method APA would use to enforce this since the petition is silent in this

regard, and we have no previous experince enforcing a work place ban.

In fact, the aforementioned issues, as well as many of the questions on the COR list serv, could form a key part of the CON statement. That is, there are many questions that the resolution raises which it provides no answers to, and which make not prudent to pass the resolution. It commits the Assciation to do something that it has ability or procedures for doing.

In the near term, COR could be told that while we are are trying to get answers to their questions, the fact that many of the questions do not have clear answers is at least one of the reasons to argue against passing the resolution. So the more diffficult the questions raised by COR that can't be answered, the better it is for the CON statement

I will check I with Nathalie after your meeting.

nba

-----Original Message-----
From: "Strassburger, Judy" <jstrassburger@apa.org>
To: "Gilfoyle, Nathalie" <ngilfoyle@apa.org>; "Farberman, Rhea" <rfarberman@apa.org>
Cc: "Anderson, Norman" <NAnderson@apa.org>; "Habash, Tony" <thabash@apa.org>; "Honaker, Michael" <mhonaker@apa.org>; "Behnke, Stephen" <sbehnke@apa.org>; "Garrison, Ellen" <egarrison@apa.org>
Sent: 6/19/08 5:40 PM
Subject: RE: [COR] Petition

I agree. Judy

Judy A. Strassburger

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email: jstrassburger@apa.org <mailto:jstrassburger@apa.org> | www.apa.org <http://www.apa.org/>

APA 116th Convention - Boston August 14-17 <http://www.apa.org/convention08/>

From: Gilfoyle, Nathalie
Sent: Thursday, June 19, 2008 5:33 PM
To: Farberman, Rhea; Strassburger, Judy
Cc: Anderson, Norman; Habash, Tony; Honaker, Michael; Behnke, Stephen; Garrison, Ellen
Subject: RE: [COR] Petition

Does anyone disagree with this? Tony has advised that we can do this in several ways but we haven't had a chance to chat about those and I am likely not the best person to resolve that anyway.

Nathalie

From: Farberman, Rhea
Sent: Thursday, June 19, 2008 5:28 PM
To: Gilfoyle, Nathalie; Strassburger, Judy
Cc: Anderson, Norman; Habash, Tony
Subject: RE: [COR] Petition

Agreed.

Rhea

From: Gilfoyle, Nathalie

Sent: Thursday, June 19, 2008 5:16 PM
To: Strassburger, Judy
Cc: Anderson, Norman; Farberman, Rhea; Habash, Tony
Subject: FW: [COR] Petition

It would seem to me that we should give Council the signatures. Could we post them somewhere that Council can access and inspect them?

Nathalie

From: Barry S Anton PRIVACY REDACTION
Sent: Thursday, June 19, 2008 4:55 PM
To: Dr. Robert J. Resnick
Cc: Gilfoyle, Nathalie
Subject: RE: [COR] Petition

Hi Bob:

Let me find that out. They had to have 1% of the membership endorse the petition. I'll ask Nathalie about your question.

Best regards,

Barry

From: Council Representatives List on behalf of Dr. Robert J. Resnick
Sent: Thu 6/19/2008 12:40 PM
To: COR@LISTS.APA.ORG
Subject: Re: [COR] Petition

Hello Barry,

Quick question:

The text starts with, "We the undersigned...." Are we not privy to who the undersigned are?

On Jun 19, 2008, at 3:18 PM, Barry S Anton wrote:

<Petition Text.doc>

Thanks,

Bob

Council Representative(42) Division of

Independent Practice

Robert J. Resnick, Ph.D., ABPP

Professor of Psychology

PRIVACY REDACTION

[redacted]

AMERICAN PSYCHOLOGICAL ASSOCIATION

MEMORANDUM

TO: Board of Directors
Executive Management Group

FROM: Nathalie Gilfoyle

DATE: May 30, 2008

RE: Petition Regarding Restrictions on Location of Service

As you know, a petition is circulating under the provisions of Article IV.5 of the Bylaws for member signatures to support bringing forward a new proposed APA policy for a vote of the membership. The petition itself (copy attached) provides in pertinent part that:

> *"Be it resolved that psychologists may not work in settings where persons are held outside of, or in violation of, either International Law (e.g., the UN convention Against Torture and the Geneva Conventions) or the US Constitution (where appropriate), unless they are working directly for the persons being detained or for an independent third party working to protect human rights.*7"*

Footnote 7 to the petition provides that *"it is understood that military clinical psychologists would still be available to provide treatment for military personnel."* It is thus reasonable to infer that the intention is to preclude treatment of detainees by military psychologists.

There has never been a member petition under Article IV.5 and thus neither it nor the provisions of the related Association Rule has ever been interpreted or applied. Accordingly, a staff group comprised of Mike Honaker, Judy Strassburger, Rhea Farberman, Ellen Garrison, Steve Behnke, Kim Mills and me met to consider these provisions and outline the procedural steps and related substantive issues that will unfold if the petition is presented with adequate signatures. The outcome of that meeting, described below, was discussed with and endorsed by Norman Anderson.

Article IV. 5 provides:

> *Upon petition of 1% of the Members in good standing, a request for a mail vote of the voting Members of the Association upon any matter, but not involving an amendment to the Bylaws, may be addressed to Council, which shall present the matter covered by the petition, if it is not inconsistent with the Certificate of*

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Nathalie F.P. Gilfoyle
General Counsel

Incorporation or these Bylaws, to the voting Members of the Association for a mail vote. Council shall take such action as may be necessary to implement the result of any such vote.

Through Association Rule 30-3.1, Council has delegated to the Board of Directors the following duties regarding petitions under this provision.

The following procedure shall be followed if a petition for a mail vote of members is submitted in accordance with Article IV, Section 5 of the APA Bylaws:

The APA Recording Secretary, upon receipt of a petition, shall acknowledge its receipt and shall determine if the signatures on the petition meet the requirements of the APA Bylaws. When this condition is met, the Recording Secretary shall transmit the petition to the Board of Directors, whereupon the presiding officer of the Board shall determine if the petition represents a proper motion under the APA Bylaws and Association Rules. If it is determined that the motion is proper, the Board shall proceed to fix the time and manner in which the vote is to be conducted and shall notify the Election Committee of its responsibility. The Board shall determine when and in what form the ballot is to be mailed; any material that is to accompany the ballot such as information and pro and con statements; and the closing date of the vote. In setting a time for mailing the ballot, the Board may consider other mailings that are planned. Action on a petition is not complete until the next annual meeting. Following closing of the poll, the Election Committee shall count the vote and prepare a report on the vote for Council. Council, in receiving the report of the Election Committee, shall make a minute of the action taken regarding the petitioned motion or of its defeat.

A petition, once submitted, is not subject to amendment. Minor editorial changes may be made by the Board of Directors with agreement of the sponsor of the petition, but such changes must not alter the sense of the petition. If substantial changes appear to be indicated, a reformulated petition should be submitted in proper form with new signatures.

The following lays out the procedural steps to follow and related issues.

1. Submission of Petition and Verification of Membership Status of Signators

The Bylaw provides that "1% of the Members in good standing" must sign the petition in order to go forward. Articles II. 4 and 5 provide in pertinent part that "*Members of the Association shall be persons who are interested in the advancement of psychology …and who have met the requirements described below. The designation Member as used in these Bylaws shall be deemed to include Fellows, except where there is an express provision to the contrary. The requirements for acceptance to Member or Associate member status may be waived…The minimum requirement for acceptance to Member status shall be the receipt of the doctoral degree …*" The term "Members in good standing" as used in Article IV .5 defining who may sign a petition has been construed to mean full members (and Fellows) based on how the term is defined above and

used in other sections of the Bylaws. Thus we have advised the petitioners that signatures by associate members and affiliate members will not count. There has been no objection to this interpretation.

Similarly Article IV.5 provides that the petition will be sent to "voting Members" for a mail vote. Although Article II.6 provides that Associate members "shall achieve voting privileges after five consecutive years in the status of Associate membership", Article IV.5 provides that only "voting Members" vote on the petition (rather than "members with voting rights").The better reading is that the voting provision is restricted to Members and Fellows both in terms of who may sign the petition and who may vote on it. The petitioners have not been advised of this latter restriction but it is consistent with the earlier interpretation regarding who may sign the Petition. On a related point, as discussed with the Board recently, members who have not paid their dues remain eligible to vote during the two year period prior to termination of membership rights.

2. Initial Review by President

The Bylaw provides that the petition process under Article IV.5 may not be used 1) to amend the Bylaws or 2) for any matter that is inconsistent with the certificate of incorporation or the Bylaws. The Rule provides that once the signatures are verified, the "presiding officer of the Board shall determine if the petition represents a proper motion under the APA Bylaws and Association Rules." This language is not precise but we interpret it to mean that the proposed policy is not a de facto bylaw amendment or inconsistent with at least the certificate of incorporation or the Bylaws. The Rule also mentions the Association Rules but inconsistency with the Rules is not identified in the Bylaws as a basis to reject a petition. Thus the conservative course is to evaluate only the relationship of the proposed petition to the Bylaws and Articles of Incorporation.

The proposed policy by its terms tells members that they may not work in certain detention settings. However, it does not mention the ethics process or any enforcement or adjudication of non-compliance with the policy. Notably in one of Council's prior resolutions related to interrogation and torture, Council linked the condemnation of torture, and cruel, inhuman, or degrading treatment to Ethical Principles of Psychologists and Code of Conduct (2002). See August 19, 2007 Resolution (providing e.g. that APA members with knowledge that a psychologist has engaged in torture have an ethical responsibility to abide by Ethical Standard 1.05, directing the Ethics Committee to take appropriate action on reports of such conduct and to write a Casebook) . If the policy proposed in the current resolution were viewed as an effort to amend the Code of Ethics, there could be an argument that it is inconsistent with the Bylaws provisions defining who has responsibility for the Ethics Code. However, there was a unanimous view among the staff group reviewing this issue that the better reading of the petition is that this is not an attempt to amend the Code but rather simply an effort to have APA adopt an official policy statement on the location where psychologists work. In particular, it was noted that the proposed new policy does not mention the word "ethics" and does not suggest that there are any consequences of not following the policy. Although there may be adverse effects on psychologists from the proposed policy, that issue is more appropriately addressed in any con statement (see discussion below). The pertinent inquiry for purposes of whether the petition goes

forward for a vote is whether it conflicts with the certificate of incorporation or Bylaws or constitutes a Bylaw amendment.

It seems plain that if this policy were presented to Council as a new business item, at a minimum it would be deemed to be a guideline under Rule 30-8 ("Guidelines include pronouncements, statements, or declarations that suggest or recommend specific professional behavior, endeavor, or conduct for psychologists or for individuals or organizations that work with psychologists…") if not a standard ("specifications…for conduct in psychology..."). As such the proposed policy would normally be referred to the review process spelled out in Rule 30-8 for proposed policy that prescribes professional conduct by members. However, the Bylaws only require that a policy brought forth under Art IV.5 not conflict with the organizational documents or amend the Bylaws. The fact that the petition does not satisfy the process specified in the Association Rules for standards or guidelines would not appear to preclude the petition from being sent forward for a vote under Bylaw Article IV.5.

Although the Rule provides that the president makes the determination about whether the petition is "proper", the president may seek advice and counsel from the Board and staff if he so desires.

3. The Board fixes the "time and manner" of the vote

If the petition is deemed "proper", the next step is for the Board to set the time and manner of the vote and notify the Election Committee that a vote will take place. Among the matters to be decided by the Board are the date ballots will be sent, whether the voting process will be handled by APA Governance staff or an independent firm, whether the ballots will be sent first class mail or third class mail, the time within which votes must be returned (30 days is the shortest period previously used, third class mail would slow delivery), the form of the ballot, and whether pro/con statements will be included. If a pro/con statement is to be included, other decisions subsumed under this would be who will write them or how the writers will be chosen, how many words the statements would be, whether a rebuttal would be allowed and how long the writers would have to complete their work. (The provisions in the Bylaws and Association Rules regarding pro/con statements only deal with bylaw amendments and thus are not applicable but can provide guidance) Notably, the Rule provides that the Board may take into account the timing of other mailings to the members in setting dates for the vote but it would seem inadvisable to combine such a mailing with the election ballot. Once the poll has closed, the Election Committee certifies the results and submits a report to Council.

The Bylaw provision is silent on the number of votes necessary to pass the petition. We are researching D.C. non-profit law on this point.

4. Effective Date of Action

The Rule provides that "Action on a petition is not complete until the next annual meeting." Assuming that the annual meeting is deemed to be the August meeting of Council, at a minimum this would seem to mean that even if the vote were completed in November, the policy would not go into effect until the following August. What else it might mean is unclear. For example the

Rule also provides that “Following closing of the poll, the Election Committee shall count the vote and prepare the report on the vote for Council...[which]...shall make a minute of the action taken regarding the petitioned motion or of its defeat.” Thus in the scenario of a favorable vote in November, it would seem that the better reading, though not entirely clear, is that Council would receive a report in February and make a minute of the result but nonetheless the matter would not be “complete” i.e., effective until the next annual meeting in August.

Sender: Smith, Jack, Dr., OASD(HA) <jack.smith@ha.osd.mil>

Sent: Friday, July 25, 2008 8:29:09 AM

Recipient: Dunivin, Debra L COL MIL USA USAMEDCOM <debra.dunivin@us.army.mil>;Garrison, </O=APA/OU=DC/CN=RECIPIENTS/CN=EGG>

Cc: Crow, Bruce E COL BAMC-Ft Sam Houston TX <bruce.crow@us.army.mil>;Paris, Mark, C <Mark.Paris@tma.osd.mil>;Adkins, Joyce, Col, OASD(HA)/TMA <Joyce.Adkins@ha.osd.mil>;Martin Petrillo;Richard.Bergthold@med.navy.mil;Scott.Ma Robert, COL, OASD(HA) <robert.ireland@ha.osd.mil>;Porter, Rebecca I LTC WRAMC-W <Rebecca.Porter@AMEDD.ARMY.MIL>;rick.malone@us.army.mil;Smith, Jack, Dr., OAS <jack.smith@ha.osd.mil>;Kilpatrick, Michael, SES, OASD(HA) <Michael.Kilpatrick@tma.

Subject: RE: Effort to ban all military psychologists from detention centers

---

Is there some way we can educate APA members and others about roles of clinical and non-clinical psychologists in DoD detention settings prior to the vote? Ideas? R, Jack

-----Original Message-----
From: Dunivin, Debra L COL MIL USA USAMEDCOM
[mailto:debra.dunivin@us.army.mil]
Sent: Friday, July 25, 2008 4:50 AM
To: Garrison, Ellen
Cc: Crow, Bruce E COL BAMC-Ft Sam Houston TX; Paris, Mark, CAPT, OASD(HA)/TMA; Adkins, Joyce, Col, OASD(HA)/TMA; Martin Petrillo; Richard.Bergthold@med.navy.mil; Smith, Jack, Dr., OASD(HA); Scott.Marrs@LACKLAND.AF.MIL; Ireland, Robert, COL, OASD(HA); Porter, Rebecca I LTC WRAMC-Wash DC; rick.malone@us.army.mil
Subject: Re: RE: Effort to ban all military psychologists from detention centers

Folks:
Aside from whether or not working in a detention facility would be considered an ethical violation by the APA Ethics Committee, there are two additional concerns that I see:
1. State licensing boards may take action to sanction based on the resolution itself, as they are separate entities not tied to APA and may interpert implications of the resolution as they choose.
2. Depending on final wording of the resolution, the ban may become a moot point - it's possible that none of the current detention facilities would meet the criteria of having undetermined legal status of detainees held there. That would depend on legal interpretation of the authorities to detain.
Bottom line, if it passes we'll need to do lots of education of the implications. We can expect that folks will be very reluctant to provide healthcare or consultation, and it will once again set back APA-military psychology relations that we've worked so hard to restore over the past decade. UGH!
Debra

----- Original Message -----
From: "Garrison, Ellen" <egarrison@apa.org>
Date: Thursday, July 24, 2008 19:47
Subject: RE: Effort to ban all military psychologists from detention centers
To: "Crow, Bruce E COL BAMC-Ft Sam Houston TX" <bruce.crow@us.army.mil>, Mark.Paris@tma.osd.mil
Cc: Joyce.Adkins@ha.osd.mil, Martin Petrillo,

Richard.Bergthold@med.navy.mil, jack.smith@ha.osd.mil,
Scott.Marrs@LACKLAND.AF.MIL, robert.ireland@ha.osd.mil,
debra.dunivin@us.army.mil, "Porter, Rebecca I LTC WRAMC-Wash DC"
<Rebecca.Porter@AMEDD.ARMY.MIL>, rick.malone@us.army.mil

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> -----Original Message-----
> From: Crow, Bruce E COL BAMC-Ft Sam Houston TX
> [mailto:BRUCE.CROW@US.ARMY.MIL]
> Sent: Thursday, July 24, 2008 11:10 AM
> To: Garrison, Ellen; Mark.Paris@tma.osd.mil
> Cc: Joyce.Adkins@ha.osd.mil; Martin Petrillo;
> Richard.Bergthold@med.navy.mil; jack.smith@ha.osd.mil;
> Scott.Marrs@LACKLAND.AF.MIL; robert.ireland@ha.osd.mil;
> debra.dunivin@us.army.mil; Porter, Rebecca I LTC WRAMC-Wash DC;
> rick.malone@us.army.mil
> Subject: Re: Effort to ban all military psychologists from detention
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> Bruce
>
> **********
> mobile from my blackberry
> ---
> Colonel Bruce E. Crow, Psy.D.
> Clinical Psychology Consultant
> to the U.S. Army Surgeon General
>

> Chief, Dept. Behavioral Medicine
> Brooke Army Med Ctr
> San Antonio, Tx 78234
>
> Director
> Warrior Resiliency Program
> San Antonio Military Med Ctr
>
> Office 210.916.4410
> PRIVACY REDACTION
> Bruce.Crow@us.army.mil
>
>
> ----- Original Message -----
> From: Garrison, Ellen <egarrison@apa.org>
> To: Paris, Mark, CAPT, OASD(HA)/TMA <Mark.Paris@tma.osd.mil>; Breham,
> Sharon PRIVACY REDACTION
> Cc: Adkins, Joyce, Col, OASD(HA)/TMA <Joyce.Adkins@ha.osd.mil>; Crow,
> Bruce E COL BAMC-Ft Sam Houston TX; Nichols-Howarth, Beth
> <bnichols-howarth@apa.org>; Martin Petrillo >; Col

> James Favret <jamesv.favret@pentagon.af.mil>; Bergthold, Richard D.
> CDR BUMED <Richard.Bergthold@med.navy.mil>;
> APAMILITARYTF@LISTS.APA.ORG <APAMILITARYTF@LISTS.APA.ORG>; Smith,
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> Sent: Wed Jul 23 16:07:08 2008
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> Ellen
>
> Ellen G. Garrison, Ph.D. | Senior Policy Advisor Executive Office
> American Psychological Association 750 First Street NE, Washington, DC

> 20002-4242
> Tel: (202) 336-6066 | Fax: (202) 336-6069
> email: egarrison@apa.org | www.apa.org
>
> Ellen
>
> -----Original Message-----

> From: Paris, Mark, CAPT, OASD(HA)/TMA [mailto:Mark.Paris@tma.osd.mil]
> Sent: Wednesday, July 23, 2008 4:22 PM
> To: Breham, Sharon
> Cc: Adkins, Joyce, Col, OASD(HA)/TMA; Crow, Bruce E COL BAMC-Ft Sam
> Houston TX; Nichols-Howarth, Beth; Martin Petrillo; Col James
> Favret;Bergthold, Richard D. CDR BUMED; Garrison, Ellen;
> APAMILITARYTF@LISTS.APA.ORG; Smith, Jack, Dr., OASD(HA)
> Subject: FW: Effort to ban all military psychologists from detention
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>
> http://www.ethicalapa.com/
>
> Mark
>
> CAPT Mark Paris, Ph.D., ABPP
> Deputy Director, Psychological Health
> Strategic Operations
> Force Health Protection & Readiness
> Office of the Assistant Secretary of Defense
> (Health Affairs)
> (703) 845-8365
>
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>
>

Sender:	Garrison, Ellen </O=APA/OU=DC/CN=RECIPIENTS/CN=EGG>
Sent:	Thursday, July 24, 2008 1:07:08 PM
Recipient:	Anderson, Norman <NAnderson@apa.org>;Honaker, Michael <mhonaker@apa.org>;Behnke, Stephen <sbehnke@apa.org>;Farberman, Rhea <rfarberman@apa.org>;Mills, Kim <kmills@apa.org>;Strassburger, Judy <jstrassburger@apa.org>;Gilfoyle, Nathalie <ngilfoyle@apa.org>
Subject:	Streak of Inquiries from Military Psychologists about Petition

FYI -- Yesterday, I received two separate notes of concern about the petition from Mark Paris, a military psychologist with the DoD Office of Health Affairs, who apparently just learned of it after being out of town for months. (I had alerted him to it some time ago, and have consulted with the psychology consultants across services, as you may recall.) He sent an alarm out to Sharon Brehm, copying the APA military task force (of which he is a member), and numerous psychologists and others at DoD.
I responded immediately to both lists (received a prompt thank you from Sharon for doing so!), sent an advance copy of the petition mailing, and responded directly to Mark's key concern (voiced sequentially in follow-up emails by each military service) whether placement at Guantanamo or some other detention site would be actionable under the Ethics Code if this petition were to pass. I definitively stated that this would not be the case based on the Bylaws provision that does not allow for the Ethics Code to be amended through the petition process.

Also, at Steve's suggestion, I forwarded Mark's follow-up note regarding possible action by states that do not adhere to APA's Ethics Code to Bill Strickland at HUMRRO and received a thank you note from Joyce Adkins (Mark's supervisor) who was cc'd on the note. I have yet to hear back from Bill -- just sent the note last night.

Never a dull moment, truly...

Ellen

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From: Garrison, Ellen
Sent: Thursday, July 24, 2008 12:48 PM
To: 'Crow, Bruce E COL BAMC-Ft Sam Houston TX'; Mark.Paris@tma.osd.mil
Cc: Joyce.Adkins@ha.osd.mil; Martin Petrillo; Richard.Bergthold@med.navy.mil; jack.smith@ha.osd.mil; Scott.Marrs@LACKLAND.AF.MIL; robert.ireland@ha.osd.mil; debra.dunivin@us.army.mil; Porter, Rebecca I LTC WRAMC-Wash DC; rick.malone@us.army.mil
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mobile from my blackberry

Colonel Bruce E. Crow, Psy.D.
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Per Mark's question, I would like to definitively state that this resolution, if passed, would NOT make it an ethical violation for any military psychologist to work in any of our detention centers with detainees, since the Ethics Code cannot be amended through the petition process.

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http://www.ethicalapa.com/

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CAPT Mark Paris, Ph.D., ABPP
Deputy Director, Psychological Health
Strategic Operations
Force Health Protection & Readiness
Office of the Assistant Secretary of Defense

(Health Affairs)
(703) 845-8365

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Here is a website with some of the information.
http://www.ethicalapa.com/

CONFIDENTIAL

JOHN F. LESO, Ph.D.

FEB 13 2008

Please send correspondence to:
PRIVACY REDACTION

February 11, 2008

Ms. Patricia Dixon
Office of Ethics
American Psychological Association
750 First Street, NE
Washington, DC 20002-4242

Dear Ms. Dixon:

This responds to your letter of November 16, 2007, notifying me of the ethics complaint filed by Alice Lowe Shaw.

Dr. Shaw's letters of December 12, 2006, and October 23, 2007, restate allegations based on widely circulated rumors and assumptions that are not true. Contrary to the allegations: I was not "the Chairman of the Behavioral Science Consultation Team;" I never "helped establish procedures for interrogating detainees;" and I never "presided at interrogation sessions" or "supervised" such sessions.

Dr. Shaw alleges that I violated Ethical Standards 1.09 and 1.14 (December 1992 version). In the context of forensic activities, it is my understanding that Ethical Standard 7.01 is also applicable. Standard 7.01 states in pertinent part:

> Psychologists who perform forensic functions, such as assessments, interviews, consultations, reports, or expert testimony, must comply with all other provisions of this Ethics Code to the extent that they apply to such activities.

Standard 1.09 states:

> In their work-related activities, psychologists respect the rights of others to hold values, attitudes, and opinions that differ from their own.

Standard 1.14 states:

> Psychologists take reasonable steps to avoid harming their patients or clients, research participants, students, and other with whom they work, and to minimize harm where it is foreseeable and unavoidable.

Department of Defense policy permits behavioral science consultants (BSCs) to support lawful intelligence program activities relating to detainees in the Global War on

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Terror. DoD policy (DoD Instruction 2310.8E, "Medical Program Support for Detainee Operations," June 6, 2006,[1] paragraph E2.1) states:

> BSCs are authorized to make psychological assessments of the character, personality, social interactions, and other behavioral characteristics of detainees, including interrogation subjects, and, based on such assessments, advise authorized personnel performing lawful interrogations and other lawful detainee operations, including intelligence activities and law enforcement. They employ their professional training not in a provider-patient relationship, but in relation to a person who is the subject of a lawful governmental inquiry, assessment, investigation, interrogation, adjudication, or other proper action.

Based on the Report of the American Psychological Association Presidential Task Force on Psychological Ethics and National Security, there is no conflict between the APA Ethics Code and DoD policy on use of behavioral science consultants. Consistent with the Task Force Report and Ethical Standard 7.01, psychologists do not have a duty under Standard 1.09 to recognize in any individual a "right" to act upon their "values, attitudes, and opinions" that embrace terrorism or illegality. Rather, psychologists have a duty to respect the right of every person to humane treatment and treatment in accord with the provisions of law, no matter how despicable that person's values, attitudes, and opinions might be. Similarly, psychologists do not have a duty under Standard 1.14 to protect terrorists or persons who commit heinous crimes from the "harm" of treatment or punishment in accordance with law. Rather, psychologists have a duty to take reasonable steps to protect every person from the harm of inhumane treatment or treatment that is not in accordance with law. In the context of domestic law enforcement, the standards of law are provided by the body of American criminal law and procedure. In the context of international conflict and the Global War on Terror, the standards of law applicable to the treatment of enemy combatants are based on international law of armed conflict. In this regard, the Department of Defense and Department of the Army have mechanisms and procedures in place to investigate substantial allegations of improper conduct by military officers and other DoD personnel in the treatment of detainees and to take appropriate disciplinary or administrative action when improper conduct has occurred.

Dr. Shaw's allegations relate to public media reports concerning the interrogation of enemy combatant Mohammed al-Qahtani. Initially, it is important to note that I was not present during significant portions of the interrogation of Mohammed al-Qahtani. I also did not have access to information regarding significant aspects of the investigation. The only specific allegation of any action attributable to me is one contained in a Time magazine article that: "Control puts detainee in swivel chair at Maj. L's suggestion to keep him awake and stop him from fixing his eyes on one spot in booth." Even assuming the truth of the notation that I suggested putting the detainee in a swivel chair to keep him awake and stop him from fixing his eyes on one spot in the booth, this suggestion cannot be seen as disrespecting any right of the detainee to humane treatment or treatment in accordance with law, or for that matter as disrespecting whatever "right" he may have

[1] Available at: http://www.dtic.mil/whs/directives/corres/html/231008.htm.

26A

FEB 13 2008

had "to hold values, attitudes, and opinions" that he held. Nor can this suggestion be seen as harming the detainee unless it was knowingly inhumane or not in accordance with law, concerning which there is no evidence whatsoever submitted by Dr. Shaw.

Enclosed is a copy of OTSG/MEDCOM Policy Memo 06-029, "Behavioral Science Consultation Policy," 20 October 2006. It outlines Army policy concerning behavioral science consultants. Although this policy memo (as well as the DoD Instruction noted above) were issued after the matters addressed in the allegations, they are generally consistent with practices and procedures in effect during the period in question. My actions as a behavioral science consultant for the Army were in accordance with this policy memo.

Please note that I am responding to the allegations in the only manner in which I am permitted. Information concerning interrogations of enemy combatants is classified and I cannot under penalty of law confirm or explain matters concerning the interrogation of Mohammed al-Qahtani or any other detainee. I can only address the applicability of the Ethics Code to the context of Department of Defense and Department of the Army behavioral science consultants supporting intelligence program activities in the Global War on Terror and to the specific allegation presented by Dr. Shaw concerning the suggestion to use a swivel chair.

In conclusion, I did not violate the APA Ethics Code and the allegations made by Dr. Shaw do not provide a basis for the APA Ethics Committee to open a formal ethics case review.

Sincerely,

John F. Leso, Ph.D

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FEB 13 2006

DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY MEDICAL COMMAND
2050 WORTH ROAD
FORT SAM HOUSTON, TX 78234-6000

REPLY TO
ATTENTION OF

MCCG

OTSG/MEDCOM Policy Memo 06-029

Expires 20 October 2008

20 OCT 2006

MEMORANDUM FOR Commanders, MEDCOM Major Subordinate Commands

SUBJECT: Behavioral Science Consultation Policy

1. Purpose: To discuss the background, definitions, mission, concept of operations, roles, training requirements, and ethics for personnel providing behavioral science consultation to intelligence collection and detention operations. The mission of a behavioral science consultant is to provide psychological expertise and consultation in order to assist the command in conducting safe, legal, ethical, and effective detention operations, intelligence interrogations, and detainee debriefing operations.

2. Proponent: The proponent for this policy is the Assistant Surgeon General for Force Projection, OTSG.

3. Policy details are attached.

4. The POC for this memorandum is COL Bernard DeKoning, Assistant Surgeon General for Force Projection, at (703) 693-5601.

Atch

KEVIN C. KILEY
Lieutenant General, MC
The Surgeon General

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FEB 13 2008

US ARMY BEHAVIORAL SCIENCE CONSULTATION TO DETENTION OPERATIONS, INTELLIGENCE INTERROGATIONS, DETAINEE DEBRIEFING, AND TACTICAL QUESTIONING

1. References.

a. The Geneva Conventions of 1949.

b. DoD Directive (DoDD) 2310.1, DoD Program for Enemy Prisoners of War (EPW) and Other Detainees, 18 Aug 94.

c. DoDD 5100.77, DoD Law of War Program, 9 Dec 98.

d. DoDD 3115.09, DoD Intelligence Interrogations. Detainee Debriefings, and Tactical Questioning, 3 Nov 05.

e. DoDI 2310.08E, Medical Program Support for Detainee Operations, 6 Jun 06.

f. Health Affairs Policy 05-006, Medical Program Principles and Procedures for the Protection and Treatment of Detainees in the Custody of the Armed Forces of the United States, 3 Jun 05.

g. Health Affairs Policy Memorandum, Training for Health Care Providers in Detainee Operations (Coordinating Draft).

h. JP 3-63, Joint Doctrine for Detainee Operations, Final Coordination Draft, 23 Mar 05.

i. JP 4-02, Health Service Support in Joint Operations, Revised Second Draft, 21 Mar 05.

j. AR 190-8 (OPNAVIST 3461.6, AFJI 31-304, MCO 3461.1): Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees, 1 Oct 97.

k. FM 3-19.40, Internment/Resettlement Operations, 1 Aug 01.

l. FM 3-19.401/MCRP 4-11.8/NTTP 3-07.8/AFTTP(1) 3-2.51, Multi-service Tactics, Techniques, and Procedures Detainee Operations (Draft).

m. FM 21-78, Resistance and Escape, 15 Jun 89.

n. FM 2-22.3, Human Intelligence Collector Operations, Sep 06.

26-2

FEB 13 2008

Atch

o. Ethical Principles of Psychologists and Code of Conduct, American Psychological Association, 2002 edition.

p. Report of the American Psychological Association Presidential Task Force on Psychological Ethics and National Security, Jun 05 (Enclosure 1).

q. Military Medical Ethics. Textbooks of Military Medicine, The Borden Institute, Office of The Surgeon General, Department of the Army, 2003.

r. The Principles of Medical Ethics With Annotation Especially Applicable to Psychiatry, American Psychiatric Association, 2001 edition including Nov 03 amendments.

s. Opinions of the Ethics Committee on The Principles of Medical Ethics With Annotation Especially Applicable to Psychiatry, American Psychiatric Association, 2001 edition.

t. Ethics Primer of the American Psychiatric Association, American Psychiatric Association, 2001.

u. Report of the Council on Ethical and Judicial Affairs, CEJA Report 10-A-06, Physician Participation in Interrogation, 2006 (Enclosure 2).

v. US Army Field Manual 34-52, "Intelligence Interrogation, Detainee Debriefings and Tactical Questioning," 3 Nov 05.

2. Background.

a. Although psychologists have supported detention operations and interrogations for many years, the events of September 11, 2001 and the ongoing Global War on Terrorism (GWOT) have required the unprecedented and sustained involvement of Behavioral Science Consultants (BSCs) in support of both detention operations and intelligence interrogations and detainee debriefing operations. Prior to GWOT, support for these missions was provided by personnel organic to the intelligence and special operations communities. However, the expanded demand for BSCs to support these missions has required assignment of psychologists and psychiatrists from other mission areas within the Department of Defense (DoD).

b. The Army is the Executive Agent for the administration of DoD detainee policy. The GWOT has resulted in the detention by US forces of large numbers of detainees. The intelligence interrogation and debriefing of detainees is a vital and effective part of the GWOT and is designed to obtain accurate and timely intelligence in a manner consistent with applicable US and international law, regulations, and DoD policy. Behavioral science personnel provide expertise and consultation to Commanders to directly support the detention and interrogation/ debriefing operations.

26-3

FEB 13 2006

c. The United States (US) is a signatory to the Geneva Convention Relative to the Treatment of Prisoners of War (GPW) and the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (GC). The requirements of these conventions are delineated in AR 190-8; this multi-Service regulation is proscriptive for all US military forces, not only for the US Army.). Every BSC who supports detention operations must read and understand the specific requirements contained in AR 190-8. Details from AR 190-8 will not be discussed in detail herein, but the regulation expressly requires the humane treatment of all detainees, regardless of their status. Portions of the regulation are reprinted below:

1–5. General protection policy (AR 190-8):

a. US policy, relative to the treatment of enemy prisoners of war (EPW), civilian internees (CI) and retained personnel (RP) in the custody of the US Armed Forces, is as follows:

(1) All persons captured, detained, interned, or otherwise held in US Armed Forces custody during the course of conflict will be given humanitarian care and treatment from the moment they fall into the hands of US forces until final release or repatriation.

(2) All persons taken into custody by US forces will be provided with the protections of the EPW until some other legal status is determined by competent authority.

(3) The punishment of EPW, CI and RP known to have, or suspected of having, committed serious offenses will be administered IAW due process of law and under legally constituted authority per the GPW, the GC, the Uniformed Code of Military Justice, and the Manual for Courts Martial.

(4) The inhumane treatment of EPW, CI, and RP is prohibited and is not justified by the stress of combat or with deep provocation. Inhumane treatment is a serious and punishable violation under international law and the Uniform Code of Military Justice (UCMJ).

b. All prisoners will receive humane treatment without regard to race, nationality, religion, political opinion, sex, or other criteria. The following acts are prohibited: murder, torture, corporal punishment, mutilation, the taking of hostages, sensory deprivation, collective punishments, execution without trial by proper authority, and all cruel and degrading treatment.

c. All persons will be respected as human beings. They will be protected against all acts of violence to include rape, forced prostitution, assault and theft, insults, public curiosity, bodily injury, and reprisals of any kind. They will not be subjected to

26-4

FEB 13 2006

medical or scientific experiments. This list is not exclusive. EPW/RP is to be protected from all threats or acts of violence.

d. Photographing, filming, and videotaping of individual EPW, CI and RP for other than internal Internment Facility administration or intelligence/counterintelligence purposes is strictly prohibited. No group, wide area or aerial photographs of EPW, CI and RP or facilities will be taken unless approved by the senior Military Police officer in the Internment Facility Commander's chain of command.

3. Definitions.

a. Behavioral Science Consultant (BSC). BSCs are psychologists and psychiatrists, not assigned to clinical practice functions, but to provide consultative services to support authorized law enforcement or intelligence activities, including detention and related intelligence, interrogation, and detainee debriefing operations.

(1) BSCs, who by definition are not engaged exclusively in the provision of medical care, may not qualify for special status accorded retained medical personnel by Article 33 of the GPW or carry DoD-issued identification cards identifying themselves as engaged in the provision of healthcare services. Analogous to behavioral science unit personnel of a law enforcement organization or forensic psychiatry or psychology personnel supporting the criminal justice, parole, or corrections systems, BSCs employ their professional training, not in a provider-patient relationship, but in relation to a person who is the subject of a lawful governmental inquiry, assessment, investigation, adjudication, or other proper action.

(2) BSCs function as Special Staff to the Commander in charge of both detention and interrogation operations. BSCs should be aligned to report directly to this Commander, not to a Commander charged solely with command of the detention facility or joint interrogation debriefing center (JDIC). This arrangement enhances the BSCs ability to provide comprehensive consultation regarding all subjects within the BSCs area of expertise on combined aspects of detention operations, intelligence interrogations and detainee debriefings.

b. Behavioral Science Technician (BST). Enlisted mental health technicians with at least 10 years experience in mental health field who have received specific training to function in support of, and under direct supervision of, BSCs. It is important to note that technicians are not licensed to function independently and may not operate except under direct supervision of the BSC. The scope of practice for these technicians will be at a level consistent with their knowledge and skill set and determined by the supervising BSC on site; under no circumstances will their practice exceed the limitations contained in this policy.

26-5

FEB 13 2006

c. Behavioral Science Consultation Team (BSCT).

(1) Often behavioral science consultation to detention operations, intelligence interrogations, and detainee debriefings is conducted by individual BSCs working alone.

(2) In other situations, such as at a detention facility, one or more BSCs and one or more BSTs may form a team, the Behavioral Science Consultation Team or BSCT. The senior military BSC serves as team leader for any other military, civilian, or contractor employee, enlisted, or officer behavioral science personnel who serve on or assist the BSCT.

(3) In some situations other personnel, such as Judge Advocate General officers and/or medical officers may be tasked to support the BSCT.

d. Behavioral drift. This is the continual re-establishment of new, often unstated, and unofficial standards in an unintended direction. It often occurs as established, official standards of behavior are not enforced. Ambiguous guidance, poor supervision, and lack of training and oversight contribute to this change in observed standards. Certain psychological and social pressures can greatly increase the likelihood of behavioral drift. This phenomenon is commonly observed in detention and other settings in which individuals have relative control or power over others' activities of daily living or general functioning. Drift is detrimental to the mission and may occur very quickly without careful oversight mechanisms and training (discussed more fully in section on Mission Essential Tasks, Command Consultation).

4. Mission.

a. The mission of a BSC is to provide psychological expertise and consultation in order to assist the command in conducting safe, legal, ethical, and effective detention operations, intelligence interrogations, and detainee debriefing operations.

b. This mission is composed of two complementary objectives:

(1) To provide psychological expertise in monitoring, consultation, and feedback regarding the whole of the detention environment in order to assist the command in ensuring the humane treatment of detainees, prevention of abuse, and safety of US personnel.

(2) To provide psychological expertise to assess the individual detainee and his environment and provide recommendations to improve the effectiveness of intelligence interrogations and detainee debriefing operations.

c. These mission objectives contain four critical components of operations that BSCs must manage as they work in this arena:

26-6

FEB 13 2008

(1) Safety. BSCs, like any other military personnel, DoD civilian, or contractor employee help to ensure the safety of both DoD personnel and detainees. BSCs use their knowledge of social psychology, group behavior, and the dynamics of captivity to reduce the likelihood of abuse by providing behavioral science expertise, and to establish processes that reduce the opportunity for behavioral drift and inappropriate behavior.

(2) Law. Although BSCs are not legal experts, they must be familiar with applicable US and international law, regulations, and DoD policies, as well as mission-specific guidance and direction set forth in applicable Execute Orders (EXORDs), Operations Orders (OPORDs), and Operations Plans (OPLANs) that govern detention operations, intelligence interrogations, and detainee debriefing operations. In addition, given their special knowledge; education, training, and experience; and status, as well as their unique vantage point on the conduct of detention operations, intelligence interrogations, and detainee debriefings, BSCs are obligated to report any actual, suspected or possible violations of applicable laws, regulations, and policies, to include allegations of abuse or inhumane treatment in accordance with DoDD 5100.77, DoDD 3115.09, DoDD 2310.08E (Medical Program Support for Detainee Operations) and this policy statement. BSCs shall report those circumstances to the chain of command. BSCs who believe that such a report has not been acted upon properly should also report the circumstances to the technical chain, including the Military Department Specialty Consultant. Technical chain officials may inform the Joint Staff Surgeon or Surgeon General concerned, who then may seek senior command review of the circumstances presented. As always, other reporting mechanisms, such as the Inspector General, criminal investigation organizations, or Judge Advocates, also may be used. BSCs shall make a written record of all reports of suspected or alleged violations in a reportable incident log maintained by the detention facility commander (or other designated senior officer).

(3) Ethics. BSCs must regularly monitor their behavior and remain within professional ethical boundaries as established by their professional associations, by their licensing State, and by the military.

(4) Effectiveness. BSCs add value to detention operations, intelligence interrogation, and detainee debriefing missions because of their ability to provide detailed assessments of individual detainees, their environment, and the interactions between detention facility guards and interrogators and detainees. BSCs enhance detention operations by providing assessments and consultative services to the Command with a view to supporting a safe, stable, and secure detention facility, developing strategies for improving detainee behavior and compliance with camp rules, and increasing positive detainee-guard/staff interactions. Similarly, with regard to interrogators, BSCs assist in maximizing the effectiveness of eliciting accurate, reliable, and relevant information during the interrogation and debriefing processes.

26-7

FEB 13 2008

APA_0100676

5. Concept of Operations.

a. What BSCs will do:

(1) BSCs adhere to applicable US and international law, regulations, and DoD policies, as well as accepted professional ethical standards with regard to proper and ethical conduct in support of detention operations, intelligence interrogations, and detainee debriefings.

(2) BSCs provide consultative services to detention operations, intelligence interrogations, and detainee debriefings in a manner that:

(a) Supports authorized law enforcement or intelligence activities, including detention, interrogation, and debriefing operations in a manner that promotes the safety and security of both detainees and US personnel.

(b) Is within applicable legal, regulatory, and DoD policy guidelines.

(c) Is within the individual practitioner's professional ethical guidelines.

(d) Increases the effectiveness of the missions.

(3) BSCs function as Special Staff to the Commander in charge of both detention and interrogation operations. BSCs should be aligned to report directly to the Commander, not to a Commander charged solely with command of the detention facility or joint interrogation debriefing center (JIDC). This arrangement enhances the BSCs ability to provide comprehensive consultation regarding all subjects within the BSCs area of expertise on combined aspects of detention operations, intelligence interrogations and detainee debriefings.

(4) No matter the setting, BSCs have a responsibility to report information that constitutes a clear and imminent threat to the lives and welfare of others. Such information acquired from detainees should be treated no differently, and must be reported through proper channels.

(5) BSCs will become aware of all applicable policies and procedures regarding circumstances for protection and release of detainee medical information. The Health Insurance Portability and Accountability Act (HIPAA) does not apply to the medical records of detainees (DoD 6025 C5.1, C7.10, C7.11). Under US and international law and applicable medical practice standards, there is no absolute confidentiality of medical information for any person. However, the handling, disposition, and release of all types of medical records are governed by US Army regulation and theater-specific policies. Generally, only healthcare personnel engaged in a professional provider-patient treatment relationship with detainees shall have access to detainee medical records. However, whenever patient-specific medical information concerning detainees

26-8

FEB 1 3 2006

is disclosed for purposes other than treatment, healthcare personnel shall record the details of such disclosure, including the specific information disclosed, the person to whom it was disclosed, the purpose of the disclosure, and the name of the medical unit commander (or other designated senior medical activity officer) approving the disclosure. Analogous to legal standards applicable to US citizens, permissible purposes include to prevent harm to any person, to maintain public health and order in detention facilities, and any lawful law enforcement, intelligence, or national security related activity. In any case in which the medical unit commander (or other designated senior medical activity officer) suspects that the medical information to be disclosed may be misused, he or she should seek a senior command determination that the use of the information will be consistent with applicable standards. For example, it would likely be necessary to reveal to detention and interrogation/debriefing staff information regarding food restrictions and allergies to ensure no inadvertent harm to a detainee. Likewise guards and interrogation teams would need to be advised about contagious conditions in order to take appropriate precautions to prevent the spread of disease from one detainee to others and to US personnel. It would also be necessary to release medical information to appropriate personnel about medications and other medical conditions prior to travel.

(6) BSCs will be alert for signs of maltreatment or abuse of detainees and report alleged or suspected abuse to proper authorities in accordance with DoDD 5100.77, DoDD 3115.09, and this policy. BSCs are obligated to report any actual, suspected or possible violations of applicable laws, regulations, and policies, to include allegations of abuse or inhumane treatment in accordance with DoDD 5100.77, DoDD 3115.09, and this policy statement. BSCs shall report those circumstances to the chain of command. BSCs who believe that such a report has not been acted upon properly should also report the circumstances to the technical chain, including the Military Department Specialty Consultant. Technical chain officials may inform the Joint Staff Surgeon or Surgeon General concerned, who then may seek senior command review of the circumstances presented. As always, other reporting mechanisms, such as the Inspector General, criminal investigation organizations, or Judge Advocates, also may be used.

(7) BSCs are authorized to make psychological assessments of the character, personality, social interactions, and other behavioral characteristics of detainees, including interrogation subjects, and, based on such assessments, advise authorized personnel performing lawful interrogations and other lawful detainee operations, including intelligence activities and law enforcement.

(8) BSCs may provide advice concerning interrogations of detainees when the interrogations are fully in accordance with applicable law and properly issue interrogation instructions. Sources of information on lawful interrogation procedures include DoDD 3115.09, FM 2-22.3 and other applicable law, regulation, and policy.

(9) BSCs may observe interrogations.

26-9

FEB 13 2008

(10) BSCs may provide training for interrogators in listening and communications techniques and skills, results of studies and assessments concerning safe and effective interrogation methods, and potential effects of cultural and ethnic characteristics of subjects of interrogation.

(11) BSCs may advise command authorities on detention facility environment, organization, and functions, ways to improve detainee operations, and compliance with applicable standards concerning detainee operations.

(12) BSCs may advise command authorities responsible for determinations of release or continued detention of detainees of assessments concerning the likelihood that a detainee will, if released, engage in terrorist, illegal, combatant, or similar activities against the interests of the US.

(13) BSCs may consult at any time with the psychology or other applicable specialty consultant designated by The Surgeon General concerned for this purpose regarding the roles and responsibilities of BSCs and procedures for reporting instances of suspected noncompliance with standards applicable to detainee operations.

b. What BSCs will not do:

(1) BSCs will not support intelligence interrogations or detainee debriefings that are not in accordance with applicable law.

(2) BSCs will not use or facilitate the use, directly or indirectly, of physical or mental health information regarding any detainee in a manner that would result in inhumane treatment or would not be in accordance with applicable law.

(3) Although BSCs are qualified as healthcare providers, they do not hold clinical privileges to practice at the local command/staff or detainee healthcare facility (they may, however, maintain privileges at their parent medical facility). BSCs will take necessary steps to avoid multiple relationships that conflict with professional ethical guidelines.

(a) BSCs will not routinely provide medical care or behavioral healthcare to members of the command/staff they support.

(b) BSCs will not ordinarily provide medical care or behavioral healthcare to detainees (except in emergency circumstances in which no other healthcare providers can respond adequately). They may not provide medical screening to detainees (which is a healthcare function), nor be a medical monitor during interrogation.

(c) Absent compelling circumstances requiring an exception to the rule, healthcare personnel shall not within a three-year period serve in the same location both in a clinical function position and as a BSC.

26-10

FEB 13 2008

(4) BSCs will not conduct any form of research that involves detainees (DoD 3216.2, para 4.4.2). Research includes any systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge. Certain kinds of descriptive studies and retrospective analyses that are not experimental in nature, but are based on experiences and observations, would not be prohibited.

(5) As in any setting, behavioral science personnel will not perform any duties they believe are illegal, immoral, or unethical. If behavioral science personnel feel they have been ordered to perform such duties, they should voice their concerns to and seek clarification from the chain of command. If the chain of command is unable to resolve the situation, BSCs should seek alternate means of resolution by contacting their Specialty Consultant. As always, other mechanisms, such as the Inspector General, criminal investigation organizations, or Judge Advocates, also may be used.

(6) BSCs will not display recognizable patches or other designations on uniforms identifying them as healthcare providers or medical personnel while supporting detention operations, intelligence interrogations, or detainee debriefings so as to avoid any misperceptions of the BSCs function or role.

(7) BSCs shall not conduct or direct interrogations.

6. Mission Essential Tasks. Understanding the limits of each of the functions below and establishing clear boundaries around these functions will allow BSCs to perform ethically in a field with many potential challenges. These boundaries also assist in establishing clear and proper relationships with command and staff.

a. Interrogation/Debriefing Assessment and Consultation. BSCs function in intelligence interrogation and detainee debriefing assessment is to evaluate the psychological strengths and vulnerabilities of detainees, and to assist in integrating these factors into a successful interrogation/debriefing process. BSCs who consult to the interrogation/debriefing processes are an embedded resource. They consult as the process unfolds and do not simply react to problems or obstacles that arise. This consultative process normally begins well before the actual interrogation.

b. Environmental Setting Consultation. BSCs, with their expertise in human behavior, can act as consultants to advise detention facility guards, military police, interrogators, military intelligence personnel, and the command on aspects of the environment that will assist in all interrogation and detention operations. The detention environment includes physical aspects of the facilities as well as social and behavioral aspects of detained population. The physical environment includes holding cells, hallways, toilet and bathing facilities, vehicles, and interrogation rooms. BSCs can provide insight into the likely effects of this environment and how changes may affect detainees. The social and behavioral aspects of the environment may include access to recreational and social activities, educational incentive programs, disciplinary plans and

26-11

FEB 13 2009

procedures and strategies for increasing positive behavior and compliance with camp rules. The goal is to ensure that the environment maximizes effective detention and interrogation/debriefing operations, while maintaining the safety of all personnel, to include detainees. BSCs can assist in ensuring that everything that a detainee sees, hears, and experiences is a part of the overall interrogation plan. The purpose of this consultation is to optimize the conditions and maximize the interventions that elicit accurate and reliable information.

c. Indirect Assessment. BSCs may be called upon to provide psychological assessments of individual detainees. These assessments can be delivered in a written format, but more often are verbally communicated to detention operations/interrogation personnel in an informal and timely manner. These products will routinely address both basic personality characteristics and the detainee's strengths and vulnerabilities. This assessment is usually conducted as part of the interrogation assessment, but may be conducted independently of an interrogation, for example, for purposes of assessing the ability of a particular detainee to integrate with detainees in an established cell-block. This assessment is usually conducted by direct observation rather than direct interaction, interview, or administration of psychometric instruments.

d. Information Operations. BSCs may assist the command in developing and executing information operations plans.

e. Training.

(1) Another key function for BSC personnel is the training of guards, interrogators, interpreters, and other staff. Periodic training sessions reiterate standards and reinforce awareness of the subject matter, as well as foster a culture conducive to behavioral correction, peer monitoring, and self-assessment. The concomitant healthy training environment can prevent "behavioral drift" that, in the long term, would be detrimental to the mission. "Behavioral drift" is the continual reestablishment of new, often unstated and unofficial standards in an unintended direction. In addition, BSCs provide training to other personnel regarding the cultural aspects of behavior that impact on interrogations.

(2) BSCs may also conduct training on topics such as:

(a) Social and cultural characteristics of behavior considered acceptable in the target countries.

(b) Psychological aspects of detention and the impact of confinement.

(c) Psychological aspects of exploitation.

(d) Recognizing the use of resistance techniques by the detainee.

26-12

FEB 13 2008
APA_0100676

(e) Establishing and clarifying the roles of the supervisor, interrogator, guard, and the BSC.

(f) Identifying, interpreting, and managing behavioral drift.

(g) The psychology of persuasion and influence.

(3) In addition to providing training on the psychological aspects of detention, intelligence interrogation, and detainee debriefing, BSCs also serve as another set of "eyes and ears" for the Commander to ensure that guards and interrogators are regularly conducting training on Standing Operating Procedures. BSCs should identify and recommend to the chain of command areas of training that have either been neglected or are in need of review.

f. Command Consultation. Direct BSC consultation to the chain of command may help prevent the inclination of guards and interrogators to drift behaviorally from the proper execution of their mission. Essential to proper command consultation is the ability of BSCs to access directly, consult with, and advise, all personnel involved in detention operations, intelligence interrogations, and detainee debriefings (from the Commander to the most junior private, including DoD civilians and contractor employees). Ideally, while the BSC must coordinate with and interact productively with all members of the command and staff, as a member of the Commander's Special Staff a BSC must have the means to advise the Commander directly on matters that affect mission integrity. BSCs may serve as the Commander's on-site representatives and should have unrestricted access to detention, interrogation, and debriefing areas. In fact, BSCs should assist the Commander in monitoring as much of the detainee and interrogation/debriefing operations as possible. Behavioral drift can occur extremely rapidly and must be quickly corrected when it occurs. The goal is to address problems with tact and at the lowest level possible, while ensuring that the Command is informed of all issues and concerns noted, when appropriate. Although minor deviations can be corrected at the individual level and typically on the spot, more significant issues or a pattern of deviations should be addressed with the command. Passive oversight reinforces inappropriate behavior. Drift begins in as early as 36 hours without oversight. Again, intervention should occur at the lowest level. Safety should never be compromised. What is tolerated will occur. Issues must be documented as they arise.

g. Psychological Screening. Under some circumstances, it is possible for the BSC to provide screening of DoD military or civilian personnel, contractor employees, and other personnel prior to their assignment to a role interacting with detainees. This can greatly assist, though not eliminate, the risk of inappropriate behavior. The screening of interrogators may include an interview, objective and projective assessment instruments, and an estimate of intellectual functioning. The assessment should evaluate the prospective interrogator's qualities, including, but not limited to, motivation, alertness, patience and tact, credibility, objectivity, self-control, adaptability, perseverance, and personal appearance and demeanor. Individuals considered for an

26-13

FEB 13 2008

assignment in which they would be required to interact with detainees also should possess more than adequate ability for conceptualization and problem solving, situational awareness, emotional stability, integrity, and a good self-concept. As well, they should also be open to criticism and feedback and have self-awareness.

7. Training Requirements. Note: any exceptions require approval by Assistant Surgeon General for Force Projection.

a. Prerequisites.

(1) Licensed for independent practice.

(2) Volunteer for the training and BSC mission. This does not imply that the BSC must be a volunteer for a specific assignment, rather that they understand the nature of the mission, the shift from non-combatant to combatant status and, if strongly opposed to the role, be afforded the opportunity to deploy in a non-BSC assignment.

(3) Final TOP SECRET security clearance. (This is not essential for the training, which can be conducted at the SECRET level, but will be essential for actual employment as a BSC).

(4) Completion of training required for designation of Skill Identifier M6 (Repatriation/Reintegration Psychologist). In lieu of this training, psychiatrists may be fellowship trained in forensic psychiatry with graduate level coursework in social psychology and learning theory.

b. Training in Interrogation Support will take approximately 136 hours and be conducted in a combination of distance learning (approximately 40 hours) and in-residence (approximately 12 days) phases. Training includes instruction in the following topics:

(1) US and international law, regulations, and DoD policy applicable to detention operations, intelligence interrogations, and detainee debriefings, including:

(a) AR 190-8.

(b) The Geneva Convention Relative to the Treatment of Prisoners of War and The Geneva Convention Relative to the Protection of Civilian Persons in Time of War.

(c) How to keep abreast of those legal actions and policy decisions that are rendered during an assignment, e.g., policies on legal status of detainees or approved interrogation techniques, that may influence operations or result in procedural changes.

(d) Definitions and standards of acceptable treatment of detainees.

26-14

FEB 13 2006

(2) Ethical standards for psychologists or psychiatrists applicable to detention operations, intelligence interrogations, and detainee debriefings. This will include a discussion of common ethical issues and how to resolve ethical conflicts.

(a) Current ethical guidance provided by professional associations.

(b) Discussion of examples of ethical dilemmas.

(3) Fundamentals of US Army doctrine on detainee operations. This includes the structure, organization, and functions of Military Police and other guard force personnel in detention operations.

(4) Fundamentals of US Army doctrine on intelligence interrogation and detainee debriefing operations. This includes the structure, organization, and functions of Military Intelligence within the DoD, as well as reporting mechanisms and systems, nomenclature and missions of Military Intelligence personnel, and security classification guidelines for anticipated assignment location(s).

(5) An overview of information operations and the roles they play in interrogation/ detention operations.

(6) Application of the following areas of behavioral science to the interrogation/ debriefing processes (note: professional level expertise in these areas is a prerequisite to training).

(a) Personality development with particular attention to relevant cultural factors.

(b) Personality assessment with particular attention to relevant cultural factors.

(c) Learning theory.

(1) Operant conditioning.

(2) Classical conditioning.

(3) Cognitive behavior theories.

(d) Learned helplessness.

(e) Cognitive dissonance theory.

(f) Psychology of influence and persuasion.

26-15

FEB 13 2008

(7) Review of the psychology research on the social processes that may lead to detainee abuse. This will include instruction on moral disengagement, the potential of psychological drift, and successful control processes that may reduce the incidence of abuse, as well as a review of the research on the social effects of disparate power relationships.

(8) Instruction on providing psychological oversight of detention operations, intelligence interrogations, and detainee debriefings. This instruction will build on material described in paragraphs noted above and will discuss, in detail, the manner and methods of establishing oversight, and how to put into practical use the theoretical knowledge of the group processes that may lead to detainee abuse.

(9) Review of the psychological aspects of captivity, capitalizing on the previous training the student has received. Particular attention will be paid to the emotional effects of captivity and the use of resistance techniques, including, but not limited to, a discussion of the Al Qaeda Training Manual.

(10) Instruction in the indirect and observational assessment of detainees. This will include a review of personality factors, cultural issues, and an update on current populations.

(11) Instruction and role playing in behavioral science consultation to the interrogation process.

(12) Instruction on providing consultation to Commanders concerning detention operations, intelligence interrogations, and detainee debriefings.

(13) Cultural, religious, and ideological issues regarding the specific populations under consideration, e.g., history of Islam, development of radical Islam and extremism. This would also include the impact of cultural issues on detention operations.

(14) Education on the missions and roles of various US Government departments and Agencies, foreign government organizations, and non-governmental organizations present in the theater.

8. Ethics.

a. Psychologists and psychiatrists are bound by both legal and ethical constraints when supporting detention operations, intelligence interrogations, and detainee debriefings. Every BSC who supports such operations must know the requirements of applicable US and international law, regulation, and DoD policy regarding the treatment of detainees. The BSCs involved in interrogation/debriefing support strive to help DoD to develop informed judgments and choices concerning human behavior. Further, because of the particularly sensitive and dynamic nature of detention operations,

26-16

FEB 13 2006

intelligence interrogations and detainee debriefing operations, it is important to emphasize the ethical standards associated with BSC support to such.

b. BSCs have specific knowledge, training, and experience that can ensure the ethical treatment of detainees. A clear understanding of the social and behavioral forces that influence power relationships is essential when operating in this environment. Ethical standards are similar as to the separate professions of psychology and psychiatry, but they are not identical. Because of this, each profession will be addressed separately.

c. Psychologists:

(1) The ethical requirements for psychologists are contained in the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct (APA, 2002) and in the Report on the American Psychological Association Presidential Task Force on Psychological Ethics and National Security (2005).

(2) The ethical principles are guidance for the professional activities of psychologists. The Ethics Code is binding on all psychologists who are members of the APA and all those who are licensed by a State Psychology Licensing board that requires adherence to the code. All military psychologists are required to maintain State licensure. Therefore, the Ethics Code is an applicable guideline for military psychologists. Sanctions for violations of the Ethics Code can include the revocation of a psychologist's State license, placing the psychologist's military standing in jeopardy.

(3) The following identifies several aspects of the Ethics Code that necessitate interpretation, given the practice of support for detention operations, intelligence interrogations, and detainee debriefings: Relevant sections of the Introduction, Preamble, General Principles, and Ethics Code are discussed and interpreted as well as the relevant legal requirements.

(4) The Balance of Law, Duty, and the Ethics Code.

(a) DA military, civilian, and contractor employee psychologists are governed by applicable US and international law, regulations, and DoD policy. The Ethics Code also applies as discussed above.

(b) The Ethics Code pertains only to a psychologist's activities that are "part of their scientific, educational or professional roles" pertaining to the profession of psychology. The Code does not, therefore, have purview over the psychologist's role as a Soldier, civilian, or contractor employee that is unrelated to the practice of psychology. For instance, the dictum for beneficence does not pertain to actions against the enemy in combat.

26-17

FEB 13 2008

(c) Conversely, the Ethics Code is broad in its application. It pertains to all psychologists (military, civilian, or contractor employee) in the performance of their profession. US State licensing boards use the Ethics Code as a standard for behavior, requiring compliance with the code to maintain licensure. The Ethics Code does not supersede applicable US and international law, regulations, or DoD policy.

(d) Ignorance of the Ethics Code does not excuse violations. A lack of awareness or misunderstanding of an Ethical Standard is not itself a defense to a charge of unethical conduct.

(e) The method of resolving conflicts between the law and regulations with the Ethics Code are addressed by the Code, as follows: "When the psychologist's responsibilities conflict with the law, regulations, or other governing legal authority, psychologists make known their commitment to this Ethics Code and take steps to resolve the conflict in a responsible manner. If . . . irresolvable . . . , psychologists may adhere to the requirements of the law, regulations . . . in keeping with basic principles of human rights (Introduction; 1.02; 1.03)." A process for maintaining adherence to the Code when it conflicts with applicable law, regulation, and policy is outlined below:

(i) Address and attempt to resolve the issue.

(ii) If initially not resolvable, consult with a psychologist experienced in detention operations/interrogation and debriefing support.

(iii) If the issue continues to elude resolution, adhere to law, regulations, and policy in a responsible manner.

(iv) Again, as noted above, applicable US and international law, regulations, and DoD policy require the humane treatment of all detainees, regardless of status. This tenet is completely consistent with the Ethics Code.

(5) Issues of Harm and Exploitation.

(a) The Ethics Code (3.04), states, "Psychologists take reasonable steps to avoid harming their clients/patients, students, supervisees, research participants, organizational clients, and others with whom they work, and to minimize harm where it is foreseeable and unavoidable."

(b) This is consistent with the GPW, GC, and AR 190-8, all of which require the humane treatment of all detainees. The psychologist must make a reasonable effort to prevent unavoidable harm to detainees and to treat all persons with dignity and respect. One function of the psychologist supporting detention operations, intelligence interrogations, and detainee debriefings is to assist the command in preventing abuse of detainees and in monitoring the detention environment. This does not preclude the psychologist from assisting in interrogations or debriefings, even if they may result in

26-18

FEB 13 2008

consequences to the detainee such as: a determination that the detainee will not be recommended for early release prior to the termination of the conflict; or long-term post-trial confinement pursuant to conviction of war crimes or acts of terrorism.

(6) Boundaries of Competence.

(a) The Ethics Code states that "Psychologists provide services . . . with populations and in areas only within the boundaries of their competence, based on their education, training, supervised experience, consultation, study or professional experience (2.01 Boundaries of Competence)." There is no certification process, to date, that exists for detention operations or interrogation/debriefing support. Furthermore, there is little information and research published on this practice. Often, psychologists are pushed forward on the battlefield, beyond readily accessible supervision or consultation, or are otherwise placed in positions without access to other psychologists trained in this area.

(b) As paragraph 2.01 of the Ethics Code states, in those emerging areas in which generally recognized standards for preparatory training do not yet exist, psychologists nevertheless take reasonable steps to ensure the competence of their work and to protect . . . others from harm." Therefore, the psychologist should make attempts to regularly consult with other psychologists experienced in this area. When confronted with an ethical dilemma, the psychologist must make attempts at consultation. If unable to consult because of time constraints, isolation from other psychologists, or Operational Security requirements, the psychologist will later make attempts to seek consultation. The Military Department Specialty Consultant should review, prior to their submission, all recommended policies related to detention operations, interrogations, or debriefings, originating from the individual BSC or BSCT supporting those operations. If mission requirements prevent review, any such documents should be presented to the Specialty Consultant as soon as practicable.

(c) Furthermore, the psychologist must be cognizant of changes and developments within the field of psychological support for detention operations, intelligence interrogations, and detainee debriefings. The psychologist should take every opportunity to "develop and maintain their competence (paragraph 2.03)" in this emerging field. The psychologist has a responsibility to evaluate and improve his or her job performance. The psychologist must be aware of all current policy requirements and command guidance concerning the conduct of interrogations and detention operations. Cultural awareness is also necessary to provide psychological support to interrogation operations.

(7) Multiple Relationships.

(a) While performing the duties related to detention operations, intelligence interrogations, or detainee debriefings, the BSC functions as a Command Psychologist. The client is the command and the DoD. It is not possible, in this environment, to avoid all multiple relationships. Psychologists employed by the military (military, civilian, and

26-19

FEB 13 2006

contractor employees), like psychologists in small communities, must be keenly aware of the nature of these multiple relationships.

(b) Except under emergency circumstances, the psychologist consulting for detention or interrogation/debriefing operations does not conduct mental health evaluations or provide mental health treatment to detainees. All medical treatment for detainees, to include mental health evaluation and treatment, is provided by a designated medical element. The psychologist will take all reasonable steps to ensure that he or she is not perceived as a healthcare provider for detainees.

(c) When concerns about health status or medical condition of detainees are raised through observation by the psychologist, through inquiries by others involved in detention operations, by interrogators, or through other reporting mechanisms, these concerns will be conveyed to medical personnel for evaluation, treatment, and disposition.

(d) The issue of multiple relationships is addressed in paragraph 3.05 of the Ethics Code. "A psychologist refrains from entering into a multiple relationship if the multiple relationship could reasonably be expected to impair the psychologist's objectivity, competence, or effectiveness . . . or otherwise risks exploitation or harm to the person with whom the professional relationship exists." The Code goes on to say that, "Multiple relationships that would not reasonably be expected to cause impairment or risk exploitation or harm are not unethical."

(e) Only in case of an emergency (for example, when no other healthcare providers can respond adequately) will the psychologist supporting detention operations, intelligence interrogations, or detainee debriefings break with their function and provide emergency services "to ensure that services are not denied (paragraph 2.02)." Furthermore, 'the services are discontinued as soon as the emergency has ended or appropriate services are available (paragraph 2.02)."

(f) Psychologists supporting detention operations, intelligence interrogations, and detainee debriefings must always be alert to the risk of multiple relationships. For example, it would probably be inappropriate for a psychologist to conduct long-term psychological therapy with an interrogator that is working alongside the psychologist. On the other hand, brief consultation with the same interrogator on a personal issue relevant to the interrogators ability to interrogate effectively may be appropriate in certain circumstances. The psychologist, in consultation with other psychologists, if possible, must evaluate each situation and act in order to minimize the risk of harm.

(8) Informed Consent.

(a) Except as discussed above, psychologists supporting detention operations, intelligence interrogations, or detainee debriefings do not have a medical or mental health relationship with detainees. Ordinarily, they do not directly interact with

26-20

FEB 13 2008

detainees, they do not provide services to detainees, nor do they routinely engage in psychological testing of detainees. The DoD is the identified client, the organization the psychologist is supporting. Although it is possible for exceptions to be made to the above proscriptions, it should only be done after careful thought and consultation with other experienced psychologists.

(b) The Code of Ethics (3.11(a)) states, "Psychologists delivering services to or through organizations provide information beforehand to clients and when appropriate those directly affected by the services about . . ." Psychologists supporting interrogations will discuss with the organization the limits and purpose of the assessment; it is not appropriate, given the functions of the psychologist in this role and the DoD, to inform the detainee that he is being assessed by a psychologist. In fact, it would increase the likelihood of misunderstanding by the detainee of the psychologist's role.

(c) The Code of Ethics (3.10(b)) also states, "When consent by a legally authorized person is not permitted or required by law, psychologists take reasonable steps to protect the individual's rights and welfare." Any psychologist, whether supporting interrogations or not, has a duty to ensure the humane treatment of all detainees. This duty is not diminished by the nature of the detainee's acts prior to detainment.

(9) The June 2005 Report of the American Psychological Association Presidential Task Force on Psychological Ethics and National Security issued the following twelve statements concerning the work of BSCs to interrogation and detention operations:

(a) Psychologists do not engage in, direct, support, facilitate, or offer training in torture, or other cruel, inhuman, or degrading treatment.

(b) Psychologists are alert to acts of torture and other cruel, inhuman, or degrading treatment and have an ethical responsibility to report these acts to the appropriate authorities.

(c) Psychologists who serve in the role of supporting an interrogation do not use healthcare-related information from an individual's medical record to the detriment of the individual's safety and well-being.

(d) Psychologists do not engage in behaviors that violate the laws of the United States, although psychologists may refuse for ethical reasons to follow laws or orders that are unjust or that violate basic principles of human rights.

(e) Psychologists are aware of and clarify their role in situations where the nature of their professional identity and professional function may be ambiguous.

26-21

FEB 13 2008

(f) Psychologists are sensitive to the problems inherent in mixing potentially inconsistent roles such as healthcare provider and consultant to an interrogation and refrain from engaging in such multiple relationships.

(g) Psychologists may serve in various national security-related roles, such as a consultant to an interrogation, in a manner that is consistent with the Ethics Code, and when doing so psychologists are mindful of factors unique to these roles and contexts that require special ethical consideration.

(h) Psychologists who consult on interrogation techniques are mindful that the individual being interrogated may not have engaged in untoward behavior and may not have information of interest to the interrogator.

(i) Psychologists make clear the limits of confidentiality.

(j) Psychologists are aware of and do not act beyond their competencies, except in unusual circumstances, such as set forth in the Ethics Code.

(k) Psychologists clarify for themselves the identity of their client and retain ethical obligations to individuals who are not their clients.

(l) Psychologists consult when they are facing difficult ethical dilemmas.

d. Psychiatrists:

(1) The ethical requirements for psychiatrists are contained in the American Psychiatric Association's Opinions of the Ethics Committee on The Principles of Medical Ethics with annotations especially applicable to Psychiatry (2001) (including November 2003 amendments) and in the Ethics Primer of the American Psychiatric Association (2001), particularly the chapter devoted to Ethics and Forensic Psychiatry. These do not directly address the question of physician involvement in behavioral science consultation, as discussed in this document.

(2) The Council on Ethical and Judicial Affairs of the American Medical Association met in June 2006 and produced a report with the subject of: Physician Participation in Interrogation. This report contains five recommendations. These guidelines are listed and discussed here. The entire report follows as an enclosure.

(a) First Guideline. Physicians may perform physical and mental assessments of detainees to determine the need for and to provide medical care. When so doing, physicians must disclose to the detainee the extent to which others have access to information included in medical records. Treatment must never be conditional on a patient's participation in an interrogation.

26-22

FEB 13 2008

(i) Various Opinions in the AMA's Code of Medical Ethics suggest that physician interactions under the authority of third parties are governed by the same ethical principles as interactions involving patients.

(ii) Physicians who provide medical care to detainees should not be involved in decisions whether or not to interrogate because such decisions are unrelated to medicine or the health interests of an individual.

(b) Second Guideline. Physicians must neither conduct nor directly participate in an interrogation, because a role as physician-interrogator undermines the physician's role as healer and thereby erodes trust in the individual physician-interrogator and in the medical profession.

(i) Physicians are not trained as interrogators, and to function as an interrogator would potentially cause significant role confusion that would generalize to other physicians.

(ii) Although physicians who provide medical care to detainees should not be involved in decisions whether or not to interrogate because such decisions are unrelated to medicine or the health interests of an individual, physicians who are not providing medical care to detainees may provide such information if warranted by compelling national security interests.

(iii) Specific guidance by a physician regarding a particular detainee based on medical information that he or she originally obtained for medical purposes constitutes an unacceptable breach of confidentiality. However, a physician functioning as a BSC should never be providing medical care to detainees, and would therefore never obtain medical information for treatment purposes.

(c) Third Guideline. Physicians must not monitor interrogations with the intention of intervening in the process, because this constitutes direct participation in interrogation.

(i) The presence of a physician at an interrogation, particularly an appropriately trained psychiatrist, may benefit the interrogatees because of the belief held by many psychiatrists that kind and compassionate treatment of detainees can establish rapport that may result in eliciting more useful information.

(ii) A physician may be requested or required to treat a detainee to restore capacity to undergo interrogation. If there is no reason to believe that the interrogation was coercive, this is not unethical. As with all patients, physicians should not treat detainees without their consent (see Opinion E-8.08, "Informed Consent"), unless there is an emergency situation. Moreover, in obtaining consent for treatment, implications of restoring health, including disclosure that the patient may be interrogated or an interrogation may be resumed, must be disclosed.

26-23

FEB 13 2006

(iii) If a physician identifies physical or psychological injuries that are likely to have occurred during an interrogation, the physician must report such suspected or known abusive practices to appropriate authorities, as must any other service member or DoD employee.

(d) Fourth Guideline. Physicians may participate in developing effective interrogation strategies for general training purposes. These strategies must not threaten or cause physical injury or mental suffering and must be humane and respect the rights of individuals.

(i) The Army defines training as instruction of personnel to increase their capacity to perform specific military functions and associated individual and collective tasks. General training is herein defined as the education, instruction, or discipline of a person or thing that is being trained. The Army conducts general training every day in all environments and after every mission, including interrogations.

(ii) Some physicians, most often psychiatrists, may engage in activities that are closely linked to interrogations. As in the civilian world, physicians sometimes provide consultations to law enforcement officers, for example, in criminal profiling and hostage negotiations.

(iii) Physicians could enhance the likelihood of successful interrogation by identifying useful strategies, by providing information that may be useful during questioning. Furthermore, physicians may protect interrogatees if, by monitoring, they prevent coercive interrogations.

(iv) Physicians have long dealt with problems of dual loyalties in forensic roles and as employees of government and business. The same ethical considerations that guide physicians under those circumstances also guide them in matters related to interrogation. The question of whether it is ethically appropriate for physicians to participate in the development of interrogation strategies may be addressed by balancing obligations to society against those to individuals.

(e) Fifth Guideline. When physicians have reason to believe that interrogations are coercive, they must report their observations to the appropriate authorities. If authorities are aware of coercive interrogations but have not intervened, physicians are ethically obligated to report the offenses to independent authorities that have the power to investigate or adjudicate such allegations.

(i) Any physician involved with individuals who will undergo or have undergone interrogations should have current knowledge of known harms of interrogation techniques. If responsible authorities do not prohibit a clearly harmful interrogation strategy, physicians are ethically obligated to report the offenses to

26-24

FEB 13 2008

independent authorities that have the power to investigate or adjudicate such allegations.

(ii) If a physician identifies physical or psychological injuries that are likely to have occurred during an interrogation, the physician must report such suspected or known abusive practices to appropriate authorities.

(iii) A physician may help to develop general guidelines or strategies, as long as they are not coercive and are neither intended nor likely to cause harm, and as long as the physician's role is strictly that of consultant, not as caregiver. It is unethical for a physician to provide assistance in a coercive activity.

26-25

FEB 1 2 2007

APA_0100676

Sender:	Anderson, Norman </O=APA/OU=DC/CN=RECIPIENTS/CN=NBA>
Sent:	Monday, July 07, 2008 4:13:16 PM
Recipient:	Gilfoyle, Nathalie <ngilfoyle@apa.org>;Behnke, Stephen <sbehnke@apa.org>;Strassburger, Judy <jstrassburger@apa.org>;Farberman, Rhea <rfarberman@apa.org>;Honaker, Michael <mhonaker@apa.org>;Garrison, Ellen <egarrison@apa.org>
Subject:	RE: APA Referendum

Good response from Joel suggesting disengagement.

Norman Anderson, Ph.D.
Chief Executive Officer
American Psychological Association
750 First Street, NE
Washington, DC 20002
(202) 336-6080
(202) 336-6069 (fax)
www.apa.org

From: Gilfoyle, Nathalie
Sent: Monday, July 07, 2008 4:10 PM
To: Anderson, Norman; Behnke, Stephen; Strassburger, Judy; Farberman, Rhea; Honaker, Michael; Garrison, Ellen
Subject: FW: APA Referendum

Fyi

Nathalie

From: Joel Dvoskin PRIVACY REDACTION
Sent: Monday, July 07, 2008 2:52 PM
To: Gilfoyle, Nathalie
Subject: Re: APA Referendum

Good luck. Call me if I can help.

Joel

-----Original Message-----
From: Gilfoyle, Nathalie <ngilfoyle@apa.org>
To: Joel Dvoskin PRIVACY REDACTION ; Anderson, Norman <NAnderson@apa.org>
Cc: Behnke, Stephen <sbehnke@apa.org>
Sent: Mon, 7 Jul 2008 10:35 am
Subject: RE: APA Referendum

HI Joel,
We discussed this today and will wait to hear any ideas from the petition sponsors.

Nathalie

From: Joel Dvoskin[redacted]
Sent: Saturday, July 05, 2008 11:20 PM
To: Anderson, Norman
Cc: Behnke, Stephen; Gilfoyle, Nathalie
Subject: Re: APA Referendum

No problem. I spoke with Steve Reisner and the authors of the referendum today, and they agreed with the points I raised in my draft, which I shared with them orally. They seemed eager to figure out a way to amend the referendum, and discussed several options that they believe may be possible within the bylaws. Rest assured that I repeatedly told them that I am only speaking for myself as an APA member. As you know there is significant mutual mistrust, but there is also the makings of a compromise here if the Board is interested. I believe that you can expect one of them to contact you or Al Kazdin on Monday.

Warm regards,
Joel

Joel A. Dvoskin, Ph.D., ABPP
Diplomate in Forensic Psychology
University of Arizona College of Medicine

-----Original Message-----
From: Anderson, Norman <NAnderson@apa.org>
To: Joel Dvoskin [redacted]
Sent: Sat, 5 Jul 2008 5:42 pm
Subject: RE: APA Referendum

Hi Joel,

Thanks for your note and efforts. I believe you have talked with Nathalie

today. Let me discuss this with Nathalie and others and she or Steve will get

back to you.

Best wishes,

Norman

Norman B. Anderson, Ph.D.

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_____

From: Joel Dvoskin PRIVACY REDACTION

Sent: Sat 7/5/2008 3:46 PM

To: Anderson, Norman; Gilfoyle, Nathalie; Behnke, Stephen

Subject: APA Referendum

Dear Norm, Nathalie, and Steve:

I just got off the phone with Stephen Reisner. I read him the draft I had

completed before APA decided to have Dr. Resnick prepare the "con" statement.

Dr. Reisner said that he agreed with my statement, almost in its entirety. He

is in the process of trying to reach the two authors of the referendum to see if

he can talk them into talking with me. He thinks that a negotiated statement

along the lines of my draft (included IN CONFIDENCE below) would be a great idea

if APA is willing. He will try to talk them into agreeing to a delay (if such a

thing is possible) to allow for such negotiations to take place. Neither of us

was sure as to what is possible, but one suggestion was the APA decide to

postpone this referendum briefly to allow for some negotiation, perhaps in

Boston.

I made it very clear to Dr. Reisner that I have no authority or right to say

anything on behalf of APA, and that I am only speaking for myself. However, if

I can help, I remain willing to play some mediation role to resolve this. Like

many of the mediation situations in which I have worked, the perceived

differences greatly outweigh the actual policy differences between Dr. Reisner

and APA. Needless to say, there is great mistrust on both sides, but that is neither rare nor intimidating.

I realize that I am being very presumptuous, but the stakes here are high, and

an all-or-nothing vote will be disastrous to APA and its members, whatever the outcome. If the referendum passes, for the reasons I outline below, almost all of the public service psychologists in jails, hospitals, and prisons will be

vulnerable to unjustified attacks and allegations that they are in violation of

APA policy. If the referendum fails, I believe that people will falsely view it

as an APA endorsement of violations of human rights. An all-or-nothing vote on a poorly worded referendum is a disaster for all concerned.

I am available by phone almost all day today at PRIVACY REDACTION. I'll also be

available after 11 AM eastern time on Monday at the same number. If you happen

to get a message, try my cell phone at PRIVACY REDACTION. Sorry to bother you on a

Saturday, but the time limit is fast approaching.

Warm regards,

Joel

Here is my CONFIDENTIAL draft:

Here's the resolution itself:

"Be it resolved that psychologists may not work in settings where persons are

held outside of, or in violation of, either International Law (e.g., the UN Convention Against Torture and the Geneva Conventions) or the US Constitution

(where appropriate), unless they are working directly for the persons being

detained or for an independent third party working to protect human rights."

DRAFT of "Con" Statement by Joel Dvoskin

In some ways, I am an odd person to write the "con" statement regarding this

resolution, because in many ways I agree with its spirit. I also appreciate

very much the obvious care that went into its drafting, and the fact that its

sponsors have apparently participated in the dialogue about this issue with open

minds and open hearts; this version is far more carefully drafted than its

predecessors.

While I agree with what I believe to be the intent of this resolution, I am

opposing it only because I believe it needs to be amended in order to prevent some serious and unintended consequences, which I will explain in this

statement. As written, this proposal would have drastic, negative, and very

much unintended consequences for psychologists in a variety of public service

settings, and more importantly, for their clients. First, however, let me say what I agree with.

I agree with an intention to prevent psychologists from actively contributing to

any violations of the US Constitution, the Geneva Convention, International Law,

or basic human decency. If a psychologist has been proven to have fostered,

facilitated, or directly committed an act that violates these various codes, I would agree with a proposal to hold that person harshly accountable.

I also agree with the underlying notion that fear-mongering is a poor excuse for

suspension or defiance of the most sacred rights that have defined this country

since its inception. As I said, I agree with my perception of the intent of this proposal. So why do I oppose it? Let me begin with a few pointed

questions.

My first question is, "Who gets to decide?" Virtually every prison and jail in the United States is the subject of at least one allegation of unconstitutional

conditions. Would such an allegation be sufficient to require all of the

psychologists to quit? Or, is a finding by a court required to invoke this

resolution? What happens when a case is settled, with no admission of

constitutional deprivations? At what point would a prison psychologist be in

violation of this proposal?

Of course, some jails, prisons, and hospitals have either settled lawsuits or been found by courts to be in violation of the constitution. Most of them

employ psychologists; in fact, it is often the dearth of adequate mental health staff that is the reason for the finding of unconstitutional conditions in the first place. Ironically, then, if psychologists were to quit upon a finding of

unconstitutional conditions, the conditions would become more unconstitutional,

not less. If a facility is unconstitutional for having too few psychologists,

how can it help to make the rest quit?

In my opinion, the flaws in this proposal, though quite serious and career

threatening to hospital and correctional psychologists, they would seem easy to

fix. Unfortunately, I am told that this proposal must be voted up or down in its exact and current state, and there is no room for "friendly amendments."

My conclusion is that there ought to be a resolution against psychologists whose

own behavior directly contributes to violations of the constitution or

international law. It just can't be this proposal. In its current form, this

proposal must be voted down, and hopefully soon replaced with one that is even more skillfully written.

I do not believe that these authors intend to force most correctional

psychologists to quit; such an act would not force any prison to close; it would

simply leave the inmates much worse off than they were before. I applaud the

authors of this proposal for their devotion to the individual rights that our

political leaders are sworn to protect. I agree with the notion that

psychologists cannot use their professional identity to skirt basic moral

questions; indeed, our Ethical Standards already require us to advocate for the

rights of our clients. I hope that the authors of this proposal will not take

its defeat as a rejection of their values, but as a speed bump on the road to a

meaningful, practical, and enforceable moral consensus among all psychologists,

wherever they work.

_____

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The Famous, the infamous, the lame - in your browser. Get the TMZ Toolbar Now!

Sender:	Gilfoyle, Nathalie </O=APA/OU=DC/CN=RECIPIENTS/CN=NPG>
Sent:	Monday, July 07, 2008 10:52:05 AM
Recipient:	Farberman, Rhea <rfarberman@apa.org>;Anderson, Norman <NAnderson@apa.org>;Behnke, Stephen <sbehnke@apa.org>;Garrison, Ellen <egarrison@apa.org>;Strassburger, Judy <jstrassburger@apa.org>;Honaker, Michael <mhonaker@apa.org>
Subject:	RE: APA Referendum

Based on my back and forth with Joel, I do want to say that if we want to call Joel off the only people who I think could do that would be Norman, who he cannot say enough good things about, or possibly Alan.
I am working with Judy on a recommendation about how to best interpret the bylaws and rules provisions if there were a move to withdraw the petition.
Re Joel, if he were just trying to get them to withdraw the petition that would be one thing. What worries me is that he has the idea that they can negotiate with the Board to pass a policy that would be a quid pro quo. By mentioning that to them I worry that he sets an unreasonable expectation. I did tell him that the Board is trying to stay out of the political process and let the petition go forward on its own merits.
Joel believes that the petition will pass if put to a member vote. I didn't tell him about the history of members voting where there are pro/con statements.
Nathalie

From: Farberman, Rhea
Sent: Monday, July 07, 2008 9:24 AM
To: Gilfoyle, Nathalie; Anderson, Norman; Behnke, Stephen; Garrison, Ellen; Strassburger, Judy; Honaker, Michael
Subject: RE: APA Referendum

I second the idea of meeting to make sure we are clear on next steps. I'm getting more and more uncomfortable with Joel and Reisner setting up a process which may be outside of what the Bylaws state the process should be.

I'm free all day.

Rhea

From: Gilfoyle, Nathalie
Sent: Monday, July 07, 2008 9:00 AM
To: Anderson, Norman; Farberman, Rhea; Behnke, Stephen; Garrison, Ellen; Strassburger, Judy; Honaker, Michael
Subject: RE: APA Referendum

HI,
Norman, I think this is exactly right. I had an email from Joel that I picked up late last night but I am not sure when it was sent as the BB was off most of the day yesterday and wasn't receiving prior to that –he had spoken to some of them, and was advising that they would likely contact you or possibly me to discuss the options. At this point I am not sure what the options are . I am back in the office if anyone wants to discuss this in person? I don't have any meetings until 2.

Nathalie

From: Anderson, Norman
Sent: Sunday, July 06, 2008 6:20 PM
To: Gilfoyle, Nathalie; Farberman, Rhea; Behnke, Stephen; Garrison, Ellen; Strassburger, Judy; Honaker, Michael
Subject: RE: APA Referendum

Before I give Alan and Barry a heads-up, I need to know if they know about Joel's draft (and

confidential) con statement and involvement in this? I need to know how much detail to give them.

For now, I am just going to alert them that Reisner et al had spoken with Joel about his concerns about the petition, and they may be interested in an alternative plan. And that they may be contacting us about that soon. At this point that is really all we know. Anything else I should add?

Norman B. Anderson, Ph.D.
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From: Gilfoyle, Nathalie
Sent: Sun 7/6/2008 1:40 PM
To: Farberman, Rhea; Behnke, Stephen; Garrison, Ellen; Anderson, Norman; Strassburger, Judy; Honaker, Michael
Subject: Re: APA Referendum

Agree re giving alan and barry a heads up. The worrisome thing to me about joels plan was the idea that the petitioners would not wothdraw the petition until they "got something" in the form of an alternative policy statement from the BOD or council. I dont think the board would want to be in that posture. Joel is very clear that he is not authorized by us , the BOD or anyone at apa to step into this role. Nonetheless having written a con statement i think he is invested in applying it somehow. More details when not typing with thumbs. I willbe in transit this afternoon arriving home late tonight. N

Nathalie Gilfoyle

Sent from my BlackBerry Wireless Handheld

----- Original Message -----
From: Farberman, Rhea
To: Behnke, Stephen; Garrison, Ellen; Anderson, Norman; Gilfoyle, Nathalie; Strassburger, Judy; Honaker, Michael
Sent: Sun Jul 06 13:30:49 2008
Subject: Re: APA Referendum

I agree: give alan and barry a heads up and be careful about allowing a small group of people to highjack more council time. No matter what happens, the petitioners willattempt to create a media event. We we be ready for that.

Rhea

----- Original Message -----
From: Behnke, Stephen
To: Garrison, Ellen; Anderson, Norman; Gilfoyle, Nathalie; Farberman, Rhea; Strassburger, Judy; Honaker, Michael

Sent: Sun Jul 06 12:56:50 2008
Subject: RE: APA Referendum

I think a "heads-up" to Alan and Barry makes sense, but I would recommend against notifying the whole Board until we've actually heard from someone. Given this group's dynamics, it's impossible to know what we'll hear, and from whom. I don't think it makes sense to generate a discussion among the Board until we have an actual communication that requests or invites a response.

In terms of Convention, I think Ellen is very wise to raise the possibility this may be a way to create another media event on the floor of Council. In terms of an agenda item on the floor of Council, though, they have to submit something 30 days ahead of the meeting; otherwise, Council would have to vote at the beginning of the meeting to suspend its rules, which I think is highly unlikely.

Steve

From: Garrison, Ellen
Sent: Sunday, July 06, 2008 12:42 PM
To: Anderson, Norman; Behnke, Stephen; Gilfoyle, Nathalie; Farberman, Rhea; Strassburger, Judy; Honaker, Michael
Subject: RE: APA Referendum

Norman, as to your question, I would recommend your contacting Alan and Barry with an update. They are the two on the Board who are most involved/informed about the process with the petitioners. I concur with all the process issues outlined by you and Steve below. With respect to the procedural point raised by Judy, it would seem to make sense for the Board to accept any petition withdrawal request.

Given the petitioners' clearly stated goals and the Bylaw provisions, I don't think that an amended petition without a resubmit is possible. I suspect that were they to withdraw the petition, they would go with a resolution on the floor of Council, nicely timed after their rally on Saturday.

There is something to be said for a vote of the membership with the hoped for outcome that Reisner et al. would hear that their colleagues have spoken and drop this once and for all. (I'm a bit concerned, though, that the full force of our con statement has been compromised by Joel's note -- Reisner et al. have now seen our best arguments and will no doubt try to counter them in their pro statement.)

Well, the ball is indeed in their court. With their next step and Nathalie's review of the Bylaws, we'll see where all this takes us.

Ellen

From: Anderson, Norman
Sent: Sun 7/6/2008 12:24 PM
To: Behnke, Stephen; Gilfoyle, Nathalie; Farberman, Rhea; Strassburger, Judy; Garrison, Ellen; Honaker, Michael
Subject: RE: APA Referendum

Steve,

Thanks for this options. Here are my immediate thoughts.

Option #1 is the current state of affairs and should proceed until something happens to alter it. The other options, #s 2 and 3, might serve as an alteration.

Concerning options 2 and 3, the ball is really in their court on these. It is the petitioners who need to raise the issue of an alteration in the current plan for a consideration of other options to occur. Once they put an alternative proposal on the table, it is up to the Board to determine how to respond.

Joel suggested in his email to me that the petitioners would be contacting Alan or me. I actually think they need to contact Nathalie about any issues concerning the technical aspects of altering the plan, and Barry about any proposal for the Board.

I agree with you on #4. I think they either withdraw the resolution/petition, or suggest modifications in it. Any substantial modification may require a new petition signature process.

As I asked in an earlier email, what are your thoughts on whether the Board (or just Barry and Alan) should be informed on the CURRENT developments? For example, I could send them a brief note telling them that Joel had initiated some contact with the petitioners, who are considering altering the plan of action in some way, and that the petitioners may be in contact with them. Thoughts?

Norman

Norman B. Anderson, Ph.D.

Chief Executive Officer

American Psychological Association

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Washington, DC 20002

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nanderson@apa.org

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From: Behnke, Stephen
Sent: Sun 7/6/2008 11:58 AM
To: Anderson, Norman; Gilfoyle, Nathalie; Farberman, Rhea; Strassburger, Judy; Garrison, Ellen; Honaker, Michael
Subject: FW: APA Referendum

It's becoming clear that the sponsors understand the petition, as drafted, is highly problematic, and they're trying to find a way to fix it.

It seems to me that we may want to consider four points (among others, I'm sure):

1. The petition process is moving forward. APA will examine the relevant Bylaw and Rule to determine what, if any, mechanism is available to withdraw the petition if that is what the sponsors want, but at this point the process is moving forward on the schedule set forth by the Board pursuant to Association Rule 30-3.1

2. If the sponsors want to discuss changing the language of the petition, Association Rule 30-3.1 states "A petition, once submitted, is not subject to amendment. Minor editorial changes may be made by the Board of Directors with agreement of

the sponsor of the petition, but such changes must not alter the sense of the petition. If substantial changes appear to be indicated, a reformulated petition should be submitted in proper form with new signatures."

We turn to Nathalie for an assessment regarding whether a change is a "minor editorial change" or a change that "alter[s] the sense of the petition" and so is a "substantial change." If a determination is made that a proposed change is "substantial," the sponsors need to decide whether to withdraw the petition (if there is a mechanism to do so), or whether to move forward with the current petition.

3. If the sponsors decide to withdraw the petition and there is a mechanism for doing so which they complete, they are free to negotiate about anything with anyone.

4. I think there are some possibilities for good things to happen here and we should encourage further discussions. At the same time, I think we should really discourage the notion that the Board is likely to enter into any kind of negotiations with the petition sponsors about the petition language or the petition process. The rules governing petition language and process are set forth in the Bylaws and Association rules, and the Board will follow them.

Steve

From: Joel Dvoskin PRIVACY REDACTION
Sent: Saturday, July 05, 2008 11:20 PM
To: Anderson, Norman
Cc: Behnke, Stephen; Gilfoyle, Nathalie
Subject: Re: APA Referendum

No problem. I spoke with Steve Reisner and the authors of the referendum today, and they agreed with the points I raised in my draft, which I shared with them orally. They seemed eager to figure out a way to amend the referendum, and discussed several options that they believe may be possible within the bylaws. Rest assured that I repeatedly told them that I am only speaking for myself as an APA member. As you know there is significant mutual mistrust, but there is also the makings of a compromise here if the Board is interested. I believe that you can expect one of them to contact you or Al Kazdin on Monday.

Warm regards,
Joel

Joel A. Dvoskin, Ph.D., ABPP
Diplomate in Forensic Psychology
University of Arizona College of Medicine

-----Original Message-----
From: Anderson, Norman <NAnderson@apa.org>
To: Joel Dvoskin PRIVACY REDACTION
Sent: Sat, 5 Jul 2008 5:42 pm
Subject: RE: APA Referendum

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Best wishes,

Norman

Norman B. Anderson, Ph.D.

Chief Executive Officer

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From: Joel Dvoskin PRIVACY REDACTION

Sent: Sat 7/5/2008 3:46 PM

To: Anderson, Norman; Gilfoyle, Nathalie; Behnke, Stephen

Subject: APA Referendum

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completed before APA decided to have Dr. Resnick prepare the "con" statement.

Dr. Reisner said that he agreed with my statement, almost in its entirety. He

is in the process of trying to reach the two authors of the referendum to see if

he can talk them into talking with me. He thinks that a negotiated statement

along the lines of my draft (included IN CONFIDENCE below) would be a great idea

if APA is willing. He will try to talk them into agreeing to a delay (if such a

thing is possible) to allow for such negotiations to take place. Neither of us

was sure as to what is possible, but one suggestion was the APA decide to

postpone this referendum briefly to allow for some negotiation, perhaps in

Boston.

I made it very clear to Dr. Reisner that I have no authority or right to say

anything on behalf of APA, and that I am only speaking for myself. However, if

I can help, I remain willing to play some mediation role to resolve this. Like

many of the mediation situations in which I have worked, the perceived

differences greatly outweigh the actual policy differences between Dr. Reisner

and APA. Needless to say, there is great mistrust on both sides, but that is

neither rare nor intimidating.

I realize that I am being very presumptuous, but the stakes here are high, and an all-or-nothing vote will be disastrous to APA and its members, whatever the outcome. If the referendum passes, for the reasons I outline below, almost all of the public service psychologists in jails, hospitals, and prisons will be vulnerable to unjustified attacks and allegations that they are in violation of APA policy. If the referendum fails, I believe that people will falsely view it as an APA endorsement of violations of human rights. An all-or-nothing vote on

a poorly worded referendum is a disaster for all concerned.

I am available by phone almost all day today at PRIVACY REDACTION I'll also be

available after 11 AM eastern time on Monday at the same number. If you happen

to get a message, try my cell phone at PRIVACY REDACTION. Sorry to bother you on a

Saturday, but the time limit is fast approaching.

Warm regards,

Joel

Here is my CONFIDENTIAL draft:

Here's the resolution itself:

"Be it resolved that psychologists may not work in settings where persons are

held outside of, or in violation of, either International Law (e.g., the UN

Convention Against Torture and the Geneva Conventions) or the US Constitution

(where appropriate), unless they are working directly for the persons being

detained or for an independent third party working to protect human rights."

DRAFT of "Con" Statement by Joel Dvoskin

In some ways, I am an odd person to write the "con" statement regarding this

resolution, because in many ways I agree with its spirit. I also appreciate

very much the obvious care that went into its drafting, and the fact that its

sponsors have apparently participated in the dialogue about this issue with open

minds and open hearts; this version is far more carefully drafted than its

predecessors.

While I agree with what I believe to be the intent of this resolution, I am

opposing it only because I believe it needs to be amended in order to prevent

some serious and unintended consequences, which I will explain in this

statement. As written, this proposal would have drastic, negative, and very

much unintended consequences for psychologists in a variety of public service

settings, and more importantly, for their clients. First, however, let me say

what I agree with.

I agree with an intention to prevent psychologists from actively contributing to any violations of the US Constitution, the Geneva Convention, International Law, or basic human decency. If a psychologist has been proven to have fostered, facilitated, or directly committed an act that violates these various codes, I would agree with a proposal to hold that person harshly accountable.

I also agree with the underlying notion that fear-mongering is a poor excuse for

suspension or defiance of the most sacred rights that have defined this country

since its inception. As I said, I agree with my perception of the intent of

this proposal. So why do I oppose it? Let me begin with a few pointed

questions.

My first question is, "Who gets to decide?" Virtually every prison and jail in the United States is the subject of at least one allegation of unconstitutional conditions. Would such an allegation be sufficient to require all of the psychologists to quit? Or, is a finding by a court required to invoke this resolution? What happens when a case is settled, with no admission of constitutional deprivations? At what point would a prison psychologist be in violation of this proposal?

Of course, some jails, prisons, and hospitals have either settled lawsuits or

been found by courts to be in violation of the constitution. Most of them

employ psychologists; in fact, it is often the dearth of adequate mental health

staff that is the reason for the finding of unconstitutional conditions in the

first place. Ironically, then, if psychologists were to quit upon a finding of

unconstitutional conditions, the conditions would become more unconstitutional,

not less. If a facility is unconstitutional for having too few psychologists,

how can it help to make the rest quit?

In my opinion, the flaws in this proposal, though quite serious and career

threatening to hospital and correctional psychologists, they would seem easy to

fix. Unfortunately, I am told that this proposal must be voted up or down in

its exact and current state, and there is no room for "friendly amendments."

My conclusion is that there ought to be a resolution against psychologists whose

own behavior directly contributes to violations of the constitution or

international law. It just can't be this proposal. In its current form, this

proposal must be voted down, and hopefully soon replaced with one that is even

more skillfully written.

I do not believe that these authors intend to force most correctional

psychologists to quit; such an act would not force any prison to close; it would

simply leave the inmates much worse off than they were before. I applaud the

authors of this proposal for their devotion to the individual rights that our

political leaders are sworn to protect. I agree with the notion that

psychologists cannot use their professional identity to skirt basic moral

questions; indeed, our Ethical Standards already require us to advocate for the

rights of our clients. I hope that the authors of this proposal will not take

its defeat as a rejection of their values, but as a speed bump on the road to a

meaningful, practical, and enforceable moral consensus among all psychologists,

wherever they work.

_____

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<http://toolbar.aol.com/tmz/download.html?NCID=aolcmp00050000000014> !

_____

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<http://toolbar.aol.com/tmz/download.html?NCID=aolcmp00050000000014> !

Sender:	Joel Dvoskin PRIVACY REDACTION
Sent:	Saturday, July 05, 2008 3:46:12 PM
Recipient:	Anderson, Norman </O=APA/OU=DC/CN=RECIPIENTS/CN=NBA>;Gilfoyle, Nathalie </O=APA/OU=DC/CN=RECIPIENTS/CN=NPG>;Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	APA Referendum

Dear Norm, Nathalie, and Steve:
I just got off the phone with Stephen Reisner. I read him the draft I had completed before APA decided to have Dr. Resnick prepare the "con" statement. Dr. Reisner said that he agreed with my statement, almost in its entirety. He is in the process of trying to reach the two authors of the referendum to see if he can talk them into talking with me. He thinks that a negotiated statement along the lines of my draft (included IN CONFIDENCE below) would be a great idea if APA is willing. He will try to talk them into agreeing to a delay (if such a thing is possible) to allow for such negotiations to take place. Neither of us was sure as to what is possible, but one suggestion was the APA decide to postpone this referendum briefly to allow for some negotiation, perhaps in Boston.

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I realize that I am being very presumptuous, but the stakes here are high, and an all-or-nothing vote will be disastrous to APA and its members, whatever the outcome. If the referendum passes, for the reasons I outline below, almost all of the public service psychologists in jails, hospitals, and prisons will be vulnerable to unjustified attacks and allegations that they are in violation of APA policy. If the referendum fails, I believe that people will falsely view it as an APA endorsement of violations of human rights. An all-or-nothing vote on a poorly worded referendum is a disaster for all concerned.

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DRAFT of "Con" Statement by Joel Dvoskin

In some ways, I am an odd person to write the "con" statement regarding this resolution, because in many ways I agree with its spirit. I also appreciate very much the obvious care that went into its

drafting, and the fact that its sponsors have apparently participated in the dialogue about this issue with open minds and open hearts; this version is far more carefully drafted than its predecessors.

While I agree with what I believe to be the intent of this resolution, I am opposing it only because I believe it needs to be amended in order to prevent some serious and unintended consequences, which I will explain in this statement. As written, this proposal would have drastic, negative, and very much unintended consequences for psychologists in a variety of public service settings, and more importantly, for their clients. First, however, let me say what I agree with.

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My first question is, "Who gets to decide?" Virtually every prison and jail in the United States is the subject of at least one allegation of unconstitutional conditions. Would such an allegation be sufficient to require all of the psychologists to quit? Or, is a finding by a court required to invoke this resolution? What happens when a case is settled, with no admission of constitutional deprivations? At what point would a prison psychologist be in violation of this proposal?

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My conclusion is that there ought to be a resolution against psychologists whose own behavior directly contributes to violations of the constitution or international law. It just can't be this proposal. In its current form, this proposal must be voted down, and hopefully soon replaced with one that is even more skillfully written.

I do not believe that these authors intend to force most correctional psychologists to quit; such an act would not force any prison to close; it would simply leave the inmates much worse off than they were before. I applaud the authors of this proposal for their devotion to the individual rights that our political leaders are sworn to protect. I agree with the notion that psychologists cannot use their professional identity to skirt basic moral questions; indeed, our Ethical Standards already require us to advocate for the rights of our clients. I hope that the authors of this proposal will not take its defeat as a rejection of their values, but as a speed bump on the road to a meaningful, practical, and enforceable moral consensus among all psychologists, wherever they work.

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Sender:	Garrison, Ellen </O=APA/OU=DC/CN=RECIPIENTS/CN=EGG>
Sent:	Thursday, July 03, 2008 4:23:48 PM
Recipient:	Behnke, Stephen <sbehnke@apa.org>
Subject:	RE: Con Statement

☺ ☺ ☺ I'm glad you waited a moment – now forward this with a copy of the draft to Norman et al. THIS IS BETTER THAN GREAT!!!

Ellen

From: Behnke, Stephen
Sent: Thursday, July 03, 2008 4:22 PM
To: Garrison, Ellen
Subject: FW: Con Statement

From: Dr. Robert J. Resnick[redacted]
Sent: Thursday, July 03, 2008 4:21 PM
To: Bonnie Markham, PhD, PsyD
Cc: Behnke, Stephen; [redacted]
Subject: Re: Con Statement

I made one minor tweak---organization to organizations in the parentheses paragraph 2. :ø)

I think it is good to go and thank you all for your help and important input.

Bob
On Jul 3, 2008, at 4:12 PM, Bonnie Markham, PhD, PsyD wrote:

Steve,

Thank you for your much improved version of our draft. Your edit is more clearly focused on the key issues and presents them in a compelling and well-documented way.

Your input is appreciated.

Bob and Bill -- I recommend that we use the statement as revised by Steve.

Bonnie

Subject: RE: Con Statement
Date: Thu, 3 Jul 2008 15:30:26 -0400
From: sbehnke@apa.org
To: [redacted]; [redacted]; [redacted]

Dear Bonnie, Bill, and Bob,

Please let me apologize for not working from your most recent draft; I'm afraid my day has been full of commitments, so I worked on the draft Bob sent yesterday which I had available this morning. The attached document is for your consideration, to work with in whatever manner you deem appropriate; no attribution is required or requested, since I have simply taken your version and moved ideas around with some editing (mostly at the beginning and the end).

One thought—it seemed to me that your main point, the overbroadness (I'm not sure that's a word) of the petition had gotten somewhat lost, so this draft highlights that point, and then subordinates the issue of interrogation/torture. Focus on the interrogation/torture issue seemed important, but not at the expense of the unintended consequences of the petition.

Again, I've simply taken the draft Bob sent, highlighted things a bit different, with some editing, so please review and use however you think best.

I think this draft is just about at the word limit, 750.

Steve

From: Bonnie Markham, PhD, PsyD PRIVACY REDACTION
Sent: Thursday, July 03, 2008 12:33 PM
To: Behnke, Stephen; Dr. Robert J. Resnick; Bill Strickland
Subject: RE: Con Statement

Steve,

Thank you for reviewing the con draft and sharing your thoughts. We have been circulating various edits of our draft and want to make sure you have the most recent version. It is attached.

Bonnie

Subject: RE: Con Statement
Date: Thu, 3 Jul 2008 11:20:23 -0400
From: sbehnke@apa.org
To: Robert Resnick; Bonnie Markham ; Bill Strickland

Hi Bob,

I have some thoughts (both stylistic and substantive) on the draft, which I'd be happy to share if you are interested. I could have those to you by the end of the day.

Please let me know.

Thanks,

Steve

From: Dr. Robert J. Resnick PRIVACY REDACTION
Sent: Wednesday, July 02, 2008 3:27 PM
To: Markham PhD Markham; Bill Strickland
Cc: Behnke, Stephen
Subject: Con Statement

Bonnie and Bill,

Attached is a draft for your comments.

Best,

Bob

Robert J. Resnick, Ph.D., ABPP
Professor of Psychology
PRIVACY REDACTION

Sender:	Garrison, Ellen </O=APA/OU=DC/CN=RECIPIENTS/CN=EGG>
Sent:	Thursday, July 03, 2008 1:19:19 PM
Recipient:	Farberman, Rhea <rfarberman@apa.org>;Strassburger, Judy <jstrassburger@apa.org>;Anderson, Norman <NAnderson@apa.org>;Honaker, Michael <mhonaker@apa.org>;Gilfoyle, Nathalie <ngilfoyle@apa.org>
Cc:	Behnke, Stephen <sbehnke@apa.org>
Subject:	Moving Forward with Con Statement Feedback
Attachments:	Con statement draft--Steve.doc

Hi, everyone. A quick update on where we are with the draft text for the Con Statement. First, Steve responded to the email from Bob and received a response from Bonnie, thanking him for reviewing the draft and sharing any thoughts that he might have.

Second, Steve and I have been working together on the draft statement. While we thought we would respond with bulleted suggestions (per interchange with Rhea earlier), we realized that this would be too difficult and lengthy a process. So, we will be sending them the attached draft to be modified to reflect any comments that you might have. The word count is 730 -- within the 750 limit.

All thoughts welcome and by 2:30 (sorry!), so that we can get this back to them by 3:00 today with a very low key message that we are suggesting a re-ordering of the paragraphs to emphasize the overbroad scope of the petition and offering some wording to revise the intro and conclusion to reflect this emphasis as well.

Ellen

p.s. I am also pasting the revised text below to simplify access for some who are out of the office.

DRAFT – CON STATEMENT

The petitioners are requesting that APA prohibit its members from working in settings that are inconsistent with international law and/or the US Constitution. The petition seeks to prohibit psychologists from being present in such settings, even though the psychologist may adhere to all APA ethical standards, and despite the difficulty in determining whether a particular site actually meets the petition's criteria. Given APA's strongly worded prior Council resolutions and concerted federal advocacy directed at the Bush administration and Congress against torture, this petition is unnecessary and threatens to restrict the scope of practice for psychologists whose work in psychiatric hospitals, US correctional facilities, and countless other programs serves the public good each day.

The unintended consequences arising from a resolution prohibiting **locations** of employment rather than unethical **behavior** make this petition impossible for us to support**.** Many psychologists are employed in settings where constitutional challenges arise. Such settings include jails, prisons, hospitals, and forensic units. Likewise, many psychologists work in settings that could be considered inconsistent with international law, for example, settings in which the death penalty is administered. While APA is clear that the petition, if adopted, is not enforceable, allegations that a psychologist was violating APA policy could arise in multiple venues (e.g., civil court, a licensing board, or an ethics committee of a state psychological association, hospital, or other professional organization). Especially given the petition's ambiguity in determining whether international standards and/or the US Constitution apply in a given instance, the petition places psychologists doing good and noble work in an untenable position of uncertainty regarding whether their practice is consistent with APA policy.

Moreover, the petition clause "unless they are working directly for the persons being detained or for an

independent third party working to protect human rights" seeks to prevent psychologists in a prohibited setting from providing services to a person in (even significant) psychological distress, since in most all settings the psychologist would be working for the institution and not for the detained individual. Unlike the Ethics Code, the petition does not provide a way to resolve this ethical dilemma, that is, between a prohibition to provide services and the need for services. (See e.g., Ethical Standard 2.02, Providing Services in Emergencies, which allows psychologists without the necessary training to provide services in emergent situations when other services are not available.) Were the petition adopted, a psychologist who, in all good faith, reached out to an individual in distress could nonetheless be out of compliance with APA policy.

We fully recognize the good intentions of the petition sponsors. For the past 20 years, APA has held the position that torture is unethical and should be prohibited. Our ethical standards and five APA resolutions provide clear, explicit condemnations of torture. The last sentence of the 2008 resolution states: *Psychologists are absolutely prohibited from knowingly planning, designing, participating or assisting in the use of all condemned techniques [Note: 28 general and specific techniques are enumerated] at any time and may not enlist others to employ these techniques in order to circumvent this resolution's prohibition.*

At its August, 2007, meeting, the APA Council passed one of several resolutions condemning torture and other cruel, inhuman, and degrading treatment and punishment. Council expressed "grave concern over settings in which detainees are deprived of adequate protection of their human rights" and "affirmed the prerogative of psychologists to refuse to work in such settings." Council also noted that "APA will explore ways to support psychologists who refuse to work in such settings or who refuse to obey orders that constitute torture."

APA has strongly and unequivocally condemned the abuse of detainees in letters to President Bush, Attorney General Mukasey, CIA Director Hayden, and members of Congress, and in articles in the media, and has urged the establishment of policies and procedures that fully protect the human rights of detainees, including judicial review of their detentions.

The petition under consideration prevents psychologists from working in places where the federal,r state, or local government is acting wrongly. The precedent-setting nature of the petition, which restricts the settings in which psychologists work, raises serious and, in our view, insurmountable concerns. A likely and highly unfortunate effect of the petition would be to place at risk APA members who are serving vulnerable populations and behaving in legal, ethical, and moral ways. Thus, the petition may have precisely the opposite effect than is intended.

Sender:	Farberman, Rhea </O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>
Sent:	Thursday, July 03, 2008 10:15:21 AM
Recipient:	Garrison, Ellen <egarrison@apa.org>;Behnke, Stephen <sbehnke@apa.org>;Gilfoyle, Nathalie <ngilfoyle@apa.org>;Anderson, Norman <NAnderson@apa.org>;Strassburger, Judy <jstrassburger@apa.org>;Honaker, Michael <mhonaker@apa.org>
Subject:	RE: For Your Review: Revised Con Statement

Ellen and Steve -- I think you both make very good edits/additions to the con draft. What do you think about sending comments as part of an email (as Steve has) rather than track changes? I'm concerned about the impression that the con statement is, even partially, staff produced. Maybe I'm being too sensitive about this...?

Rhea

-----Original Message-----
From: Garrison, Ellen
Sent: Thursday, July 03, 2008 12:51 AM
To: Behnke, Stephen; Garrison, Ellen; Farberman, Rhea; Gilfoyle, Nathalie; Anderson, Norman; Strassburger, Judy; Honaker, Michael
Subject: RE: For Your Review: Revised Con Statement

Steve, I think it best to have just one response to the draft coming from you. Let's try to get that out by noon if we can.

Before sending your proposed comments, take a look at what I drafted. I incorporated your first point verbatim. I think it best to not get into the second. I deleted the issue of APA's effectiveness from the con statement altogether, since it's not really on point.

Ellen

-----Original Message-----
From: "Behnke, Stephen" <sbehnke@apa.org>
To: "Garrison, Ellen" <egarrison@apa.org>; "Farberman, Rhea" <rfarberman@apa.org>; "Gilfoyle, Nathalie" <ngilfoyle@apa.org>; "Anderson, Norman" <NAnderson@apa.org>; "Strassburger, Judy" <jstrassburger@apa.org>; "Honaker, Michael" <mhonaker@apa.org>
Sent: 7/2/08 11:00 PM
Subject: RE: For Your Review: Revised Con Statement

I've not had a chance to review Ellen's statement yet, but I'd like to send the following to the con people—there are a couple statements here that I think we really do not want to see:

Dr. Resnick,

I wanted to call your attention to two statements you may wish to review:

1. The statement "Council overwhelmingly rejected an amendment that would ban locations where psychologists could work. The rejected amendment was essentially the same as the current petition." There are very important differences between the two—in San Francisco, Council voted down a *moratorium* on psychologists working in centers for *foreign detainees.* The petition has no time limit and is not limited to centers for foreign detainees—it applies wherever individuals are "held." The moratorium amendment was much more limited in scope.

2. The statement that APA's efforts have had no apparent effect. Everyone agrees that the Revised Army Field manual is a substantial improvement over its predecessor, and there is considerable discussion in congressional hearings regarding the non-effectiveness of abusive interrogation techniques, a point APA has been emphasizing since the beginning of our discussions. There is a growing chorus of voices, of which APA is a part, that abusive interrogation techniques are both unethical and ineffective, and these voices are having an impact. While we have not achieved our ultimate goal, I would not want to say that we have had no impact.

Just my thoughts,

Steve

From: Garrison, Ellen
Sent: Wednesday, July 02, 2008 10:45 PM
To: Behnke, Stephen; Farberman, Rhea; Gilfoyle, Nathalie; Anderson, Norman; Strassburger, Judy; Honaker, Michael
Subject: For Your Review: Revised Con Statement

Hi, all. Here's my attempt to strengthen the intro and conclusion of the con statement that Bob forwarded to Steve. I added a few sentences (including to address comments made by Steve in his note) and what I consider to be a very important reference to the 2007 resolution. I moved some sentences around, so in track edits my changes might look more substantial than they are.

See what you think.

Ellen

p.s. Sorry for the multi-colored format -- I worked from the office and at home this evening.

Sender: Garrison, Ellen </O=APA/OU=DC/CN=RECIPIENTS/CN=EGG>

Sent: Wednesday, July 02, 2008 10:45:01 PM

Recipient: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>;Farberman, Rhea </O=APA/OU=DC/CN=RECIPIENTS/CN=Rzf>;Gilfoyle, Nathalie </O=APA/OU=DC/CN=RECIPIENTS/CN=Npg>;Anderson, Norman </O=APA/OU=DC/CN=RECIPIENTS/CN=NBA>;Strassburger, Judy </O=APA/OU=DC/CN=RECIPIENTS/CN=Jas>;Honaker, Michael </O=APA/OU=DC/CN=RECIPIENTS/CN=Myh>

Subject: For Your Review: Revised Con Statement

Attachments: con statement.doc

Hi, all. Here's my attempt to strengthen the intro and conclusion of the con statement that Bob forwarded to Steve. I added a few sentences (including to address comments made by Steve in his note) and what I consider to be a very important reference to the 2007 resolution. I moved some sentences around, so in track edits my changes might look more substantial than they are.

See what you think.

Ellen

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DRAFT – CON STATEMENT

The petitioners are requesting that APA prohibit its members from working in settingssites where torture or other human rights violations occurs, with very limited exceptions and without regard to the actual behavior of the APA member psychologist or his or her ability to reasonably determine the acceptability of a particular site. This recommendation may stem from two concerns: first, that psychologists may have been involved in developing abusive interrogation techniques used in CIA black sites, and second, that working in such a site is tantamount to colluding with the torture that takes place there. Given APA's strongly worded prior Council resolutions and concerted federal advocacy directed at the Bush administration and Congress, this petition is unnecessary and may unduly restrict the scope of practice of forensic, public service, and other psychologists.

Collusion issue (thoughts?) **None**

At its August, 2007, meeting, the APA Council passed the second of three resolutions [2006, 2007 and February 2008] condemning torture and other cruel, inhumane, and degrading treatment and punishment. In a Whereas clause of the 2007 resolutions, Council also recognized that such treatment "can result not only from the behavior of individuals, but also from the conditions of confinement" and expressed "grave concern over settings in which detainees are deprived of adequate protection of their human rights" and "affirmed the prerogative of psychologists to refuse to work in such settings." Council also noted that "APA will explore ways to support psychologists who refuse to work in such settings or who refuse to obey orders that constitute torture."

This resolution was vetted by many different constituencies and places limits on the behaviors of psychologists in the context of detainee operations and interrogations. In August, after full and open debate, **Council overwhelmingly rejected an amendment to establish a moratorium on psychologists working in centers for "foreign detainees." The petition under consideration has no time limit and is much broader in scope.would ban locations where psychologists could work. The rejected amendment was essentially the same as the current petition.**

In this context, it is also important to note that APA has strongly and unequivocally condemned the abuse of detainees at military detention centers and CIA black sites in letters to President Bush, Attorney General Mukasey, CIA Director Hayden, and members of Congress, and in articles in the media, and has urged the establishment of policies and procedures that fully protect the human rights of detainees, including judicial review of their detentions.

There are unintended consequences that would arise from a resolution prohibiting **locations** of employment for psychologists rather than focusing on **unethical behavior.** Many psychologists are employed in settings where allegations are made of the loss of constitutional rights, such as jails, prisons, hospitals, and forensic units. Further, ~~as~~ this resolution proposes no method of detection, adjudication, or sanctions and does not specify an ethical violation. Thus, APA cannot enforce this resolution. But, allegations ~~-~~that a psychologist was violating APA policy could arise in any venue (e.g., civil court, a licensing board, or an ethics committee of a state psychological association, ~~ethics committee, a~~ hospital, ~~ethics committee,~~ or other ~~the ethics committee of another~~ professional organization, such as a psychoanalytic institute) in which actions against psychologists are heard. Our ethical standards and the ~~and the~~ APA resolutions of 2006, 2007 and February of 2008 provide much clearer, more explicit statements regarding torture and the responsibility of psychologists. Quoting the last sentence from the 2008 resolution: *Psychologists are absolutely prohibited from knowingly planning, designing, participating or assisting in the use of all condemned techniques [Note: 28 general and specific techniques are enumerated] at any time and may not enlist others to employ these techniques in order to circumvent this resolution's prohibition.*

The clause "unless they are working directly for the persons being detained or for an independent third party working to protect human rights" would likely prohibit psychologists in a prohibited setting from providing services to a person in (even significant) psychological distress, since in most all settings the psychologist would be working for the institution and not for the detained individual. Unlike the Ethics Code, the petition does not provide a way to resolve this ethical dilemma, that is, between a prohibition to provide services and the need for services. (See e.g., Ethical Standard 2.02, Providing Services in Emergencies, which allows psychologists without the necessary training to provide services in emergent situations when other services are not available.)

It would appear that the petition under consideration is intended to prevent psychologists from working in places where there is immoral, illegal, and unethical behavior on the part of the United State government. Regardless of whether or not one supports this presumed intent, the precedent-setting nature of the petition, which would restrict the settings in which psychologists can work raises serious concerns. A likely and highly unfortunate effect of the petition would be to place APA members at risk who are serving vulnerable populations and behaving in legal, ethical, and moral ways.

~~In several letters to President Bush, Attorney General Mukasey, CIA Director Hayden, and members of Congress and Vice President Cheney, and in articles in the media, APA has strongly and unequivocally condemned stated its opposition~~

to the abuse at DoD detention centers and CIA black sites and urged the establishment of policies and procedures that fully protect the human rights of detainees, including judicial review of their detentions. . In this material, APA has cited data regarding the ineffectiveness of torture as an interrogation technique. Numerous offers have been made to meet with members of the government to address these issues. This has had no apparent effect on government policies. The petition has even less likelihood of changing decisions by the President. A likely effect, however, will be to negatively impact APA members who are behaving in legal, ethical, and moral ways.

Sender:	Bonnie Markham, PhD, PsyD PRIVACY REDACTION
Sent:	Tuesday, July 01, 2008 9:51:57 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>;Dr. Robert J. Resnick PRIVACY REDACTION
Cc:	Bill Strickland
Subject:	RE: Proposed Resolution

"The clause "unless they are working directly for the persons being detained or for an independent third party working to protect human rights" would likely prohibit psychologists in a prohibited setting from providing services to a person in (even significant) psychological distress, since in most all settings the psychologist would be working for the institution and not for the detained individual. Unlike the Ethics Code, the petition does not provide a way to resolve this ethical dilemma, that is, between a prohibition to provide services and the need for services. (See e.g., Ethical Standard 2.02, Providing Services in Emergencies, which allows psychologists without the necessary training to provide services in emergent situations when other services are not available.)"

This quote from Stephen Behnke, I think, should be incorporated in our Con Statement.

Subject: RE: Proposed Resolution
Date: Tue, 1 Jul 2008 19:13:55 -0400
From: sbehnke@apa.org
To: Robert Resnick
CC: Bonnie Markham ; Bill Strickland

Bob, attached please find my response to your question below. I hope it is helpful,

Steve

From: Dr. Robert J. Resnick PRIVACY REDACTION
Sent: Saturday, June 28, 2008 9:54 AM
To: Behnke, Stephen
Cc: Bonnie Markham; Bill Strickland
Subject: Proposed Resolution

Hello Steve,

As you may know, I "chair" the con statement trio. We would like "take" on the matter from an ethics standpoint; this resolution moves in a seriously flawed direction from how to where they are employed. It appears this resolution has no enforcement mechanisms by APA but could lead members to bring complaints to licensing boards. Your thoughts?

Regards,

Bob

Robert J. Resnick, Ph.D., ABPP
Professor of Psychology
PRIVACY REDACTION

PRIVACY REDACTION

Sender:	Banks Louie M COL <louie.morgan.banks@us.army.mil>
Sent:	Tuesday, July 01, 2008 10:07:02 AM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	RE: VIP / SME Visit

Steve
Absolutely. I just tried your office number, and you were out. I had hoped to ask you to stay with Noel and I at our house (we have a small cottage for visitors), but our AC has died. I will be at my home all day on Monday, as they will be taking out the old AC that day. One option would be for you to stay in Southern Pines, that would allow us plenty of time, and let us have dinner at one of our nicer restaurants. (They may not rival DCs, but we actually do have some very nice places here.) Depending on our timeline, Kris Woolley and Ed Crandell might join us, since most of the psychologists live out in my neck of the woods. Anyway, let me know, or give me a call. There are some decent hotels in the area (and some VERY nice ones, too.)

I just looked in detail at the most recent resolution, and as someone who has sworn an oath to uphold the constitution, I am a little confused. Perhaps you can enlighten me.

Morgan

COL L. Morgan Banks
Director, Psychological Applications
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil
-----Original Message-----
From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Monday, June 30, 2008 2:49 PM
To: Banks Louie M COL
Subject: RE: VIP / SME Visit

Hey Morgan,

I'm coming down on the 7th; I'd love to have at least a couple of hours to go over a number of things, somewhere reasonably private; that possible?

Thanks,

Steve

-----Original Message-----
From: Banks Louie M COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Monday, June 30, 2008 2:49 PM

To: Teegarden, Lisa A MAJ USSOUTHCOM JTFGTMO; Luckie, Lorenzo F LTC AMEDDCS
Cc: Behnke, Stephen
Subject: RE: VIP / SME Visit

Lisa,

Interestingly, I may be on my way to your location for another purpose in the near future. The defense attorney for one of your guests interviewed me at some length last week, and may call me to testify at the trial (commission/hearing?) that is scheduled to take place in a month or so. (I can send you more details on the SIPR.) I am more than glad to come down if I can be of assistance, but would obviously prefer to combine the trips, if possible. I am not sure when I will be called, but hope to know fairly soon.
V/r

COL L. Morgan Banks
Director, Psychological Applications
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil
-----Original Message-----
From: Teegarden, Lisa A MAJ USSOUTHCOM JTFGTMO
[mailto:Lisa.A.Teegarden@jtfgtmo.southcom.mil]
Sent: Monday, June 30, 2008 2:05 PM
To: Luckie, Lorenzo F LTC AMEDDCS
Cc: Behnke, Stephen; Banks Louie M COL
Subject: RE: VIP / SME Visit

Good afternoon LTC Luckie,
I hope this email finds you doing well. I wanted to check with you regarding the proposed visit to GTMO. I wanted to let you know that I spoke to both COL Banks and Dr. Stephen Behnke regarding the TDY to GTMO. After some lengthy discussion with Dr. Behnke, he was not entirely optimistic that a visit at this time (or the near future for that matter) will be possible. Dr. Behnke was going to talk to some folks at APA about the idea of a visit to GTMO and get back with me although it might be that we need to move on and make alternate plans. It might be that some people attend the training course at Ft. Huachuca instead (an alternate idea).

So, BG Zanetti said for us to plan the TDY with just yourself or with yourself and COL Banks. I am not sure if you can come prior to the BSCT Course in September. Perhaps we can brainstorm the agenda and timeline. COL Banks, do you have some ideas?
V/R,
Lisa
Lisa A. Teegarden
MAJ, MS

Director, Behavioral Science Consultation Team (BSCT) Joint Task Force
Guantanamo, Cuba
660-8079 (dsn)
011-5399-8079 (com)
011-5399-8056 (fax)
e-mail NIPR: lisa.a.teegarden@jtfgtmo.southcom.mil
e-mail SIPR: lisa.a.teegarden@jtfgtmo.southcom.smil.mil

-----Original Message-----
From: Luckie, Lorenzo F LTC AMEDDCS
[mailto:Lorenzo.Luckie@AMEDD.ARMY.MIL]
Sent: Friday, June 06, 2008 10:06 AM
To: Teegarden, Lisa A MAJ USSOUTHCOM JTFGTMO
Cc: Behnke, Stephen; Banks Louie M. COL
Subject: RE: VIP / SME Visit

MAJ Teegarden,
Thanks for the note. BG Zanetti wrote to me that you would be in contact. Thanks for being prompt. Thanks for passing along the information to COL Dunivin as well. I mentioned to BG Zanetti that I thought it would be a good idea to involve Dr. Behnke and COL Banks in this process so I'm glad that it appears everyone agrees on that. I'm coming up on another BSCT course in SEP. Family plans won't allow me to travel in JUL, and some portion of AUG will be taken up in a tri-service conference here in San Antonio to develop a new curriculum for mental health techs, so I'm going to have to do some more digging into my schedule to come up with doable travel dates. In spite of my schedule problems, I would concur with the utility of doing this before the APA convention though I doubt it's possible for me. My chain at the C&S has given permission for me to travel, but want to know on whose dime it will be. BG Zanetti and I didn't get into those weeds, so could you please provide clarification on who is paying. I hope that the mission has started well for you. Could you also provide some clarification on how long the TDY would be? BG Zanetti is a good man to work for and an advocate for our involvement, so that is very much in your favor. I hope your stay at GTMO will go well. I've taken the liberty of cc'ing COL Banks and Dr. Behnke.
Thanks.
Lorenzo F. Luckie
LTC, MS
Chief, Mental Health Specialist Branch
Army Medical Department Center and School
PRIVACY REDACTION

-----Original Message-----
From: Teegarden, Lisa A MAJ USSOUTHCOM JTFGTMO
[mailto:Lisa.A.Teegarden@jtfgtmo.southcom.mil]
Sent: Friday, June 06, 2008 8:48 AM
To: Luckie, Lorenzo F LTC AMEDDCS
Cc: Zanetti, Gregory J BG USSOUTHCOM JTFGTMO
Subject: FW: VIP / SME Visit

Importance: High
Good morning LTC Luckie,

I hope this email finds you doing well. I have spoken to BG Zanetti about you visiting our BSCT here at GTMO. Given that COL Dunivin is the SME and course director, I spoke to her yesterday to keep her in the loop. She recalled the discussion we had with Dr. Behnke at the course in March and recommended that COL Banks also be part of the visit. Referencing the email below, RDML Thomas is also interested in having visitors who are not supporters of our mission. It would be ideal for Dr. Behnke, COL Banks and yourself to bring one or two (more?) folks from APA who are critical of the BSCT mission (see email below). I have some difficulty getting emails out of here and so I have not yet heard back from Dr. Behnke or COL Banks. What we need to do is clarify the timeline and agenda for everyone. It may be that there are multiple agendas.

Please let me know when you are available for TDY. It would be great if Dr. Behnke and COL Banks are available prior to the APA conference in August (12 - 17th).

Respectfully,
MAJ Teegarden
Lisa A. Teegarden
MAJ, MS
Director, Behavioral Science Consultation Team (BSCT) Joint Task Force
Guantanamo, Cuba
660-8079 (dsn)
011-5399-8079 (com)
011-5399-8056 (fax)
e-mail NIPR: lisa.a.teegarden@jtfgtmo.southcom.mil
e-mail SIPR: lisa.a.teegarden@jtfgtmo.southcom.smil.mil

-----Original Message-----
From: Teegarden, Lisa A MAJ USSOUTHCOM JTFGTMO
Sent: Thursday, June 05, 2008 1:12 PM
To: 'ethics@apa.org'; 'COL Morgan Banks'
Cc: 'COL Morgan Banks'
Subject: VIP / SME Visit
Importance: High

Good Afternoon Dr. Behnke ~

I hope this email finds you doing well. I last had the opportunity to talk with you at the BSCT course in AZ. At that time, we spoke about the possibility of you visiting Guantanamo Bay Cuba. This morning I spoke to RDML Thomas and he is very supportive of the BSCT mission here. He requested that we bring folks from the APA visit the Joint Task Force. Central to that visit would be Dr. Behnke and anyone else who is

believed to be of importance. The other VIP's are not necessarily supporters of the mission here and he prefers that folks come who are quite critical of what we do. I was thinking that COL Banks could accompany you here and that between four of us (you, COL Banks, COL Dunivin and myself), we could identify some folks to accompany you. As well, we need to clarify the timeline of the visit and what the agenda for the visit would be. I am not sure that your schedule could accommodate the visit before APA in August but wanted to see what your availability is like. Please let me know your thoughts and we can coordinate as appropriate.

Very Respectfully,

Lisa

Lisa A. Teegarden

MAJ, MS

Director, Behavioral Science Consultation Team (BSCT)

Joint Task Force Guantanamo, Cuba

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e-mail SIPR: lisa.a.teegarden@jtfgtmo.southcom.smil.mil
<mailto:lisa.a.teegarden@jtfgtmo.southcom.smil.mil>

Sender: Council Representatives List <COR@LISTS.APA.ORG> on behalf of Judith Van Hoorn PRIVACY REDACTION
Sent: Wednesday, September 17, 2008 1:16:01 PM
Recipient: COR@LISTS.APA.ORG
Subject: Re: [COR] 2008 Petition Resolution Election Results

Dear COR and BOD Colleagues and APA staff,

Thank you Garnett for all your work.

Since this is the first such resolution and COR plays the central role in implementing it, it seems important that we COR representatives be knowledgeable as we proceed. I'm sure that there will be considerable follow-up information, many questions and responses, etc.

It would be very useful if all of us could access relevant information in one place - and especially helpful for the new representatives who will be joining COR this year.

I hope that you will support my request that all relevant press releases, relevant correspondence (to the BOD, COR or staff), and related information be sent to the listserv when important, and that everything be posted on the special place that COR members can access, e.g. the APA Governance website section or a special site.

Whatever one's position on the Petition Resolution, we can point out that APA is probably the largest professional organization that has this mechanism for democracy in action - a process whereby members can petition and vote on issues of importance to them. (In fact, my hurried survey of other large professional organizations found no other.)

Judy

Judith Van Hoorn
Society for the Study of Peace, Conflict, and Violence
Division 48

-----Original Message-----
From: Council Representatives List on behalf of Coad, Garnett
Sent: Wed 9/17/2008 9:36 AM
To: COR@LISTS.APA.ORG
Subject: [COR] 2008 Petition Resolution Election Results

> As you all know, the 2008 Petition Resolution election ballot was
> mailed to all eligible APA voters on August 1. The election closed
> Monday, September 15. The ballots have been counted by Intelliscan
> and the Election Committee has certified the election. To become
> policy, the petition resolution needed to be approved by a majority of
> those members voting. On behalf of the Election Committee, I am
> pleased to announce the results.
> Yes 8,792 votes (58.8%)
> No 6,157 votes (41.1%)
> Abstains 15 (0.1%)
> Total Ballots 14,964
> Election Office

Sender:	Council Representatives List <COR@LISTS.APA.ORG> on behalf of Kazdin, Alan PRIVACY REDACTION
Sent:	Thursday, September 25, 2008 2:23:41 PM
Recipient:	COR@LISTS.APA.ORG
Subject:	[COR] Advisory Group and Your Suggestions

Dear Friends and Colleagues,

This note follows my earlier message regarding the implementation of the petition resolution that prohibits psychologists from working in detention settings where international law or the U.S. Constitution are violated, unless they are working directly for the persons being detained or for an independent third party working to protect human rights, or they are providing treatment to military personnel.

In an effort to respond to the urgency of this matter, we are striving to achieve a delicate balance between following the mandate of the membership vote and abiding by the rules and bylaws of the Association.

As I have noted previously I will be appointing an advisory group and charging it with three tasks:

1) Determine what issues need clarification concerning the resolution, including its intent and scope;

2) Identify and think through possible actions that would provide such clarifications for Council to review and consider at its February 2009 meeting; and

3) Identify other possible Council actions to implement the resolution, including any new business items for Council's review and consideration in February.

By way of this memo, I am officially soliciting your suggestions for possible members of this advisory group. (Those of you who have already volunteered or forwarded suggestions to me do not need to do so a second time.) My goal is to appoint members to the advisory group who understand and represent the broad range of constituent groups interested in, or with questions about, the implementation process.

Please send your nominations to me at president@apa.org. The deadline for all nominations is 5:00 p.m. on October 1, 2008.

For your information, we expect the advisory group to have a face-to-face meeting in Washington, D.C., in November or early December. This meeting will likely take place over a weekend, beginning on Friday morning and ending at midday on Saturday. (We will not ask the group to meet over the Thanksgiving holiday weekend!)

We expect that the advisory group will require some additional work time via conference calls and email after its meeting. APA staff will, of course, assist with all the necessary meeting and travel arrangements. Additionally, APA will cover all travel expenses for advisory group members.

As a goal, the advisory group should complete its work no later than the end of January. This timeframe will enable the Council to review the advisory group's recommendations at its February meeting.

I thank you in advance for your nominations. My hope is that the wisdom of the soon to-be-appointed

advisory group will provide Council with valuable guidance to implement the resolution in an informed and expeditious manner. As I said in my earlier message, our members have spoken on this important issue. Our role as members of Council is to embrace the will of the membership and to ensure that the resolution is clear, actively communicated, and effectively implemented.

Thank you for your help.

Best wishes,
Alan

Alan E. Kazdin, Ph.D., ABPP
President, American Psychological Association
John M. Musser Professor of Psychology and Child Psychiatry
Department of Psychology
Yale University
PRIVACY REDACTION
[redacted]
www.yale.edu/psychology/FacInfo/Kazdin.html
www.yale.edu/childconductclinic
www.alankazdin.com
www.apa.org/about/president

Please be aware that email communication can be intercepted in transmission or misdirected. Please consider communicating any sensitive information by telephone, fax or mail. The information contained in this message may be privileged and confidential. If you are NOT the intended recipient, please notify the sender immediately with a copy to hipaa.security@yale.edu and destroy this message.

Sender:	Garrison, Ellen </O=APA/OU=DC/CN=RECIPIENTS/CN=EGG>
Sent:	Wednesday, October 15, 2008 4:33:52 PM
Recipient:	Farberman, Rhea <rfarberman@apa.org>;Mills, Kim <kmills@apa.org>;Behnke, Stephen <sbehnke@apa.org>;Strassburger, Judy <jstrassburger@apa.org>;Gilfoyle, Nathalie <ngilfoyle@apa.org>;Anderson, Norman <NAnderson@apa.org>;Honaker, Michael <mhonaker@apa.org>
Subject:	For Review: Advisory Group Charge/Selection/Procedure
Attachments:	Charge of the Advisory Group to Implement the Petition Resolution.doc

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Hi, all. Here's a draft of the advisory group charge for your review before I forward it to Alan. I have tried to incorporate ideas that were suggested during the Board retreat discussion and our earlier meetings, while relying on Alan's earlier memos as a base.

All suggestions welcome. I will now type and send around the ideas for individual nominees that Steve and I developed based on your earlier suggestions as well. I handed these to Alan as background at the Board retreat.

If you could get back to me by noon tomorrow, that would be splendid! I would like to send this to Alan by COB tomorrow for his review.

Much thanks!

Ellen

Sender:	Strassburger, Judy </O=APA/OU=DC/CN=RECIPIENTS/CN=JAS>
Sent:	Thursday, October 16, 2008 3:01:39 PM
Recipient:	Garrison, Ellen <egarrison@apa.org>;Behnke, Stephen <sbehnke@apa.org>;Farberman, Rhea <rfarberman@apa.org>;Mills, Kim <kmills@apa.org>;Gilfoyle, Nathalie <ngilfoyle@apa.org>;Anderson, Norman <NAnderson@apa.org>;Honaker, Michael <mhonaker@apa.org>
Subject:	RE: Revised Charge of the Advisory Group to Implement the Petition Resolution

Deal. Although I'll bet we will be asked about it. Judy

Judy A. Strassburger
Executive Director, Governance Affairs
American Psychological Association
750 First Street NE
Washington, DC 20002-4242
Tel: (202) 336-6088 | Fax: (202) 336-6157
email: jstrassburger@apa.org | www.apa.org

From: Garrison, Ellen
Sent: Thursday, October 16, 2008 2:35 PM
To: Behnke, Stephen; Strassburger, Judy; Farberman, Rhea; Mills, Kim; Gilfoyle, Nathalie; Anderson, Norman; Honaker, Michael
Subject: RE: Revised Charge of the Advisory Group to Implement the Petition Resolution

I'm persuaded. Let's not add ethics barring any strong argument to the contrary… Judy, others?

Ellen

From: Behnke, Stephen
Sent: Thursday, October 16, 2008 2:02 PM
To: Strassburger, Judy; Garrison, Ellen; Farberman, Rhea; Mills, Kim; Gilfoyle, Nathalie; Anderson, Norman; Honaker, Michael
Subject: RE: Revised Charge of the Advisory Group to Implement the Petition Resolution

Let me offer a different perspective on whether ethics should be listed. Nathalie has done a masterful job at emphasizing how the resolution does ***not*** change the ethics code. I think that invoking ethics risks sending a mixed message at this point, and I'd prefer ethics not be made part of the process now. Ethics will likely come in later, but for the moment I think the identified areas are good.

Rarely do I recommend leaving ethics out of the equation, but, as they say, the exception proves the rule…

Steve

From: Strassburger, Judy
Sent: Thursday, October 16, 2008 12:38 PM
To: Garrison, Ellen; Farberman, Rhea; Mills, Kim; Behnke, Stephen; Gilfoyle, Nathalie; Anderson, Norman; Honaker, Michael
Subject: RE: Revised Charge of the Advisory Group to Implement the Petition Resolution

Hmm, I meant to mention that in my note that I thought Ethics should have been listed. Judy

Judy A. Strassburger

Executive Director, Governance Affairs
American Psychological Association
750 First Street NE
Washington, DC 20002-4242
Tel: (202) 336-6088 | Fax: (202) 336-6157
email: jstrassburger@apa.org | www.apa.org

From: Garrison, Ellen
Sent: Thursday, October 16, 2008 12:35 PM
To: Farberman, Rhea; Mills, Kim; Behnke, Stephen; Strassburger, Judy; Gilfoyle, Nathalie; Anderson, Norman; Honaker, Michael
Subject: Revised Charge of the Advisory Group to Implement the Petition Resolution

How's this? Please review added last two paragraphs in particular. Also, do we want to add ethics to the list of targeted areas? Steve had thought not, but I was thinking maybe we should...

Ellen

Sender:	Garrison, Ellen </O=APA/OU=DC/CN=RECIPIENTS/CN=EGG>
Sent:	Thursday, October 16, 2008 5:02:19 PM
Recipient:	Anderson, Norman <NAnderson@apa.org>;Honaker, Michael <mhonaker@apa.org>;Strassburger, Judy <jstrassburger@apa.org>;Gilfoyle, Nathalie <ngilfoyle@apa.org>;Farberman, Rhea <rfarberman@apa.org>;Mills, Kim <kmills@apa.org>;Behnke, Stephen <sbehnke@apa.org>
Subject:	For Review: Advisory Group Suggestions
Attachments:	Advisory Group Member Suggestions.doc

Hi, all. Here's a draft of the list of suggested nominees for the advisory group to go to Alan -- some of which he has already seen and discussed with me at the Board retreat....

The list was constructed as follows:

1) Six key divisions were designated for representation per our earlier conversations (i.e., 9, 18, 19, 31, 41, and 48)

2) Council members representing these divisions who were self or other nominated, as well as other Council division reps for these divisions who were not nominated, were considered for these slots by Steve and me, based in large measure on earlier discussions with you all.

3) The Council members are listed in three tiers by division and state association. The list accounts for all Council members in the targeted divisions, whether nominated or not. The second and third tiers also include a few nominated Council members representing SPTAs.

4) Board members are listed roughly in order of priority with consideration (per Alan) given to whether folks were on the PENS Task Force (Barry) or perhaps considering higher APA office. Alan was thinking that perhaps Suzanne and Armand would be best.

5) As you'll recall, Alan had signaled his intent in the first memo to Council to invite Dan Aalbers to participate on the advisory group. Despite Dan's earlier reluctance to do so, it is clear from the letter that the three petitioners (Dan, Ruth Fallenbaum and Brad Olsen) sent to Alan that they are all self nominating for the advisory group. The concern with Dan is that he is still not a member of APA – just checked with membership office/database today. Do we want to include Dan no matter his membership status? One or both of the other two as well? Steve recommends just Dan provided he rejoins APA. (I don't know the other two.)

6) None of the other psychologists recommended by the petitioners in their letter are Council members. Their nominees are: Ghislaine Boulanger, Steve Reisner, Steve Soldz, Frank Summers, Craig Haney, Bernice Lott, and Anthony Marsella. Do we want to include any of them? I would think not. They might better serve as consultants to the petitioner(s) on the advisory group.

Thoughts? Ready to send to Alan?

Ellen

Suggestions for Advisory Group Members

Council Representatives from Key Divisions (about 6 in all)

9 – ***Allen Omoto*** (nominated by Judy Van Hoorn – Div. 48 and Laurie Wagner – Div. 39)
OR ***Maureen O'Connor*** (by Allen Omoto – Div. 9)
(Allen and Maureen are the two Div. 9 Council Reps)

18 – ***Kathy McNamara*** (by Walter Penk – Div. 18 and Michael Wertheimer)
(Walter Penk is the other Council 18 Rep and self nominated)

19 – ***Bill Strickland*** (by Janet Barnes-Farrell – Div. 14 and Gwyn Boodoo – Div. 5)
(Bill is the only Div. 19 Council Rep)

31 – ***Elena Eisman*** (not nominated)
(Elena is the only Div. 31 Council Rep)

41 – ***Beth Wiggins*** (not nominated)
OR ***Randy Otto*** (not nominated)
(Beth and Randy are the two Div. 41 Council Reps)

48 – ***Corann Okorodudu*** (by self, Laurie Wagner – Div. 39, Judy Van Hoorne, Div. 48, and Allen Omoto – Div. 9)
OR ***Judy Van Hoorn*** (by Allen Omoto - Div. 9 and Trish Crawford – B.C.)
(Corann and Judy are the two Div. 48 Council Reps)

Some Other Nominated Council Members to Consider

17 – ***Louise Douce*** (by Marge Charmoli – MN)

35 – ***Laura Brown*** (by Marge Charmoli, MN)

NY – ***Shannon Brennan*** (by self)

OR – ***Patrick Stone*** (by self)

Other Council Nominees Still to Consider…

18 – ***Walter Peck*** (by self)

39 – ***Laurie Wagner*** (by self, Alan Omoto – Div. 9, Judy Van Hoorne – Div. 48, and Trish Crawford, B.C.)

42 – ***Bob Resnick*** (by self)

45 – ***Bill Parham*** (by self and Martha Banks – Div. 45)

46 – ***Lenore Walker*** (by Marge Charmoli, MN)

Board Members (about 2 in all):

Suzanne Bennett Johnson (not nominated)
Armand Cerbone (nominated by Michael Wertheimer)
Doug Haldeman (by Michael Wertheimer)
Michael Wertheimer (by self)
Paul Craig (by Michael Wertheimer)
Melba Vasquez (by Michael Wertheimer)
Barry Anton (by self and Michael Wertheimer)

Petitioners (at least 1):

Dan Aalbers (by self and per Alan's earlier invite intent) – would need to rejoin APA?
Ruth Fallenbaum (by self per joint letter to Alan)
Brad Olsen (by self per joint letter to Alan)

Sender:	Gilfoyle, Nathalie </O=APA/OU=DC/CN=RECIPIENTS/CN=NPG>
Sent:	Thursday, October 16, 2008 10:44:34 PM
Recipient:	Garrison, Ellen <egarrison@apa.org>;Anderson, Norman <NAnderson@apa.org>;Honaker, Michael <mhonaker@apa.org>;Strassburger, Judy <jstrassburger@apa.org>;Behnke, Stephen <sbehnke@apa.org>;Farberman, Rhea <rfarberman@apa.org>;Mills, Kim <kmills@apa.org>
Subject:	Re: REVISED: For Review: Advisory Group Suggestions

I am concerned about beth wiggins in that we have already had one staff hysband/ governance wife issue. I know you must have sorted through that and wonder what your thinking is. Nathalie

----- Original Message -----
From: Garrison, Ellen
To: Anderson, Norman; Honaker, Michael; Strassburger, Judy; Behnke, Stephen; Farberman, Rhea; Mills, Kim; Gilfoyle, Nathalie
Sent: Thu Oct 16 18:10:32 2008
Subject: REVISED: For Review: Advisory Group Suggestions

Hi, all. Please review this version – includes suggestions for chair, as well as reordered list of Board members, per discussion with Steve. Priority was given to Board members who are most familiar with the issues.

Thanks! I sent the advisory group overview to Alan for his consideration about an hour ago and will send this list tomorrow pending your review and comment.

Ellen

_____

From: Garrison, Ellen
Sent: Thursday, October 16, 2008 5:02 PM
To: Anderson, Norman; Honaker, Michael; Strassburger, Judy; Gilfoyle, Nathalie; Farberman, Rhea; Mills, Kim; Behnke, Stephen
Subject: For Review: Advisory Group Suggestions

Hi, all. Here's a draft of the list of suggested nominees for the advisory group to go to Alan -- some of which he has already seen and discussed with me at the Board retreat....

The list was constructed as follows:

1) Six key divisions were designated for representation per our earlier conversations (i.e., 9, 18, 19, 31, 41, and 48)

2) Council members representing these divisions who were self or other nominated, as well as other Council reps for these divisions who were not nominated, were considered for these slots by Steve and me, based in large measure on earlier discussions with you all.

3) The Council members are listed in three tiers by division and state association. Divisions are presented in numerical order with members prioritized within division listings. The list accounts for all Council members in the targeted divisions, whether nominated or not. The second and third tiers also include a few nominated Council members representing SPAs.

4) Board members are listed roughly in order of priority with consideration (per Alan) given to whether folks were on the PENS Task Force (Barry) or perhaps considering higher APA office. Alan was thinking that perhaps Suzanne and Armand would be best.

5) As you'll recall, Alan had signaled his intent in the first memo to Council to invite Dan Aalbers to participate on the advisory group. Despite Dan's earlier reluctance to do so, it is clear from the letter that the three petitioners (Dan, Ruth Fallenbaum and Brad Olsen) sent to Alan that they are all self nominating for the advisory group. The concern with Dan is that he is still not a member of APA – just checked with membership office/database today. Do we want to include Dan no matter his membership status? One or both of the other two as well? Steve recommends just Dan provided he rejoins APA. (I don't know the other two.)

6) None of the other psychologists recommended by the petitioners in their letter are Council members. Their nominees are: Ghislaine Boulanger, Steve Reisner, Steve Soldz, Frank Summers, Craig Haney, Bernice Lott, and Anthony Marsella. Do we want to include any of them? I would think not. They might better serve as consultants to the petitioner(s) on the advisory group.

Thoughts? Ready to send to Alan?

Ellen

Sender:	Garrison, Ellen </O=APA/OU=DC/CN=RECIPIENTS/CN=EGG>
Sent:	Friday, October 31, 2008 12:24:32 PM
Recipient:	'Scott.Marrs@LACKLAND.AF.MIL' <Scott.Marrs@LACKLAND.AF.MIL>;'Favret James V Col AFMOA/SG3OQ' <JamesV.Favret@pentagon.af.mil>;Martin Petrillo [redacted];'Crow, Bruce E COL BAMC-Ft Sam Houston TX' <BRUCE.CROW@US.ARMY.MIL>;'Paris, Mark, CAPT, OASD(HA)/TMA' <mark.paris@tma.osd.mil>;'Adkins, Joyce, Col, OASD(HA)/TMA' <Joyce.Adkins@ha.osd.mil>
Cc:	Gilfoyle, Nathalie <ngilfoyle@apa.org>;Behnke, Stephen <sbehnke@apa.org>;Anderson, Norman <NAnderson@apa.org>
Subject:	11/6 DoD-APA Quarterly Mtg.- Part I: Petition Resolution
Attachments:	Petition Q&A by APA.doc;Petitioners' FAQ about the Petition Resolution.doc

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Greetings, everyone. This is a reminder that we will be meeting next Thursday, November 6, from noon-2:00 p.m. at the APA building. (Let me know if you need directions.) If at all possible, would you kindly plan to arrive ten minutes early and come to the 6th floor reception area. Our CEO Norman Anderson is hoping to greet and welcome you before his noon conference call. If you are unable to arrive early, please come to the 6th floor anyway, and you will be escorted to room 3089 where the meeting will take place. In case of emergency, non-ringing doorbells, and the like, my cell phone is PRIVACY REDACTION
The first part of the meeting will focus on the petition resolution. It might be helpful to address the following three issues in our discussion:

1) Criteria for determining whether a given site falls within the scope of the resolution;

2) Designation of acceptable and prohibited roles of military and civilian psychologists at these sites (e.g., participation on sanity boards); and

3) Possible means to implement the petition resolution, including its relationship to the APA Ethics Code.

I am providing you with some materials to help guide and inform our discussion. See attached for separate Q & As on the petition developed by APA and the petitioners and below for a link to the petition resolution with the pro and con statements:

http://www.apa.org/governance/resolutions/work-settings.html

As you will recall, our General Counsel Nathalie Gilfoyle and the Director of our Ethics Office Steve Behnke have kindly agreed to join us for our discussion. While we may not have that much in the way of answers at this point, we look forward to learning of your concerns and issues that the advisory group to the Council of Representatives might consider at its meeting the following week (see my earlier note about this).

Please let me know if you have any comments on the proposed agenda, questions, or a need for further information. Later today, I will be sending you a proposed agenda for our 1:00-2:00 p.m. meeting with APA senior policy staff on military psychology-related issues for the next Congress and Administration (which, interestingly enough, will be known to us by the time of our meeting).

I look forward to seeing you next week and hope that all is well...

Ellen

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Executive Office
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750 First Street NE, Washington, DC 20002-4242
Tel: (202) 336-6066 | Fax: (202) 336-6069
email: egarrison@apa.org | www.apa.org

Sender:	Garrison, Ellen </O=APA/OU=DC/CN=RECIPIENTS/CN=EGG>
Sent:	Monday, November 10, 2008 5:35:25 PM
Recipient:	Anderson, Norman <NAnderson@apa.org>;Honaker, Michael <mhonaker@apa.org>;Strassburger, Judy <jstrassburger@apa.org>;Behnke, Stephen <sbehnke@apa.org>;Gilfoyle, Nathalie <ngilfoyle@apa.org>;Farberman, Rhea <rfarberman@apa.org>;Mills, Kim <kmills@apa.org>;Breckler, Steve <SBreckler@apa.org>;Kelly, Heather <hkelly@apa.org>
Subject:	Final Roster for Advisory Group
Attachments:	Advisory Group Contact List.doc

Hi, all. Attached is the final roster for the advisory group that I shared with the members today – please note that this version includes contact information that is not for wider dissemination.

Also, per Steve Breckler's earlier note, let's all include him and Heather in all interrogation-related correspondence, even if primarily practice-related as is the case with our latest advisory group effort.

Steve Behnke has taken the first stab at a process document for the meeting, which we will share with you all on Wednesday for comment.

Much thanks, all!

Ellen

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APA Presidential Advisory Group
on the Implementation of the Petition Resolution

Membership List with Contact Information

Elena J. Eisman, Ed.D., Chair
PRIVACY REDACTION
PRIVACY REDACTION
PRIVACY REDACTION
PRIVACY REDACTION
PRIVACY REDACTION

Daniel Aalbers
PRIVACY REDACTION
PRIVACY REDACTION
PRIVACY REDACTION
PRIVACY REDACTION

Armand R. Cerbone, Ph.D.
PRIVACY REDACTION
PRIVACY REDACTION
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PRIVACY REDACTION
PRIVACY REDACTION

Ruth H. A. Fallenbaum, Ph.D.
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Corann Okorodudu, Ed.D.
Psychology Department
Rowan University, Robinson Bldg.
PRIVACY REDACTION
PRIVACY REDACTION
PRIVACY REDACTION
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PRIVACY REDACTION

Bradley David Olson, Ph.D.
Northwestern University
PRIVACY REDACTION
PRIVACY REDACTION
PRIVACY REDACTION
PRIVACY REDACTION
PRIVACY REDACTION
PRIVACY REDACTION

Allen M. Omoto, Ph.D.
Department of Psychology
Claremont Graduate University
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PRIVACY REDACTION
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PRIVACY REDACTION
PRIVACY REDACTION

Walter E. Penk, Ph.D.
PRIVACY REDACTION
PRIVACY REDACTION
PRIVACY REDACTION
PRIVACY REDACTION

William J. Strickland, Ph.D.
PRIVACY REDACTION
PRIVACY REDACTION
PRIVACY REDACTION
PRIVACY REDACTION
PRIVACY REDACTION

Michael Wertheimer, Ph.D.
Department of Psychology
PRIVACY REDACTION
University of Colorado
PRIVACY REDACTION
PRIVACY REDACTION
PRIVACY REDACTION
PRIVACY REDACTION

Elizabeth C. Wiggins, Ph.D.
Federal Judicial Center
PRIVACY REDACTION
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Staff Liaisons

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pandoh@apa.org

Sender:	Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>
Sent:	Monday, November 10, 2008 6:11:57 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	FW: Final Roster for Advisory Group
Attachments:	Advisory Group Contact List.doc

Ok, Mr. not-involved-in-the-advisory-group-thing, I see you've drafted the meeting process note?!
H

From: Garrison, Ellen
Sent: Mon 11/10/2008 5:35 PM
To: Anderson, Norman; Honaker, Michael; Strassburger, Judy; Behnke, Stephen; Gilfoyle, Nathalie; Farberman, Rhea; Mills, Kim; Breckler, Steve; Kelly, Heather
Subject: Final Roster for Advisory Group

Hi, all. Attached is the final roster for the advisory group that I shared with the members today – please note that this version includes contact information that is not for wider dissemination.

Also, per Steve Breckler's earlier note, let's all include him and Heather in all interrogation-related correspondence, even if primarily practice-related as is the case with our latest advisory group effort.

Steve Behnke has taken the first stab at a process document for the meeting, which we will share with you all on Wednesday for comment.

Much thanks, all!

Ellen

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Sender:	Breckler, Steve </O=APA/OU=DC/CN=RECIPIENTS/CN=SJB>
Sent:	Tuesday, November 11, 2008 5:15:35 PM
Recipient:	Garrison, Ellen </O=APA/OU=DC/CN=RECIPIENTS/CN=EGG>;Anderson, Norman </O=APA/OU=DC/CN=RECIPIENTS/CN=NBA>
Cc:	Honaker, Michael </O=APA/OU=DC/CN=RECIPIENTS/CN=MYH>;Strassburger, Judy </O=APA/OU=DC/CN=RECIPIENTS/CN=JAS>;Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>;Farberman, Rhea </O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>;Gilfoyle, Nathalie </O=APA/OU=DC/CN=RECIPIENTS/CN=NPG>
Subject:	RE: [COR] APA Presidential Advisory Group on the Implementation of the Petition Resolution

Confidentially:

James has maintained for some time that he does not want to deal with the interrogation issue "on his watch", and that he will do all he can to stall, delay, and put on the back burner. Obviously, this needs to be dealt with carefully. But I agree that it would be a HUGE mistake to take this off the front burner right now. How much is it really his call to decide what goes on the Council agenda?

Steve Breckler

From: Garrison, Ellen
Sent: Tue 11/11/2008 5:11 PM
To: Anderson, Norman; [redacted]
Cc: Honaker, Michael; Strassburger, Judy; Behnke, Stephen; Farberman, Rhea; Gilfoyle, Nathalie; Breckler, Steve
Subject: RE: [COR] APA Presidential Advisory Group on the Implementation of the Petition Resolution

Thank you, Norman, Mike, and Steve for the support I will write back to James now. Just went out to run some errands and then came back to this. I wasn't kidding earlier about those battle scars!

Ellen

From: Anderson, Norman
Sent: Tue 11/11/2008 4:52 PM
To: Garrison, Ellen; [redacted]
Cc: Honaker, Michael; Strassburger, Judy; Behnke, Stephen
Subject: RE: [COR] APA Presidential Advisory Group on the Implementation of the Petition Resolution

Ellen,

I think your course of action is the best one--that is, pointing out how you have kept James in the loop as indicated below. I also think it is important to point out how much work has gone into this up to the present, and that there is great anticipation for a discussion about this at COR. Also that pulling back now could have significant negative consequences.

I have a call tomorrow morning with James on another matter and can reinforce these points.

Norman

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Washington, DC 20002
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(202) 336-6069 fax
nanderson@apa.org
www.apa.org

From: Garrison, Ellen
Sent: Tue 11/11/2008 4:38 PM
To: Anderson, Norman; Alan Kazdin
Cc: Honaker, Michael; Strassburger, Judy
Subject: FW: [COR] APA Presidential Advisory Group on the Implementation of the Petition Resolution

How do you want me to handle this -- I'll send James' prequel to Mike and Judy in a minute. I had reached out to James about the petition, as suggested by Alan, a while back, and had sent him the overview statement, which clearly addresses the reporting to Council plan (in numerous places), as did the two earlier messages to Council from Alan about the petition. Where has he been? We agreed to talk before the Board meeting about legislative matters going into 2009, and he seemed to be pleased that Alan had the advisory group under control.

Do I write back with a polite note to this effect -- about the three earlier communications on this? I don't think that it would be a good idea now to pull this back..

PLEASE ADVISE!!! Thank you!

Ellen

From: Bray, James H PRIVACY REDACTION
Sent: Tue 11/11/2008 4:22 PM
To: Garrison, Ellen; Kazdin, Alan; Anderson, Norman
Subject: FW: [COR] APA Presidential Advisory Group on the Implementation of the Petition Resolution

Ellen,
As the 2009 President, I ask that you send another email out immediately to correct the statement that this issue will be taken up at the 2009 Feb. Council meeting. I have not decided that it will be on the agenda, and plan to have a discussion about this with the full board before making that
decision.

I think your mis-statement needs to be corrected today, so that Council is not confused by this or my ensuing emails about this issue.

Thanks
James Bray
2009 APA President

-----Original Message-----
From: Council Representatives List [mailto:COR@LISTS.APA.ORG] On Behalf Of Garrison, Ellen
Sent: Tuesday, November 11, 2008 2:08 PM
To: COR@LISTS.APA.ORG

Subject: [COR] APA Presidential Advisory Group on the Implementation of the Petition Resolution

Greetings, everyone. Please see the following announcement of the formation and upcoming meeting of the APA Presidential Advisory Group on the Implementation of the Petition Resolution. This advisory group was recently appointed by APA President Alan Kazdin to propose options to implement the petition resolution for the Council of Representatives to consider at its February meeting.

For more detailed information about the advisory group, please see the attached overview statement. Also please feel free to contact me in my role as APA staff liaison to the advisory group, if you have any questions or would like additional information.

Best,
Ellen

Petition Resolution Advisory Group Announced

(November 11, 2008) -- APA President Alan E. Kazdin, Ph.D., has appointed an advisory group on the implementation of the petition resolution that was approved by the APA membership in September. The resolution relates to the work of psychologists in settings "where persons are held outside of, or in violation of, either International Law (e.g., the UN Convention Against Torture and the Geneva Conventions) or the US Constitution (where appropriate)."

Dr. Kazdin's appointments to the group are being made after an open nominations process and include the original petitioners, as well as members of the APA Council of Representatives and Board of Directors. The advisory group members reflect the broad range of APA constituent groups with interest and expertise related to the petition resolution and its implementation.

The charge to the advisory group is to identify issues in need of clarification related to the petition resolution and to suggest ways that this might be accomplished, as well as to propose possible options to implement the resolution for Council to consider.

Members of the advisory group are:

Elena J. Eisman, Ed.D., Chair

Daniel Aalbers

Armand R. Cerbone, Ph.D.

Ruth H.A. Fallenbaum, Ph.D.

Corann Okorodudu, Ed.D.

Bradley David Olson, Ph.D.

Allen M. Omoto, Ph.D.

Walter E. Penk, Ph.D.

William J. Strickland, Ph.D.

Michael Wertheimer, Ph.D.

Elizabeth C. Wiggins, J.D., Ph.D.

The group will have one face-to-face meeting on November 14 and 15 in Washington, D.C. Its report is to be completed by December 31 and will be shared with Council soon thereafter.

At its February meeting, Council is expected to consider the options proposed by the advisory group to implement the petition resolution. According to the Association's bylaws and rules, the resolution will become effective as official policy as of APA's next annual meeting in August of 2009.
However, Council could consider suspending those rules and making the resolution official policy as of February.

###

Ellen G. Garrison, Ph.D. | Senior Policy Advisor

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APA Logo<https://securenet.apa.org/dana-cached/help/empty.html>

Sender:	Garrison, Ellen </O=APA/OU=DC/CN=RECIPIENTS/CN=EGG>
Sent:	Saturday, November 15, 2008 7:28:55 PM
Recipient:	Anderson, Norman </O=APA/OU=DC/CN=RECIPIENTS/CN=NBA>;Honaker, Michael </O=APA/OU=DC/CN=RECIPIENTS/CN=Myh>;Farberman, Rhea </O=APA/OU=DC/CN=RECIPIENTS/CN=Rzf>;Mills, Kim </O=APA/OU=DC/CN=RECIPIENTS/CN=Kim>;Gilfoyle, Nathalie </O=APA/OU=DC/CN=RECIPIENTS/CN=Npg>;Strassburger, Judy </O=APA/OU=DC/CN=RECIPIENTS/CN=Jas>;Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>;Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=Hzk>;Breckler, Steve </O=APA/OU=DC/CN=RECIPIENTS/CN=SJB>
Subject:	Highlights of Advisory Group Meeting

Hi, all. Let me begin by saying that the meeting was a great success -- with much less drama than the events leading up to it! The discussions, though at times marked by debate, were always respectful and informative. And Alan's introductory remarks were very well received. As a result of our discussions, including over dinner on Friday nite, I actually can see clearly now where the petitioners are coming from and why they challenge our statements that APA has a 20-year history of opposing torture... More on that later... (The group is planning a follow-up conference call specifically on this point and the petitioners' negative perceptions of APA leadership in this regard.) Elena was great as chair -- gave everyone a fair hearing and kept the group focused. All participated, with Bill just there on Friday (as we knew) and Corann available for only about an hour by phone, during which we peppered her with questions about the UN and international law.

The meeting began with comments by each member -- somewhat divisive at times, e.g., Bill Strickland - "I advocated strenuously against the policy" and calling into question (reaasonably so) whether there will remain military psychologists in APA. Ruth - "we should be out there picketing, lobbying, and leading." Michael was the biggest surprise, he opened by saying that he voted for the policy -- immediately winning the goodwill of the petitioners and the perceived right to voice concerns. Armand and Elena focused effectively on process. Brad and Ruth deferred to Dan who regretfully (or perhaps fortunately for us) was not feeling well and was less vociferous in his remarks. Walter said very little. Beth nicely brought earlier resolutions into focus and added a reasoned perspective. Allen helped pull recommendations together and coordinate the group.

Initial discussion focused on whether to tape (yes), take minutes (yes), and talk to media (Brad: "can't make promises regarding media"). With respect to the latter, Elena offered the assistance of Rhea's consultation (per my earlier communication with Rhea and Kim). Michael said Brad's statement could pose problems if taped version is going to media (decided that tape will not be generally available). Armand requested that other members be notified first were media to be contacted. All agreed.

First stumbling block was the interpretation of the effective date of the petition resolution per the association rules. For this, I invited Nathalie, who kindly discussed with the group the insight gained from her historical analysis. The petitioners and several other members are still questioning this and plan to look into it further and consult with Nathalie via the petitioners' attorney, who was later identified as Bryant Welch. (Yet, we've already had that dialogue with him via correspondence.) Concerns were repeatedly expressed about how Council will respond. Would it even be possible to get a 2/3 vote to suspend the rules? This continued to fuel concern about the provision about action on the petition not being complete until the next annual meeting.

By the end of the meeting, we had a comprehensive list of issues to clarify and suggestions for how this might be done. In so doing, we opted for the petitioners taking the lead, while drawing primarily from the petition ballot itself and secondarily from their Q&A and other sources (while specifying these). The rationale was that our members read the ballot pro, con, etc., and factored this information into their voting.

The designation of the possible implementation options was a bit dicier when the petitioners opened the discussion with their list, which included actions like notifying state licensing boards of the policy, contacting DoD for names and licensure status of person working in these settings so that they can be informed of the new policy, requesting Congress to establish Truth and Reconciliation Commissions about blacksites, which would include

the roles of psychologists, designating a timeline for transferring persons out of these facilities, researching the "fate of complaints filed against psychologists *known to have participated in torture*" and the list went on. After taking a few deep breaths (OK, perhaps more than a few to slow my racing heart), I, along with Armand and Michael (with my break-time coaching) were able to provide some education leading to significant reframing of all of these. Points made included that licensing boards don't take action against those who violate APA policy, apart from breaches of the Ethics Code, that the focus needs to be on individual psychologists themselves to act upon the policy, not DoD (especially with requests of confidential information), and that we need to looking towards the present and future for policy implementation, not the past, with the recognition of the very small number of psychologists mentioned as possible violators. The group also agreed to reach out to Bill and the military psychologists he represents to see how we can work with them to accomplish the intent of the policy.

We are also considering whether my suggestion to come up with a title for the policy, like the "Role of Psychologists in National Security Detention Settings" would in and of itself clarify the context (i.e., that it doesn't apply to domestic jails or hospitals) or whether some clarifying statement, like the one from the petitioners, should be incorporated into the policy. As you'll recall, the potential for generalizability beyond Guantanamo-type sites has been the prime concern voiced by many of our members. As for the other major concern of who determines what facilities fall within the policy, the group is leaning toward the UN High Commissioner of Human Rights. And "working for" does not include military psychologists. And humanitarian psychologists working in settings (e.g., countries) where persons are detained are not to be considered within the bounds of this policy (i.e., favorably addressing the peace psychologists concern).

Next steps: Members were assigned specific clarification and implementation steps to write about with submissions due to me by 11/25, conference call scheduled on 12/8 to review the compilation of these, report to be sent to Alan by 12/15.

I have 20 pages of notes and more to report, but this will give you a sense of what transpired. Elena reserved time at the end of the meeting for folks to comment. Everyone, including the petitioners, regarded the meeting as a good process, more collegial and helpful than expected, and are optimistic about the future. It was seen as a good way to heal and move forward, yet most are concerned about Council (with good cause!).

Whew! We did it!!!! Ever onward, with quite a to-do list, I might add! As you can imagine, I received some humorous and understandably anxious notes from Alan over the past two days and just sent him this report as well.

Ellen

Sender:	Garrison, Ellen </O=APA/OU=DC/CN=RECIPIENTS/CN=EGG>
Sent:	Friday, January 02, 2009 10:28:02 AM
Recipient:	Anderson, Norman </O=APA/OU=DC/CN=RECIPIENTS/CN=NBA>;Honaker, Michael </O=APA/OU=DC/CN=RECIPIENTS/CN=Myh>;Farberman, Rhea </O=APA/OU=DC/CN=RECIPIENTS/CN=Rzf>;Mills, Kim </O=APA/OU=DC/CN=RECIPIENTS/CN=Kim>;Strassburger, Judy </O=APA/OU=DC/CN=RECIPIENTS/CN=Jas>;O'Brien, Maureen </O=APA/OU=DC/CN=RECIPIENTS/CN=Mao>;Gilfoyle, Nathalie </O=APA/OU=DC/CN=RECIPIENTS/CN=Npg>;Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>;Breckler, Steve </O=APA/OU=DC/CN=RECIPIENTS/CN=SJB>;Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=Hzk>;Bullock, Merry </O=APA/OU=DC/CN=RECIPIENTS/CN=Mxb>
Cc:	Andoh, Papa </O=APA/OU=DC/CN=RECIPIENTS/CN=Pka>;Kemp, Cassandra </O=APA/OU=DC/CN=RECIPIENTS/CN=Cek>
Subject:	Report of Petition Resolution Advisory Group
Attachments:	Final Report of Advisory Group.doc

Happy New Year, everyone! I am pleased (and relieved) to provide this update that after a two-hour conference call on Saturday, countless email notes, and hours daily of reviewing and editing documents, the report of the advisory group's work was completed and sent to Alan with a half-hour to spare before COB on Wednesday (see attached).

Given where we started, it was truly remarkable that the report is being presented as a consensus document. This is truly a testament to the remarkable commitment of time and energy extended by all of the members and Elena's patience and participatory leadership style. While there was a persistent effort on the part of the petitioners, most notably Dan, to try to include references that would speak to some enforcement mechanism (e.g., "APA should do everything in its power to...") and to get APA to assume some direct role in its implementation (e.g., empowering our Office of International Affairs to determine whether detention sites are unlawful or not), I was able to successfully challenge such assertions with the aid of Michael, Armand, Bill, Beth, and Elena.

I would like to take this moment to thank all of your for your support and wise counsel throughout this process, with special thanks to Papa for his much valued contributions to keeping this process moving along so smoothly!

With respect to next steps, Alan has sent the report to James, as he earlier offered to do, for his review. Alan asked James to then forward it to the Board. The last step is for the report to be included in the Council agenda book for the February meeting. More on all of this later...

Ellen

Sender:	Council Representatives List <COR@LISTS.APA.ORG> on behalf of Bray, James H [redacted]
Sent:	Monday, February 09, 2009 12:05:16 PM
Recipient:	COR@LISTS.APA.ORG
Subject:	[COR] Petition Resolution
Attachments:	Final Report of Advisory Group.doc

Dear Friends and Colleagues,

There have been several questions about what we may do at the February Council meeting in regards to implementation of the Petition Resolution. As a reminder the membership passed the resolution in 2008. According to the APA rules it is not supposed to be in effect until the next annual meeting of the Association, which would be at the August 2009 Council meeting.

This item is scheduled for the Council to address on Saturday afternoon. It will require that the Council suspend the rules in order for this to be taken up at the February Council meeting. If the Council does not suspend the rules, then it is my understanding that this will come before Council in August 2009. I would prefer that it be taken up at the February meeting, but it is up to Council to decide this. There will be two proposals associated with this motion. First, it will be proposed to make the resolution effective February 2009. Second, there will be a proposal to name the resolution.

I have spent considerable time talking with some members of the workgroup and APA staff about the process of the workgroup. It appears that it was a challenging process and Elena Eisman (chair), the workgroup and APA staff worked very hard to complete the work. I appreciate their dedication and hard work.

Attached is the report of the Advisory Group on the Implementation of the Petition Resolution. I have a number of concerns about this report. The Board of Directors has not had a chance to discuss this report, but will do so at the next APA Board meeting and will be making comments on the process and the report at the February Council meeting.

I apologize for the delay in responding about this and other issues. [redacted] I look forward to seeing all of you in the near future.

Warm regards,
James

James H. Bray, Ph.D.
Department of Family & Community Medicine Baylor College of Medicine
[redacted]
President, American Psychological Association

Sender:	Banks Louie M COL <louie.morgan.banks@us.army.mil>
Sent:	Tuesday, February 10, 2009 12:39:09 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	New Outrage
Attachments:	Final_Report_of_Advisory_Group1.doc

Steve,

Have you seen this? I must say that it changes a great deal. I believe that it is totally inconsistent with federal, not to mention, uniformed, service.

Morgan

COL L. Morgan Banks
Director, Psychological Applications
US Army Special Operations Command
PRIVACY REDACTION
PRIVACY REDACTION
Banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

Sender: Melvin Gravitz [redacted]
Sent: Thursday, February 12, 2009 8:37:57 PM
Recipient: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject: Re: Recent APA Advisory Group Document

Larry then would be best to comment, and he is known by Council members

Melvin A. Gravitz, Ph.D., ABPP
Book Review Editor
American Journal of Clinical Hypnosis
Suite 404
3100 N. Leisure World Blvd.
Silver Spring, MD 20906-8343

----- Original Message -----
From: Behnke, Stephen
To: Cathleen Civiello [redacted] ; Melvin Gravitz
Sent: Thursday, February 12, 2009 8:00 PM
Subject: RE: Recent APA Advisory Group Document

Larry is indeed on Council (Division 38)

Steve

From: Cathleen Civiello [redacted]
Sent: Thursday, February 12, 2009 7:56 PM
To: Melvin Gravitz; Cathleen Civiello [redacted]
Subject: Re: Recent APA Advisory Group Document

Mel -

I don't know. I think that Larry James is on council but I'm not sure if his term expired or not. I'm sure that Morgan would be happy to discuss with you as a council member or I'm happy to forward your comments to him.

Cathleen

Cathleen Civiello, PhD, ABPP
SPIM Past President
PRIVACY REDACTION
[redacted]

----- Original Message -----

From: Melvin Gravitz
To: Cathleen Civiello [redacted]
Sent: 2/12/2009 7:51:59 PM
Subject: Re: Recent APA Advisory Group Document

Will Morgan or another appropriate military representative be at next week's Council meeting when this ill-conceived "report" is presented? If not planned, the APA president has the authority to invite such representation in the interest of APA and a complete understanding of the document.

----- Original Message -----
From: Cathleen Civiello [redacted]
To: Banks Louie M COL
Cc: Melvin Gravitz ; [redacted]
Sent: Thursday, February 12, 2009 7:42 PM
Subject: RE: Recent APA Advisory Group Document

Morgan -

Thanks so much for sending this. Have you discussed the below with Bill Strickland? He's usually very thoughtful about second order effects. Also, do you mind if I share it with the Division 13 member of council (Rodney Lowman - he's former military BTW)? No is an OK answer.

Cathleen
Cathleen Civiello, PhD, ABPP
SPIM Past President
[redacted]

----- Original Message -----
From: Banks Louie M COL
To: Bluestein, Brendan;Bonvie, Joe;Bowles, Stephen V LTC WRAMC-Wash DC; Fred Brown Callister, Joseph;Civiello, Cathleen;Davidson CDR Andrew M;Dial-Ward, Michael;Dunivin, Debra L COL MIL USA USAMEDCOM;Earles, Jay;Fein, Robert; David Fennell ;Fisher, Glen;Franklin, Tony;Greene, Carroll;Greenfield, Gary COL (ret);Harvey, Sally C;James, Larry - Home;Kennedy, Kirk;Lenz, Ernie;Lewis, Larry AFOSI/FIR 7/OL-C;Lim, Ingrid L LTC MIL USA MEDCOM BAMC;Lowry, Mark A.;lussierj@soc.mil;Ogrisseg, Jerry;omaillep@jdi.socom.mil;Percival Gary L GG-14 JPRA/HF;Rath, Frank H;Ross, Linda C;Sidell, Robert B;Southwell, Gary D LTC LND;Steffian, George LCDR USSOCOM NSWDG;Stephenson, James A;jeffrey.stolrow@us.army.mil;Taylor, Mark A Maj USSOUTHCOM JTFGTMO;Teegarden, Lisa A MAJ USSOUTHCOM JTFGTMO;Trakowski, John H LTC EAMC;Zierhoffer, Diane;fincha@soc.mil;phillip.j.atkinson@us.army.mil;Baggett, Mark R LTC;louie.morgan.banks@us.army.mil;carlal@HPSC.Army.mil;COL Carl Dickens;Devries, Michael R., CPT;jason.deleeuw@us.army.mil;Jenkins, Craig M MAJ TAMC;jimmie.butcher@us.army.mil;john.via@us.army.mil;kris.kratz@us.army.mil;bill.macnulty@soc.mil;cl Jeff MAJ;Mobbs Angela M CPT;paul.dean1@us.army.mil;Reyes Shanna M CPT;thomas.j.longo@us.army.mil;Trumbo, Ryan NMI., CPT (5SFG);Wilson Christopher R. CPT;Woolley Kristin LTC;bennettl@soc.mil;deaglee@soc.mil;john.a.dintelmann@soc.mil;Poppen Bradley J. MAJ (bradley.kamrowskipop@ahqb.soc.mil)
Cc: Crow, Bruce E COL
Sent: 2/12/2009 7:13:36 PM

Subject: Recent APA Advisory Group Document

Colleagues,

I have attached a very unpleasant document for your review, the *Report of the APA Presidential Advisory Group on the Implementation of the Petition Resolution.* Unfortunately, the authors of this document, an APA presidential advisory group, have seen fit to produce this document, and it will be presented to council next week. I have asked for legal review from a series of military JAGs, and I am awaiting their formal responses. So far, I have received consistent feedback that the options identified in the report for Council's consideration are inconsistent with military service. In particular, the informal legal opinions I have received imply that the recommendations in the report, if adopted as APA policy, would require a violation of your oath of office and of the UCMJ. I should note that the duties (other than mental health care to other service members) that psychologists perform are not addressed in the document, only the location of the duty. In other words, this would limit mental health care to detainees as well as limit any intelligence support at the specified locations. At this point the document is an advisory document and would become policy only if Council acts to make it such. I personally believe (consistent with the legal advice that I have so far received) that the document is incompatible with military service, and would violate our oath of office (to the US Constitution) if enacted into policy. (Paragraphs 3., 4., & 6.). As an example, the advisory report states

> A determination of whether a particular detention setting is "in violation of international law" is to be derived from multiple sources. The U.N. and its committees can declare a site to be in violation of international law, as can any international body that the U.N. takes to be authoritative. A setting that has been censured due to reasons reflected by this policy by the Council of Europe, the International Committee of the Red Cross (ICRC), or other internationally accepted body as "outside of, or in violation of, international law" would also be considered a proscribed or prohibited setting.

The effect is that any one of a number of international entities would have the authority to determine where U.S. service personnel could be deployed. No military psychologist could function with such uncertainty, if an undetermined international entity could declare a site out-of-bounds. Military psychologists would face a stark choice: Remain a member of military service or resign from APA.

The report continues

> The determination of whether a particular detention setting is operating 'outside of international law' rests on whether the authority governing the site declares itself to be unbound by the relevant international or constitutional law, thereby indicating its unwillingness to abide by such laws. Relevant examples include a nation stating it will treat detainees 'consistent' with the law rather than in compliance with the law; a state that accepts the law in part or with reservations…

This statement represents another insurmountable obstacle for service personnel remaining members of APA. The United States has reservations to many treaties. If

anything less than full acceptance to a treaty renders a site prohibited, military psychologists are again in an untenable situation and would have to choose between remaining in military service and membership in APA.

Finally, I believe the report would impose a condition that itself runs afoul of our ethics. The report limits psychologists' work in a prohibited setting to providing care for military personnel. Of course, I fully support providing care to military personnel. Yet, the report then says that military psychologists may not provide assistance to detainees in a setting that an undetermined international body has deemed prohibited. Taken at face value, a military psychologist who is able and willing to do so could nonetheless not provide assistance to a detainee in significant psychological distress. I believe that this position is contrary to the finest traditions of military service and is itself unethical.

Some military psychologists are much more concerned about possible changes to the ethics code than on what this document states. I agree that this is an area of significant concern. However, I also believe that we must stand up to this type of inappropriate intimidation now, and do what is right. The current APA ethics code is one of the very finest documents of its kind in existence. My strong expectation is that any change to such a document would be very carefully considered by the APA, and we would have ample time to address any concerns that a change would make.

You are among the very best, most ethical, most competent, and most motivated psychologists with whom I have had the pleasure of working. Continue to press on, and do not let the misinformed actions of a few demoralize you, or deter you from doing what you know to be right.

Please feel free to share this as you believe is appropriate.

Very respectfully,

Morgan Banks

COL L. Morgan Banks
Director, Psychological Applications
US Army Special Operations Command
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PRIVACY REDACTION
Banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

No virus found in this incoming message.
Checked by AVG - www.avg.com
Version: 8.0.237 / Virus Database: 270.10.23/1950 - Release Date: 02/12/09 18:46:00

No virus found in this incoming message.
Checked by AVG - www.avg.com

Version: 8.0.237 / Virus Database: 270.10.23/1950 - Release Date: 02/12/09 18:46:00

Sender:	Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>
Sent:	Friday, February 13, 2009 12:02:49 AM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	RE: Recent APA Advisory Group Document

Yeah, tell me why you think Council won't do that. I got a separate note from someone who understands that their chance may lie in lobbying Council members against adopting these options.

From: Behnke, Stephen
Sent: Thu 2/12/2009 11:57 PM
To: Kelly, Heather
Subject: RE: Recent APA Advisory Group Document

Confidential, please do not distribute further

I saw an earlier draft of Morgan's note. I corrected some inaccuracies regarding the Petition Resolution, and recommended tempering the language. Some of these folks have very strong feelings about the Advisory Report. My sense is that there is a feeling they can live with the Resolution. Abiding by the Convention Against Torture and the Geneva Conventions, the documents explicitly cited in the "Be It Resolved," does not seem problematic to them. They see the Advisory Report recommendations as going well beyond the Resolution (e.g., the large group of entities that can declare a site off limits) and that is what they seem to be finding quite unsettling.

Of course, this is all moot unless Council adopts the advisory group's recommendations as policy, which I don't think is likely to happen.

From: Kelly, Heather
Sent: Thursday, February 12, 2009 11:33 PM
To: Behnke, Stephen
Subject: RE: Recent APA Advisory Group Document

no, you can hear a pin drop here and everyone's asleep, so would not be cool. can you chat via email instead?

From: Behnke, Stephen
Sent: Thu 2/12/2009 11:27 PM
To: Kelly, Heather
Subject: RE: Recent APA Advisory Group Document

Can you give me a quick call?

From: Kelly, Heather
Sent: Thursday, February 12, 2009 11:26 PM
To: Garrison, Ellen; Mumford, Geoff; Breckler, Steve; Behnke, Stephen; Anderson, Norman; Farberman, Rhea
Subject: RE: Recent APA Advisory Group Document

Yes, I think you should -- Bruce Crowe was cc'd on the note from Morgan, so he's already aware of this now.
Heather

From: Garrison, Ellen
Sent: Thu 2/12/2009 11:19 PM
To: Kelly, Heather; Mumford, Geoff; Breckler, Steve; Behnke, Stephen; Anderson, Norman; Farberman, Rhea
Subject: RE: Recent APA Advisory Group Document

Heather, we recently became aware before seeing this note of a movement afoot to stir up concern about the report among military personnel. As you can see, the heart of the concern stems mostly from the wording of the resolution itself, rather than from the implementation options offered in the report. With respect to the most central report-related concern raised in Morgan's note, the advisory group and we all here struggled to come up with some body to help determine whether a particular site was in compliance with the provisions of the resolution or not. We certainly didn't want APA to be such a body, and decided that the UN would be the best in determining compliance with international law.

All, we had decided earlier that it would be better to wait until after the Council meeting to follow up with the psychology specialty leaders (Army, Air Force, and Navy) and DoD Office of Health Affairs regarding the report. I had last formally briefed them in November when we met before the advisory group did. Now, I'm wondering whether it would be a good idea to reach out to them sooner rather than later.

Thoughts?

Ellen

From: Kelly, Heather
Sent: Thu 2/12/2009 9:09 PM
To: Mumford, Geoff; Breckler, Steve; Behnke, Stephen; Garrison, Ellen; Anderson, Norman; Farberman, Rhea
Subject: FW: Recent APA Advisory Group Document

Hi, all:

See below, which was sent to about 50 military and intelligence community psychologists (I have removed their names and addresses), one of whom forwarded it to me just now.

Begin forwarded message:

From: "Banks Louie M COL" <louie.morgan.banks@us.army.mil>
Date: February 12, 2009 7:13:35 PM EST
To:
Subject: Recent APA Advisory Group Document

Colleagues,

I have attached a very unpleasant document for your review, the *Report of the APA Presidential Advisory Group on the Implementation of the Petition Resolution*. Unfortunately, the authors of this document, an APA presidential advisory group, have seen fit to produce this document, and it will be presented to council next week. I have asked for legal review from a series of military JAGs, and I am awaiting their formal responses. So far, I have received consistent feedback that the options identified in the report for Council's consideration are inconsistent with military service. In particular, the informal legal opinions I have received imply that the recommendations in the report, if adopted as APA policy, would require a violation of your oath of office and of the UCMJ. I should note that the duties (other than mental health care to other service members) that psychologists perform are not addressed in the document, only the location of the duty. In other words, this would limit mental health care to detainees as well as limit any intelligence support at the specified locations. At this point the

document is an advisory document and would become policy only if Council acts to make it such. I personally believe (consistent with the legal advice that I have so far received) that the document is incompatible with military service, and would violate our oath of office (to the US Constitution) if enacted into policy. (Paragraphs 3., 4., & 6.). As an example, the advisory report states

A determination of whether a particular detention setting is "in violation of international law" is to be derived from multiple sources. The U.N. and its committees can declare a site to be in violation of international law, as can any international body that the U.N. takes to be authoritative. A setting that has been censured due to reasons reflected by this policy by the Council of Europe, the International Committee of the Red Cross (ICRC), or other internationally accepted body as "outside of, or in violation of, international law" would also be considered a proscribed or prohibited setting.

The effect is that any one of a number of international entities would have the authority to determine where U.S. service personnel could be deployed. No military psychologist could function with such uncertainty, if an undetermined international entity could declare a site out-of-bounds. Military psychologists would face a stark choice: Remain a member of military service or resign from APA.

The report continues

The determination of whether a particular detention setting is operating 'outside of international law' rests on whether the authority governing the site declares itself to be unbound by the relevant international or constitutional law, thereby indicating its unwillingness to abide by such laws. Relevant examples include a nation stating it will treat detainees 'consistent' with the law rather than in compliance with the law; a state that accepts the law in part or with reservations…

This statement represents another insurmountable obstacle for service personnel remaining members of APA. The United States has reservations to many treaties. If anything less than full acceptance to a treaty renders a site prohibited, military psychologists are again in an untenable situation and would have to choose between remaining in military service and membership in APA.

Finally, I believe the report would impose a condition that itself runs afoul of our ethics. The report limits psychologists' work in a prohibited setting to providing care for military personnel. Of course, I fully support providing care to military personnel. Yet, the report then says that military psychologists may not provide assistance to detainees in a setting that an undetermined international body has deemed prohibited. Taken at face value, a military psychologist who is able and willing to do so could nonetheless not provide assistance to a detainee in significant psychological distress. I believe that this position is contrary to the finest traditions of military service and is itself unethical.

Some military psychologists are much more concerned about possible changes to the ethics code than on what this document states. I agree that this is an area of significant concern. However, I also believe that we must stand up to this type of inappropriate intimidation now, and do what is right. The current APA ethics code is one of the very finest documents of its kind in existence. My strong expectation is that any change to such a document would be very carefully considered by the APA, and we would have ample time to address any concerns that a change would make.

You are among the very best, most ethical, most competent, and most motivated psychologists with whom I have had the pleasure of working. Continue to press on, and do not let the misinformed actions of a few demoralize you, or deter you from doing what you know to be right.

Please feel free to share this as you believe is appropriate.

Very respectfully,

Morgan Banks

COL L. Morgan Banks
Director, Psychological Applications
US Army Special Operations Command
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PRIVACY REDACTION
Banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

Sender:	Garrison, Ellen </O=APA/OU=DC/CN=RECIPIENTS/CN=EGG>
Sent:	Wednesday, February 18, 2009 1:07:21 PM
Recipient:	Behnke, Stephen <sbehnke@apa.org>
Subject:	FW: Revised Advisory Group on Petition Resolution- Board Agenda Item
Attachments:	Advisory Group on Petition Resolution- Board Agenda Item.doc

2) That the Council of Representatives adopt the following title for the petition resolution to clarify that it is not intended to be applied broadly to jails, detention centers, and psychiatric hospitals: "Psychologists and Detention Settings with a Focus on National Security" and requests that the title be incorporated into the minutes, along with the resolution, and that the petition resolution ballot be included as an attachment.

[*Note. The title proposed reflects the deletion of the word "Unlawful" from the following title suggested by the APA Presidential Advisory Group on the Implementation of the Petition Resolution: "Psychologists and Unlawful Detention Settings with a Focus on National Security."*]

Ellen

From: Garrison, Ellen
Sent: Wednesday, February 18, 2009 12:27 PM
To: Andoh, Papa
Subject: Revised Advisory Group on Petition Resolution- Board Agenda Item

Papa, here's the latest for now -- need copies for Board exec session. Thanks!

Sender:	Garrison, Ellen </O=APA/OU=DC/CN=RECIPIENTS/CN=EGG>
Sent:	Tuesday, February 17, 2009 10:43:16 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>;Farberman, Rhea </O=APA/OU=DC/CN=RECIPIENTS/CN=Rzf>;Gilfoyle, Nathalie </O=APA/OU=DC/CN=RECIPIENTS/CN=Npg>;Honaker, Michael </O=APA/OU=DC/CN=RECIPIENTS/CN=Myh>;Anderson, Norman </O=APA/OU=DC/CN=RECIPIENTS/CN=NBA>;Breckler, Steve </O=APA/OU=DC/CN=RECIPIENTS/CN=SJB>;Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=Hzk>
Subject:	FOR REVIEW: Draft Response to Military Officers re: Advisory Group Report

Hi, all. Here's a draft of my response to the Director of the BSCT at Guantanamo -- note that the commander of the facility is cc'd in our ongoing correspondence, and it is my intent to cc him in my response. I also encourage Lisa to forward this along to other military officers. I plan to send a similar note to the Air Force psychology consultant who wrote me and to whom I spoke with earlier today (as well as to the consultants for the other two services and to Joyce Adkins in the Office of Health Affairs. I tried to address the key concerns raised in the note by Morgan Banks without referencing it explicitly.

All thoughts/comments welcome -- by noon tomorrow would be ideal. I would like to send this out by early afternoon.

Ellen

Dear Lisa,

I would like to take this opportunity to respond to the concerns you raised about the *Report of the APA Presidential Advisory Group on the Implementation of the Petition Resolution*. First of all, the report is not a policy document, nor is it intended to become one. Rather the report attempts to clarify key questions concerning the petition resolution and to offer a set of options for the APA Council of Representatives (our governing body) to consider regarding the implementation of the petition resolution. As you may recall, the petition resolution, unlike APA policy generally, did not benefit from the close scrutiny of our governance process, whereby numerous Boards and Committees review a draft policy statement and make recommendations for improvement prior to it being voted on by Council. Thus, it is not surprising that there are a number of significant ambiguities associated with the policy, most notably who or what body is to determine whether a given site falls within the scope of the policy. The advisory group suggested the UN and possibly some other bodies that the UN takes to be authoritative to serve such a function, while recognizing the limitations of this approach and the inability of APA to make such a determination.

Although predicting Council action is beyond the capacity of my crystal ball, it is likely that the following two options proposed in the report will be considered. First, Council may vote to suspend the rules and then vote to adopt a title for the petition resolution to clarify its intended scope (i.e., not to apply broadly to domestic jails, prisons, and psychiatric hospitals). Second, Council may vote to suspend the rules and then vote to declare that action on the petition resolution is "complete" as of the February meeting and that the policy is now fully in effect. (According to the Association Rules, action on a petition is not "complete" until the next annual meeting, which in this case would be the August convention.) Council may also decide to "receive" the report, which indicates just that -- not acceptance or adoption of the report as a whole or as policy (per procedures outlined in the Association Rules). It is possible that some other proposals will be made, e.g., that the report be referred to some appropriate Boards and Committees for further consideration, but for each such vote, either a two-thirds or three-quarters vote of Council will be needed for adoption.

What is also significant here is that the petition resolution itself does not amend the Ethics Code, nor is it enforceable in any other way -- which is consistent with most of APA's other policies. In this regard, the advisory group did not recommend that it be incorporated into the Ethics Code, but rather that when the Code is next updated (in about five years or so from now) that the resolution be taken into consideration in the process, most

notably to provide guidance to our members.

I hope the information that I have provided here helps to allay your concerns. Please feel free to circulate this note to others who might be interested in its contents as well. I promise to get back to you next week with a brief report of the outcome of the Council meeting.

Best,
Ellen

Ellen G. Garrison, Ph.D. | Senior Policy Advisor

Executive Office
American Psychological Association
750 First Street NE, Washington, DC 20002-4242
Tel: (202) 336-6066 | Fax: (202) 336-6069

email: egarrison@apa.org | www.apa.org

From: Teegarden, Lisa A MAJ USSOUTHCOM JTFGTMO [mailto:Lisa.A.Teegarden@jtfgtmo.southcom.mil]
Sent: Fri 2/13/2009 5:09 PM
To: Garrison, Ellen
Cc: Thomas, David M RDML USSOUTHCOM JTFGTMO
Subject: RE: BSCT Psychologists at JTF-Guantanamo

Good afternoon Dr. Garrison ~~

I am glad you had the opportunity to hear RDML Thomas talk about JTF Guantanamo. His promotion is very well deserved!

I apologize that I left out the information on the Behavioral Health Unit side of the house (those providing care to the detainees); there is one licensed psychiatrist and one psychologist. In the time that I have been here, the psychologists have not been licensed providers.

There is also the JSMART (the psychologist that provides mental health services to the other military members) and that is one psychologist who is licensed.

I would like to thank you for your support to the military. In the time that I was the Program Director for the CPIP at WRAMC, I found the APA to be extremely supportive of the military. I have to admit, I am very concerned about the Report of the APA Presidential Advisory Group on the Implementation of the Petition Resolution. As I understand it, the Council will be voting on whether to implement it into Policy at the next meeting later this month. In my communication with other military psychologists, the initial read of this report is that if adopted as APA policy, it would require a violation of military psychologist's oath of office and of the UCMJ. This is a critical time in our profession. I hope that we, as psychologists, can come together within our own professional association to resolve this very important matter in a manner that allows for the inclusion of military psychologists.

Again, please do not hesitate to contact me for further information if needed.

Best Regards,

Lisa

-----Original Message-----
From: Garrison, Ellen [mailto:egarrison@apa.org]
Sent: Friday, February 13, 2009 4:31 PM
To: Teegarden, Lisa A MAJ USSOUTHCOM JTFGTMO
Cc: Thomas, David M RDML USSOUTHCOM JTFGTMO
Subject: RE: BSCT Psychologists at JTF-Guantanamo

Dear MAJ Teegarden,

Thank you for your much appreciated follow-up note. I was honored to meet RDML Thomas at the Air Force Association recently and benefited greatly from his presentation. It afforded me a fuller understanding of the current operations at the Joint Task Force, Guantanamo, related to the treatment of detainees and the roles of psychologists in both the detention and intelligence functions. As I understand from your note below, there are two licensed clinical psychologists (including yourself) manning the BSCT. How many are currently providing mental and behavioral health services to detainees?

I would also like to thank you for your offer to respond to questions and to visit the facility. I consider my policy-related efforts in support of our military psychologists and our other military personnel to be my most rewarding mission at APA. In this regard, I continue to meet with the psychology consultants/specialty leaders to the service Surgeons General on a quarterly basis, as well as maintain ongoing contact with them to ensure that APA is addressing their needs and those of our other service members as best we can.

In closing, I would like to offer my sincere congratulations to RDML Thomas on his recent well-deserved promotion.

Best,

Ellen Garrison

Ellen G. Garrison, Ph.D. | Senior Policy Advisor

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email: egarrison@apa.org | www.apa.org <http://www.apa.org/>

APA Logo

From: Teegarden, Lisa A MAJ USSOUTHCOM JTFGTMO
[mailto:Lisa.A.Teegarden@jtfgtmo.southcom.mil]
Sent: Thursday, February 12, 2009 3:41 PM
To: Garrison, Ellen
Cc: Thomas, David M RDML USSOUTHCOM JTFGTMO
Subject: BSCT Psychologists at JTF-Guantanamo

Good afternoon Dr. Garrison,

I was given your card by RDML Thomas, Commander of the Joint Task Force, Guantanamo. I understand you had the occasion to meet him in January when he spoke in D.C. I am currently assigned here as the Director of the Behavioral Science Consultation Team and have been in the position since May 2008. Prior to that time, I was the Director of the Clinical Psychology Internship Program at Walter Reed Army Medical Center.

The manning of the BSCT at JTF-Guantanamo is that of two licensed clinical psychologists and one behavioral science technician. To the best of my knowledge, there has not been a psychiatrist deployed here since very early in the JTF mission - perhaps the first BSCT team.

I am very open to answering any other questions you have regarding the BSC or our mission. If you are ever interested in visiting the Joint Task Force and seeing first hand the professionalism and dedication of the troopers that serve in a variety of positions and capacities across the detention and intelligence operations, please contact either RDML Thomas or myself.

Respectfully,

MAJ Lisa A. Teegarden

Sender:	Larry James
Sent:	Wednesday, February 18, 2009 12:07:23 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	from Lrry James: Response to Petition
Attachments:	responseToAdvisoryGroup.doc

Hi Steve,
I have written a response to the Advisory Group's report. Needless to say I strongly oppese this thing.

I have attached a rough draft of a letter to James Bray (I haven't sent it yet).

Let me know what you think of this, I would like to have your comments prior to sending it to COR and James,

Larry

Access 350+ FREE radio stations anytime from anywhere on the web. Get the Radio Toolbar <http://toolbar.aol.com/aolradio/download.html?ncid=emlweusdown00000035> !

Dear Dr Bray,

I would like to thank our colleagues who served on the Presidential Advisory Group on the implementation of the petition resolution. The work of an advisory group or task force tends to occupy one's family and personal time. And clearly, many sound minds and good hearts are needed for this important matter. Although I disagree with the wording and intent of this document, our colleagues are to be congratulated for their efforts.

Pardon my delay in responding to the report of the ***Presidential Group On The Implementation of The Petition Resolution***. Given the scope and importance of the document, I wanted to be deliberate in my thoughts, ideas and have time to consult with colleagues.

Dr Bray, I have been quiet on the COR and other list serves regarding this matter. But, I think that it is the appropriate time for me to share my thoughts with you, the Board of Directors and the Council of Representatives. I see this document as psychologically harmful to the men and women who wear our nation's military uniform. Every week, I receive an e-mail or phone call from a military psychologist who is junior in their career, and I am asked "Sir, why should I be a member of APA . . ., this is an organization that does not want me Dr James. . . and with all these nasty attacks I really feel ashamed to wear my uniform to any APA meeting."

Also, I would like to say that, if approved, this document guides our organization down an untenable road. The document and the petition authorizes the American Psychological Association to dictate where (and where not)a psychologist can practice, work, teach and provide service. Indeed, this is a very dangerous precedent. I would offer a hypothetical parallel example to highlight this point. It is very well documented the number of clinical psychologists whose licenses are revoked for sexual contact with patients or graduate students. There is clear evidence of this and yet, APA has not issued a policy to

dictate that clinical psychologists can neither teach at universities nor provide clinical services in hospitals.

If we focus on the data, it is my understanding that as of this date, no military psychologist has had his/her licensed revoked because of torture or abuse. Nonetheless, some of our colleagues have chosen to attack those who chose to put their lives in danger and deploy in defense of our nation.

Dr Bray there are additional problems with this report which I shall outline below. It is clear to me that no one on the advisory group had a good functional and legal understand of the Uniformed Code of Military Justice(UCMJ) and the Constitution as it relates the U.S. Armed Forces.

There is no mechanism for any military psychologists (particularly those deployed in a classified environment) to consult with NGOs such as the red cross, ICRC, or etc. These agencies are not part of the military chain of command and for one to assume otherwise illustrates a lack of understanding of the Uniformed Code of Military Justice.

There is no mechanism to send civilian psychologists to work in a combat zone to provide treatment pro bono. The reasons why it is a bad idea is well beyond this note.

International law never has no precedence over U.S. Law. All military officers swear an oath to the U.S. constitution and the U.S. flag, not another foreign agency or a foreign nation. This task force report in essence tells military psychologists to break the law, disregard the UCMJ and take orders from someone outside of their chain of command. It is illegal for any military officer to adhere to this recommendation.

On page 10 (bottom para) the document begins to bridge the petition with the ethics code. I do believe that this recommendation is consistent with the charge of the advisory

group. In addition, this policy should not be part of the ethics code. There is an already existing process in the ethics code to address inappropriate conduct. Thus, I do not believe that any language from this document or the petition should be added to the ethics code.

The notion that military psychologists "**DO NOT VOLUNTEER TO BE DEPLOYED**" (point #10, page 6) is simply not of sound logic and judgment and it is inconsistent with the conduct of any good military officer. This language is not appropriate in this report. And, moreover, on what authority does the American psychological Association has to tell a military psychologist to turn his/her back on their sworn duty and oath to this nation?

On page #10(at the bottom)it says that APA should compile a list of all military psychologists who are under investigation. Dr Bray I question the utility and purpose of this measure. I would also ask is this recommendation consistent with existing policies for the ethics committee. All Americans are innocent until proven guilty. Does the Ethics Committee compile a list of names of professors who have sex with their students prior to the case being adjudicated?

Dr Bray Military psychologists have had a long history of distinction and service to our nation. I would like to remind you that the Department of Defense and the V.A. are the largest trainers and employers of psychologists in the nation. This document attacks, belittles and psychologically harms military psychologists without any conclusive data to support such attacks upon their character.

Sincerely,

Larry C. James

Sender:	Garrison, Ellen </O=APA/OU=DC/CN=RECIPIENTS/CN=EGG>
Sent:	Wednesday, February 18, 2009 10:32:56 PM
Recipient:	Anderson, Norman <NAnderson@apa.org>;Honaker, Michael <mhonaker@apa.org>;Farberman, Rhea <rfarberman@apa.org>;O'Brien, Maureen <mobrien@apa.org>;Gilfoyle, Nathalie <ngilfoyle@apa.org>;Behnke, Stephen <sbehnke@apa.org>;Breckler, Steve <SBreckler@apa.org>;Kelly, Heather <hkelly@apa.org>
Subject:	Status of Resolution Implementation Negotiation
Attachments:	Advisory Group Board Item Sections.doc

Hi, all. We're very close to a resolution of the petition resolution implementation before Council meeting. See below for my correspondence with Elena and Laurie Wagner, who is the petitioners' current negotiator with James. We need to impress upon James the importance of keeping the title as is. None of us APA staff has a problem with it and actually see it as superior to that advocated by James. I will reach out to Armand and Michael tomorrow morning as well. I'll also send a note to James now…

Ellen

Ellen and Elena,

Mostly this looks okay to me except for one major thing - the changing of the title. I know James doesn't like the title, but has anyone talked to the Advisory Group asking them to explain why the term "unlawful" is used and that it is related directly to the language of the petition itself.

I don't think it wise for James or the BOD to put a different title before COR. I think it would be more appropriate to put the title that was worked on so diligently and thoughtfully by the AG and then let that debate happen. I am afraid that the BOD outright changing the title will create a great deal of ill will with the resolution authors and supporters. I know Dan Albers emailed me a detailed email regarding how important the title was and how important it was that it not be changed. According to his email that was THE #1 ISSUE for him that could not be changed from all the recommendations in the AG report. I don't have his email in my laptop at work, but with his permission I can share it with you when I get home to my PC.

Elena are you posting this attachment to the AG listserv? I think it is crucial to get the group's input. Dan Albers will be attending COR to hear the discussion of these motions.

Best,
Laurie
--
Laurel Bass Wagner, Ph.D.
PRIVACY REDACTION

From: Garrison, Ellen
Sent: Wednesday, February 18, 2009 6:40 PM
To: Elena Eisman ; Laurel Wagner
Subject: Reformatted Advisory Group Board Item Sections

Elena and Laurie,

See attached for a technical edit of the text that I had forwarded to you earlier for the item going to the Board of Directors tomorrow concerning the advisory group report -- I reworked in sequence, deleted unnecessary text (e.g., reference to footnotes, which are part of the petition resolution), and deleted the paragraph about recording the policy, since it was redundant with another section.

I am hoping that this will work -- I am also hopeful that the Board will accept it at tomorrow's meeting. But first, it's most important that you both and others do.

So please let me know by 9:00 a.m. tomorrow at the very, very latest.

Thanks!

Ellen

Sender:	Garrison, Ellen </O=APA/OU=DC/CN=RECIPIENTS/CN=EGG>
Sent:	Wednesday, February 18, 2009 11:19:01 PM
Recipient:	Behnke, Stephen <sbehnke@apa.org>
Subject:	RE: Status of Resolution Implementation Negotiation

Good points! Thanks!

From: Behnke, Stephen
Sent: Wednesday, February 18, 2009 10:46 PM
To: Garrison, Ellen
Subject: RE: Status of Resolution Implementation Negotiation

What James appears not to understand is that ***as soon as*** many psychologists see the word "unlawful," they will either: 1. dismiss the resolution out of hand as not applying to their setting; or 2) go to their JAG, who will tell them that the setting complies with Geneva and the UN Convention Against Torture, so they'll consider it irrelevant to their work.

Steve

From: Garrison, Ellen
Sent: Wednesday, February 18, 2009 10:33 PM
To: Anderson, Norman; Honaker, Michael; Farberman, Rhea; O'Brien, Maureen; Gilfoyle, Nathalie; Behnke, Stephen; Breckler, Steve; Kelly, Heather
Subject: Status of Resolution Implementation Negotiation

Hi, all. We're very close to a resolution of the petition resolution implementation before Council meeting. See below for my correspondence with Elena and Laurie Wagner, who is the petitioners' current negotiator with James. We need to impress upon James the importance of keeping the title as is. None of us APA staff has a problem with it and actually see it as superior to that advocated by James. I will reach out to Armand and Michael tomorrow morning as well. I'll also send a note to James now…

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Laurie
--
Laurel Bass Wagner, Ph.D.
PRIVACY REDACTION

From: Garrison, Ellen
Sent: Wednesday, February 18, 2009 6:40 PM
To: Elena Eisman ; Laurel Wagner
Subject: Reformatted Advisory Group Board Item Sections

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So please let me know by 9:00 a.m. tomorrow at the very, very latest.

Thanks!

Ellen

Sender:	Garrison, Ellen </O=APA/OU=DC/CN=RECIPIENTS/CN=EGG>
Sent:	Thursday, February 19, 2009 3:39:57 PM
Recipient:	Behnke, Stephen <sbehnke@apa.org>
Subject:	FW: Report on Board of Directors Meeting/Next Steps

Steve, here's what I just sent. Saw your note and needed to get this out…

Ellen

From: Garrison, Ellen
Sent: Thursday, February 19, 2009 3:39 PM
To: 'Presidential Advisory Group Forum'
Subject: Report on Board of Directors Meeting/Next Steps

Greetings, everyone. I am writing to provide you with a report of the outcome of today's Board of Directors meeting, on behalf of Michael and Armand. I also just spoke with Elena who is immersed in the Division 31 meeting at the moment.

I am pleased to report that significant progress was achieved toward action on the options presented in the report. The Board recommended all three motions, presented earlier, with one particularly notable enhancement. After considerable discussion with James (focused on the importance of the title) and subsequent discussions with the Board, the Board, recognizing the importance of this matter to the group and the time spent on it, agreed to support the title recommended by the advisory group. The only other change to the document that you reviewed last night was to include the words, "if and as warranted" to the end of the third bullet, in recognition of the discretion generally afforded to Boards and Committees for their consideration. However, as you'll recall, APA Central Office is to report on steps undertaken to implement the petition resolution in its regular reports to the Council and Board.

The Board decided not to add language about the clarification statement being disseminated with the petition resolution, since it was not part of the petition ballot, and the pro, con, and rebuttal statements were seen as providing sufficient general information about the resolution. Those interested in more detailed information will have access to the report, with its clarification section on the Web site. The APA Office on International Affairs is already planning to prepare some UN related resources to provide assistance to interested individuals.

Also, the Board received clarification from Nathalie concerning the Association Rule that I shared with you earlier about the options before Council with respect to reports, i.e., to receive, reject, or refer. The Board is recommending that the advisory group report be received by Council.

So, now the petition resolution is slated to be rendered fully in effect on 2/21 and to get the group's clarifying title, with the advisory group report to be received and posted on the APA Web site, with its options forwarded to relevant APA governance groups, and with a reporting function to enable monitoring of Central Office progress in implementing the resolution.

With respect to Council process, James plans to mention the Implementation of the Petition Resolution agenda item, along with other items, in his introductory remarks to garner inclusion in the order of business without objection – no vote would be necessary. He will then present the item with a brief intro on Saturday afternoon at a time certain: 3:45-4:30 p.m. Despite MAJOR demands on the Council agenda, this time allotment has remained firm.

I look forward to seeing those of you who will be attending the meeting and send my best regards to those of you who will not be there. I will have my laptop in hand and will keep you posted!

Ellen

Ellen G. Garrison, Ph.D. | Senior Policy Advisor
Executive Office
American Psychological Association

750 First Street NE, Washington, DC 20002-4242
Tel: (202) 336-6066 | Fax: (202) 336-6069
email: egarrison@apa.org | www.apa.org



AMERICAN PSYCHOLOGICAL ASSOCIATION

Sender:	Garrison, Ellen </O=APA/OU=DC/CN=RECIPIENTS/CN=EGG>
Sent:	Monday, February 23, 2009 5:44:03 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>;Farberman, Rhea </O=APA/OU=DC/CN=RECIPIENTS/CN=Rzf>;Gilfoyle, Nathalie </O=APA/OU=DC/CN=RECIPIENTS/CN=Npg>;Honaker, Michael </O=APA/OU=DC/CN=RECIPIENTS/CN=Myh>;Breckler, Steve </O=APA/OU=DC/CN=RECIPIENTS/CN=SJB>;Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=Hzk>
Subject:	FW: From Brad Olson - Congratulations!

FYI -- see note from James and reference to Larry. Now I'll hit him with Gitmo invite... and hope that the end of the chapter is truly where he is. I ran this by Norman as well and suggested that I write to James with the offer to speak to me or Norman if he would like to discuss the matter further. Just this once I'm hoping that my assessment could be right and that he would prefer not to go!

Also received this nice response from Corann:

Thanks, Ellen.

Of course, this was indeed a major accomplishment! It was gratifying to be a part of this discourse community and to be able to work through our differences to documents that make good sense. Thanks also for planning ahead your specific role in implementation of the referendum resolution.

All the best to everyone,
Corann

Ellen

From: Bray, James H PRIVACY REDACTION
Sent: Mon 2/23/2009 4:34 PM
To: Garrison, Ellen; Alan Kazdin
Subject: RE: From Brad Olson - Congratulations!

Ellen,
Many thanks for this email and your skillful handling of this situation. I was thanked by Dan Aalbers in the hall for moving this forward. Armand told me that he spoke to Dan to make sure he understood what happened at Council and how this was a victory. I also spoke with Larry James and he was
satisfied with the result. So, I hope we can celebrate the end of a chapter here.

Warm regards,
James

-----Original Message-----
From: Garrison, Ellen [mailto:egarrison@apa.org]
Sent: Sunday, February 22, 2009 6:18 PM
To: Bray, James H; Alan Kazdin
Subject: From Brad Olson - Congratulations!

Dear James and Alan,

Greetings! See below for congratulatory note from Brad Olson (one of the three original petitioners) to the advisory group following Council action on the resolution/report. With a vote of 141-12-6, we clearly arrived upon a proposal that was widely accepted by folks ranging from Debra Dunivan to Dan Aalbers with whom I spoke (separately) after the

vote. In talking with Dan, I reminded him that we're not Amnesty International (he's unrelenting on that Truth Commissions issue, as is Soldz) and that if he wants to increase his political capital at APA, he should rejoin the association. He heard me. Conversation went remarkably well.

I will be following up with the advisory group to thank them once again for their effort and commitment, while explaining that the listserv will be closed at the end of the week (when it had not been taken down on 12/31 as requested, I decided to keep it operational through Council) and noting some immediate next steps that I will undertake (e.g., arranging for report to be posted on Web and item to be placed on March consolidated agendas for Ethics, BAPPI, CAPP, and CIRP). Next set of activities includes letters to new fed officials (Obama, CIA director, and AG), outreach to UN for contacts by Merry/UN reps, and continued Ethics work on casebook and section 1.02 (Steve/Ethics Committee). We'll be able to meet our reporting back obligation.

I'll also be following up with our military psychologists to inform them of Council's action. They will no doubt be relieved as well.

So, now, it's time for all of us to take a deep breath (or two) and relax. My special thanks go to both of you for your support and effort that enabled us to get to this point. We did it!!!

Ellen

-----Original Message-----
From: Presidential Advisory Group Forum [mailto:PRESADVISEGRP@LISTS.APA.ORG] On Behalf Of Brad Olson
Sent: Saturday, February 21, 2009 6:39 PM
To: PRESADVISEGRP@LISTS.APA.ORG
Subject: [PRESIDENTIAL] Congratulations!

Hi All,

I just heard the outstanding news from Dan.

Congratulations to all of you.

Thanks for doing whatever you could to make sure this vote came out in the most effective
way. Still work to done in terms of implementation and the rest, but only a short time ago this
whole vote today seemed like such an uphill battle, and it was an amazing amount of strategy
and work for you to turn it around and make a very large group feel satisfied with the process
all the way up through this critical juncture. Dan sends his thanks and congratulations as well.

My very best, and for those of you at the meeting, to a good remainder of your trip!

Brad

Sender: Cathleen Civiello
Sent: Tuesday, February 24, 2009 6:25:36 AM
Recipient: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject: APA Dues - good news: RE: Recent APA Advisory Group Document

---

Steve -
See below note about Carroll and his APA dues. I thought that might warm your heart.
My new work number will be PRIVACY REDACTION starting next week. When you are in town, let's go to lunch
Thank you for everything,
Cathleen
Cathleen Civiello, PhD, ABPP
SPIM Past President
PRIVACY REDACTION

> [Original Message]
> From: Greene, Carroll H Col USAF AFSOC AFSOC/SGOY <Carroll.Greene@hurlburt.af.mil>
> To: Banks Louie M COL <louie.morgan.banks@us.army.mil>; Gary Greenfield ; <Bruce.Crow@us.army.mil>
> Cc: Larry James ; <deanpj@jdi.socom.mil>; <brendan.bluestein@us.army.mil>; <Joe.Bonvie@vb.socom.mil>; <Stephen.Bowles@na.amedd.army.mil.hurlburt.af.mil>; Fred Brown ; <callisterj@jdi.socom.mil>; Cathleen Civiello ; <andrew.m.davidson@usmc.mil>; <michael.dialward@navy.mil>; <debra.dunivin@us.army.mil>; <jay.earles@us.army.mil>; Robert Fein ; David Fenell <glen.fisher@gimail.af.mil>; Tony Franklin ; <Sally.Harvey@us.army.mil>; <Kirk.Kennedy@cifa.mil>; Ernie Lenz ; Lewis, Larry Ctr USAF AFOSI/XOB <Larry.Lewis.ctr@ogn.af.mil>; <Ingrid.Lim@amedd.army.mil>; Mark Lowry ; Lussier James W DR <lussierj@ahqb.soc.mil>; <Jerald.Ogrisseg@chairchild.af.mil.hurlburt.af.mil>; <omaillep@jdi.socom.mil>; Percival, Gary Civ USJFCOM USJFCOM (AirForce) JPRA/PRA-HF <Gary.Percival@fairchild.af.mil>; Frank Rath ; <LINDA.ROSS@usarec.army.mil>; <Robert.Sidell@CEN.AMEDD.ARMY.MIL.hurlburt.af.mil>
> Date: 2/23/2009 7:54:55 AM
> Subject: RE: Recent APA Advisory Group Document
>
> Morgan / Larry!
> Thanks for your hard work in bringing about this most recent result - mainly through your past efforts to make sure we were actually doing ethically defensible work in legally compliant settings - in the first place!

> I will now submit my 2009 APA dues!
>
> Carroll
>
>
> Carroll H. Greene III, Col, USAF
> Chief Operational Psychology
> Air Force Special Operations
> DSN 579-5649
> COM 850-884-5649
> PRIVACY REDACTION
>
> -----Original Message-----
> From: Banks Louie M COL [mailto:louie.morgan.banks@us.army.mil]
> Sent: Saturday, February 21, 2009 3:58 PM
> To: Gary Greenfield ; Bruce.Crow@us.army.mil
> Cc: Larry James ; deanpj@jdi.socom.mil;
brendan.bluestein@us.army.mil; Joe.Bonvie@vb.socom.mil;
Stephen.Bowles@na.amedd.army.mil; Fred Brown; callisterj@jdi.socom.mil;
Cathleen Civiello; andrew.m.davidson@usmc.mil;
michael.dialward@navy.mil; debra.dunivin@us.army.mil;
jay.earles@us.army.mil; Robert Fein | David Fenell
glen.fisher@gimail.af.mil; Tony Franklin ; Greene, Carroll H Col USAF
AFSOC AFSOC/SGOY; Sally.Harvey@us.army.mil; Kirk.Kennedy@cifa.mil;
Ernie Lenz ; Lewis, Larry Ctr USAF AFOSI/XOB;
Ingrid.Lim@amedd.army.mil; Mark Lowry ; Lussier James W DR;
Jerald.Ogrisseg@chairchild.af.mil; omaillep@jdi.socom.mil; Percival, Gary
Civ USJFCOM USJFCOM (AirForce) JPRA/PRA-HF; Frank Rath ;
LINDA.ROSS@usarec.army.mil; Robert.Sidell@CEN.AMEDD.ARMY.MIL
> Subject: Re: Recent APA Advisory Group Document
>
> To all,
>
> Here is an update from COL (ret) James, who has helped carry a huge
amount of the load on this issue:
>
> Colonel Banks,
>
> the vote is complete and the "friendly amendmment" passed.
>
> here is what we negotiated:
>
> 1. the Advisory Group report will be called Psychologists Working In
Unlawfull Detention Facilities. This is significant since we don't have any
psychologists working in "Unlawful Detention Facilities." Please see New
York Times (Sunday 21 FEB 2009, page A11).As you know in this article
President Obama requested that a review of GITMO's compliance with the
United Nations's guidelines be conducted The review has been completed and
It has determined that GITMO more than complies with United Nations
Standards/guidelines. This is a very important point here.
>

> 2. The Advisory Group's report was "recieved" by the Council of Representatives. NO part of the crazy language in the advisory group's recommendation section will be adopted! The report was only noted as recieved by Council and that it will be forwarded to boards and committes for review. This report will not be reviewed favorably at all at by the Committe on Legal Interests (COLI) which is made up of Forensic and Police Psychologists.
>
> 3. The real victory is that no part of the recommendations will be apart of concil's report or APA policy. It will only say that psychologists can't work in unlawfull detention facilities :)
>
> Morgan, please share this with your officers who put their lives on the line for this great nation.
>
>
> Larry C. James
>
> COL L. Morgan Banks
> Director, Psychological Applications
> US Army Special Operations Command
> DSN 239-6833 COM (910) 432-6833
> PRIVACY REDACTION
> Banksl@usasoc.socom.smil.mil/banksl@soc.mil
> (Sent from Blackberry)
>
> _____
>
> From: Gary Greenfield
> To: BRUCE.CROW@US.ARMY.MIL
> Cc: Larry James ; deanpj@jdi.socom.mil ; Banks Louie M COL; brendan.bluestein@US.ARMY.MIL ; Joe.Bonvie@vb.socom.mil ; Stephen.Bowles@na.amedd.army.mil ; Fred Brown ; callisterj@jdi.socom.mil ; Cathleen Civiello ; andrew.m.davidson@usmc.mil ; michael.dialward@navy.mil ; DEBRA.DUNIVIN@US.ARMY.MIL ; jay.earles@US.ARMY.MIL ; Robert Fein ; David Fenell ; glen.fisher@gimail.af.mil ; Tony Franklin ; Greene, Carroll H Col USAF AFSOC AFSOC/SGOY; Gary Greenfield ; Sally.Harvey@US.ARMY.MIL ; Kirk.Kennedy@cifa.mil ; Ernie Lenz ; Larry.Lewis.ctr@ogn.af.mil ; Ingrid.Lim@AMEDD.ARMY.MIL ; Mark Lowry ; Lussier James W DR; Jerald.Ogrisseg@chairchild.af.mil ; omaillep@jdi.socom.mil ; Gary.Percival@fairchild.af.mil ; Frank Rath ; LINDA.ROSS@usarec.army.mil ; Robert.Sidell@CEN.AMEDD.ARMY.MIL ; Gary.Southwell@lnd.amedd.army.mil
> Sent: Thu Feb 19 22:47:41 2009
> Subject: Re: Recent APA Advisory Group Document
>
>
> Bruce, Morgan, Larry, et al,
>
> I believe that I speak for most , if not all, the retired community of

psychologists when I say that we are with you in defending our valuable contributions in SOF. The psychs who work with me in SPA are ready to lend a hand in doing whatever is necessary to assist our AD colleagues in defeating this misguided APA effort. Having conducted the work in question, admittedly a long time ago, I'm aware of the unique contributions we can make to the mission.
>
> We want to help, however, being aware that "too many cooks can spoil the broth," we stand by to assist as needed.
>
> Let us know, gary
>
>
> Dr. Gary R. Greenfield, President
> Special Psychological Applications, Inc.
> PRIVACY REDACTION
>
> -- "Crow, Bruce E COL MIL USA MEDCOM BAMC" <BRUCE.CROW@US.ARMY.MIL> wrote:
>
>
> Larry,
>
> I applaud your plan to energetically advocate for military psychologists at APA Council.
>
> This policy has many serious flaws that if implemented now provides a destructive precedent for our profession. The process we are witnessing is an emotional rush by vocal activists to impose a political agenda on the association.
>
> The advisory group recommendations are blatant efforts to intimidate military psychologists into conforming to the politics of a small segment of the membership. This precedent may trigger a series of resolutions based on irresponsible false statements, media manipulation, and theatrical protests that seek to control, marginalize, or censure other members. Passionate opponents to capital punishment, abortion, or animal use in experiments may be emboldened to create APA policies in a similar manner to serve minority viewpoints.
>
> The resolution should not be implemented in this high pressured manner that by-passes reasoned review and studied consideration. The policy was crafted and adopted outside normal processes and the advisory group recommendations interject confusing, ambiguous, and illogical guidance.
>
> There are so many aspects of implementation that are problematic and require thoughtful deliberation that the only reasonable course of action is to allow careful review by APA boards and committees to ensure implementation is workable, defensible, and consistent with other policies of the organization. Anything that short circuits that process is flagrant

disregard to APA's credibility.
>
> Bruce
>
>
> ******************************
> mobile from my blackberry
> ---
> Colonel Bruce E. Crow, Psy.D.
> Clinical Psychology Consultant
> to the U.S. Army Surgeon General
>
> Chief, Dept. Behavioral Medicine
> Brooke Army Med Ctr
> San Antonio, Tx 78234
>
> Director
> Warrior Resiliency Program
> San Antonio Military Med Ctr
>
> Office 210.916.4410
> PRIVACY REDACTION
> Bruce.Crow@us.army.mil
>
>
> _____
>
> From: Larry James
> To: deanpj@jdi.socom.mil ; louie.morgan.banks@us.army.mil ;
brendan.bluestein@us.army.mil ; Joe.Bonvie@vb.socom.mil ;
Stephen.Bowles@na.amedd.army.mil ; PRIVACY REDACTION ; callisterj@jdi.socom.mil
; Cathleen Civiello ; andrew.m.davidson@usmc.mil ;
michael.dialward@navy.mil ; Dunivin, Debra L COL MIL USA MEDCOM WRAMC;
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Carroll.Greene@hurlburt.af.mil ; Gary Greenfield ; Harvey, Sally C COL
MIL USA; Kirk.Kennedy@cifa.mil ; Ernie Lenz ;
Larry.Lewis.ctr@ogn.af.mil ; Lim, Ingrid L LTC MIL USA MEDCOM BAMC;
Mark Lowry ; lussierj@soc.mil ;
Jerald.Ogrisseg@chairchild.af.mil ; omaillep@jdi.socom.mil ;
Gary.Percival@fairchild.af.mil ; Frank Rath ;
LINDA.ROSS@usarec.army.mil ; Robert.Sidell@CEN.AMEDD.ARMY.MIL ;
Gary.Southwell@lnd.amedd.army.mil ; george.steffian@vb.socom.mil ;
james.a.stephenson@afghan.swa.army.mil ; Stolrow, Jeffrey P COL MIL USA
TRADOC; Mark.A.Taylor@jtfgtmo.southcom.mil ;
Lisa.A.Teegarden@jtfgtmo.southcom.mil ; John.Trakowski@se.amedd.army.mil ;
Zierhoffer, Diane M LTC MIL USA MEDCOM; fincha@soc.mil ;
phillip.j.atkinson@us.army.mil ; baggettm@soc.MIL ; carlal@HPSC.Army.mil ;
harold.dickens@us.army.mil ; michael.devries@soar.army.mil ;
jason.deleeuw@us.army.mil ; Jenkins, Craig M MAJ MIL USA MEDCOM TAMC;
Butcher, Jimmie J Jr CPT MIL USA MEDCOM BACH; john.via@us.army.mil ;

kris.kratz@us.army.mil ; bill.macnulty@soc.mil ; clayton.todd.mann1@soc.mil
; McNeilJ@aosa.army.mil ; angela.mobbs@soc.mil ; paul.dean1@us.army.mil ;
shanna.reyes@soc.mil ; thomas.j.longo@us.army.mil ; ryan.trumbo@soc.mil ;
christopher.wilson54@soc.mil ; woolleyk@soc.mil ; bennettl@soc.mil ;
deaglee@soc.mil ; john.a.dintelmann@soc.mil ;
bradley.kamrowskipoppen@us.army.mil ; mark.staal@jdi.socom.mil ;
staalmark@hotmail.com ; jeffrey.mcneil@us.army.mil ;
carla.long1@us.army.mil ; Williams, Thomas J COL MIL USA TRADOC; Finch,
Arthur E MAJ MIL USA MEDCOM BMACH; Devries, Michael R CPT MIL USA MEDCOM
BACH
>
> Cc: Crow, Bruce E COL MIL USA MEDCOM BAMC
> Sent: Wed Feb 18 19:16:02 2009
> Subject: Re: Recent APA Advisory Group Document
>
>
> thanks Paul,
>
> this is most helpful, I have sent COL Banks a rough draft of my response.
>
> I will be meeting with Steve Behnke tomorrow at 1500 to deveiop a battle
plan of attack. I will engage with intentisty this weekend at the APA
Council of Representatives meeting to fight this,
>
> more to follow,
>
> LCJ
>
>
> -----Original Message-----
> From: deanpj@jdi.socom.mil
> To: louie.morgan.banks@us.army.mil; brendan.bluestein@us.army.mil;
Joe.Bonvie@vb.socom.mil; Stephen.Bowles@na.amedd.army.mil; Fred Brown;
callisterj@jdi.socom.mil; Cathleen Civiello; andrew.m.davidson@usmc.mil;
michael.dialward@navy.mil; debra.dunivin@us.army.mil;
jay.earles@us.army.mil; Robert Fein David Fenell
glen.fisher@gimail.af.mil; Tony Franklin ;
Carroll.Greene@hurlburt.af.mil; Gary Greenfield ;
Sally.Harvey@us.army.mil; Larry James ; Kirk.Kennedy@cifa.mil;
Ernie Lenz ; Larry.Lewis.ctr@ogn.af.mil; Ingrid.Lim@amedd.army.mil;
Mark Lowry ; lussierj@soc.mil;
Jerald.Ogrisseg@chairchild.af.mil; omaillep@jdi.socom.mil;
Gary.Percival@fairchild.af.mil; Frank Rath ;
LINDA.ROSS@usarec.army.mil; Robert.Sidell@CEN.AMEDD.ARMY.MIL;
Gary.Southwell@lnd.amedd.army.mil; george.steffian@vb.socom.mil;
james.a.stephenson@afghan.swa.army.mil; jeffrey.stolrow@us.army.mil;
Mark.A.Taylor@jtfgtmo.southcom.mil; Lisa.A.Teegarden@jtfgtmo.southcom.mil;
John.Trakowski@se.amedd.army.mil; diane.zierhoffer@us.army.mil;
fincha@soc.mil; phillip.j.atkinson@us.army.mil; baggettm@soc.MIL;
louie.morgan.banks@us.army.mil; carlal@HPSC.Army.mil;
harold.dickens@us.army.mil; michael.devries@soar.army.mil;

jason.deleeuw@us.army.mil; Craig.Jenkins@amedd.army.mil;
jimmie.butcher@us.army.mil; john.via@us.army.mil; kris.kratz@us.army.mil;
bill.macnulty@soc.mil; clayton.todd.mann1@soc.mil; McNeilJ@aosa.army.mil;
angela.mobbs@soc.mil; paul.dean1@us.army.mil; shanna.reyes@soc.mil;
thomas.j.longo@us.army.mil; ryan.trumbo@soc.mil;
christopher.wilson54@soc.mil; woolleyk@soc.mil; bennettl@soc.mil;
deaglee@soc.mil; john.a.dintelmann@soc.mil;
bradley.kamrowskipoppen@us.army.mil; deanpj@jdi.socom.mil;
mark.staal@jdi.socom.mil; Mark Staal
jeffrey.mcneil@us.army.mil; kris.kratz@us.army.mil;
carla.long1@us.army.mil; harold.dickens@us.army.mil;
Sally.Harvey@us.army.mil; thomas.j.williams1@us.army.mil;
arthur.finch@us.army.mil; michael.devries@us.army.mil;
clayton.todd.mann1@soc.mil; bradley.kamrowskipo ppen@us.army.mil
> Cc: Bruce.Crow@us.army.mil
> Sent: Wed, 18 Feb 2009 1:43 pm
> Subject: RE: Recent APA Advisory Group Document
>
>
> ALCON,
>
> Just to double tap what COL Banks is stating, I'd like to offer the
> opinion from our SJA's legal review of the document.
>
> 1) The most critical legal issue would be the effect of the Resolution
> on the criteria for military psychologists' state licensing boards which
> I have no visibility. I mention this because there was a reference to
> the fact that many state licensing boards incorporate APA certification
> standards into their own state licensing criteria. As a result, if you
> are somehow sanctioned by the APA, you may lose state credentialing. W/o
> going into it too much, I think the "location-based" rather than a
> behavior-based prohibition in the resolution coupled w/ the fact that it
> could result in a total bar from working in the profession, may give
> rise to grounds for a legal challenge - whether targeting the state
> licensing practices or APA, not sure (not filed by JAG or US Command but
> by individuals affected).
>
> 2) The two "CON" statements from dissenting psychologists are effective.
> While they argue against this because it will likely prevent APA members
> from rendering their professional assistance to those in places where
> needed most, they highlight that the Resolution goes far beyond the
> professional competency of the APA when it attempts to place vague
> geographic "settings" off limits to members rather than certain
> behaviors relevant to the profession. A good question that highlights
> the unworkable nature of the prohibition is what constitutes a
> "setting?" Is it that particular room, any contiguous building, 100 ft
> perimeter, 1 km area, 10 kms, etc.?
>
> 3) In regards to the operative prohibition against working "in settings
> where persons are held outside of, or in violation of either
> International Law (e.g. The UN Convention Against Torture and the Geneva

> Conventions) or the US Constitution, (where appropriate) unless they are
> working directly for the person being detained, or for an independent
> third party working to protect human rights" or are providing treatment
> to military personnel:
>
> a) It is clear that military detention facilities are compliant
> with US law and international law to the extent international law is
> controlling or interpreted in U.S. law. Of the two international
> conventions mentioned, the US has ratified both, so they are
> incorporated as binding U.S. law. While the resolution is vague in
> referencing the "Geneva Conventions," I think it fair to assume it means
> the Geneva Conventions of 1949, not including Protocols I and II from
> 1977. The US hasn't signed or ratified these additional protocols. Read
> in this context and by itself, the Resolution does not represent much of
> a problem since military detention facilities are, in fact, compliant
> with the authorities cited.
>
> b) If anyone challenges US military compliance, I think it could
> be effectively argued that the US military detention system is probably
> the most scrutinized detention program in history. It involves thousands
> of oversight personnel, including military and civilian lawyers and
> investigators who are fully informed of the facts surrounding these
> matters; have a robust and aggressive system in place to ensure
> reporting and compliance, as well as, to uncover and forcefully deal
> with any deviation from that system; and must certify legal compliance,
> at times, to US federal courts, Congress, the most senior Executive
> Branch officers, and even "internationally-accepted" oversight bodies
> such as the ICRC (perhaps others?).
>
> c) The implementing document, however, raises a number of
> problems. For starters, it mistakenly accepts the false notion that GTMO
> represents an example of per se "unlawful" detentions based on "national
> security reasons." While this is not written by lawyers, I think it is
> fair to discount its validity because they are simply ignorant of the
> facts. They should be challenged on what basis they make these
> conclusions and whether any of them have been given access. If not, it
> will demonstrate that the drafters of the implementing report are
> uninformed of the facts and have made faulty legal determinations as a
> result.
>
> 4) Another reference in the attached concerns what body will be
> controlling WRT defining ambiguities. While citing several international
> treaties it also states "international law is given precedence over
> domestic law." This should be a concern. US courts define what
> international laws are binding on military operations and DoD seniors
> decide what other international norms will be voluntarily incorporated
> by policy. This implementing report cites the UN, the ACLU and Amnesty
> International, ICRC, Council of Europe, and a hodge-podge of other
> various advocacy groups as authoritative sources. While US law may
> consider all of these as informative, they would not be controlling.
> This report proposes to reverse that order for APA purposes. I

> understand lawyers didn't draft this document, but they're attempting to
> rely on political and politically-motivated bodies for what are largely
> adjudicative functions -- a recipe for arbitrary and capricious (and
> political) decisions.
>
> 5) This international focus can be very unreliable as there is no
> "internationally accepted" judicial apparatus to definitively adjudicate
> what these documents might mean. They are trying to elevate the UN and
> other international organizations and bodies to some kind of
> uber-judicial status - as they state, the UN as an international legal
> entity." Good luck with that unworkable morass.
>
> 6) The language of Clarification Q.3 is also instructive as to the
> overall political nature of this implementing report. The general flavor
> is demonstrated in its opening line, "[in] the present political
> context, the policy is focused on settings, such as [GTMO] and CIA
> 'black' sites, which have operated 'outside of, or in violation of
> international law." It then cites the real standard by which these
> matters will be adjudicated by referencing the UN, Council of Europe,
> ICRC or other "internationally-accepted body" as the source of wisdom.
> This may provide insight into the true animating principle behind the
> report - vague and relativistic "international acceptance" and opinion.
>
> 7) Regarding para. 10 (Psychologists in the military and intelligence
> agencies should not volunteer to be deployed, and should strive to
> avoid....), it would only violate the UCMJ if military orders were
> ignored. It could certainly conflict and interfere with military orders
> and put the military psychologist in a lose-lose bind.
>
>
>
> V/r,
> Paul
>
> -----Original Message-----
> From: Banks Louie M COL [mailto:louie.morgan.banks@us.army.mil]
> Sent: Thursday, February 12, 2009 7:14 PM
> To: Bluestein, Brendan; Bonvie, Joe L LT USSOCOM NSWDG; Bowles, Stephen
> V LTC WRAMC-Wash DC; PRIVACY REDACTION; Callister, Joseph D LtCol; Civiello,
> Cathleen; Davidson CDR Andrew M; Dial-Ward, Michael; Dunivin, Debra L
> COL MIL USA USAMEDCOM; Earles, Jay; Fein, Robert; David Fenell
> Fisher, Glen; Franklin, Tony; Greene, Carroll H Col AFSOC/SGOY ;
> Greenfield, Gary COL(ret); Harvey, Sally C ; James, Larry - Home;
> Kennedy, Kirk; Lenz, Ernie; Lewis, Larry AFOSI/FIR 7/OL-C; Lim, Ingrid L
> LTC MIL USA MEDCOM BAMC; Lowry, Mark A.; lussierj@soc.mil; Ogrisseg,
> Jerry; O'Maille, Patrick S Maj; Percival Gary L GG-14 JPRA/HF; Rath,
> Frank H; Ross, Linda C; Sidell, Robert B; Southwell, Gary D LTC LND;
> Steffian, George LCDR USSOCOM NSWDG; Stephenson, James A;
> jeffrey.stolrow@us.army.mil; Taylor, Mark A Maj USSOUTHCOM JTFGTMO;
> Teegarden, Lisa A MAJ USSOUTHCOM JTFGTMO; Trakowski, John H LTC EAMC;
> Zierhoffer, Diane; Finch, Arthur E. MAJ - 75th Rangers ;

> phillip.j.atkinson@us.army.mil; Baggett, Mark R LTC; Banks, Louie M. COL
> ; carlal@HPSC.Army.mil; COL Carl Dickens; Devries, Michael R., CPT;
> jason.deleeuw@us.army.mil; Jenkins, Craig M MAJ TAMC;
> jimmie.butcher@us.army.mil; john.via@us.army.mil;
> kris.kratz@us.army.mil; bill.macnulty@soc.mil;
> clayton.todd.mann1@soc.mil; McNeil, Jeffrey AOSA; Mobbs Angela M CPT;
> paul.dean1@us.army.mil; Reyes Shanna M CPT; thomas.j.longo@us.army.mil;
> Trumbo, Ryan NMI., CPT (5SFG); Wilson Christopher R. CPT; Woolley
> Kristin LTC; Bennett, Lola MS. ; deaglee@soc.mil;
> john.a.dintelmann@soc.mil; Poppen Bradley J. MAJ
> (bradley.kamrowskipop@ahqb.soc.mil)
> Cc: Crow, Bruce E COL
> Subject: Recent APA Advisory Group Document
>
> Colleagues,
>
>
>
> I have attached a very unpleasant document for your review, the Report
> of the APA Presidential Advisory Group on the Implementation of the
> Petition Resolution. Unfortunately, the authors of this document, an
> APA presidential advisory group, have seen fit to produce this document,
> and it will be presented to council next week. I have asked for legal
> review from a series of military JAGs, and I am awaiting their formal
> responses. So far, I have received consistent feedback that the options
> identified in the report for Council's consideration are inconsistent
> with military service. In particular, the informal legal opinions I
> have received imply that the recommendations in the report, if adopted
> as APA policy, would require a violation of your oath of office and of
> the UCMJ. I should note that the duties (other than mental health care
> to other service members) that psychologists perform are not addressed
> in the document, only the location of the duty. In other words, this
> would limit mental health care to detainees as well as limit any
> intelligence support at the specified locations. At this point the
> document is an advisory document and would become policy only if Council
> acts to make it such. I personally believe (consistent with the legal
> advice that I have so far received) that the document is incompatible
> with military service, and would violate our oath of office (to the US
> Constitution) if enacted into policy. (Paragraphs 3., 4., & 6.). As an
> example, the advisory report states
>
>
>
> A determination of whether a particular detention setting is "in
> violation of international law" is to be derived from multiple sources.
> The U.N. and its committees can declare a site to be in violation of
> international law, as can any international body that the U.N. takes to
> be authoritative. A setting that has been censured due to reasons
> reflected by this policy by the Council of Europe, the International
> Committee of the Red Cross (ICRC), or other internationally accepted
> body as "outside of, or in violation of, international law" would also

> be considered a proscribed or prohibited setting.
>
>
>
> The effect is that any one of a number of international entities would
> have the authority to determine where U.S. service personnel could be
> deployed. No military psychologist could function with such uncertainty,
> if an undetermined international entity could declare a site
> out-of-bounds. Military psychologists would face a stark choice: Remain
> a member of military service or resign from APA.
>
>
>
> The report continues
>
>
>
> The determination of whether a particular detention setting is operating
> 'outside of international law' rests on whether the authority governing
> the site declares itself to be unbound by the relevant international or
> constitutional law, thereby indicating its unwillingness to abide by
> such laws. Relevant examples include a nation stating it will treat
> detainees 'consistent' with the law rather than in compliance with the
> law; a state that accepts the law in part or with reservations...
>
>
>
> This statement represents another insurmountable obstacle for service
> personnel remaining members of APA. The United States has reservations
> to many treaties. If anything less than full acceptance to a treaty
> renders a site prohibited, military psychologists are again in an
> untenable situation and would have to choose between remaining in
> military service and membership in APA.
>
>
>
> Finally, I believe the report would impose a condition that itself runs
> afoul of our ethics. The report limits psychologists' work in a
> prohibited setting to providing care for military personnel. Of course,
> I fully support providing care to military personnel. Yet, the report
> then says that military psychologists may not provide assistance to
> detainees in a setting that an undetermined international body has
> deemed prohibited. Taken at face value, a military psychologist who is
> able and willing to do so could nonetheless not provide assistance to a
> detainee in significant psychological distress. I believe that this
> position is contrary to the finest traditions of military service and is
> itself unethical.
>
>
>
> Some military psychologists are much more concerned about possible

> changes to the ethics code than on what this document states. I agree
> that this is an area of significant concern. However, I also believe
> that we must stand up to this type of inappropriate intimidation now,
> and do what is right. The current APA ethics code is one of the very
> finest documents of its kind in existence. My strong expectation is
> that any change to such a document would be very carefully considered by
> the APA, and we would have ample time to address any concerns that a
> change would make.
>
>
>
> You are among the very best, most ethical, most competent, and most
> motivated psychologists with whom I have had the pleasure of working.
> Continue to press on, and do not let the misinformed actions of a few
> demoralize you, or deter you from doing what you know to be right.
>
>
>
> Please feel free to share this as you believe is appropriate.
>
>
>
> Very respectfully,
>
>
>
> Morgan Banks
>
>
>
>
>
> COL L. Morgan Banks
> Director, Psychological Applications
> US Army Special Operations Command
> DSN 239-6833 COM (910) 432-6833
> PRIVACY REDACTION
> Banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil
>
>
>
>
> _____
>
> Access 350+ FREE radio stations anytime from anywhere on the web. Get the
Radio Toolbar
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>
>
> _____
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<http://thirdpartyoffers.juno.com/TGL2142/fc/BLSrjpTHqVPVsAsKIpd1fyJvczpQNlk
TZjV28L3rA5MxDiZBogAa4iC4leT/>
>

Sender:	James H. Bray, Ph.D. PRIVACY REDACTION
Sent:	Friday, July 24, 2009 3:51:53 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Cc:	Anderson, Norman </O=APA/OU=DC/CN=RECIPIENTS/CN=NBA>;Garrison, Ellen </O=APA/OU=DC/CN=RECIPIENTS/CN=EGG>;Farberman, Rhea </O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>
Subject:	Re: APA, torture, detainees, 1.02, PENS, etc.

I will respond to him with the standard email. Let me handle this--you have taken enough of this. If they contact you, just send them to me.

James

****
James H. Bray, Ph.D.
Department of Family & Community Medicine
Baylor College of Medicine
PRIVACY REDACTION

President, American Psychological Association
****

> From: "Behnke, Stephen" <sbehnke@apa.org>
> Date: Fri, 24 Jul 2009 14:49:21 -0400
> To: "Bray, James" PRIVACY REDACTION
> Cc: "Anderson, Norman" <NAnderson@apa.org>, "Garrison, Ellen"
> <egarrison@apa.org>, "Farberman, Rhea" <rfarberman@apa.org>
> Conversation: APA, torture, detainees, 1.02, PENS, etc.
> Subject: FW: APA, torture, detainees, 1.02, PENS, etc.
>
> James, this is a psychologist with whom Ellen and I have spent an
> *enormous* amount of time over the past several years (I have met with
> him personally in Chicago). He is adamant about his position and will
> not listen to any other perspective. He has been highly critical of me
> personally.
>
> We can certainly write and tell him that there is intense focus on
> Standards 1.02 and 1.03 and that Council will be taking action in both
> August and February, but I can say with a high degree of confidence that
> nothing will satisfy him.
>
> Steve
>
>
> -----Original Message-----
> From: John Neafsey PRIVACY REDACTION
> Sent: Friday, July 24, 2009 2:36 PM
> To: Bray, James

> Cc: Garrison, Ellen; Anderson, Norman; Behnke, Stephen
> Subject: APA, torture, detainees, 1.02, PENS, etc.
>
> Dear Dr. Bray,
>
> I am a clinical psychologist in private practice in Chicago. I also
> teach each semester in the areas of interdisciplinary studies and human
> rights in the Department of Theology at Loyola University Chicago. I
> received my doctorate in clinical psychology from the Graduate School of
> Applied and Professional Psychology at Rutgers University (1992). A few
> years ago I wrote a book on the psychology, spirituality, and ethics of
> vocation and social responsibility titled "A Sacred Voice is Calling:
> Personal Vocation and Social Conscience" (Obis Books, 2006).
>
> I have been deeply ashamed that for the past several years the American
> Psychological Association has given its official blessing to the
> involvement of psychologists in interrogations with detainees in illegal
> detention settings such as those at Guantanamo Bay, Bagram Air Force
> Base in Afghanistan, and Abu Ghraib in Iraq. These disgraceful places
> have given our country and our profession a bad name.
>
> Over the years I have had numerous frustrating and disappointing
> contacts (phone, email, and in-person) with Dr. Behnke, beginning with
> the first revelations of psychologist involvement with the BSCT teams,
> through the embarrassing PENS process, the "Nuremberg Defense" clause in
> the current Ethics Code, the defeat of the Moratorium Resolution, and
> the eventual passing of the Referendum in spite of the obvious
> resistance of the APA leadership.
>
> As a result, I have withheld my dues for the past two years. My
> understanding is that I will no longer be considered an APA member if I
> do not resume paying my dues before the end of this calendar year. My
> position has been to hold out to see if the leadership of the APA comes
> around on several important issues.
>
> The following are some of the things I will need to see happen before I
> can resume paying my dues in good conscience:
>
> 1) The Ethics Code must be revised to do away with the "Nuremberg
> Defense" that could be used by psychologists to evade ethical
> responsibility for their actions (i.e., "I was just following orders,"
> "Secretary Rumsfeld and Alberto Gonzalez and John Yoo and Dick Cheney
> wrote Memos saying it was legal," etc.). Sadly, psychologists could use
> the current ethics code to justify illegal and unethical behavior.
>
> 2) The Ethics Code should include the language of the recent Referendum
> that prohibits psychologists from working with detainees whose
> fundamental human and legal rights are not protected and guaranteed.
> This includes all "unlawful combatants" in the so-called "War on
> Terror," including all those who remain in a kind of legal limbo under
> the Obama adminstration. Even if they are not directly involved with

> aiding or abetting torture, psychologists should not work in such
> settings or with such prisoners, period. This needs to be spelled out
> in the Ethics Code. Psychologists who are found to be working in such
> settings or with such prisoners should be sanctioned. The Ethics Code
> should include the following statement from the Referendum verbatim:
>
> "...psychologists may not work in settings where persons are held
> outside of, or in isolation of, either International law (e.g., the UN
> Convention Against Torture and the Geneva Conventions) or the US
> Constitution (where appropriate), unless they are working directly for
> the persons being detained or for an independent third party working to
> protect human rights."
>
> 3) The APA must publicly repudiate the PENS process, publicly
> acknowledging the damage it has done to our profession. This includes
> the many widely known irregularities and obvious conflicts of interest
> that led to a biased report in favor of psychologists remaining involved
> in illegal and inhumane and unethical activities and settings.
>
> 4) Dr. Behnke and other APA officials who have been involved with
> facilitating or covering up this disaster should be fired or should
> resign. The Ethics Office has lost all credibility. For years Dr.
> Behnke has served as an apologist and damage control person for
> inexcusable APA policies.
>
> 5) All ethics complaints filed against psychologists involved in
> interrogations with detainees in illegal detention centers (including
> complaints against members of the PENS Task Force) should be reviewed
> and re-evaluated. There is widespread concern that the Ethics Office
> has not taken such complaints seriously over the last several years.
>
> 6) The APA leadership must provide evidence to the membership that the
> Referendum prohibiting psychologist involvement in illegal detention
> centers or with detainees who are deprived of their fundamental human
> rights has been fully implemented, and that any psychologist found to be
> working in such settings or assisting in any way in the detention or
> interrogation of such prisoners will be held accountable for violation
> of their professional ethics.
>
> Dr. Bray, I would appreciate your response to each of my concerns.
>
> Sincerely,
>
> John P. Neafsey, Psy.D.
PRIVACY REDACTION
[redacted]
>
>
>

Sender:	Banks Louie M COL <banksl@soc.mil>
Sent:	Monday, July 27, 2009 9:37:53 AM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject:	RE: *Harper's Magazine*: "APA's Nuremberg Defense"; Ethics Code sec.1.02 & Directive 3115.09
Attachments:	DODD 311509 Nov 2008.pdf;DoDD 3115 09 'Intelligence Interrogations' Nov 2005.pdf

---

Steve,
At the office now -- not sure which one I sent you, probably the one dated 2005. It has been replaced by a Nov 2008 directive. It will be hard to determine when the staffing for it started, but getting one approved is usually a very tedious process. I was not involved, and I would be extremely surprised if anyone associated with APA even had visibility on the creation of the document. It is possible that someone working at the DOD level, who was also a member of APA, had some knowledge of it, but certainly no one I know of. (No one involved in BSC ops.)

The new one slightly modified the paragraph in question. I will need to leave it to a JAG to tell me if there are substantive changes in it; I cannot see any, although the wording is slightly different. Both very clearly prohibit any abuse or inhumane treatment of detainees. Again, my recommendation is that if this comes up, simply READ the document to anyone who is challenging us. I mean really, the document prohibits mistreatment in almost every paragraph. Anyone who reads it to give anyone a loophole really is delusional. (I mean this seriously, not as a joke.) (Firm, fixed belief, in spite of strong evidence to the contrary.)
Morgan

COL L. Morgan Banks
Director, Psychological Applications
US Army Special Operations Command
DSN 239-6833 COM (910) 432-6833
PRIVACY REDACTION
Banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil
-----Original Message-----
From: Behnke, Stephen [mailto:sbehnke@apa.org]
Sent: Friday, July 24, 2009 8:46 PM
To: Banks Louie M COL; Morgan Banks
Subject: FW: *Harper's Magazine*: "APA's Nuremberg Defense"; Ethics Code sec.1.02 & Directive 3115.09
Hey Morgan, I hope you're well.

Can you give any history on Directive 3115.09?

It continues. (http://www.harpers.org/archive/2009/07/hbc-90005399)

There now seems to be a concerted push to go after me personally.

Glad Carroll's giving a workshop in Toronto same day I am...I may just ask him to wear my name tag!
Thanks,

Steve

-----Original Message-----
From: Ken Pope PRIVACY REDACTION
Sent: Friday, July 24, 2009 2:23 PM
To: Ken Pope
Subject: *Harper's Magazine*: "APA's Nuremberg Defense"; Ethics Code sec.1.02 & Directive 3115.09
Harper's Magazine has placed on its web site a brief article: "The APA's Nuremberg Defense."
The author is Scott Horton, an attorney who is Contributing Editor for *Harper's Magazine.*
Here are some excerpts:

[begin excerpt]

[T]he APA modified Section 1.02 of its ethics rules, to state that in the event of conflict between ethics standards and law as interpreted by government organs like the Department of Defense or CIA, psychologists are free to disregard the requirements of applicable ethics guidelines and "may adhere to the requirements of the law, regulations, or other governing legal authority."
This provision was curiously passed just as psychologists undertook their key role in the torture program.
<snip>

It is a full-throated repudiation of the rule fashioned at Nuremberg under which individuals involved in the torture or abuse of prisoners are not entitled to rely on a defense of superior orders.

<snip>

Stephen Behnke, the APA's Director of Ethics, claims that this provision is "written largely in response to conflicts regarding confidentiality, arising most often when courts issue subpoenas for psychologists' records."
In fact, the provision's direct relationship to the Defense Department's efforts to vitiate professional ethics rules, shown in Directive 3115.09, could not be clearer.

The modification reflected an effort by APA leaders to give psychologists who were preparing to participate in the torture program an ethical "out."

Since the Bush Administration held "legal opinions" issued by the likes

of John Yoo, Jay Bybee, and Stephen G. Bradbury, under the reasoning of this amended ethics provision psychologists were entitled to rely upon those opinions -- notwithstanding any restrictions contained in their professional ethics code.

The rationale that Behnke claims as cover could easily be handled in a provision authorizing psychologists to comply with legal process concerning the turnover of records -- a garden-variety provision already found in commercial agreements.
[end excerpts]

This short article is online at:
<http://www.harpers.org/archive/2009/07/hbc-90005399>
PLEASE FORWARD THIS MESSAGE to any lists or individuals who are interested in these ethical issues.
Ken Pope

RESOURCES FOR U.S. TROOPS, VETERANS, THEIR FAMILIES, & THOSE WHO PROVIDE SERVICES TO THEM:
<http://kspope.com/torvic/war.php>

"Let your heart feel for the affliction and distresses of every one..."
--George Washington (1732-1799), Leader of the Continental Army & First President of the United States

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Recipient:	Dr. Robert J. Resnick PRIVACY REDACTION ;Bonnie Markham, PhD, PsyD PRIVACY REDACTION
Cc:	Bill Strickland
Subject:	RE: Con Statement

Folks, I'm very pleased you found my suggestions helpful.

It's Ethics Office policy to provide feedback on ethics-related matters to anyone who asks, as you have done, and we are happy to be a resource for APA members. Of course, the statement is entirely yours and should be presented as such.

Thanks and enjoy your well-deserved holiday weekend, Steve

From: Dr. Robert J. Resnick PRIVACY REDACTION
Sent: Thursday, July 03, 2008 4:21 PM
To: Bonnie Markham, PhD, PsyD
Cc: Behnke, Stephen; Bill Strickland
Subject: Re: Con Statement

I made one minor tweak---organization to organizations in the parentheses paragraph 2. :ø)

I think it is good to go and thank you all for your help and important input.

Bob
On Jul 3, 2008, at 4:12 PM, Bonnie Markham, PhD, PsyD wrote:

Steve,

Thank you for your much improved version of our draft. Your edit is more clearly focused on the key issues and presents them in a compelling and well-documented way.

Your input is appreciated.

Bob and Bill -- I recommend that we use the statement as revised by Steve.

Bonnie

Subject: RE: Con Statement
Date: Thu, 3 Jul 2008 15:30:26 -0400
From: sbehnke@apa.org
To: Bonnie Markham ; Robert Resnick ; Bill Strickland

Dear Bonnie, Bill, and Bob,

Please let me apologize for not working from your most recent draft; I'm afraid my day has been full of commitments, so I worked on the draft Bob sent yesterday which I had available this morning. The attached document is for your consideration, to work with in whatever manner you deem appropriate; no attribution is

required or requested, since I have simply taken your version and moved ideas around with some editing (mostly at the beginning and the end).

One thought—it seemed to me that your main point, the overbroadness (I'm not sure that's a word) of the petition had gotten somewhat lost, so this draft highlights that point, and then subordinates the issue of interrogation/torture. Focus on the interrogation/torture issue seemed important, but not at the expense of the unintended consequences of the petition.

Again, I've simply taken the draft Bob sent, highlighted things a bit different, with some editing, so please review and use however you think best.

I think this draft is just about at the word limit, 750.

Steve

From: Bonnie Markham, PhD, PsyD [redacted]
Sent: Thursday, July 03, 2008 12:33 PM
To: Behnke, Stephen; Dr. Robert J. Resnick; [redacted]
Subject: RE: Con Statement

Steve,

Thank you for reviewing the con draft and sharing your thoughts. We have been circulating various edits of our draft and want to make sure you have the most recent version. It is attached.

Bonnie

Subject: RE: Con Statement
Date: Thu, 3 Jul 2008 11:20:23 -0400
From: sbehnke@apa.org
To: [redacted]

Hi Bob,

I have some thoughts (both stylistic and substantive) on the draft, which I'd be happy to share if you are interested. I could have those to you by the end of the day.

Please let me know.

Thanks,

Steve

From: Dr. Robert J. Resnick [redacted]
Sent: Wednesday, July 02, 2008 3:27 PM
To: Markham PhD Markham; [redacted]
Cc: Behnke, Stephen
Subject: Con Statement

Bonnie and Bill,

Attached is a draft for your comments.

Best,

Bob

Robert J. Resnick, Ph.D., ABPP
Professor of Psychology
PRIVACY REDACTION

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Tuesday, May 01, 2007 8:49:23 PM
Recipient:	'Ken Pope' PRIVACY REDACTION ;Jeff Younggren PRIVACY REDACTION ;Melba Vasquez PRIVACY REDACTION ;Mike Gottlieb PRIVACY REDACTION ;Tricia Keith-Spiegel PRIVACY REDACTION
Subject:	RE: Re(2): Jeff, Melba, Mike, Steve, & Tricia -- seeking a consult

Ken, consider the following: Replace "may" with "must" in the standard--the standard then states that psychologists "must" follow the law when there is an irreconcilable conflict. Now, in your hypothetical, the psychologist "must" follow the law, or escape the conflict (for example by leaving the position.)

Standard 1.02, however, uses "may"--the psychologist may follow the law--but is not required to do so. The psychologist will therefore use his/her discretion and judgment regarding whether to follow the law, or not--because the Ethics Code does not impose an obligation in this instance to follow the law. Civil disobedience is entirely compatible with the standard as it is written. (Note that standard 1.02 does not require the psychologist to engage in civil disobedience, but allows the psychologist to do so. The psychologist may--or may not--follow the law, as determined by the psychologist's ethical/moral/legal judgment.)

Steve

-----Original Message-----
From: Ken Pope PRIVACY REDACTION
Sent: Tuesday, May 01, 2007 8:41 PM
To: Behnke, Stephen; Jeff Younggren; Melba Vasquez; Mike Gottlieb; Tricia Keith-Spiegel
Subject: Re(2): Jeff, Melba, Mike, Steve, & Tricia -- seeking a consult

Steve--

If the enforceable standards authorizes psychologists to break the law, violate regulations, or defy legal authority, I'm somehow missing where it states or implies that. The standard says that when ethical responsibilities conflict irreconcilably with the law, regulations, or authority, the psychologist may adhere to the law, regulation, or authority rather than to ethical responsibilities. It does not state that the psychologist may adhere to the law, regulation, or authority or may adhere to ethical responsibilities in violation of a law, regulation, or authority.

I don't read the "may" as mandatory but I'm not sure how the code's statement that psychologists may adhere to a law, regulation, or authority that is in opposition to ethical responsibilities can be construed as authorizing psychologists to break the law, etc. A hypothetical psychologist working in a hypothetical position in which a hypothetical law, regulation, or authority required carrying out a job that would violate human rights might, to avoid abandoning ethical responsibilities if the psychologist believed that adhering to human rights was an inviolable ethical responsibility, might seek transfer to another postion within the organization or, failing that, quit the position, neither of which involve breaking the law.

If civil disobedience or the much larger category of adhering to ethical responsibilities when they are in unresolvable conflict with a law, regulation, or authority is ethically acceptable to the profession, why is there no statement to that effect in the code? I keep looking for a statement, conceptual framework, logical progression, or implication that the code endorses breaking the law in certain situations as in

keeping with fulfilling one's ethical responsibilities, but I'm not there yet.

I know I must be misreading or misunderstanding the words of the code, but I can't quite puzzle out where I'm going wrong yet.

Ken

>Ken, I think you and I read standard 1.02 differently. I read the
>standard as based on a presumption that the psychologist is obligated to
>follow the ethical standards, but when an irreconcilable conflict arises
>between ethics and law, the psychologist "may" (not "must") follow the
>law. The may is permissive and discretionary; thus, the psychologist
>has the discretion to follow the law, but is not obligated to do so.
>Following one's ethical obligations in the face of a conflict would
>therefore be entirely consistent with standard 1.02.
>
>You appear to read standard 1.02 as obliging the psychologist to follow
>the law when there is a conflict, but I don't think the language of the
>standard is consistent with that reading.
>
>Thoughts?
>
>Steve
>
>-----Original Message-----
>From: Ken Pope PRIVACY REDACTION
>Sent: Tuesday, May 01, 2007 7:16 PM
>To: Jeff Younggren; Melba Vasquez; Mike Gottlieb; Behnke, Stephen;
>Tricia Keith-Spiegel
>Subject: RE: Jeff, Melba, Mike, Steve, & Tricia -- seeking a consult
>
>Thanks so much for your help. These issues are so complex!
>
>Here are some facets that I'm still tangled up in...
>
>It seems -- and I could be waaay off base here -- that in addressing
>conflicts between ethical responsibilities and laws, regulations, or
>authorities that the psychologist can't resolve, the enforceable
>standard states that psychologists may adhere to the law, regulation, or
>authority rather than to ethical responsibilities. The enforceable
>standard does not state that psychologists may adhere to their ethical
>responsibilities in such circumstances.
>
>I wonder if the APA code is unique in this regard or if the ethics codes
>of any other professions or the psychology ethics codes in other
>countries state that adhering to laws, regulations, or authorities may
>replace adhering to ethical responsibilities when the 2 are in
>unresolvable conflict.
>
>The enforceable standards do not seem to state that civil disobedience
>is ever an ethically acceptable act.
>
>Using human rights as a qualifier in the introduction ("If the conflict
>is unresolvable via such means, psychologists may adhere to the
>requirements of the law, regulations, or other governing authority in
>keeping with basic principles of human rights") but removing that
>qualification from the enforceable standards ("If the conflict is
>unresolvable via such means, psychologists may adhere to the
>requirements of the law, regulations, or other governing legal
>authority") seems to suggest that while adhering to human rights is an

>important value, ideal, or aspiration, it may not always be feasible or
>practical to act in accordance with the basic principles of human rights
>or ethical responsibilities in certain situations. This approach seems
>consistent with some major movements in ethical and legal thinking
>emerging gaining in post-Nuremberg realities (e.g., the idea that the
>Nuremberg Courts reached the right conclusions but using the wrong rules
>in regard to the defendants' -- whose attorneys would cite U.S. laws,
>U.S. presidential, & U.S. Supreme Court decisions to no avail --
>assertions about adhering to the state's authorities, regulations, &
>laws), particularly that there are circumstances in which human rights
>must sometimes give way to other considerations (e.g., discovering or
>preventing efforts to cause major disaster; defense of self, family, or
>country; religious mandates or values).
>
>Again, I greatly appreciate your help in trying to think these daunting
>issues through.
>
>Ken
>

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Tuesday, May 15, 2007 9:37:55 PM
Recipient:	'Ken Pope' PRIVACY REDACTION ;Melba Vasquez PRIVACY REDACTION ;Jeff Younggren PRIVACY REDACTION ;Mike Gottlieb PRIVACY REDACTION ;Tricia Keith-Spiegel PRIVACY REDACTION
Subject:	RE: Re(6): Jeff, Melba, Mike, Steve, & Tricia -- seeking a consult

Okay, but given our assumptions I don't think the term "Nuremberg defense" should be applied to our psychologist. The Nuremberg defense connotes the absence of moral angst ("I was just following orders"), and we've described our psychologist as an ethically minded, thoughtful psychologist who wants to do the right thing in a morally complex and ambiguous circumstance.

I think our assumptions about the person in that situation are an integral part of our assessment--indeed, that's what you and Melba write about. If we assume an ethically-minded psychologist, standard 1.02 gives that individual leeway in an ethically ambiguous world.

Now, if we shift our assumptions, then the Nuremberg defense--that's what I was told to do--might be quite apt indeed as a descriptor.

-----Original Message-----
From: Ken Pope PRIVACY REDACTION
Sent: Tuesday, May 15, 2007 3:53 AM
To: Behnke, Stephen; Melba Vasquez; Jeff Younggren; Mike Gottlieb; Tricia Keith-Spiegel
Subject: Re(6): Jeff, Melba, Mike, Steve, & Tricia -- seeking a consult

>Now, is the psychologist a consequentialist or a deontologist?

I think that the array of possible alternative rationales given in the hypothetical -- the sanctity of his word and the need to honor his contract with the gornment; saving the life of an immediate family member; preventing more deaths than would occur otherwise; religious beliefs or authority; or the possibility of bringing about positive change by working on the inside; etc. -- can each, depending on which alternative rationale you attribute to the psychologist, be consistent with a variety of consequentialist or deontological approaches (or to add a third array: varieties of virtue ethics). So feel free to choose whichever systems of ethical reasoning that seem to best illuminate the issues related to the psychologist's use of the Nuremberg defense to the ethics complaints.

Ken

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Friday, May 11, 2007 8:00:44 PM
Recipient:	'Ken Pope' PRIVACY REDACTION ;Melba Vasquez PRIVACY REDACTION ;Jeff Younggren PRIVACY REDACTION ;Mike Gottlieb PRIVACY REDACTION ;Tricia Keith-Spiegel PRIVACY REDACTION
Subject:	RE: Jeff, Melba, Mike, Steve, & Tricia -- seeking a consult

Ken, I have been thinking about your post. Two thoughts: first, it might be helpful to see if we can trace the history of ethical standard 1.02, to see where this language came from. My recollection is that Division 42 was very interested in this issue during the revision process, and I believe Marty Williams has written something on this. Second, it would be very interesting to review other health and mental health association codes of ethics, to see how they address conflicts between ethics and law. Do any of these codes do it differently than APA? (I am hoping that one of our student papers reviews other ethics codes, but I've not yet had a chance to read them.) I think Mike G. is interested in writing on this issue...??

I think your hypothetical raises a number of issues. One question I would like to clarify: Does the law REQUIRE this psychologist to engage in the endeavor you identify, or does the law ALLOW it? If the law simply allows this endeavor, I don't see how the standard could be used to defend the psychologist, because there is no irreconcilable conflict--the psychologist can follow the ethics code without violating the law. Now, if the law requires it, then it may well be that the conflict cannot be reconciled.

In terms of your first paragraph, doesn't your second sentence answer the conundrum posed in the first sentence? When a conflict arises between ethics and law that cannot be reconciled, the ethics code allows ("may") the psychologist to follow the law. Conversely, the psychologist can choose not to follow the law: i.e., can engage in civil disobedience. As a consequence, the Ethics Code allows, but does not require, psychologists to engage in civil disobedience.

Steve

-----Original Message-----
From: Ken Pope PRIVACY REDACTION]
Sent: Thursday, May 03, 2007 12:31 PM
To: Behnke, Stephen; Melba Vasquez; Jeff Younggren; Mike Gottlieb; Tricia Keith-Spiegel
Subject: Re: Jeff, Melba, Mike, Steve, & Tricia -- seeking a consult

Thanks for continuing the dialog. I'll keep working on it, but I'm still having trouble understanding how 1.02 or the enforceable standards more generally imply that breaking the law (e.g., engaging in civil disobedience) is acceptable. I think we share the same perspective that 1.02 is permissive in allowing a psychologist to choose (under certain circumstances) whether or not to adhere to an authority, etc. And it seems clear that there is no objection to certain strategies of non-adherence (e.g., seeking a transfer, a redefinition of job scope, a move to another jurisdiction, etc., that would make the offending law, regulation, or authority inapplicable to the psychologist's new situation). But I can see (yet) how this implies that the code condones breaking the law.

I'd welcome any comments on one of the other issues I raised in my original post: on allowing psychologists, without an enforceable restriction, to follow the law, regulation, or authority when these are in irreconcilable conflict with "ethical responsibilities," an issue that arose in the Nuremberg trials. In a hypothetical scenario, an APA member takes a sabbatical in a foreign country and accepts a contract to work for their government, which is engaged in nefarious pursuits. You might want to fill in your own examples of unacceptable and

reprehensible work, but how about this: the government is engaged in trying to purify the country's make-up, so the psychologist helps develop scientific methods to identify all people of a certain type (e.g., race, ethnicity, religion, sexual orientation) so that they can be gotten rid of; the psychologist also testifies as an expert in governmental hearings that each person in the targeted group is inherently inferior and represents a threat to the state's quality of life. When questioned about whether such professional activities violate the APA ethics code, the psychologist points out that although he finds the activities in conflict with ethical responsibilities, the enforceable standard explicitly allows him to follow laws, regulations, & authorities despite the fact that they are in irreconcilable conflict with his ethical responsibilities.

Again, thanks again to everyone for your help with this.

Ken

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Thursday, March 06, 2008 3:57:13 PM
Recipient:	Ken Pope PRIVACY REDACTION ;Melba Vasquez PRIVACY REDACTION
Subject:	RE: Hi, Melba and Steve

Hi Ken,

Sorry this message will be brief; I'm literally running to catch a flight...

Ken, I'm not asking for suggestions or proposals for language at this point--I'm asking to understand your reasons for resigning from APA, to the extent they relate to standard 1.02.

Am I correct in my understanding that standard 1.02 was related to your decision to resign from APA? After reading your letter of resignation, I was sure the answer was yes; after our exchanges, I am no longer certain...

Must run now;

Steve

From: Ken Pope PRIVACY REDACTION
Sent: Thu 3/6/2008 1:58 PM
To: Melba Vasquez; Behnke, Stephen
Subject: Hi, Melba and Steve

Hi, Melba and Steve--

Thanks for your responses.

Melba, in your message you wrote: "I know that you made a similar request a few days ago, and I'm sorry that I've not been able to respond. I've not had time to truly think through, look for materials, etc. that would provide answers to your questions or jog my memories.... I appreciate your attempt to design a standard that would be responsive to the perceived problem of the 1992 standard."

No need to apologize for the delay -- I know how terribly busy you've been.

Steve, in your last message you asked: "to the extent that you find the language of standard 1.02 problematic, what language would have allowed you to stay in the Association?"

My suggestions for any rewording of 1.02 depend on what specific problems APA was trying to address in 2002 that had been caused by the previous wording (i.e., the wording in the 1992 code) and lead to the code change in 2002. I don't think it would be helpful for me to suggest rewordings that don't address or run counter to the needs that led Council to make such a significant change in the code (in part because Council would be unable to adopt any suggested revision along those lines because it did not address important needs).

In my previous note I sent along 3 examples of reasons that people had suggested as needs leading APA to change 1.02 in 2002. A set of the reasons for the 2002 change in 1.02 that includes the first example is likely to require a very different rewording of 1.02 than a set that includes example 2 or 3. However, I don't know whether any or all 3 of

these were included among APA's reasons for the change, and whether there were also other needs that the change was intended to address.

Steve, I noticed that you did not respond to my requests for identifying the needs or reasons leading Council to change 1.02. Am guessing it's just because you're swamped, but would it be possible to share just a brief list of those needs or reasons with me so that I can suggest an approach that addresses those needs in a way that I believe would not be problematic? If not, I was wondering if either you or Melba could suggest someone at APA who would share with me an accurate and authoritative list of the needs that APA sought to address in making the change in 2002?

Once I've identified the complete set of needs, I believe I'll be able to suggest an approach to rewording that addresses those needs effectively in a way that avoids the language of standard 1.02 that contributed to my resignation.

I hope all is well with both of you during these difficult times.

Warm regards,

Ken

Sender: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent: Sunday, March 02, 2008 8:17:01 PM
Recipient: 'Ken Pope' PRIVACY REDACTION ;Melba Vasquez PRIVACY REDACTION
Subject: RE: Hi, Steve & Melba

Hi, Ken,

I think we may be two ships passing in the night here...

What I'm interested in understanding, as clearly as I am able, is the connection between the standard 1.02 issue and your decision to resign from APA. For clarity's sake, I have two questions.

First, what did you find so problematic about standard 1.02 that you felt compelled to resign from APA? From reading your letter, one might conclude that the change from the 1992 language to the 2002 language is the problematic issue, but I don't want to make any assumptions.

Second, to the extent that the wording of the 2002 standard is sufficiently problematic that you feel the need to separate yourself from APA, do you have specific wording in mind--the 1992 version, as a possible example--that would address your concerns?

Thanks, Ken, I appreciate your taking the time to respond.

Goodness these are challenging times,

Steve

-----Original Message-----
From: Ken Pope PRIVACY REDACTION
Sent: Friday, February 29, 2008 3:24 PM
To: Melba Vasquez; Behnke, Stephen
Subject: Hi, Steve & Melba

Hi, Steve & Melba--

Steve, thanks for the note about Elyn's book.

As I mentioned in the note that Melba forwarded, if you'd like suggestions for rewording the second sentence in 1.02, just send me a brief note (for issues like precise rewording, I work better with the written word than with my memory of a conversation) outlining the problem (s) APA wanted to address by adding an extra sentence. That is to say, what did APA want to accomplish by adding that second sentence?

Once I know what problem or problems arose in the prior decade when 1.02 was only that original single sentence without the addition, I'll be in a better position to suggest a possible approach, whether it is revising that second sentence, writing a complely new sentence to replace that second sentence, etc.

I'll sit down and see what I can come up with as soon as I receive a note from you, but I need a brief written statement to work from.

Melba, I hope you'll also feel free to email me any thoughts you have about what a second sentence needs to accomplish.

Hope all is will with both of you.

Warm regards,

Ken

Out of the Dumpster & Into the Therapy Offices:
<http://kenpope.com/abby/index.php>

"It's a bit embarrassing to have been concerned with the human problem all one's life and find at the end that one has no more to offer by way of advice than 'Try to be a little kinder.'"
--Aldous Huxley (1894-1963)

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Wednesday, March 11, 2009 9:25:02 PM
Recipient:	Banks Louie M COL <louie.morgan.banks@us.army.mil>
Subject:	RE: Standard 1.02 (www.apa.org/ethics)

Excellent.

From: Banks Louie M COL [mailto:louie.morgan.banks@us.army.mil]
Sent: Wednesday, March 11, 2009 9:27 PM
To: Behnke, Stephen
Subject: Re: Standard 1.02 (www.apa.org/ethics)

Mine will be in this evening.

From: Behnke, Stephen
To: Dunivin, Debra L COL MIL USA MEDCOM WRAMC ; Banks Louie M COL
Sent: Wed Mar 11 21:23:28 2009
Subject: Standard 1.02 (www.apa.org/ethics)
Please encourage folks to comment. Thank you.

Sender:	Dunivin, Debra L COL MIL USA MEDCOM WRAMC <DEBRA.DUNIVIN@US.ARMY.MIL>
Sent:	Thursday, March 12, 2009 12:13:38 PM
Recipient:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>;louie.morgan.banks@us.army.mil
Subject:	Re: Standard 1.02 (www.apa.org/ethics)

Done! And done again! Hope it helps.
COL Debra Dunivin, PhD, ABPP
Chief, Integrated Dept of Psychology
Walter Reed Army & National Naval Medical Centers
202-782-0065; 5917 DSN 662
(Sent by BlackBerry with apologies for errors)

From: Behnke, Stephen
To: Dunivin, Debra L COL MIL USA MEDCOM WRAMC; louie.morgan.banks@us.army.mil
Sent: Wed Mar 11 20:23:28 2009
Subject: Standard 1.02 (www.apa.org/ethics)

Please encourage folks to comment. Thank you.

Sender: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent: Sunday, August 12, 2007 11:58:48 PM
Recipient: 'Judith Van Hoorn' PRIVACY REDACTION
Cc: Olivia Moorehead-Slaughter
Subject: RE: Amendments to substitute motion

Judith, I've just returned from a bit of time away, but your message brings excellent excellent excellent news. Did I say "excellent"?

Tell me when to be where, and I'll be there then.

Steve

-----Original Message-----
From: Judith Van Hoorn PRIVACY REDACTION
Sent: Sunday, August 12, 2007 11:30 PM
To: Behnke, Stephen
Cc: Olivia Moorehead-Slaughter
Subject: Amendments to substitute motion

Dear Steve,

I hope that all is well and that you have returned.

As you know, we have been working to collaborate with others to develop amendments that the important constituencies can support.

I have been working closely with Bill Strickland (19) and I think that we are close to a point where everything except for 1-3 amendments are acceptable to 19.

Melba and Doug suggested a meeting and have offered to facilitate one. I have heard today (indirectly) that Sharon B. hopes you will be the point person, which makes sense. We have not heard from the chair of COLI, and heard from the chair of the Ethics Committee last week that the timeframe is too short (that this should have been done a long time ago - I certainly understand).

Since the amendments address another motion (the Board's motion), I hope that we can have a time to meet and try to come to consensus - or the closest meeting of the minds possible.

Melba and Doug write that they are available Wed (2-4) - some people will not have arrived
Thurs am 8-9
Thurs pm at 8

As you see, I have copied this to Olivia with the hope that she will not only participate, but lend her spirit to bring people together.

Please write as soon as possible. I will be home most of Mon and Tues
Judy
PRIVACY REDACTION
PRIVACY REDACTION

ps. Olivia - please write or call if we don't hear from Steve tomorrow to help formulate an alternative plan.

Sender:	Gilfoyle, Nathalie </O=APA/OU=DC/CN=RECIPIENTS/CN=NPG>
Sent:	Thursday, July 31, 2008 11:32:57 PM
Recipient:	Farberman, Rhea <rfarberman@apa.org>;Strassburger, Judy <jstrassburger@apa.org>;Garrison, Ellen <egarrison@apa.org>;Behnke, Stephen <sbehnke@apa.org>
Cc:	Anderson, Norman <NAnderson@apa.org>;Honaker, Michael <mhonaker@apa.org>
Subject:	FW: [APABOD] Possible Con statement writers

More

From: American Psychological Association's Board of Directors [mailto:APABOD@LISTS.APA.ORG] **On Behalf Of** Barry S Anton
Sent: Tuesday, June 24, 2008 8:11 PM
To: APABOD@LISTS.APA.ORG
Subject: [APABOD] Possible Con statement writers

Hi:
As requested, here is the list of people whom I spoke with over the weekend who spontaneously volunteered to participate in the Con statement writing.

Bill Strickland, Division 19 (who volunteered Steve Sellman)
Bonnie Markham, Division 42
Bob Resnick, Division 42

Bonnie Markham asked me if the letter writers could have assistance from the APA staff. I said I would find out; even though this issue was discussed at the BoD meeting. I believe we agreed that both pro and con statement writers could get assistance. I don't think we agreed about what type of assistance.

Best,

Barry

Sender:	Gilfoyle, Nathalie </O=APA/OU=DC/CN=RECIPIENTS/CN=NPG>
Sent:	Thursday, July 31, 2008 11:31:02 PM
Recipient:	Farberman, Rhea <rfarberman@apa.org>;Strassburger, Judy <jstrassburger@apa.org>;Garrison, Ellen <egarrison@apa.org>;Behnke, Stephen <sbehnke@apa.org>
Cc:	Anderson, Norman <NAnderson@apa.org>;Honaker, Michael <mhonaker@apa.org>
Subject:	FW: Con statement

From: Barry S Anton PRIVACY REDACTION
Sent: Friday, June 27, 2008 1:14 PM
To: Robert Resnick
Cc: Gilfoyle, Nathalie
Subject: Con statement

Hi Bob:
We would be grateful if you would consider writing the Con statement. You have been articulate in your COR comments, have along history of service to APA, and are from a directly affected division.
The terms of the Con statement are that it must be no longer than 750 words, be submitted by July 7th, and requires that you also write the rebuttal to the Pro statement, which will be due no later than July 15th.
You may consult with others. Both Bonnie Markham, and Bill Strickland (Division 19), are willing and able to assist you. I understand that there are others who may be available to assist you as well. However, only your signature will go out on the statement. You may ask APA staff questions. Nathalie informed me that anti-trust issues are not pertinent to the petition. The Con statement should be sent to Garnett Coad at: gcoad@apa.org.

If you have any questions, please call me, at any time, on my cell phone: PRIVACY REDACTION

Thanks,

Barry

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Saturday, June 28, 2008 10:48:39 AM
Recipient:	Anderson, Norman <NAnderson@apa.org>;Strassburger, Judy <jstrassburger@apa.org>;Farberman, Rhea <rfarberman@apa.org>;Garrison, Ellen <egarrison@apa.org>;Gilfoyle, Nathalie <ngilfoyle@apa.org>
Subject:	FW: Proposed Resolution

I've just received this message from Bob. I think Nathalie's memos did an excellent job of providing information in a balanced and neutral manner that writers of either side could use as they viewed appropriate.

I will respond to Bob in such a manner that if the "pro" writers asked me, I would provide them exactly the same information; in fact, if the pro writers were to get in touch with me, I would likely simply forward what I wrote to Bob to them.

Steve

From: Dr. Robert J. Resnick PRIVACY REDACTION
Sent: Saturday, June 28, 2008 9:54 AM
To: Behnke, Stephen
Cc: Bonnie Markham; Bill Strickland
Subject: Proposed Resolution

Hello Steve,

As you may know, I "chair" the con statement trio. We would like "take" on the matter from an ethics standpoint; this resolution moves in a seriously flawed direction from how to where they are employed. It appears this resolution has no enforcement mechanisms by APA but could lead members to bring complaints to licensing boards. Your thoughts?

Regards,

Bob

Robert J. Resnick, Ph.D., ABPP
Professor of Psychology
PRIVACY REDACTION

Sender: Dr. Robert J. Resnick [redacted]
Sent: Wednesday, July 02, 2008 3:26:47 PM
Recipient: Markham PhD Markham
[redacted] Bill Strickland
Cc: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Subject: Con Statement
Attachments: CON 2.doc;ATT778493.htm

Bonnie and Bill,

Attached is a draft for your comments.

Best,

Bob

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DRAFT – CON STATEMENT

The petitioners are requesting that APA prohibit its members from working in sites where torture occurs without regard to the actual behavior of the APA member psychologist. This recommendation may stem from two concerns: first, that psychologists may have been involved in developing abusive interrogation techniques used in CIA black sites, and second, that working in such a site is tantamount to colluding with the torture that takes place there.

Collusion issue (thoughts?) None

At its August, 2007 meeting the APA Council passed the second of three resolutions[2006, 2007 and February 2008] condemning torture and other cruel, inhumane, and degrading treatment and punishment. This resolution was vetted by many different constituencies and places limits on the behaviors of psychologists in the context of detainee operations and interrogations. In August, after full and open debate, Council overwhelmingly rejected an amendment that would ban locations where psychologists could work. The rejected amendment was essentially the same as the current petition.

There are unintended consequences to prohibiting locations rather than focusing on unethical behavior. Many psychologists are employed in settings where allegations are made of the loss of constitutional rights such as jails, prisons, hospitals, and forensic units. Further, as this resolution proposes no method of detection, adjudication, or sanctions and does not specify an ethical violation. Thus, APA cannot enforce this resolution. But, allegations that a psychologist was violating APA policy could arise in any venue (e.g., civil court, a licensing board, a state psychological association ethics committee, a hospital ethics committee, or the ethics committee of another professional organization, such as a psychoanalytic institute) in which actions against psychologists are heard. Our ethical standards and the and the APA resolutions of 2006, 2007 and February of 2008 provide much clearer, more explicit statements regarding torture and the responsibility of psychologists. Quoting the last sentence from 2008: Psychologists are absolutely prohibited from knowingly planning, designing, participating or assisting in the use of all condemned techniques[Note: 28 general and specific techniques are enumerated] at any time and may not enlist others to employ these techniques in order to circumvent this resolution's prohibition.

The clause "unless they are working directly for the persons being detained or for an independent third party working to protect human rights" would likely prohibit psychologists in a prohibited setting from providing services to a person in (even significant) psychological distress, since in most all settings the psychologist would be working for the institution and not for the detained individual. Unlike the Ethics Code, the petition does not provide a way to resolve this ethical dilemma, that is, between a prohibition to provide services and the need for services. (See e.g., Ethical Standard 2.02, Providing Services in Emergencies, which allows

psychologists without the necessary training to provide services in emergent situations when other services are not available.) It would appear that the petition under consideration is intended to prevent psychologists from working in places where there is immoral, illegal, and unethical behavior on the part of the United State government. In several letters to President Bush and Vice President Cheney, and in articles in the media, APA has strongly and unequivocally stated its opposition to the abuse at CIA black sites. In this material APA has cited data regarding the ineffectiveness of torture as an interrogation technique. Numerous offers have been made to meet with members of the government to address these issues. This has had no apparent effect on government policies. The petition has even less likelihood of changing decisions by the President. A likely effect, however, will be to negatively impact APA members who are behaving in legal, ethical, and moral ways.

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APA_0128151

Sender: Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>
Sent: Friday, October 03, 2003 10:35:40 AM
Recipient: 'Linda J. Demaine' PRIVACY REDACTION
Subject: RE: Briefing and Fellowship

Hi, Linda:

I just read this one since I was going through the week's email in reverse order...sounds like you charmed HR and at least that part of the problem is out of the way!

In terms of the research, I'm thrilled that you're hitting the ground running with 8 proposals already developed! It's definitely an unusual request of a new fellow, and of course you're one of the only ones who could meet the challenge. I'll need to set up a lunch with you and Kirk and me soon so that we can talk (and I can meet him). I'll email you next week for some free days out there.

Heather

Heather O'Beirne Kelly, Ph.D.
Senior Legislative and Federal Affairs Officer
Science Public Policy Office
American Psychological Association
750 First Street, N.E., 5th Floor
Washington, D.C. 20002
phone 202.336.5932
fax 202.336.6063
email hkelly@apa.org

-----Original Message-----
From: Linda J. Demaine PRIVACY REDACTION
Sent: Monday, September 29, 2003 4:01 PM
To: hkelly@apa.org
Subject: Briefing and Fellowship

Hi, Heather,

Thanks for inviting me to the briefing. It was great to see you, and the presentations were interesting. I particularly enjoyed hearing about the psychological challenges regarding repatriation.

A quick update on where things stand with the CIA: I met with Kirk the Friday before last, and he gave me some background on the types of activities in which CIA personnel engage. He seems to prefer that I propose the research I'll be conducting for them, so I spent last week developing about eight potential areas in which psychology could contribute to the CIA's work. It was a bit difficult to do, as I don't yet have a background in the intelligence arena, but hopefully at least some of the ideas are fruitful. In any event, he's going to read them today and get back to me.

The concern at this point is that the CIA's HR department has not yet signed off on the arrangement. Kirk says that HR is in favor of my working there but that they're hesitating given that I do not have top secret clearance. He'll have an answer from them by the end of this week. If you can think of any information that Kirk might be able to use to assuage HR's concerns, please call him.

Best regards,
Linda

Sender:	Mumford, Geoffrey </O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>
Sent:	Wednesday, November 21, 2001 4:17:52 PM
Recipient:	Kelly, Heather <hkelly@apa.org>
Cc:	Kobor, Patricia <pkobor@apa.org>;Studwell, Karen <KStudwell@apa.org>;Wesley, LaTonya <lwesley@apa.org>
Subject:	RE: Fighting Back With S&T

Thanks Heather. Maybe we should accelerate the schedule for our spring science advocacy training workshop and do one on what psychological science can contribute in the aftermath? I bet we could draw big names and maybe couple it to a Hill briefing or hearing (if we could coordinate all that).
-geoff

-----Original Message-----

Kelly, Heather

Wednesday, November 21, 2001 2:48 PM

Mumford, Geoffrey; Brandon, Susan; Bullock, Merry; Salzinger, Kurt; Somerstein, Marla

FW: Fighting Back With S&T

FYI in case you don't see the Post -- this was forwarded by our defense research coalition...
Heather

Heather O'Beirne Kelly, Ph.D.
Legislative and Federal Affairs Officer
Science Public Policy Office
American Psychological Association
750 First Street, N.E., 5th Floor
Washington, D.C. 20002
phone 202.336.5932
fax 202.336.6063
email hkelly@apa.org

-----Original Message-----
From: Elaine McCusker PRIVACY REDACTION
Sent: Wednesday, November 21, 2001 11:01 AM
To: Elaine
Subject: Fighting Back With S&T

FYI - From Today's Washington Post (we may not all completely agree with the entire premise, but his conclusion, in bold below, is interesting):

Fighting Back With Science and Technology

By Evan Thomas

Wednesday, November 21, 2001; Page A23

America is scared now, but it has been more scared. The explosion of an atomic bomb by the Soviet Union on Sept. 3, 1949, was at least as traumatic to the American psyche as the Sept. 11 attacks. Told the news, President Truman asked, "Are you sure? Are you sure?"

The Russians hadn't just built the bomb; they had stolen our nuclear secrets. In the early days of the Cold

War, Americans believed that Communist spies could be lurking anywhere. Then as now, our leaders groped for a response. As America tries to figure out how to fight terrorism, two official (and, at the time, secret) documents from the last fearful age are worth revisiting. They are guides to what might work -- and what is less likely to succeed.

In 1954 President Dwight D. Eisenhower commissioned Lt. Gen. Jimmy Doolittle to study what the CIA could do to fight the Communist threat. The Doolittle report concluded, in essence, that since the Russians played dirty, the United States needed to do likewise. This country needed "an aggressive covert psychological, political, and paramilitary organization more effective, more unique, and if necessary, more ruthless than that employed by the enemy," he wrote. The Russians would do anything to win the Cold War, the report warned. "There are no rules in such a game. . . . If the United States is to survive, long standing American concepts of 'fair play' must be reconsidered."

Do the urgings of the Doolittle report have a familiar ring? Radio talk show hosts are beginning to advocate torture to make terror suspects talk, while more cautious commentators are expressing dismay that the CIA has become bureaucratic and "risk averse" since the end of the Cold War. The temptation to unleash the spooks -- and to tap phones and make terror suspects disappear -- is great when suicide bombers and bioterrorists are on the loose.

But perhaps we should recall what happened when the CIA (as well as the FBI) were given a free hand in the 1950s and '60s. The results were, at best, mixed. The CIA tried to kill Fidel Castro at least eight different ways -- and he's still alive. J. Edgar Hoover's FBI used the "Red Menace" as an excuse to bug and attempt to blackmail civil rights leader Martin Luther King Jr. Extreme steps may indeed be called for if our cities are threatened with smallpox or suitcase nuclear bombs. But the fact is that democratic societies are not well suited to the kinds of back-alley wars more efficiently and effectively fought by police states and terrorists. When dirty work is called for, the CIA is probably better off relying on more ruthless foreign security services.

The second document, a more immediate response to the Soviet A-bomb, is perhaps a more useful blueprint for the new war on terror. In January 1950, President Truman asked Paul Nitze of the State Department to run a commission on national security policy. The resulting report, known as NSC-68, was written in the apocalyptic style of the time ("The Republic and its citizens . . . stand in the deepest peril"), but it recognized an essential truth: The United States is an enormously wealthy country; it can afford to defend itself. Though the authors of the report left out the precise price tag, the buildup they envisioned was soon to triple the defense budget. It took three decades, but the United States basically exhausted the Soviet Union by spending trillions on high-tech weaponry.

Today this country faces a new kind of arms race. Toppling the Taliban and killing Osama bin Laden are just the beginning; there are terrorists all over the world, and increasingly they will have access to weapons of mass destruction. The United States needs to start spending billions to confront this threat -- and soon. Not just more money for aircraft carriers and cruise missiles (though the military needs more resources) but billions on biotech research and on strengthening the nation's infrastructure.

We need to hard-wire our exceedingly fragile Internet and provide vaccines and antidotes against germ warfare. We need to build satellites and sensors that can detect nukes and biochem weapons. (And more: Imagine what a mad scientist with evil intent could do in the field of genetic engineering.)

True, billions will be wasted on pork barrel and pie-in-the-sky technology. But billions were wasted during the Cold War, too. Our survival was worth it. The good news is that America has brilliant minds, a deeply inventive streak and vast wealth. ***We should play to our strengths in fighting terror by doing what we do best, investing in science and technology,*** not pretending to be the KGB.

Evan Thomas is an assistant managing editor at Newsweek.

Sender:	Bullock, Merry </O=APA/OU=DC/CN=RECIPIENTS/CN=MXB>
Sent:	Monday, November 19, 2001 4:29:19 PM
Recipient:	Mumford, Geoffrey <gmumford@apa.org>;Salzinger, Kurt <KSalzinger@apa.org>
Cc:	Kelly, Heather <hkelly@apa.org>;Kobor, Patricia <pkobor@apa.org>;Brandon, Susan <SBrandon@apa.org>
Subject:	RE: House Science Committee Hearing

Hooray to Mahzarin --
you might even want to get some cognitive psychologists to offer an insight, too, or for some background -- the ability to categorize is actually one of the GOOD feats of advanced intelligence -
And there is another angle - there is some, not much, research on rigid moral reasoning and moral "motivation"
MB

****

Dr. Merry Bullock
Science Directorate, American Psychological Association
750 First Street N.E.
Washington DC 20002-4242
202-336-5955
mbullock@apa.org www.apa.org/science
****

-----Original Message-----
From: Mumford, Geoffrey
Sent: Monday, November 19, 2001 4:08 PM
To: Salzinger, Kurt
Cc: Kelly, Heather; Bullock, Merry; Kobor, Patricia; Brandon, Susan
Subject: FW: House Science Committee Hearing

Kurt,
A positive response from Mahzarin. I'm waiting for a return call from the Committee staff.
-geoff

-----Original Message-----
From: Mahzarin Banaji PRIVACY REDACTION
Sent: Monday, November 19, 2001 12:29 PM
To: Mumford, Geoffrey
Subject: Re: House Science Committee Hearing

Yes, I can do this. I've been feeling that the discussions in the media are quite relevant and my busy schedule has made it hard for me to participate. But I would like to do this with APA.

The most relevant issue as you have already identified it (concerning the aftermath) that we can speak to is the question of profiling. The simplest way to put it would be this:

The human mind is set up to be efficient. Part of that efficiency and even intelligence lies using knowledge about groups to make judgments about individuals. This useful quality comes with a cost. It penalizes everybody in the group for the actions of a few. We have studied the unconscious basis of this mechanism and our conclusion is that "mental due process" or rather the lack of it, is where the problem begins -- we do not, and at

some level, cannot, treat people fairly -- their social group drives our assessment of them. This happens all the time, but in moments of crisis, the problem is likely to be worse -- the denial of mental justice (and hence political, social justice) is more severe.

The troubling aspect of the patriotism act and the liberal interpretations of it as we have seen during these past weeks is only possible because we have not persuaded legislators about the deep stripping down of civil liberties that result. Being aware, based on our science, of the extent of the bias in our own minds, is where we can start to persuade. And our methods have been found compelling because they privately reveal to each person the extent of the bias in their own minds. We are soon placing an Arab versus Other People Bias test at the website (tolerance.org) and those data may be useful.

I have been hearing on NPR that both Democrats and Republicans are unhappy by the liberal manner in which the act is likely to be interpreted, being interpreted. That issues like torture and military courts are being discussed is not what was imagined, I think. So I think you are right on in trying to get such a hearing. Count me in for any help you may need. You can reach me at PRIVACY REDACTION (cell) and 617 384 9203 (office) and PRIVACY REDACTION (home) as needed. Feel free.

Best,
Mahzarin

At 02:30 PM 11/16/2001 -0500, you wrote:
>Hi Mahzarin,
>
>I'm trying to get the House Science Committee to consider holding a hearing
>on the importance of psychological science in the aftermath of 9/11. We're
>on a fast track to get the staff consider this request and maybe do a
>hearing around mid December. If that were to happen would you have any
>interest in participating to talk about issues related to profiling,
>stereotypes, etc... or some other topic? If so, could you describe in a
>couple of sentences what you think would be the most compelling aspect of
>your research to address? I'm planning a follow-up conversation with the
>staff on Monday and wanted to try and pitch a few concrete idea, so if you
>could think about it over the weekend and let me know that would be great.
>Thanks.
>-geoff
>
>Geoff Mumford, PhD
>Director of Science Policy
>American Psychological Association
>750 First Street, NE
>Washington, DC 20002-4242
>(202) 336-6067 phone
>(202) 336-6063 fax
>gmumford@apa.org

Sender:	Salzinger, Kurt </O=APA/OU=DC/CN=RECIPIENTS/CN=KXS>
Sent:	Friday, October 19, 2001 3:45:44 PM
Recipient:	Kelly, Heather <hkelly@apa.org>
Subject:	RE: Summary of this morning's defense coalition meeting

Do you mean physicist or psychologist in point no. 6?

I would love to see the "biggest hits" list. You know we're working on something like that for Phil Zimbardo -- except he thinks of it as "Does psychology make a difference?"

Kurt

-----Original Message-----

Kelly, Heather

Friday, October 19, 2001 2:45 PM

Studwell, Karen; Mumford, Geoffrey; Kobor, Patricia; Wesley, LaTonya; Salzinger, Kurt; Bullock, Merry; Brandon, Susan

Summary of this morning's defense coalition meeting

Hi, everyone:

I want to give you a quick update on what's going on in terms of defense S&T -- here are some highlights of our Coalition for National Security Research (CNSR) meeting this morning:

1. We're waiting for **defense authorizations and appropriations** to move this week and next. The President put in his supplemental a couple of days ago, but the language wasn't detailed enough to see what it would mean for S&T.

2. We've gotten Rep. Tony Hall and Rep. Sherwood Boehlert to sponsor a **Dear Colleague** (which we drafted) calling for more federal S&T, especially in light of the war on terrorism -- it's broader than just DoD, too, with a call to beef up S&T budgets at FAA, NASA, and NSF in addition to DoD. Hall and Boehlert are going to work on having a couple of other signatures before sending it around.

3. We're starting to plan a **congressional hearing on defense S&T,** ideally for the end of the year, and we're going to meet with Senate Armed Services Committee and its counterpart in the House to sound them out on calling a hearing. We'll shoot for getting science people within the Pentagon and the services as witnesses.

4. We're working to compile a couple of documents we think will help us out with **OMB and on the Hill** -- one is sort of a defense S&T "Greatest Hits" piece, and the other is a large summary of all of the recent defense reports out of various groups. I'm doing the summary on the behavioral research report mandated by Congress that someone should have over at the Pentagon.

5. Brig. Gen. Ronald Sega, Director of Defense Research and Engineering, is on tap to come talk to CNSR in the next few months, as is a woman from Joint Forces Command and the OMB guy responsible for Defense S&T.

6. One of the current **AAAS fellows** is a physicist placed for the year as a defense policy fellow in the Army Research Office, so she'll be a nice contact for our group.

Heather

Heather O'Beirne Kelly, Ph.D.
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email hkelly@apa.org

Sender: Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>
Sent: Friday, September 26, 2003 10:04:47 AM
Recipient: 'David M. Ayres' PRIVACY REDACTION
Subject: RE: Introduction - TATE, Inc.

David,

Wow, this guy is incredible. I'd like to follow up with you and him about some of this stuff! I have a big event this Monday and then will be able to breathe...

Have a good weekend,
Heather

Heather O'Beirne Kelly, Ph.D.
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email hkelly@apa.org

-----Original Message-----
From: David M. Ayres PRIVACY REDACTION
Sent: Wednesday, September 24, 2003 3:21 PM
To: hkelly@apa.org
Subject: Introduction - TATE, Inc.

Hello Heather -

I'm David Ayres (PRIVACY REDACT Dad in PRIVACY REDACTION class).

Here is the "little blurb" on the psychological division of our company and a resume of one of our consultants (Bruce Jessen).

If you ever wish to talk to him about ongoing research, please let me know.

He is usually in town once a month (he lives in WA state).

Regards,

David

Sender: Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>
Sent: Wednesday, August 31, 2005 3:35:39 PM
Recipient: 'scott.shumate@cifa.mil' <scott.shumate@cifa.mil>
Subject: RE: [PRESIDENTIAL] Council acts on PENS report

Just talked with Steve to clarify for myself first, and the Council's added recommendations are not part of the Task Force report, which they endorsed wholeheartedly. Also just went through the 4 added items again, and can't figure out what is the problematic one or ones, so let Steve know, definitely. Steve really wants to talk to you about this and is willing to come over and have coffee with you if you want.

Heather

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-----Original Message-----
From: Kelly, Heather
Sent: Wednesday, August 31, 2005 3:20 PM
To: 'scott.shumate@cifa.mil'
Subject: FW: [PRESIDENTIAL] Council acts on PENS report

I would encourage you to be in touch with Steve Behnke directly about your concerns (sbehnke@apa.org or 202.336.6006), and to clarify whether the additional recommendations are now considered part of the actual Task Force report or if they are still separate in some way.

Heather

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email hkelly@apa.org

-----Original Message-----
From: Presidential Task Force on Psychological Ethics and National Security [mailto:PENS@LISTS.APA.ORG] On Behalf Of Olivia Moorehead-Slaughter
Sent: Tuesday, August 30, 2005 1:36 PM
To: PENS@LISTS.APA.ORG
Subject: [PRESIDENTIAL] Council acts on PENS report

Dear Colleagues,

You may be eager to know what happened at Convention, specifically at the Council of Representatives, regarding our Task Force Report. I am attaching two documents, that are the motions Council voted. In short, Council accepted all of our recommendations, and then added four additional points, which I believe we will all be very comfortable with.
(The original item is the first attachment; the additional four points are contained in the second attachment).

Council wants us to proceed with the commentary project we recommended, and would like us to work collaboratively with the Ethics Committee. I know that we all viewed the commentary on the Report as a very important contribution, and I look forward to working with you on this project.
We'll get more information soon about the process; my understanding is that there will be a period of inviting people to

submit their questions about the Report (to help the commentary address where people are unclear/have questions), and the Board will act on additional funding at its December meeting. So we will likely be looking at another meeting in 2006.

Also, below please find a link to a program that featured Steve discussing our Report (WHYY, Philadelphia's NPR station). (You can listen to the program through this link.)

http://www.whyy.org/podcast/082505_100630.mp3
or
<http://www.whyy.org/cgi-bin/newwebRTlookup.cgi>

Warm Regards,

Olivia

<<PENSCOR7B.doc>> <<PENSCOR7Bcont'd.doc>>

Sender:	Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>
Sent:	Tuesday, August 30, 2005 10:40:40 AM
Recipient:	'Crow, Bruce E COL WRAMC-Wash DC' <Bruce.Crow@NA.AMEDD.ARMY.MIL>
Subject:	RE: Psychologists in National Security Settings

Hi, Bruce:

It was great to finally meet you!

There certainly will be ongoing collaboration between APA and DoD on the issue (I work a lot with the psychologists in CIFA) and on the APA end, I know our incoming President, Gerry Koocher, wants to continue the follow-up work of the Task Force on Psychological Ethics and National Security. Some of the Task Force recommendations included re-looking at a section of our Ethics code, developing a classified mechanism to allow military clinicians consultation opportunities, encouraging further research in the area, etc. I will definitely keep you posted on whatever's going on over here and would love to hear about things on your end.

Best,
Heather

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-----Original Message-----
From: Crow, Bruce E COL WRAMC-Wash DC [mailto:Bruce.Crow@NA.AMEDD.ARMY.MIL]
Sent: Monday, August 29, 2005 10:18 AM
To: Kelly, Heather
Cc: James, Larry C COL TAMC; banksl@soc.mil; DunivinDL@JTFGTMO.southcom.mil
Subject: RE: Psychologists in National Security Settings

Heather,

It was good to finally meet you at APA. Thanks for all the support you and APA staff are giving to DoD Psychology. We have been doing a lot of work on developing guidelines for Behavioral Science Consultation for Interrogation and Detention Operations, especially in regards to working within APA Ethical Guidelines.

I understand there was energetic debate on this issue during the convention. Do you know whether there will be future reviews by APA of psychologist involvement in national security roles?

Bruce E. Crow, Psy.D.
Colonel, Medical Service Corps
Chief Psychologist
Walter Reed Army Medical Center
Clinical Psychology Consultant
Office of the U.S. Army Surgeon General

Department of Psychology
Walter Reed Army Medical Center
6900 Georgia Avenue, Washington, D.C. 20307
202.782.5905/0065; mobile PRIVACY REDACTION

Bruce.Crow@us.army.mil

-----Original Message-----
From: Kelly, Heather [mailto:hkelly@apa.org]
Sent: Wednesday, May 04, 2005 2:14 PM
To: Crow, Bruce E COL WRAMC-Wash DC
Subject: RE: Psychologists in National Security Settings

Hi, Bruce:

I wanted to give you an update on our APA Task Force status and then ask you a question about another topic. We have formally appointed APA members to the APA Presidential Task Force on Psychological Ethics and National Security, and they're a great group. You may know or know of some of the defense-related members, including Scott Shumate from DoD-CIFA, Mike Gelles from NCIS, research Robert Fein, Army psychologist Larry James, and I think also Army psychologist Bruce LeFevre. I can get you bios and the full list of names if you're interested. The Task Force is scheduled to meet here at APA the weekend of June 24-26 and there may be a possibility for federal observers.

On another note, I'm in charge of putting together a Congressional Briefing for Capitol Hill titled "Psychology in Service to America's Military Personnel, Veterans and Their Families" for Thursday, May 26th.
The focus will be on educating members of Congress and their staff about the variety of critical roles psychologists play within DoD and the VA
-- primarily through research, training and direct clinical care. I will certainly send you an invitation as we get closer -- but I'm also wondering if you know a terrific psychologist doing clinical work at Walter Reed with the rehab population? And/or if you know any returning personnel or new vets who would be interested in coming to the briefing and speaking from the heart about how important the psych portion of their rehab has been.

I hope all is going well with you and look forward to talking about these issues!

Thanks,
Heather

Heather O'Beirne Kelly, Ph.D.
Senior Legislative and Federal Affairs Officer Science Public Policy Office American Psychological Association 750 First Street, N.E., 5th Floor Washington, D.C. 20002 phone 202.336.5932
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-----Original Message-----
From: Crow, Bruce E COL WRAMC-Wash DC
[mailto:Bruce.Crow@NA.AMEDD.ARMY.MIL]
Sent: Wednesday, February 02, 2005 10:57 PM
To: Kelly, Heather
Subject: Re: Psychologists in National Security Settings

Thanks also for the contact...I'll try to pick a date for meeting by the end of the week. The message I would like the SASC to hear is that DoD psychologists are deeply committed to the highest standards of clinical practice and professional ethics. We welcome APA assistance in establishing guidelines that serve national security while preserving professional integrity.

Sent from my BlackBerry Wireless Handheld

-----Original Message-----
From: Kelly, Heather <hkelly@apa.org>
To: Crow, Bruce E COL WRAMC-Wash DC <Bruce.Crow@NA.AMEDD.ARMY.MIL>
Sent: Wed Feb 02 17:03:44 2005
Subject: Psychologists in National Security Settings

Hi, Bruce:

It was great to connect with you yesterday and talk about some of the activities planned within your office and APA

regarding the issue of psychologists' involvement in national security settings (and interrogations in particular). I'm attaching two documents -- the first is the New England Journal of Medicine article on the topic, which you've probably already seen, and the second is our draft version of the proposal to create an APA Board of Directors Task Force. This is awaiting official Board approval later this month, so please keep it close and I'll let you know when it's clear for public consumption.

We would love to meet with you to talk about these issues and ways to coordinate/collaborate. In terms of days in March that are clear at this point, here's what I've got:

Tuesdays: March 1, 8, 15, 29
Wednesdays: March 2, 16, 30
Fridays: March 4, 11

Also, I should mention that the head of our APA Ethics Office, Dr. Steve Behnke, and I are going over to Sen. Warner's office next week to informally brief his Senate Armed Services Committee staff on this topic. Anything you'd like me to include officially or not from your end is welcome.

I've been working with Scott Shumate on a lot of these issues, too -- he's a psychologist in the counterintelligence field activity office within DoD -- do you happen to know him or Kirk Kennedy, another psycholol gist working with Scott?

Best,
Heather

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>
> > <<WhenDoctorsGoToWar-NEJM 1-6-05.pdf>> > > <<Board item creating
> > TF on Interrogations.doc>>
>
>

Sender:	Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>
Sent:	Wednesday, August 10, 2005 2:31:28 PM
Recipient:	'Shumate, Scott (GOV)' <Scott.Shumate@cifa.mil>
Subject:	FW: term

what do you think of Steve being able to respond in the way outlined below...
H

Heather O'Beirne Kelly, Ph.D.
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email hkelly@apa.org

From: Behnke, Stephen
Sent: Wednesday, August 10, 2005 2:26 PM
To: Mumford, Geoffrey; Kelly, Heather
Subject: RE: term

Yes...but I do think it serves a good purpose, especially coming from that community. For example, as a response, to say when asked whether APA endorses coercive interrogation:

"By its very nature interrogation is coercive, so the coercive/noncoervice distinction is really artificial. The important point--and I think many in the intelligence community would agree--is that the more coervice the approach, the less confidence one can place in the information gathered. And the point of interrogation is to gather information one can place a high degree of confidence in."

Can we run that by Scott?

> -----Original Message-----
> **From:** Mumford, Geoffrey
> **Sent:** Wednesday, August 10, 2005 2:16 PM
> **To:** Behnke, Stephen; Kelly, Heather
> **Subject:** RE: term
>
> It may be helpful but sort of dodges the semantics that we'll still get hit with. I think we need to be prepared to discuss examples of positive coercion that most people would deem socially acceptable (if not necesarily desirable or at least not indictable) across a range of settings and think about whether how we view those examples changes when we have a literally captive audience vs. otherwise. What do we do within our civilian prison systems with regard to rewards/incentives for good behavior etc...how do social marketing gurus (subconsciouly) get us to buy stuff that's bad for us etc...
>
> ---

From: Behnke, Stephen
Sent: Wednesday, August 10, 2005 2:06 PM
To: Kelly, Heather; Mumford, Geoffrey
Subject: RE: term

That is a FABULOUS response. Ask Scott whether I could quote him.

-----Original Message-----
From: Kelly, Heather
Sent: Wednesday, August 10, 2005 2:00 PM
To: Behnke, Stephen; Mumford, Geoffrey
Subject: FW: term

See Scott Shumate's response, below -- I guess you could get the latest guidelines from Morgan from Gen. Counsel/Rumsfeld on what are acceptable approaches...
H

Heather O'Beirne Kelly, Ph.D.
Senior Legislative and Federal Affairs Officer
Science Public Policy Office
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phone 202.336.5932
fax 202.336.6063
email hkelly@apa.org

From: Shumate, Scott (GOV) [mailto:Scott.Shumate@cifa.mil]
Sent: Wednesday, August 10, 2005 1:57 PM
To: Kelly, Heather
Subject: RE: term

Coercive is never defined, rather what has been defined is acceptable approaches. Interrogation by nature is coercive the question becomes how coercive. The more coercive the approach the less amount of confidence can be placed in the information gathered.

Dr. R. Scott Shumate
Director Behavioral Sciences
DoD/Counterintelligence Field Activity
703-699-7792
scott.shumate@CIFA.MIL
scott.shumate@CIFA.SMIL.MIL

Sender: Phil Zimbardo [PRIVACY REDACTION]
Sent: Friday, May 14, 2004 6:26:18 PM
Recipient: Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>;Sternberg, Robert </O=APA/OU=DC/CN=RECIPIENTS/CN=RSTERNBERG>
Subject: Re: Possible APA Congressional Briefing on Prisoner Abuse

---

sorry I am not available either time, and am so overwhelmed with media now that another 2 day trip to dc for 20 min briefing is not possible,also [PRIV] [PRIVACY REDACTION] ,so count me out.thanks
phil
At 08:02 AM 5/14/2004, Kelly, Heather wrote:
>Hello, gentlemen:
>
>Steve Breckler (APA's new Executive Director for Science), Geoff Mumford
>(our Director of Science Policy) and I have been working behind the scenes
>on Capitol Hill to try and put together a Congressional Briefing on the
>Iraqi prisoner abuse issue. Our goal is to bring psychological science
>and theory to bear on the issue and we're hoping that you two would be
>willing and able to serve as 2 of our 3 speakers.
>
>This is a preliminary note to ascertain your interest and your
>availability the first and second week of June. Our congressional sponsor
>is checking into room availability for June 2nd specifically (Wednesdays
>are the best days to get both Members of Congress and their staffs) but we
>could check other days if necessary. I'm working on getting a third
>speaker with expertise in military training research (and the gaps this area).
>
>We obviously think you two would be ideal spokesmen for psychological
>science and hope that we can get you to say yes! I'm happy to talk in
>more detail over email or by phone if you wish.
>
>Best,
>Heather
>
>Heather O'Beirne Kelly, Ph.D.
>Senior Legislative and Federal Affairs Officer
>Science Public Policy Office
>American Psychological Association
>750 First Street, N.E., 5th Floor
>Washington, D.C. 20002
>phone 202.336.5932
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>email hkelly@apa.org

Cordially,
Philip G. Zimbardo, Ph.D.
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Stanford University
Stanford, CA 94305
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650 723-7498
FAX: 415 673-2294
Please see:
www.zimbardo.com
www.prisonexp.org
www.shyness.com
www.psychologyMatters.org

Sender:	Holt, Virginia E. </O=APA/OU=DC/CN=RECIPIENTS/CN=VEH>
Sent:	Thursday, October 21, 2004 8:44:21 AM
Recipient:	Kelly, Heather <hkelly@apa.org>
Subject:	RE: Meeting with Counter-Intelligence Psychologists

Heather,

do you think one of these people might be willing to be on a nonacademic research careers panel at the convention next year? The science student council may be putting together a session...

veh

-----Original Message-----

Kelly, Heather

Wednesday, October 20, 2004 4:27 PM

Science

Wanchisen, Barbara; Egeth, Jill

Meeting with Counter-Intelligence Psychologists

Hi, Science:

Geoff set up a really interesting meeting for us yesterday with two highly-placed psychologists in the Department of Defense's two-year-old Counter-Intelligence Field Activity office (CIFA). Scott Shumate heads the Behavioral Sciences Directorate within CIFA (one of only 4 branches) and Kirk Kennedy is chief of the National Center for the Study of Counter-Intelligence and Operational Psychology within that Directorate. This new office coordinates counter-intelligence budgets and activites across all DoD components, including Army, Navy, Air Force, Marines, Ballistic Missile Org, Defense Polygraph Institute, etc. and it's remarkable how well-positioned these two APA members are.

This meeting followed an initial discussion Geoff and Steve Behnke set up to discuss ethical issues in psychology/national security off the record. Our talk yesterday focused on areas of potential collaboration, and we'll be following up on a number of ideas, including:

* Geoff keeping CIFA psychologists involved in the DHS conference, DHS fellows program and DHS research enterprise;
* Developing a possible summer science fellowship placement at CIFA to work on specific research projects;
* Re-establishing ties to APA (and particularly APA divisions) for psychologists in national security and especially intelligence fields, through meetings, invitations to mid-year conferences, etc;
* Working to put together a possible CIFA behavioral science advisory panel, particularly with help from APA members who already have security clearances;
* Continuing to work on the ethics issues;
* and talking through practical issues related to their interest in starting an APA division related to intelligence work.

We also thought these two could contribute a very cool PSA Interesting Careers column...

We'll keep you posted,
Heather

Heather O'Beirne Kelly, Ph.D.
Senior Legislative and Federal Affairs Officer

Science Public Policy Office
American Psychological Association
750 First Street, N.E., 5th Floor
Washington, D.C. 20002
phone 202.336.5932
fax 202.336.6063
email hkelly@apa.org

Sender: Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>
Sent: Monday, October 27, 2003 9:59:59 AM
Recipient: 'kirk hubbard' PRIVACY REDACTION
Subject: RE: Lunch with Kirk

Hi, Kirk,

Believe me, this is on APA! And thanks for the heads up about no credit cards,
Heather

Heather O'Beirne Kelly, Ph.D.
Senior Legislative and Federal Affairs Officer
Public Policy Office
American Psychological Association
750 First Street, NE
Washington, DC 20002
202.336.5932 phone
202.336.6063 fax
hkelly@apa.org

-----Original Message-----

kirk hubbard PRIVACY REDACTION

Sunday, October 26, 2003 5:07 PM

Heather Kelly

Re: Lunch with Kirk

Hi Heather, Thank you for the offer! That would be fine if APA will reimburse you. I don't think you personally should buy lunch, though. The ADR does not take credit cards, as I recall.

Look forward to seeing you!

Kirk

----- Original Message -----
From: Kelly, Heather
Sent: Friday, October 24, 2003 1:41 PM
To: 'kirk hubbard'
Subject: RE: Lunch with Kirk

Kirk:

I'm hoping that even though it's the Agency Dining Room, I'll be able to pick up the check?

Can't wait,
Heather

Heather O'Beirne Kelly, Ph.D.
Senior Legislative and Federal Affairs Officer
Science Public Policy Office
American Psychological Association
750 First Street, N.E., 5th Floor
Washington, D.C. 20002
phone 202.336.5932
fax 202.336.6063
email hkelly@apa.org

-----Original Message-----
From: kirk hubbard [redacted]
Sent: Tuesday, October 21, 2003 4:17 PM
To: hkelly@apa.org; [redacted]
Subject: RE: Lunch with Kirk

Okay, We have a reservation in the Agency Dining Room at 12:15. You two deserve something better than the normal cafeteria! I assume you will come together? If so, you should plan to arrive such that Linda calls me from the Atrium at about 11:45. If you drive separately, I will have to give Heather some directions.

Looking forward to meeting you Heather!

Regards, Kirk

>From: "Kelly, Heather" <hkelly@apa.org>
>To: 'kirk hubbard' [redacted] "Linda J. Demaine" [redacted] "Kelly, Heather" <hkelly@apa.org>
>Subject: RE: Lunch with Kirk
>Date: Mon, 20 Oct 2003 10:55:17 -0400
>
>Hi, guys:
>
>I'm DYING to see CIA!!! I would love to meet you there as long as it's not
>a huge hassle.
>
>Heather
>
>-----Original Message-----
>From: kirk hubbard [redacted]
>Sent: Sunday, October 19, 2003 4:29 PM
>To: Linda J. Demaine; Kelly, Heather
>Subject: Re: Lunch with Kirk
>
>
>Hi Linda and Heather, It is a bit more trouble entering the Agency
>compound, but if Heather has never been here (and would like to see the

>place) let's do it here. If Heather has been here or has no interest in
>seeing where billions of your tax money is spent, we can go to a restaurant
>in McLean or Tysons. Either is fine with me. Kirk
>
>
>----- Original Message -----
>From: Linda J. Demaine
>Sent: Friday, October 17, 2003 1:08 PM
>To: Kelly, Heather; Kelly, Heather
>Cc: [redacted]
>Subject: RE: Lunch with Kirk
>
>Sounds great to me, Heather! Kirk, would you like to name the time and
>place (perhaps the CIA or a nearby restaurant)?
>
>Linda
>
>At 10:50 AM 10/17/2003 -0400, Kelly, Heather wrote:
> >Hi, Linda and Kirk:
> >
> >Let's plan for Wednesday the 5th! Kirk, my full legal name is Heather
>Anne
> >O'Beirne (though I use my married last name informally), my DOB is
>[redacted]
> >and my SSN is [redacted]. How about if you two set the time and let me
> >know where exactly to show up?
> >
> >Looking forward to seeing you,
> >Heather
> >
> >Heather O'Beirne Kelly, Ph.D.
> >Senior Legislative and Federal Affairs Officer
> >Science Public Policy Office
> >American Psychological Association
> >750 First Street, N.E., 5th Floor
> >Washington, D.C. 20002
> >phone 202.336.5932
> >fax 202.336.6063
> >email hkelly@apa.org
> >
> >
> >-----Original Message-----
> >From: Linda J. Demaine [redacted]
> >Sent: Thursday, October 16, 2003 9:11 AM
> >To: Kelly, Heather
> >Cc: [redacted]
> >Subject: Lunch with Kirk
> >
> >
> >Hi, Heather,
> >

> >Both Kirk and I are available for lunch on either Nov 5 or Nov 7. Please
> >let us both know which day you prefer. I've cc'd him on this message, so
> >you can just hit "Reply All." As I mentioned, he'll need your SSN if we
> >meet at the CIA.
> >
> >Thanks,
> >Linda
>
>
>
>
>
>
> _____
>
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><http://explorer.msn.com>
>
>
>
>

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_____

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Sender: Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>
Sent: Friday, November 07, 2003 10:14:36 AM
Recipient: 'kirk hubbard' PRIVACY REDACTION
Subject: RE: Thanks for lunch!

Kirk,

You're more than welcome! It was such a treat for me to be there (my kids flipped over the spy pens!) and I'm so thrilled that you're providing such a wonderful opportunity for Linda and for APA more broadly. I'll keep in touch with both of you to hear how things are going,

Heather

p.s. the operational assessment psychologists' jobs are sooooooooo cool, make me feel quite boring!

Heather O'Beirne Kelly, Ph.D.
Senior Legislative and Federal Affairs Officer
Science Public Policy Office
American Psychological Association
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Washington, D.C. 20002
phone 202.336.5932
fax 202.336.6063
email hkelly@apa.org

-----Original Message-----
From: kirk hubbard PRIVACY REDACTION
Sent: Thursday, November 06, 2003 10:14 AM
To: hkelly@apa.org
Subject: Thanks for lunch!

Hi Heather,

It was great to meet you and we thoroughly enjoyed lunch. Thank you! Any time you want to come out and spend more time, just let me know. Next time lunch is on me! Also, if you ever want me to brief anyone at APA on what we do, I would be happy to do so.

Regards, Kirk

Is your computer infected with a virus? Find out with a FREE computer virus scan from McAfee. Take the FreeScan now!
http://clinic.mcafee.com/clinic/ibuy/campaign.asp?cid=3963

Sender: David M. Ayres PRIVACY REDACTION
Sent: Wednesday, September 24, 2003 3:21:07 PM
Recipient: hkelly@apa.org
Subject: Introduction - TATE, Inc.
Attachments: Special Behavioral Ap#4ED16.doc;Jessen.doc

Hello Heather -

I'm David Ayres PRIVACY REDACTIO Dad in PRIVACY REDACTION class).

Here is the "little blurb" on the psychological division of our company and a resume of one of our consultants (Bruce Jessen).

If you ever wish to talk to him about ongoing research, please let me know.

He is usually in town once a month (he lives in WA state).

Regards,

David

TATE INCORPORATED

SPECIAL BEHAVIORAL APPLICATIONS DIVISION

EXECUTIVE SUMMARY

Special Behavioral Applications is a division of TATE Incorporated specializing in applied psychological consultation for organizations operating in extreme, high risk, or rapidly changing, ambiguous environments. We offer a reliable, high quality, cost competitive alternative to in-house behavioral science resources. We are uniquely positioned to provide innovative tools and strategies for understanding, predicting and improving performance in extreme, high risk, and rapidly changing, ambiguous situations. We bring with us two decades of real world, practical experience. This experience is backed up by exceptional expertise, contacts in the special operations community, and the long-term experience necessary to work on the most challenging projects and problems.

MISSION

Provide innovative tools and strategies for understanding, predicting and improving performance in extreme, high risk, and rapidly changing work-place situations.

KEYS TO SUCCESS

1. Exploit high growth markets. Globalization and the increased threat from non-state actors, such as terrorists, narco-traffickers, and transnational criminal organizations require governments and businesses to operate increasingly in high-risk areas of instability and uncertainty. We help them prepare for adversity.
2. Stay on the leading edge of the knowledge curve. Leverage it for our clients. Be a clearing-house for solid behavioral science by establishing and cultivating relationships with key producers of new knowledge.
3. Tap emerging technologies.
4. Be responsive to client needs. Provide quick prototyping of training programs.
5. Tailor training experiences to push clients beyond what they thought they were capable of, but make sure they're successful. Provide awesome experiences that are assessment driven, action-based and focus on both skill acquisition and the development of key attitudes.
6. Choose training settings that trigger a sense of awe. Take advantage of the sense of adventure and accomplishment that comes from being in a truly incredible setting.
7. Exceed customer expectations. Develop visibility and word of mouth referral by providing an experience that leaves clients bragging about it to their friends.
8. Attract and keep exciting, qualified people both on staff and as part of a strategic alliance to provide outside expertise. Our people should have the knowledge and adventurous attitudes that clients seek to emulate and the skill to develop those qualities in others.
9. Exploit the emerging life style focus on developing mental toughness and learning from adversity.

20201 CENTURY BLVD
225
GERMANTOWN, MD 20874
V/301-353-8525; F/301-353-8510
David Ayres

PRODUCT/SERVICE OVERVIEW

Our background in special operations uniquely positions us to provide a comprehensive range of assessment and selection, leadership development, team development, and psychology consultation services tailored to the specific needs of organizations with high risk missions.

Unlike most psychologists who specialize in the diagnosis and treatment of mental health problems, we have over two decades of experience working directly with elite organizations to understand, predict and improve performance in challenging situations.

Assessment and Selection:

The tools, techniques and procedures we use were not developed on college students or clinical populations and then extrapolated to fit special populations. We use procedures developed specifically to select personnel for hazardous duty. We work closely with organizations to develop accurate profiles of both their "most effective" and their "least effective" personnel. We then develop an empirically grounded screening program that allows clients to select those most likely to be successful in their specific job environment.

Leadership and Team Development:

We differ from other organizations offering leadership development programs in two important ways. First, the techniques and procedures we use were developed specifically to improve the performance of teams with high-risk missions. Second, we provide focused training for teams that are already in trouble, as well as, programs for high functioning units seeking to perform more effectively.

Our leadership and team development programs are assessment driven, experience-based opportunities that begin with profiling of team interactions to highlight collective strengths and weakness. We then tailor a variety of classroom, workshop or activity based programs emphasizing leadership style, team development, communication, and problem solving to the client's specific needs. We use behavioral mapping and real-time feedback to enhance leadership and team skills tailored to your specific needs.

Organizational Consultation:

Our organizational consultation services include:

- Debriefing after mishaps or critical incidents
- Analysis of operational problems that increase risk or contribute to potential mission failure
- Development of performance feedback methods including 360-degree (also called multi-rater) feedback instruments and feedback intensive programs
- Organizational climate surveys
- Empirical research to address operational questions and analysis of existing data

CUSTOMER BENEFITS

Our assessment and selection programs:

- Identify the critical characteristics of employees who perform well or perform poorly in the specific job in question

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GERMANTOWN, MD 20874
V/301-353-8525; F/301-353-8510
David Ayres

- Provide decision-makers with accurate behavioral profiles of potential candidates mapped against critical characteristics associated with employee effectiveness

Our leadership and team development programs:

- Help team members understand the impact of problem solving and leadership strategies on team functioning
- Identify team members whose problem solving and leadership styles interfere with effective team functioning
- Allow team members with ineffective or at-risk leadership styles develop more effective ways of interacting with team members

Our tailored training programs provide clients with critical skills, and the confidence to use those skills, in the environment and situations where the work is done

20201 CENTURY BLVD
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GERMANTOWN, MD 20874
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David Ayres

Bruce Jessen LLC [redacted]

OBJECTIVE

To provide unique and creative scientific consultation in solving challenging applied research and operational problems.

EDUCATION

Doctor of Philosophy, Applied Clinical Psychology
Utah State University, 1978

Residency in Clinical Psychology
Wilford Hall Medical Center, 1979

Masters of Science, Counseling Psychology
Utah State University, 1976

Bachelor of Science, Psychology
Utah State University, 1975

PROFESSIONAL EXPERIENCE

Scientific consultation with Central Intelligence Agency (CIA), Federal Bureau of Investigation (FBI), Department of State (DOS), Department of Defense (DOD), Department of Homeland Security (DHS), National Security Agency (NSA), Defense Intelligence Agency (DIA), Allied Nations, Civilian Corporations, State and Private Institutions

Senior Department of Defense (DoD) Survival Evasion Resistance Escape (SERE) Psychologist, 1989-2002

Chair International Technical Cooperation Research Program Executive Panel on Survival Psychology (US, UK, CA, AU, NZ), 1998-2002

Deputy Director, Code of Conduct SERE Training Directorate, Joint Personnel Recovery Agency, 1989-2001

Associate Professor, Eastern Washington University, 1988-1994

Chief Psychological Services, US Air Force Combat Survival School, 1985-1989

Adjunct Professor, University of Maryland, 1982-1985

Chief Mental Health, US Air Force Clinic, San Vito Air Station, Italy, 1982-1985

Adjunct Professor, Chapman College, Orange CA, 1970-1982

Clinical Psychologist, US Air Force Hospital, Mother AFB, CA, 1979-1982

STATE LICENSURE

Idaho – Clinical Psychologist # 195

ASSETS AND ABILITIES

18 years of experience in all aspects of research, selection, training, clinical intervention, and operations of USG Special Mission Units

Recognized throughout US Government agencies and internationally as an expert on resilience, survival, captivity, exploitation, and interrogation

Established Survival Evasion Resistance Escape (SERE) Psychology in the Department of Defense (DOD) and served as the Senior DOD SERE Psychologist through 2002

Developed DOD Repatriation Handling and Debriefing Guidance and participated as the Senior SERE Psychologist in all DOD and other US Government-led repatriations and debriefings through 2002.

Deputy Director of High-Risk Training for the Joint Personnel Recovery Agency (JPRA) from 1989-2001, directed numerous High-Risk Survival Courses and field exercises and instructed as a qualified DOD High Risk Survival Training Instructor

Developed and directed SERE Psychology quality assurance/risk management and research programs for US and Allied High-Risk training programs

Chaired the TTCP international research program on Survival Psychology comprised of scientific experts from the United Kingdom, Australia, Canada, New Zealand, and the United States

Extensive experience with universities, colleges, Government and civilian organizations in conventional and applied human factors education and operational training

CONVENTIONAL INSTRUCTION AND APPLIED RESEARCH TRAINING FOR SPECIAL MISSION UNITS (SMU)

Conventional Instruction	**SMU Courses Researched, Developed, Applied**
Research Methods *Indicates Graduate Level Course	Psychological Aspects of Captivity
Behavioral Modification*	Dynamics of Captivity
Counseling Psychology*	Resilience in Survival Conditions
Group Therapy*	Methods of Interrogation
Clinical Psychology	Resistance to Interrogation
Learning Theory*	Captivity Communications
Developmental Psychology	Captivity Policy
Social Psychology	The Code of Conduct
Abnormal Psychology	Captivity Exploitation
Personality Theory & Development	Legal Aspects of Captivity
Developmental Psychology	Captivity Negotiations
Psychological Aspects of Physical Therapy*	Surviving Hostage Captivity
Psychology of Communication*	Captivity Laboratory Role-play
Introduction to Psychology	Psychological Profile of Hostage Takers

QUALIFICATIONS TO PROVIDE SPECIAL MISSION REPATRIATION, DEBRIEFING, INTERROGATION, AND RESISTANCE CONSULTATION

Formal Interrogation Training Courses Completed

- Joint Services Interrogation Organization (JSIO) United Kingdom (UK) Ministry of Defense (MOD) Interrogation Training Course, 5 weeks, 1992, Ashford Kent, and UK

- JSIO UK MOD Interrogation Training Short Course, 1 week, 1996, Joint Services Personnel Recovery Agency (JPRA)

- JPRA Survival Evasion Resistance Escape (SERE) Psychology Conferences Interrogation Training Seminars (multi-day courses with role-play laboratory)

- Defense Intelligence Agency (DIA) Interrogation Course, 1 week, 2002, Alexandria Va.

Interrogation and Debriefing Experience

- Conducted pre-interrogation Psychological Interrogation Assessments

- Developed Interrogation Plans for Counter Terrorism Teams

- Provided Psychological Consultation to Counter Terrorism Interrogation Teams

- Mission Commander and/or Senior DOD SERE Psychologist and debriefer for all USG DOD and Civilian Hostage, POW, and Governmental Detainee repatriations over the past 18 years (Including, The EP-3 Crew downed in China, Kosovo POW's and Evaders and Capt. Scott O'Grady, North Korea detainee CWO Bobby Hall, Somalia Hostage CWO Mike Durant, Desert Storm POW's)

Special Operations

- Repatriation

- Questioning

- Debriefing

- Psychological Profiling

- Remote Assessment

- Operational Support to Captivity

- Detainee Interrogation Vulnerability Assessments

- Enemy Interrogation Capability Assessments

Certified Special Survival Training Program High Risk Survival Training Instructor (1989-2002)

- Conducted Special Survival Training interrogations totaling over 2,000 hours of "interrogation hut time"

- Taught academic and experiential laboratory training on interrogation, use of physical and psychological exploitation and interrogation pressures (enhanced measures), totaling over 4,500 hours

Director of Operations, DOD JPRA Special Survival Training Program (SSTP)

- Supervised 100's of High Risk Captivity Exercises with resistance trained Special Mission Unit (SMU) Operators

- Observed and monitored 100's of Interrogations ensuring appropriate application of interrogation approached and techniques, and operational/psychological stability of interrogators

Interrogation Exploitation and Resistance Courses taught for the US Government and Allied Forces (Courses taught multiple times between 1992-2000)

- Resistance to Interrogation Instructor Course, UK MOD JSIO - Advanced Resistance to Interrogation Course, Department of Defense (DOD) SERE Psychology Conference Seminars

- Resistance to Interrogation Instructor Course: Canadian Special Forces, Winnipeg Alberta CA.

- Resistance to Interrogation Instructor Course: New Zealand Special Air Service (SAS), Wellington N.Z.

- Resistance to Interrogation Instructor Course: US Army SERE School, Ft. Bragg N.C.

- Advanced Resistance to Interrogation Instructor Course: US Air Force SERE School, Fairchild AFB, Spokane Washington

- Resistance to Interrogation Instructor Course: US Navy SERE Schools, Brunswick MA. North Island CA.

Interrogation Exploitation and Resistance Courses researched, developed, and taught for JPRA Special Survival Training Program

- Psychological Aspects of Captivity

- Dynamics of Captivity: Captor and Captive

- Survival and Captivity Resilience

- Methods of Interrogation

- Resistance to Interrogation

- Captivity Communications

- The Code of Conduct

- Captivity Exploitation

- Legal Aspects of Captivity

- Captivity Negotiations

- Surviving Hostage Terrorist Captivity

- Psychological Profiles of the Hostage Taker

SUMMARY
Cumulative 18 Years Experience with captivity, interrogation, exploitation, Resistance, and Repatriation:

- Scientific Consultation on Repatriation-Interrogation-Exploitation-Resistance-Captivity for CIA/FBI/DOD/DIA/State Department/NSA/Civilian Institutions and select Allied Nations

- Repatriation Expert

- Counter Terrorism Expert

- Debriefer

- Special Compartmented Captivity Operations

- High Risk Survival Instructor for DOD Interrogation, Exploitation, Survival, and Resistance Programs

- Director of Operations for DOD High Risk Captivity SMU Training

- Senior DOD SERE Psychologist (1989 – 2002)

- Author of numerous publications, papers, operational instructions, regulations, and invited presentations on interrogation, exploitation, resistance, survival and resilience

Sender:	Newman, Russ </O=APA/OU=DC/CN=RECIPIENTS/CN=RSN>
Sent:	Thursday, February 10, 2005 1:53:58 PM
Recipient:	Kelly, Heather <hkelly@apa.org>
Subject:	RE: A Healthy Silence

Heather,
I ended up having dinner with Morgan Banks last night (so he did not come to the office). He said that he and Bruce had been in touch and that Bruce indicated he had been contacted by you. Morgan was very pleased that APA was in touch with Bruce. Russ

-----Original Message-----
From: Kelly, Heather
Sent: Thursday, February 10, 2005 1:47 PM
To: Mumford, Geoffrey; Behnke, Stephen; Breckler, Steven J.; Newman, Russ
Subject: FW: A Healthy Silence

This references the Army Surgeon General's review that we've been talking with Bruce Crow about. More on our meeting yesterday with Senate Armed Services in a minute,
Heather

-----Original Message-----
From: McCusker, Elaine (Armed Services)
[mailto:Elaine_McCusker@armed-services.senate.gov]
Sent: Thursday, February 10, 2005 8:22 AM
To: Kelly, Heather
Subject: A Healthy Silence

Washington Post
February 10, 2005
Pg. 22

A Healthy Silence

In regard to Stephen N. Xenakis's Feb. 6 Outlook article, "From the Medics, Unhealthy Silence": The Army Medical Department is in the middle of an aggressive, comprehensive assessment of the medical support for detention at Guantanamo Bay, Cuba, and throughout the Iraqi and Enduring Freedom theaters.

The assessment team has been interviewing soldiers and gathering facts about the medical care of detainees, medical support for interrogators and the training of medical personnel. It also has been reviewing policies that guide military medical personnel.

If the team identifies problems, we will correct them. If it identifies illegal activities, these will be dealt with by the appropriate authority.

As a retired senior military medical officer, Dr. Xenakis should understand that such a comprehensive assessment takes time. Speculation and unfounded allegations do not help.

We will wait for all the evidence to be collected before we reach any

conclusions, and, if necessary, we will implement change. Silence is healthy when the alternative is prejudging in the public forum.

LT. GEN. KEVIN C. KILEY, Army Surgeon General, Falls Church

Editor's Note: The article referred to appeared in the Current News Early Bird, Feb. 6, 2005.

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Wednesday, February 09, 2005 9:06:18 PM
Recipient:	Kelly, Heather <hkelly@apa.org>
Subject:	Meeting with Senate Armed Services Committee Staff

Hi Heather--a draft (copy to Mike, Steve Brecker, and Geoff)

Dear Ron and Gerry,

This is just a brief message, to let you know about a meeting that Steve Behnke and I had with staff from the Senate Armed Services Committee yesterday. We heard that certain Senators (e.g., Senator Warner) might be interested in the ethical aspects of interrogations (such as at Abu Ghraib and Guantanamo Bay), so we contacted them and asked for a meeting to brief them about APA's activities and to offer APA as a resource. We met with four senior Senate staffers, who were eager to hear what APA is doing and especially interested in the task force that the Board will consider next week. They discussed the role of the Institute of Medicine, and asked whether these issues might fall under IOM's purview and, if so, whether APA would want a role in IOM's discussions. We said that APA would certainly want to be involved with any IOM initiative. They discussed the Department of Defense's interest in guidelines regarding the proper role of mental health professionals in interrogations, and we emphasized that APA would very much want to see psychology included in those discussions as well.

Our overall impression was that these staffers were extremely pleased that APA had reached out to them, that they are eager to benefit from APA's expertise, and that they will be disposed to include APA in initiatives and discussions related to this issue. We plan to have ongoing contact with them.

HK

PRIVACY REDACTION
PRIVACY REDACTION

Gerry Koocher
Ronald F. Levant

Sender: Newman, Russ </O=APA/OU=DC/CN=RECIPIENTS/CN=RSN>
Sent: Friday, February 04, 2005 10:51:34 AM
Recipient: Kelly, Heather <hkelly@apa.org>
Subject: RE: Army Surgeon General's Office

Definitely.

-----Original Message-----

Kelly, Heather

Friday, February 04, 2005 10:48 AM

Newman, Russ

RE: Army Surgeon General's Office

Russ -- if he ends up coming into the office and I'm around, could you introduce me?
Heather

Heather O'Beirne Kelly, Ph.D.
Senior Legislative and Federal Affairs Officer
Science Public Policy Office
American Psychological Association
750 First Street, N.E., 5th Floor
Washington, D.C. 20002
phone 202.336.5932
fax 202.336.6063
email hkelly@apa.org

-----Original Message-----

Newman, Russ

Friday, February 04, 2005 10:26 AM

Kelly, Heather; Mumford, Geoffrey; Behnke, Stephen; Breckler, Steven J.

RE: Army Surgeon General's Office

Thanks for the update. I will likely see Morgan when he is in town next week. Russ

-----Original Message-----

Kelly, Heather

Wednesday, February 02, 2005 12:53 PM

Mumford, Geoffrey; Behnke, Stephen; Breckler, Steven J.; Newman, Russ

Army Surgeon General's Office

Hi, guys:

Yesterday I finally caught up with and talked at length with Col. Bruce Crow (PsyD), the chief psychology consultant in the Army Surgeon General's office. Very nice guy, headquartered at Walter Reed. Below are the highlights of our conversation, with the end result being that he and I are trying to find a date in March for him to come here and meet with us (I know Geoff and I are out the week of March 19-27).

* Bruce was aware of the NEJM article and said that he knows that an internal group within the Army Surgeon General's office is currently reviewing the issue of mental health professionals and interrogations and putting together some sort of report. He doesn't know exactly who's on the team

(but probably no psychologists) or what the exact time frame is for the report, though he expects it sometime early spring. He does know the team has talked extensively with "a psychologist" involved with the interrogation groups as part of its information-gathering process. He also knows that a variety of groups across DoD are looking at the issue but isn't sure if or how any are coordinating/collaborating.

* He also has met with the other behavioral consultants within the SG's office to start planning something further on the topic -- perhaps a conference -- and they had all already agreed that input from disciplinary associations (MD, psychology, social work) would be very important to their process. He was very interested to hear that we've got a Board Task Force that is likely to be approved and in place shortly, and would be very interested in being an observer to that if possible.

* He said Morgan Banks is no longer in Washington state but is now heading up the group on psychology applications at Ft. Bragg (where psyops also are coordinated) and that he thinks a separate meeting that includes Morgan would be great. He knew (as Russ had mentioned) that Morgan will be here in the next week or so, but Bruce says it's relatively easy to get him to come up for a meeting later on. All of February is out for Bruce, who's on TDY.

Heather

Heather O'Beirne Kelly, Ph.D.
Senior Legislative and Federal Affairs Officer
Science Public Policy Office
American Psychological Association
750 First Street, N.E., 5th Floor
Washington, D.C. 20002
phone 202.336.5932
fax 202.336.6063
email hkelly@apa.org

Sender:	Mumford, Geoffrey </O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>
Sent:	Wednesday, May 14, 2003 6:23:12 AM
Recipient:	Science <Science-DL@apa.org>
Cc:	Kobor, Patricia <pkobor@apa.org>;Kelly, Heather <hkelly@apa.org>;Studwell, Karen <KStudwell@apa.org>
Subject:	FW: Minutes from Behavioral Research Advisory Group Meeting (Unclass Side)

FYI, These are Gary's brief minutes from our inaugural meeting last week. I'll update a little later this morning based on discussions at OSTP on Monday.
-geoff

-----Original Message-----

Strong, Gary [SMTP:Gary.Strong@dhs.gov]

Tuesday, May 13, 2003 2:55 PM

Suski, Gregory

Kingsbury, Eva D; Strong, Gary; sbrandon@mail.nih.gov; gmumford@apa.org; nbradbur@nsf.gov; pcohen@nsf.gov; kwhang@nsf.gov

Minutes from Behavioral Research Advisory Group Meeting (Unclass Side)

On May 7, 2003 the unclassified advisory group for the DHS S&T Behavioral Research Program met at the National Science Foundation (Room 920) from 9:30 am to 11:00 am. Members present were:

Geoffrey Mumford; Director of Science Policy, American Psychological Association, gmumford@apa.org

Susan Brandon; Program Chief, Affect & Biobehavioral Regulation, DNBBS, NIMH, sbrandon@mail.nih.gov

Norman Bradburn; Assistant Director SBE, National Science Foundation, nbradbur@nsf.gov

Phil Rubin; Division Director Behavioral and Cognitive Sciences, NSF, pcohen@nsf.gov

Ken Whang; Program Manager for Collaborative Research on Computational Neurosciences, NSF, kwhang@nsf.gov

Gary Strong; Director of Behavioral Research, DHS S&T

The group was introduced to the interest areas within DHS for social and behavioral research. These areas were presented as terrorist cells; public response to DHS activities; determination of intent; and economic vulnerabilities of the US. The group suggested a number of topics that might be included in the DHS program: crowd and panic behavior; suicide terrorism; determination of intent in crisis situations; vigilance problems for security officials; autonomic specificity in reactions to stress; use of electro-encephalograms for determination of intent and for detection of deception; and use of Guantanamo Bay subjects as data. The group members agreed to continue to communicate via email and to meet, say, once a month to advise DHS on the development of behavioral research programs.

Gary Strong

Science Directorate
Programs and Plans, 2003

Introduction

This document is modeled after an earlier document published in 1995 – the "Blue Book" – which was an attempt to present the "big picture" of the Science Directorate – what we are about, what we are doing, why we are doing it, where it is taking us, and how we are investing APA resources.

This report has the same overall intent. First, we present a "big picture" view of the mission and goals of the Science Directorate. Next, we present a concrete, detailed list of the activities that we do. For each activity we list the approximate staff time as fte (full time staff equivalents). These are rough estimates only. We end with a list of special projects and governance activities.

Mission

The mission of the science directorate is to advance psychological science and to serve psychological scientists though activities aimed at **communicating information** to APA's science/academic constituency (on funding, policy, science opportunities, as well as on APA's offerings); **facilitating access** for psychology and psychological scientists (to policy, science opportunities; to honorifics; to skills and resources); **representing psychological science** (in funding, policy, science, public, and program-development venues); and **fostering and promoting the discipline** (in advocating for resources and opportunities, in working to develop coordination across subdisciplines and disciplines; in fostering translational research and dissemination; and in developing the scientific pipeline).

These activities – serving the needs of the science/academic constituency through communication, facilitation and representation – constitute the sustained objectives of the Directorate. Staff members strive to reach these objectives by working to increase the visibility and relevance of psychology across all venues, seeking opportunities for psychological science and scientists, monitoring ongoing activities and policies that might affect psychological science, and communicating and disseminating information to a variety of audiences. The Directorate goal is to be known for its visibility and advocacy.

Structure and Resources

Sources of Funds

Science Directorate activities are primarily funded through the APA budget. Several ongoing projects are supported by grant funds (the Occupational Health Safety project; two of the Advanced Training Institutes; some programs in the Decade of Behavior).

Activities

Most activities fall under one of three main types of program: **continuing programs** such as the newsletter, web, or award programs, that are well established; time-limited or provisional **special projects**, such as Task Forces; and **governance activities**, including board and committee meetings, that are neither programs nor projects, but tend to generate such activities.

In addition, staff time and resources are devoted to what we loosely label **infrastructure -- monitoring** science opportunities and science policy arenas (e.g., in testing, research, workplace); **recruiting** member expertise and input on issues of importance to APA and psychology; **disseminating** information broadly to members, the science community, and the public; **advocating** for the interests of psychological science and scientists, and **representing** psychology and APA at scientific, disciplinary and policy meetings and conferences.

The following are described in the pages below:

Continuing Programs

Academic career workshops.
Advanced Training Insts (ATI)
Awards
CARE Video Series
Communication activities
Convention activities
Decade of Behavior
Departments of Psychology –Contacts
Divisions – Contacts
Education-Science Collaborations
Exploring Behavior Week
Member Recruitment
Non-Academic Careers
Occupational Health Psychology
OneBookOnePsychology
Op ed initiative
Psychol. Science Agenda (PSA)
Psychology in the Workplace
Regional Psychological Associations Programs
Relations with Outside Organizations
Research Funding Bulletin
Research/Researcher Issues
Science Policy
Science Student Council
Science Web
Scientific Conferences Program
Summer Science Institute
Testing and Assessment

Current Special Projects

CARE Video Series
Conducting Research on the Internet
Genetics Research Issues
Regulatory Issues in Human Research
Psychological Testing on the Internet
Anti-Terrorism Activities

Regularly meeting Boards and Committees

Board of Scientific Affairs (BSA)
Committee on Psychological Tests and Assessments (CPTA)
Committee on Animal Research and Ethics (CARE)
Committee on Scientific Awards (COSA)
Joint Committee on Testing Practices

Activities

Continuing Programs

Academic career workshops.
Academic Career Workshops are sessions held at the APA convention, specialty society meetings (e.g., Society for Personality and Social Psychology, Society for Research in Child Development), and regional psychological association conferences for graduate students, post docs and young faculty. They are designed to provide concise and timely information on how to find, get and keep an academic position. Topics include discussion of how the academic culture varies across institutions, the interview process, pragmatics of the hiring process, and lessons learned from new faculty. Approximately 4-6 workshops are held each year. The format varies from two-hour question and answer sessions to full day workshops. The speakers for the workshops are faculty members who are attending the hosting conference, or who are at local universities. There is no charge to attend the workshops.

Approximate FTE: .20

Advanced Training Institutes (ATI)
The ATIs, initiated in 2000, are designed to provide training opportunities especially for mid-career scientists in new methods or techniques in scientific psychology. The ATIs offer intensive, hands-on training to small groups of scientists by experts with training experience. As of 2003, 270 individuals will have completed an ATI.

The ATIs have been oversubscribed, and have received uniformly excellent ratings from participants. Topics to date have included fMRI, Longitudinal Methods and Measurement, and Accessing and Using Large-Scale Data Sets.

The Board of Scientific Affairs guides staff in the selection and development of topics. This program is a source of a modest amount of revenue through registration fees. In addition, External funding supports two of these ATIs (5-yr grants from NIMH, NICHD).

Approximate FTE: 1.0

Awards
The Science Directorate administers several award types **(overall FTE .70):**

Scientific Contribution Awards
APA Awards are given in three categories: the Distinguished Scientific Contribution Award, the Distinguished Scientific Award for the Applications of Psychology, and the Distinguished Scientific Award for an Early Career Contribution to Psychology. APA has conferred scientific awards since 1956 with the presentation of the Distinguished Scientific Contribution Award. The Distinguished Scientific Award for the Applications of Psychology were first presented in 1973 and the Early Career Awards were initiated in 1974. The scientific psychological community respects these awards, individuals consider it a great honor to be selected.

Approximate FTE: .20

Meritorious Service Citation Awards
Instituted in 2002, the Meritorious Research Service Citation is a new award developed by the Board of Scientific Affairs (BSA) to recognize outstanding

psychologists in the federal government who help foster research by their programmatic activities. BSA developed this citation because they felt there needed to be a clear mechanism for recognizing the important contributions of these psychologists, who can play a crucial role in the development of the discipline -- in running the programs that fund psychological scientists, in identifying new opportunities and directions, in working with the science community to develop programs and funding opportunities, in serving as catalyst for promoting cutting edge opportunities, and in shepherding behavioral research within their institutions. In 2002 5 individuals received the citation. Awardees are invited to lunch with the Board of Directors and with BSA, and their citations are publicized broadly.

Approximate FTE: .10

Dissertation Grants
The Science Directorate awards 100 dissertation grants (of $500 each) to graduate students in psychology every year. Including the 2003 awards, more than XXXXX students have received grants through this program. Follow-up data indicate these students are likely to convert to full APA membership on earning their doctoral degrees.

Approximate FTE: .10

Travel Grants
The SD awards 100 $300 travel grants each year to graduate students who will present their research at the APA Convention.

Approximate FTE: .10

The Science Directorate also administers awards funded by others:

APF-COGDOP. The American Psychological Foundation (APF) and the Council of Graduate Departments of Psychology (COGDOP) jointly grant 13 graduate research scholarships (11 for $1,000, one for $2,000, and one for $3000) to assist with research costs.

Approximate FTE: .10

The McGuigan award. The American Psychological Foundation (APF) grants one $25,000 prize biennially to a young psychologist engaged in research that seeks to explicate the concept of the human mind from a primarily psychophysiological perspective.

Approximate FTE: .10 (every other year)

CARE Video Series
In 1998, CARE proposed a project to commission the production of video segments that will (1) demonstrate the historical and continuing importance of animal use across a wide range of research areas in psychology; (2) portray psychological animal research in the context of adherence to ethical and regulatory guidelines; and, (3) be a useful device for teaching behavioral principles and processes that have been discovered by psychologists using animals. In addition to countering misinformation about animal research, these segments will educate the public about psychological science per se, build interest in psychological research issues, and support accurate understanding of the profession. With funding from the Council of Representatives, the first segment of the video series was produced and released in 1999. Production of the second segment of the series was completed earlier this year and a study guide is currently under development. As with the first segment, complimentary copies of the

video will be mailed to all members of Teachers of Psychology in Secondary Schools (TOPSS).

Approximate FTE: .20

Communication activities
SD staff regularly disseminate information about programs, policies, opportunities, and new developments to APA members and the public through a variety of media. These include:

listservs: Staff maintain a listing of current listserv addresses for Divisions and other related groups to allow rapid dissemination of information about science opportunities, programs and policy issues.

Approximate FTE: .10

electronic newsletters: PSWIN
Psychological Science in the Workplace InfoNet (PSWIN) is an electronic digest of information for psychologists who conduct research applicable to the workplace. PSWIN provides information about scientific conferences, federal policies and programs, and federal research funding. Launched in June 2002, PSWIN has grown to over 200 subscribers. Subscribers have commented frequently on the relevance and usefulness of the information provided.

Approximate FTE: .10

Email and Telephone inquiries: Telephone inquiries and emails sent to *science@apa.org* ask about Science Directorate and APA activities, about the field in general, and about specific scientific or policy issues. Staff answer these queries, referring them to other resources as appropriate. Requests include information on conducting research, awards, funding, animal research, training, testing, etc.

Approximate FTE: .40

Convention activities

Regular Convention Activities include staffing the Science Directorate Booth, hosting the Science Reception, attending Division Executive Committee meetings; monitoring the Master Lectures and Awardee lectures, and meeting with science constituency groups and individuals. In addition, Science Directorate staff prepare a focused guide to programming focused on science and research issues.

Master Lectures: The Board of Scientific Affairs names 5 master lecturers every year to deliver addresses at the APA convention. The program recognizes excellence in psychological science and features 5 of 10 core sub-fields of psychology each year.

Approximate FTE: .30

Decade of Behavior
The Decade of Behavior initiative was begun through SD efforts in 2000. Its activities include policy seminars, sponsored lectures at scientific societies, information dissemination and development of award and other recognition programs to promote the application of behavioral and social science research to societal issues in health,

education, safety, democracy and prosperity. Over 70 behavioral and social science organizations are involved in the initiative.

SD staff two Decade committees. The National Advisory Committee meets once a year to oversee the initiative, provide input on new programs, and select distinguished lecturers. The Committee of Endorsing Societies meets every 2-3 months to work out program details.

The SD coordinates all Decade communication activities, including developing and maintaining the Decade website (www.decadeofbehavior.org), and developing and promoting Decade brochures and informational materials.

The SD also coordinates the Decade programs, including co-sponsorship of congressional briefings, coordination of the Decade of Behavior Distinguished Lecture Program, which supports major addresses on Decade of Behavior themes at the national/ international conferences of up to five professional scientific societies that have endorsed the initiative; school outreach, public and scientific lecture series, a research funding website (FundSource), and (forthcoming) an annual research prize.

Approximate FTE: .80

Departments of Psychology -Contacts
Science Directorate staff works with faculty in Departments of Psychology and COGDOP to foster greater communication about issues in academia. The Directorate regularly attends COGDOP meetings, and the Executive Director for Science and other staff give colloquia and make visits to graduate departments. The Science Directorate is exploring mechanisms for increasing communication channels (e.g., by asking Departments to link to the APA-science web page).

Approximate FTE: .20

Divisions - Contacts
Science Directorate staff have regular contact with divisions through listservs, newsletter articles and information for Division Services in the Monitor. Staff regularly attend Division executive committee meetings when possible, and represent the Directorate to the division. In addition, staff work with Divisions to increase opportunities for their members in funding, research and policy venues.

Approximate FTE: .35

Exploring Behavior Week
Science Directorate staff publicize and facilitate this school outreach program where faculty and graduate students can talk to middle and high school students about what psychology is, who psychologists are, where psychologists work, and how psychological scientists ask questions about human behavior. Exploring Behavior Week is part of the Decade of Behavior initiative.

Approximate FTE: .10

Member Recruitment
Science Directorate staff work works closely with staff from the Marketing and Member Services Office to devise recruitment campaigns and promotional programs to increase the ranks of APA membership and to inform potential members of the

range of services provided by APA to scientists. At least 2-3 promotional programs are planned yearly.

This includes mailings, development of a Department contact database, development of recruitment campaigns in collaboration with Divisions.

Approximate FTE: .40

Non-Academic Careers
Science Directorate staff work on a number of initiatives to provide information about non-academic careers for psychological scientists. These include: regular features in PSA on "Interesting Careers" in Psychology that feature positions outside academia; a "Non-Academic Career" web page; outreach through Psychology in the Workplace activities. This program is in development.

Approximate FTE: .20

Occupational Health Psychology
This program, funded by NIOSH, is designed to increase the number of graduate programs in Occupational Health Psychology. The program is at the end of its 5-year grant period. During that period, 11 institutions were funded to institute graduate curricula in work organization and health. At present, nine universities have implemented formalized programs, including minors, concentrations and certification programs, while two universities expanded their course offerings to include survey courses and research methods in occupational health psychology. Over 118 students have completed graduate-level survey courses in OHP at the 11 sites. Graduate students have also received training in OHP through their practica experience and in courses such as occupational safety and health behaviors, the psychology of job stress, and work and wellbeing.

Approximate FTE: .20

OneBookOnePsychology
The OneBookOnePsychology initiative was begun to counter the splintering of psychology into islands of expertise, and to foster communication among psychologists by facilitating a listserv discussion of a common book. The first book chosen was J. Notterman, *The Evolution of Psychology.* This book is a compilation of articles published in the American Psychologist and provides examples of many different approaches to psychology. The listserv presently has 80 members

Approximate FTE: .10

Op ed initiative
Science staff work with Public Affairs staff to increase the amount of attention paid by the media to issues of psychological science. The Op-Ed initiative, begun in 2001, encourages psychological scientists to write opinion pieces for local and national newspapers. It is publicized through the web site, with examples and tips for placing an article.

Approximate FTE: .10

Psychological Science Agenda (PSA)
PSA, the Science Directorate's newsletter, is distributed to approximately 27,000 researchers, academics, students, federal policymakers, as well as many other interested individuals. PSA is the Directorate's –as well as the Association's—most direct way of reaching the science constituency. In addition to the 27,000 printed copies mailed to subscribers, PSA is available electronically on the APA Web page.

PSA informs the science constituency of APA science programs, activities, and advocacy and regularly includes information about science careers and new directions. The Science Directorate receives numerous requests from individuals who want additional information about programs that they learned about through the newsletter.

PSA is presently available as a bimonthly printed newsletter. Staff is exploring web-based versions of PSA.

Approximate FTE: .50

Psychology in the Workplace
The Science Directorate created this position to foster the inclusion of applied science in the directorate's activities and programs and to develop new services to meet the needs of applied researchers. These activities are subsumed under others in the directorate—communications, policy, divisions & relations with outside organizations.

Approximate FTE: .60

Regional Psychological Associations Programs (overall FTE .40)

Distinguished Scientific Lectures
The Board of Scientific Affairs names 2 or 3 distinguished scientists each year to deliver addresses at regional psychological association meetings. These highly visible lectures are a highlight of the regional association meetings.

Approximate FTE: .20

Innovative Grant Program
Each year the regional psychological associations are invited to apply for grant funds of $1000 to support innovative activities at the regional level. Supported activities have included FILL IN HERE

Approximate FTE: .10

Regional Psychological Association Meetings
Staff meet regularly with Regional Association officers to provide updates on SD activities and to foster inter-association collaboration. Meetings include attendance at the executive committee meetings of regional associations (shared with the Education Directorate), and an annual meeting of regional associations at the APA Annual convention. These meetings have fostered discussion of shared issues across regional associations and have increased APA visibility and presence at the regionals.

Approximate FTE: .10

Relations with Outside Organizations
BSA, its standing committees, and the Science Directorate oversee APA's relationships with other scientific societies. BSA-appointed representatives are

appointed to attend meetings of the Federation of Behavioral, Psychological, and Cognitive Sciences (Federation), the Consortium of Social Science Associations (COSSA), the American Association for the Advancement of Science (AAAS), College on Problems of Drug Dependence (CPDD), Council of Scientific Society Presidents (CSSP), the International Test Commission, the Social Science Research Council (SSRC) and the Society for Neuroscience.

In addition, Science Directorate staff regularly attend meetings of the Federation of Behavioral, Psychological, and Cognitive Sciences (Federation), the Consortium of Social Science Associations (COSSA), selected committees and boards at the National Research Council (NRC), Institution of Medicine (IOM) and the National Academy of Sciences (NAS), the Council of Graduate Departments of Psychology (COGDOP), the Society for Research in Child Development (SRCD), the Psychonomic Society, and advisory boards and committees of the major federal funding agencies.

These activities provide an opportunity for APA to share information with other scientific societies in an effort to coordinate activities and interests. In many of these organizations, APA members sit on boards of directors and boards of trustees. These individuals have the chance to enlighten others about the behavioral sciences.

Approximate FTE: .40

Research Funding Bulletin

The Research Funding Bulletin is designed to provide supplemental and timely information on breaking funding opportunities for psychological scientists. The present Research Funding Bulletin is a revised version of a more comprehensive FB the Science Directorate offered from 1989, and is intended to supplement other sources of information such as FundSource and funding agency web pages.

Approximate FTE: .10

Research/Researcher focused Activities (Overall FTE .80)

Laboratory Animal Research Activities

Although much smaller than it once was, the lab animal research community within psychology is an important component of the science constituency, and one that requires disproportionate attention due to its vulnerability to outside forces (anti-animal research groups, regulatory burden, economic pressures that undermine university support, etc.) It also retains an important role in undergraduate education in psychology, and in psychology's link to the other biological sciences. The Science Directorate serves this constituency through coordinating the development and updating of written material (e.g., Guidelines for Ethical Conduct in the Care and Use of Animals; Guidelines for the Use of Animals in Behavioral Projects on Schools,K-12), advocacy for animal research issues, organizational membership in animal research organizations (Association for Assessment and Accreditation of Laboratory Animal Care, International and National Association for Biomedical Research), and through responding to inquiries from members, educators, policy-makers, and the general public.

Approximate FTE: .30

Research Ethics Activities

APA has a long history of addressing the issues surrounding the ethical conduct of research. The SD serves the needs of the research constituency by

developing and maintaining resources on current federal regulations, policies, and legislation in areas of research ethics including protections for human participants in research, scientific misconduct, data-sharing, responsible conduct of research requirements for dissemination to members, policy-makers and the general public. SD staff also serve as an expert resource in responding to inquiries by APA staff, members and the public on ethical, legal, and scientific issues pertaining to research ethics and research integrity, including protection of human participants in research, humane care and treatment of laboratory animals, research misconduct (e.g., falsification, fabrication, and plagiarism, etc.). SD staff monitor legislative, regulatory, policy and science issues and develop advocacy positions pertaining to the conduct of research, on behalf of APA, with input from relevant APA constituencies.

Staff are currently developing web-based resources covering all aspects of research regulatory issues.

Approximate FTE: .50

Science Policy

Science Directorate staff coordinate with Science Public Policy staff to ensure that psychologists with relevant applied and basic research expertise are included in advocacy, training, and policy efforts, and to maintain a strong Science Directorate link across federal policy venues. Staff also work with Science Public Policy to monitor and cultivate federal funding for basic and applied research.

Approximate FTE: .50

Science Student Council

In order to facilitate contracts with science-oriented students, the Directorate formed a Science Student Council, comprising representatives from 9 areas of psychological science. These students advise the Directorate on ways that APA can best serve the science student population. This council meets once annually. These individuals serve two-year terms. The council works cooperatively with the Science Directorate and with the American Psychological Association of Graduate Students (APAGS) on issues of importance to science-oriented graduate students. Examples of their activities include writing articles for PSA, APAGS newsletter, (soon) gradPSYCH; providing Convention programming (e.g., for 2003, a forum on non-academic careers for scientists); reviewing dissertation awards

Approximate FTE: .20

Science Web

The APA Science web site provides a point of contact and information about psychological science. It serves as a vehicle for providing the latest information and applications for about programs and public activities, and it serves to publicize SD activities. To keep and attract people to the web site, it also has changing news items, culled from the Monitor and other sources.

There are about 250 pages on the science web site (www.apa.org/science), with substantial hits each month.

The web is being evaluated and continuously updated to make it more user friendly and to provide broad resources to the psychological science community

Approximate FTE: 1.40

Scientific Conferences Program
Through the Scientific Conferences Grant program, established in 1987, the Science Directorate co-sponsors 6 - 8 scientific conferences each year. The goal of this program is to promote the exchange of information about new contributions and approaches in scientific psychology in a range of formats from stand-alone conferences to add-ons to other meetings. It is a competitive peer-reviewed program designed to result in scholarly publishable volumes (currently XX of the XX funded to date have resulted in edited books, with additional titles in process). Proposals are solicited and reviewed twice a year, by a BSA-appointed *ad hoc* Scientific Conferences Review Committee. This committee meets by conference call.

Approximate FTE: .20

Summer Science Institute
In an effort to provide promising undergraduates with an in-depth exposure to scientific psychology, APA organizes a Summer Science Institute (SSI) annually, hosted by a university psychology department. Thirty-two students are selected for the 9-day institute. During the program, they attend lecture/discussions by distinguished psychologists, tour the laboratories in the department, and work with faculty and graduate students in hands-on experimental work, tour sites in the local area, and engage in discussion with fellow attendees.

SSI sessions have (or will have) been held at Washington University, St. Louis, Mo. (2003); Columbia University (2002), the University of Colorado, Boulder (2001), the University of California, Berkeley (1999), The Johns Hopkins University (199X), the University of Maryland (199X).

With the June 2003 session, 288 highly promising students will have gone through our SSI course. Approximately 38% have self-identified as ethnic/minority students, and roughly 65% are female. SSI Fellows have hailed from a range of institutions (small liberal arts, secular and religious, state colleges, public and private research institutions) and geographical regions. Many of the students have been Intel or Westinghouse science finalists.

Funds from the Academic Enhancement Initiative enable support for the SSI.

Approximate FTE: .75

Testing and Assessment
APA members, the media, and the general public turn to the Science Directorate for detailed information on the development and use of psychological tests. Staff monitor legislative, regulatory and policy activities pertaining to testing and assessment, especially in educational and employment areas, develop advocacy positions on behalf of APA, and help coordinate APA activities related to testing and assessment, and disseminate information about testing and assessment through newsletters, presentations and listservs. Staff also represent APA to the scientific community, governmental agencies, private organizations and other assessment related groups by participating in various workshops, presentations and seminars.

Approximate FTE: 1.25

Current Special Projects

CARE Video Series – (see Laboratory Animal Research Activities)

Advisory Group on Conducting Research on the Internet
BSA established the Advisory Group on Conducting Research on the Internet with financial support from the APA Board of Directors discretionary fund and the College Board. The Advisory Group met twice and completed a report that describes the benefits and challenges of conducting psychological research via the Internet and offers recommendations to both researchers and Institutional Review Boards (IRBs) for dealing with the challenges.

Working Group on Genetics Research Issues
BSA established the Working Group on Genetics Research Issues with financial support from the APA Board of Directors discretionary fund. The Working Group met once and developed a report calling on APA to launch an initiative on "Genetics in Psychology." The report lists recommendations on implementing such an initiative. Science Directorate staff are presently implementing one of the recommendations to develop a web page on Genetics in Psychology. Other recommendations will be pursued subject to BSA review.

Initiative on Regulatory Issues in Human Research
BSA oversees the Initiative on Regulatory Issues in Human Research. BSA has received funding from the APA Board of Directors discretionary fund ($15,000) to have a group of 6 experts meet twice in 2003 to develop plans and materials for the initiative.

Task Force on Psychological Testing on the Internet
BSA established the Task Force on Psychological Testing on the Internet with financial support from the Board of Directors discretionary fund. The Task Force met twice and completed a report that describes how the Internet influences the practice of psychology as it relates to testing and assessment. The group concluded that the Internet provides an opportunity for testing and a need for the ethical and professional use of test results

Anti-Terrorism Activities
Science Directorate staff coordinate with Science Public Policy staff on homeland defense and transportation security issues to ensure that psychologists with relevant applied and basic research expertise are included in advocacy efforts and to maintain a strong Science Directorate link to these important activities.

Regularly meeting Boards and Committees:

The **Board of Scientific Affairs (BSA)**, **Committee on Psychological Tests and Assessments (CPTA)**, **Committee on Animal Research and Ethics (CARE)** and **Committee on Scientific Awards (COSA)** meet once a year. In addition, they conduct several meetings via conference call. Apart from the projects they generate, which are listed elsewhere in the report, they require a variety of services from Science Directorate staff, including agenda book preparation, correspondence, investigation, conferences, etc.

In addition, APA staffs committees for coalition organizations:

Joint Committee on Testing Practices
The Science Directorate staffs this inter-association Committee that develops materials aimed at training test users, educating the public about testing, and

promoting responsible testing practices. Working groups of the Committee have produced a research report on determining test-user qualifications, an informational packet on the rights and responsibilities of test takers, an informational video on educational testing for parents and teachers, and the Code of Fair Testing Practices in Education. Staff coordinates all administrative functions of the Committee including organization of its annual meetings and the meetings of the working groups.

Approximate FTE: .20

Science Public Policy Office – Overall FTE 4.6

APA's Science Policy staff serve as the principal government relations arm of the Science Directorate. Working as part of the Public Policy Office in APA Central Programs they coordinate advocacy for psychological science with the corresponding staff of the Public Interest and Education Directorates. Science Policy Office (SPO) staff operate in multiple domains across the Executive and Legislative branches of government. Science Policy Office staff work toward 4 main goals.

- **Enhancing Psychological Research Funding**. The SPO staff work to ensure that psychological research has multiple funding homes within the federal research infrastructure. Psychological research is funded primarily by the National Institutes of Health, National Science Foundation, Department of Defense, Department of Education, Department of Transportation, and the National Aeronautics and Space Administration. SPO works with other policy staff on improving research opportunities at the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, and Agency for Health Care Research and Quality.

  Advocacy takes two main forms. First, we lobby Congress to increase the funds appropriated to agencies' research budgets overall, and to the behavioral research budgets in those agencies. Second we work directly with funding agencies to support the behavioral research infrastructure (e.g., staffing and resources), and to help ensure that psychologists are part of the decision-making process within agencies.

- **Strengthening the scientific infrastructure**. SPO works to ensure that APA members have a voice in legislative and policy activities affecting the conduct of research. This includes placement on advisory boards, councils, and peer review systems and active member input on legislative, regulatory and policy decisions (e.g., regulations to protect human participants in research).

- **Share psychological research with policymakers**. SPO brings researchers to Capitol Hill to communicate with their legislators, advocate for psychological research, and share research results that may inform policymaking. SPO conducts briefings and other events to help educate Congress and other policymakers about the value of behavioral research. SPO explores opportunities for behavioral science to inform emerging policy areas (e.g., as the U.S. continues to respond to terrorist threats, psychological research can help guide the formation of new systems and the adoption of policies ranging from risk communication to terrorist 'profiling').

- **Increase the ability of APA psychologists to advocate for their discipline.** SPO disseminates information about federal actions that affect

APA scientists, through the monthly electronic newsletter, *Science Policy Insider News* (SPIN) and email and listserv alerts as required, the PPO Website, and regular features in the APA Monitor on Psychology and Psychological Science Agenda. SPO holds regular Advocacy Training Workshops in which small groups of psychologists come to Washington for advocacy training and Hill visits and holds workshops 'on the road' for psychologists at conferences and other meetings.

Sender:	Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>
Sent:	Monday, September 15, 2003 8:55:17 PM
Recipient:	'Michael Burke' PRIVACY REDACTION
Bcc:	Maranto, Dianne B. <dmaranto@apa.org>
Subject:	Update on APA Military Research Workshop for SIOP

Hi, Mike:

Dianne reminded me that SIOP meets this weekend, and we thought you might like an update on the upcoming APA Science Advocacy Training Workshop since a number of Division 14 scientists are involved. I just wish that you could have been among the group!

As of tonight I've got 14 researchers coming in for the Sept. 27-29 Workshop, sponsored by the APA Public Policy Office and Science Directorate. The main training day is Sunday the 28th, and we have a full day planned, beginning with an overview of the federal legislative process, suggestions for effective communications with Congress, and media training with our head of Public Communications. After lunch I've invited some scientists from the military labs and the Office of the Secretary of Defense to come talk with us about how behavioral research fits within the larger DoD research context. I'll spend some time getting everyone up to speed on current defense authorizing and appropriating legislation and we'll work as a group to finalize a briefing statement and talking points on funding for DoD behavioral science programs.

We'll arm everyone with these finished products to leave with their Members of Congress on Monday morning as they meet with Congressional staff, and we'll finish the weekend with a bang by inviting everyone to attend a special Congressional briefing (co-sponsored by APA and Sen. John McCain's office) on Psychological Science in Support of the Soldier. Presenters at the briefing include Howard Weiss (Purdue Military Family Research Institute), Jerry Krueger (speaking on human factors work for the Army), and Bob Roland (National Defense University here at Ft. McNair, speaking about POW issues). Bill Howell will moderate the panel.

Participants in the weekend training workshop include: Jim Callan (Pacific Science & Engineering); Nancy Cooke (Arizona State); Mike Coovert (Univ. of South Florida); John Hollenbeck (Michigan State); Bill Howell (Arizona State); Jerry Krueger (Wexford Group International); Sandra Marshall (San Diego State); Kevin Murphy (Penn State); Mike Paley (Aptima Inc.); Elaine Pulakos (PDRI); Karlene Roberts (UC Berkeley); Bill Strickland (HumRRO); Jennifer Vendemia (Univ. of South Carolina); and Steve Zaccaro (George Mason Univ.). I'm sure you'll recognize some of these names, and you should let the Division know that Dianne Maranto was extremely helpful in the initial planning for this workshop and in identifying Division 14 people to be invited. There were of course some terrific people like you and John Campbell who were unable to come.

I hope your weekend is successful and I look forward to meeting you another time.

Best regards,
Heather Kelly

Heather O'Beirne Kelly, Ph.D.
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Sender: Kennedy, Kirk (GOV) <Kirk.Kennedy@cifa.mil>
Sent: Tuesday, April 19, 2005 5:06:29 PM
Recipient: Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>
Subject: Fri 4/22 PAC Plan

Hi Heather:

On Fri 4/22, when you come to the second floor to check in at Security, let them know that we are meeting in 1200 Executive Conf Rm and that we told you to come up and wait in the 1200 lobby and we'll check on you periodically to see if you have arrived. See you around 0930 or whenever you arrive.

Thanks, Kirk

Kirk A. Kennedy, Ph.D.
Chief, Center for National Security Psychology
Directorate of Behavioral Sciences
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This email is UNCLASSIFIED per E.O. 12958

CIFA's Directorate of Behavioral Sciences (DB)
Strategic Program Statement

Mission: Through seamless collaboration with customers, stakeholders, and a broad range of behavioral scientists, DB produces high caliber behavioral science consultation services, training, and analytic products that uniquely improve the quality of CI operations, investigations, and analysis.

Vision: The DB will be a model of excellence in collaborative behavioral consultation services, training and analytic products that uniquely add value to CI operations, investigations, and analysis.

Key Customers: CIFA, Military Service CI components (AFOSI, Army INSCOM, and NCIS), DoD Agencies (DIA, NSA, NRO, Defense Security Service, Defense Threat Reduction Agency), Combatant Commands, Military Departments (Army, Air Force, Navy, Marines), CIA, DHS, DoJ/FBI, and USSS.

Mandates:

A. DB established by Director, CIFA in support of DoD Directive 5105.67 activities and operations.
B. Criminal Investigation Task Force (CITF), Behavioral Science Consultation Team (BSCT) Directives:
    1. Military Order of Nov. 13, 2001, "Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism," 66 F.R. 57833 (Nov. 16, 2001)
    2. Army Chief of Staff Memorandum of Jan. 29, 2002, "War Crimes and Related Investigations within the US Central Command Area of Operations."
C. Director of Central Intelligence Directive (DCID) 6/14.
D. Other DoD regulations/directives relevant to behavioral science are pending.

SWOT (Strengths, Weaknesses, Opportunities, Threats) Analysis:

A. Internal Strengths:
    1. DB Personnel (2 GOV; 8 CONTR): All are well-trained, experienced, motivated.
    2. DB Management: Both are well-trained and well-connected.
    3. DB is magnet to IC behavioral scientists who make an impact due to CIFA's unique role in the DoD CI Community and DB's increasingly recognized ability to add value to operations, investigations, and analysis.

B. Internal Weaknesses:
    1. High internal and external customer requirements (current, mid-term and long-term) exceed current staffing capability.

2. Surge requirements exceed current staffing capability.
3. Stakeholder administration and management demands (e.g., strategic planning) exceed current staffing capability.
4. No established personnel or budget resource requirements planning process.

C. External Opportunities/Enablers

1. DoD-wide recognition that current methodologies need to be augmented with behavioral expertise.
2. Joint training of operators, investigators and analysts affords a common methodology and process through which to leverage behavioral science expertise.
3. DB is magnet to IC behavioral scientists who make an impact due to CIFA's unique role in the DoD CI Community and DB's increasingly recognized ability to add value to operations, investigations, and analysis.
4. High customer demand creates opportunity to establish requirements prioritization/vetting process.

D. External Threats/Barriers

1. Reluctance to change status quo with regard to current methodologies.
2. Fiscal uncertainty regarding DoD appropriations and authorizations produces difficulty in both short-term and long-term planning.
3. Do not have direct access to operational or investigation cases. Must rely on Military Service CI components, DoD Agencies, Combatant Commands, and Military Departments.
4. High internal and external customer requirements (crisis, current, mid-term and long-term) exceed current staffing capability.
5. Inadequate security clearance process has a direct and adverse impact on ability to meet customer requirements.

MISSION AND FUNCTION STATEMENTS

DIRECTORATE	MISSION STATEMENT	FUNCTIONS
Business Operations	Provide our customers with the highest return on their investment by obtaining supplies, services and equipment on time and at the lowest total ownership cost.	• Support the CIFA mission with sound business decisions through our delegation from the Secretary of Defense to enter into and administer contracts on behalf of CIFA. • Acquisition management and contracting to the maximum extent practical and possible for CIFA. • Serve as the central entry point for all pre-award, evaluation, and post award actions. • Assist in the development of requirements documents such as purchase descriptions, performance work statements, solicitation packages, quality assurance plans, source selection plans with appropriate evaluation criteria, justifications for brand name or sole source, and Independent Government Estimates. • Provide expertise and support by executing source selection plans, providing any required training to the source selection evaluation team, conduct negotiations as delegated by the contracting agents and document recommendations for award. • Service as CIFA's interface with industry during the pre-award process where procurement sensitive information must be specially identified and safeguarded. • Represent CIFA at meetings when senior level corporate executives meet to discuss solicitation issues, disputes and protests. • The Business Office will maintain the "official" CIFA contract file and work with customer representatives and CORs to establish and maintain their COR files appropriately. • Provide assistance with performance issues, contract modifications, process invoices, facilitate in modifications, address other issues and concerns, negotiate, and execute the necessary documents for options or follow on actions in a timely and efficient manner. • Keep the COR's current with acquisition policy and provide refresher training when necessary.

Business Office - Continued		• Pursue different avenues for using their contract specialist expertise to reduce fees and better support and execute your mission essential requirements. • Work with each Directorate to establish a means for acquisition planning to allow for better acquisition strategy formulation and to take advantage of opportunities with consolidations, as well as timely execution of options and follow on actions. • Set up training opportunities through courses and "Notes" and customer education to eliminate areas of weakness as they are identified. • Maintain a staff of highly qualified DAWIA certified professionals. • Work hand in hand with the Finance Office in monitoring and tracking monthly contract burns rates. • Support and participate in any quarterly performance reviews.
Behavioral Sciences	Through seamless collaboration with DoD CI customers, stakeholders, and a broad range of behavioral scientists, DB produces high caliber behavioral science consultation services, training, and analytic products that uniquely improve the quality of CI operations, investigations, and analysis.	• Provide to DoD CI operators and investigators quality consultative services, training, and analytic products designed to increase customer effectiveness and impact. • Ensure quality by developing DB standard operating procedures, policies, and technical standards. • Lead the "professionalization: of the DoD CI corps of psychologists • Recruit, develop, and retain expert personnel in three main areas: Mission, Management, and Administration.
Communications Office	The Communications Office plans, coordinates, facilitates, and executes public affairs, legislative affairs, and DoD CI outreach strategies, policies, and programs for the Counterintelligence Field Activity.	• Public Affairs • Legislative Affairs • DoD CI Community
General Counsel	Provide competent and timely legal advice and assistance on the full range of issues affecting CIFA's mission, functions, and taskings from OSD	• Provide legal advice to CIFA personnel in connection with their performance of duty. • Participate in interagency legal forums that may have relevance to counterintelligence.

	seniors, including appropriate and continuing ethics, intelligence oversight, and specialized counterintelligence training.	• Provide legal advice on counterintelligence matters to other DoD elements that interact with CIFA. • Operate a program for ensuring compliance with the Joint Ethics Regulation. • Operate a program for training CIFA personnel in the field of intelligence oversight.
Strategy and Transformation	Lead, champion, and enable DoD CI/LE Community transformation and integration, ensuring a strong strategic bridge between the CI/LE missions within DoD	• Meet the transformational needs of the DoD CI/LE community • Link DoD CI strategy to performance to budget • Deliver unified, quality, timely CIFA response to DoD CI draft Policies • Assess DoD CI achievement of mission and Strategy • Answer *ad hoc* requests in a quality and timely manner • Maintain required DT expertise
Programs and Resource Management Programs and Resource Management – Continued	Plan, program, and provide budget execution and force structure oversight for the implementation of the policy guidance from USD(I) and input from the Secretaries of the Military Departments, submissions for the Department's Planning, Programming, and Budgeting System (PPBS), and the Department's input to the Office of the Director of Central Intelligence for the DCI Capabilities, Programming and Budgeting System (CPBS) to provide resources for the Foreign Counterintelligence Program (FCIP) in the National Foreign Intelligence Program (NFIP), the Defense Joint Counterintelligence Program (DJCIP) in the Joint Military Intelligence Program (JMIP), and all other assigned DoD programs and activities.	• Manage all planning, program analysis, budget execution, and force structure development for the FCIP and DJCIP. • Prepare all fiduciary reports mandated for a Defense Field Activity receiving appropriated funds. • Provide technical expertise to the FCIP, DJCIP, and the CIFA for the preparation of fiscal reviews held by OSD, Office of Management and Budget (OMB), the Community Management Staff (CMS) for the Director of Central Intelligence (DCI), Congressional questions, hearings and staff visits, appropriation law, and Departmental special interest responses. • Build IPOM for FCIP and the POM for DJCIP for Defense CI Community to include automated submissions in specialized formats. • Act as CI Community coordinator of IPOM Over guidance initiatives, PM Guidance, and CI Strategic Planning input (ICW CI operational elements) • Act as IC Community representative for CI related issues and studies. • Interface with OSD Comptroller on FCIP and DJCIP resource reconciliation, Congressional marks, and QFR's on behalf of the CI

		Community. • Prepare DCI Annual Report Input for the CI Community. • Responsible for Community CIS/FYDP monitoring and reconciliation. • Manage and provide oversight of the CIFA FCIP and DJCIP resources. • Establish CIFA budget execution policies and procedures. • Act as the fund certification office for all CIFA acquisition actions. • Act as the CIFA resource interface with CIFA Seniors and internal functional budget analysts. • Build and submit the CIFA IPOM/POM submission for FCIP and DJCIP resources. • Fulfill inherently governmental function of force structure and manpower management responsibilities for DOD CIFA (Joint Manpower Documentation, etc.). • Maintain FCIP and DJCIP Manpower by mission/ function/location for CIFA. • Respond to CMS data calls on manpower requirements and fill rate issues for CIFA. • Develop process to validate CI initiatives for workload requirements to better justify initiative formulation. • Act as CIFA government representative to Joint Staff on military manpower requirements for Active Duty and Reserve personnel.
Program Management	Manage, integrate and support DoD CI/LE functions and mission support activities through program management and the development of a common operational picture.	• Assess the capabilities of DoD CI organizations to perform their mission • Resource DoD CI/LE organizations to complete their mission • Develop customer requirements and objectives • Develop strategic direction and common operational approaches/plans • De-conflict activities and facilitate information sharing to ensure more efficient DoD CI performance • Assess the effectiveness of DoD CI/LE organizations in fulfilling

		identified requirements and objectives • Manage TSCM program • Manage FPRG • Manage FPD
Information Technology Information Technology - Continued	To provide the full array of "to the edge" IT support, ensuring the integrity of all Counterintelligence IT systems and applications to enable CIFA and the CI Community to conduct their CI mission enhanced by advanced technology systems and processes.	• Enable accomplishment of the CIFA mission through efficient application of information technology (IT) infrastructure and systems. • Provide services that satisfy customer information needs. • Transform information technology management processes to increase efficiency and mission contribution. • Provide strategic IT guidance, development of policy, architecture, life cycle development, infrastructure, programmatic planning, and secure IT operations. • Partner with DoD, Intelligence Community, Counterintelligence (CI) Community, Law Enforcement Community and other CI customers on information technology, strategic planning, interoperability and information management. • Serve as the principal authority on strategic information technology developments and issues. • Develop and implement CIFA IT initiatives. • Plan, develop, coordinate, implement, and manage the CIFA IT program. • Manage and oversee an effective and accredited security architecture that protects the CIFA information data stores, systems and networks from internal and external threats. • Collect requirements, manage and oversee development, implementation, and monitoring of enterprise-wide common applications and systems that result in efficient, cost-effective, and interoperable solutions. • Develop and implement a CIFA and CI Community enterprise architecture to facilitate information and applications sharing. • Responsible for guiding strategic development for policy, future years plans involving sustainment, integration, advanced systems, software and tools development.

		• Analyze management options concerning emerging technology and technical alternatives to ensure the flexibility to accommodate changing CI community business and mission requirements. • Articulate and defend the CIFA IT and IS budget requirements • Ensure CIFA's vital information resources are secure and protected.
Management and Development		• Personnel (gov't and contractor), reserve program, special considerations for law enforcement personnel • Office equipment (non IT); facilities, property accountability, • space management • Benefits, payroll, awards, evaluations, retirement, special • Buyouts and leave donations • Travel requests and settlements • Personnel management 羊 organ • notification, • Newcomer's Orientation; classification of position descriptions • Security Program 羊 cle evacuation and relocation, COOP, guards, entry control (Visitor) management • Training/Professional Development – CIFA and CI community • BRAC, Internal Management Controls • Correspondence and records management • Internal operation policies and procedures • Manage Dept of Defense Polygraph Program (DoDPI) • Manage Joint Counterintelligence Training Academy
Field Operations	To provide the Department of Defense (DoD) and other national security decision-makers and stakeholders, unique and actionable counterintelligence and law enforcement analytic products and services. By leveraging and optimizing advanced technologies and analytic methodologies, the Assessments Directorate's Office's	• Lead a horizontal CI coordination effort throughout the CI/LE community. • Be a Community Leader in Strategic CI Assessments. • Deliver quality products and services. • Use teaming and data sharing thus creating informational bridges to and among the other CI community agencies. • Provide responsive, tailored counterintelligence analytical products and services to DOD and related outside agency stakeholders to support protection of research, technologies, programs, facilities and

	products and services are timely and tailored to drive proactive decisions and actions supporting the protection of Department of Defense and national security assets, capabilities, and posture.	critical infrastructure. • Produce relevant, timely, tailored CI products using advanced technologies and analytical methods in support of DoD decision-makers and the Force Protection, CI and Intelligence Communities of interest. • Provide unique and actionable counterintelligence analytic products and services to DOD, USNORTHCOM, and other national security decision-makers. • Provide Continuity of Operations for CIFA. • Provide expert analytical support to quick response taskings and provide review of longer term taskings and assign and track product development. • Conduct technical analytical methodology exploration. • Provide analytical support to CI campaign development and execution. • Provide analytical support to external organizations, i.e., Services, Combatant Commands and Defense Agencies. • Manage CIFA West • Manage Project Fortress • Manage Deployed Field Analysts

Sender:	Kennedy, Kirk (GOV) <Kirk.Kennedy@cifa.mil>
Sent:	Monday, January 10, 2005 3:21:47 PM
Recipient:	Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>
Subject:	RE: interrogation issue

Hi Heather:

In principle, I am interested, but please call me so we can discuss the details. You are right that I would need to know the parameters of what I would be asked to do so I could run it past the powers that be here at CIFA...

Also, I'm wondering about the summer fellows...I found out today that we have very limited space for uncleared people; what I am told is that we will have space but it might be rather "warehouse"-like. I had already planned on letting the fellows work under a "flexi-place" policy so they could work from wherever they felt most comfortable. I would bring them into CIFA hqs on a weekly basis for updates, planning, etc. I was wondering if you have any other ideas on space?

See NEJM article in separate e-mail.

Thanks, Kirk

Kirk A. Kennedy, Ph.D.
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This email is UNCLASSIFIED per E.O. 12958

-----Original Message-----
From: Kelly, Heather [mailto:hkelly@apa.org]
Sent: Wednesday, January 05, 2005 2:56 PM
To: Kennedy, Kirk (GOV)
Subject: interrogation issue

Hi, Kirk:

The issue of psychologists' involvement in interrogation settings continues to get hotter, not just in the popular press -- we've just heard that there will be an article in the upcoming New England Journal of Medicine entitled "When Doctors Go to War" that will deal with psychiatrists/psychologists and this topic. APA will most likely, among other things, set up an official Board Task Force to look into the issue, and Geoff and I are wondering if you might be willing and/or able to be nominated for that if it comes into being. If you're interested, am I right that you'd have to go through your legal group to see what the parameters for you serving would be?

Would love to talk with you about this,
Heather

PS -- an announcement about the APA/CIFA summer fellowships is going in the Monitor, too...

Heather O'Beirne Kelly, Ph.D.
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Sender:	Shumate, Scott (GOV) <Scott.Shumate@cifa.mil>
Sent:	Tuesday, January 25, 2005 3:16:04 PM
Recipient:	Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>
Subject:	RE: DoD Policy

Thanks, hope you are well. Scott

Dr. R. Scott Shumate
Director Behavioral Sciences
DoD/Counterintelligence Field Activity
703-699-7792
scott.shumate@CIFA.MIL
scott.shumate@CIFA.SMIL.MIL

-----Original Message-----
From: Kelly, Heather [mailto:hkelly@apa.org]
Sent: Tuesday, January 25, 2005 2:42 PM
To: Shumate, Scott (GOV)
Subject: DoD Policy

Hi, Scott:

I'm forwarding the attached letter from Dr. Steve Behnke, our Ethics Director here at APA. Let me know if there's anything else I can do at this point or if you'd like to follow up directly with Steve.

Best,
Heather

<<CIFA letter re DoD Interrogation Policy.doc>>

Heather O'Beirne Kelly, Ph.D.
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Sender: Linda J. Demaine [PRIVACY REDACTION]
Sent: Sunday, October 12, 2003 11:56:45 AM
Recipient: Kelly, Heather <hkelly@apa.org>
Subject: CIA Projects

Hi, Heather,

It was great to see you last week! Thanks for calling the APA librarian--I think that the arrangement is set now. As you requested when we met, here is a list of the projects I'm working on at the CIA. Kirk selected these from the ideas I proposed.

1) The psychological literature on belief and attitude change is based primarily on studies of inconsequential or weakly held beliefs. Moreover, measurements of belief and attitude change in the studies tend to be taken very soon after participants were exposed to the manipulation that was intended to change them. I'm compiling what is known about instilling *long-term* changes to *fundamental* beliefs and attitudes.

2) There is a burgeoning literature in social psychology on the application of influence techniques cross-culturally. I'm reviewing and summarizing it.

3) At the APA convention in Toronto I met a Bureau of Prisons psychologist who has encountered inmates trained in methods to resist psychological assessment and perhaps interrogation. With Kirk's support, she and I are contemplating a study to document and analyze these tactics in order to develop means to counter them. It may not go anywhere, as the BOP would need to sign-on, but we'll see.

In addition to these projects, Kirk has asked me to work with him, Geoff Mumford, Susan Brandon, and a RAND researcher to develop follow-up projects to the CIA/APA/RAND deception workshop that was held in July 2003. He has also asked me to participate in a couple of meetings later this month, one with a psychologist with whom Kirk contracted to develop a model of influence for the CIA and a second with a woman who presented an influence workshop to Kirk's group in July-Aug of this year. He also offered me co-authorship on a chapter that he's been asked to write on the psychology of terrorism, but we're both leaning toward declining at this point because the chapter is not central to his work at the CIA and our time could thus be better utilized.

If there are any particular research issues you would like for me to propose to Kirk, or if you have concerns with/questions about the ones I'm pursuing or the placement more generally, please let me know.

Best,
Linda

Sender:	Crow, Bruce E COL WRAMC-Wash DC <Bruce.Crow@NA.AMEDD.ARMY.MIL>
Sent:	Wednesday, February 02, 2005 10:57:15 PM
Recipient:	Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>
Subject:	Re: Psychologists in National Security Settings

Thanks also for the contact...I'll try to pick a date for meeting by the end of the week. The message I would like the SASC to hear is that DoD psychologists are deeply committed to the highest standards of clinical practice and professional ethics. We welcome APA assistance in establishing guidelines that serve national security while preserving professional integrity.

Sent from my BlackBerry Wireless Handheld

-----Original Message-----
From: Kelly, Heather <hkelly@apa.org>
To: Crow, Bruce E COL WRAMC-Wash DC <Bruce.Crow@NA.AMEDD.ARMY.MIL>
Sent: Wed Feb 02 17:03:44 2005
Subject: Psychologists in National Security Settings

Hi, Bruce:

It was great to connect with you yesterday and talk about some of the activities planned within your office and APA regarding the issue of psychologists' involvement in national security settings (and interrogations in particular). I'm attaching two documents -- the first is the New England Journal of Medicine article on the topic, which you've probably already seen, and the second is our draft version of the proposal to create an APA Board of Directors Task Force. This is awaiting official Board approval later this month, so please keep it close and I'll let you know when it's clear for public consumption.

We would love to meet with you to talk about these issues and ways to coordinate/collaborate. In terms of days in March that are clear at this point, here's what I've got:

Tuesdays: March 1, 8, 15, 29
Wednesdays: March 2, 16, 30
Fridays: March 4, 11

Also, I should mention that the head of our APA Ethics Office, Dr. Steve Behnke, and I are going over to Sen. Warner's office next week to informally brief his Senate Armed Services Committee staff on this topic. Anything you'd like me to include officially or not from your end is welcome.

I've been working with Scott Shumate on a lot of these issues, too -- he's a psychologist in the counterintelligence field activity office within DoD -- do you happen to know him or Kirk Kennedy, another psycholol gist working with Scott?

Best,
Heather

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>
> > <<WhenDoctorsGoToWar-NEJM 1-6-05.pdf>> > > <<Board item creating TF on Interrogations.doc>>
>
>

Sender: Shumate, Scott (GOV) <Scott.Shumate@cifa.mil>
Sent: Thursday, April 28, 2005 9:55:50 AM
Recipient: Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>
Subject: FW: NCIS/CIFA

Diplomacy, I hope

Dr. R. Scott Shumate
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-----Original Message-----
From: Shumate, Scott (GOV)
Sent: Thursday, April 28, 2005 9:46 AM
To: Gelles, Mike_NCIS
Subject: RE: NCIS/CIFA

Mike:

I never realized that you felt that the professional relationship wasn't currently active, I have invited you to participate in several of the CIFA initiatives like the Special Projects Group, have requested that you be a presenter at some of the courses we have done, etc. The invites were an attempt to make sure that we all have input on the direction the community is taking and the role that we should play. Your infrequent attendance may contribute to your feeling that you are unaware of where DB is heading and the initiatives that we have on the table. Nonetheless, I will meet with you in private as you desire. However, I will meet with you at NCIS. I have always and will continue to present you to the community as a competent psychologist with many years of important experience and have emphasized the Criticality of NCIS.

I have debated since last night about your comment "If you and I can not develop that alliance then NCIS psychologists are not interested in a relationship with CIFA Behavioral Sciences." My quandary was over addressing this type of comment as being, at a minimum obstructionist, or letting it go since you have recently decided that you are willing to engage in a conversation. What I decided however was that it would be most important to point out that the community of behavioral scientists is much broader than you or me and our professional relationship. That we have all, especially yourself, have been trying to promote our science to the community of Law Enforcement and Counterintelligence and that the success of behavioral sciences is significantly more important not only to our discipline but also this nation. I recognize and respect that you have and will continue to put your life on the line for this country as I have in past. This makes us a special breed and we have a responsibility to the current and future community of psychologists to ensure that we do everything that we can professionally to forge ahead.

I have known you for a long time and believe that your comment about holding back the NCIS psychologists from a cooperative relationship with CIFA is in part also a dramatic gesture to accentuate your desire to

meet with me. Therefore, from that aspect, I think it was a gesture of gravity (albeit kind of Gellish) designed to increase the chance that this meeting will occur. And so be it. Friday May 6th in the morning would be the first opportunity for me to come to NCIS. If that date does not work for you please suggest another date and we will work something out.

On another note, I talked with Hefferon just a couple of minutes ago and he was very pleased to hear that we will be meeting next week or shortly thereafter. Hefferon and I have been discussing over the course of the last two years how important it is for Behavioral Science to become established as a mainstay within the CI and LE worlds. That long after all of us are no longer active in the field that behavioral sciences will be a must have rather than an emerging technology. Scott

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-----Original Message-----
From: Gelles, Mike_NCIS
Sent: Wednesday, April 27, 2005 1:28 PM
To: Shumate, Scott (GOV)
Subject: RE: NCIS/CIFA

Scott,

Let's stop playing games and misinterpreting each others motives. You and I
have had a long history that has included a close friendship, partnership
and working alliance within the community. While I regret some of the things
that have to come to pass, and am willing to take my share of the responsibility. I am interested, if in nothing else, looking to build a bridge back to a working alliance. If you and I can not develop that alliance then NCIS psychologists are not interested in a relationship with
CIFA Behavioral Sciences. In reference to your previous e-mail, NCIS Psychology continues to have relationships with many Psychologists, Agents
and Analysts in the community and at CIFA. NCIS and now CIFA, are leaders in
the behavioral community within Counter Intelligence and Law Enforcement. We
can either look to join our efforts in producing quality materials to support the CI and LE mission or we can operate as we have in parallel tracks, independent agencies doing some similar and some different things. I
will be frank, we are impressed and find some of the work you have accomplished to be laudable, at the same time we are concerned in some of
the directions we "hear" CIFA Behavioral Sciences is going. These were things that I would expect to discuss with you alone. The outcome of this
potetnial discussion will directly impact the degree to which we will participate in a partnership.

I am interested in a attempt to at minimum reconcile a professional partnership.If this is something your are genuinely willing to work towards
then let's have lunch. If not, I fully respect your position and wish you
and your colleagues the best of luck.

Look forward to hearing from you.

Mike

Michael G. Gelles, Psy.D.
Chief Psychologist
Naval Criminal Investigative Service
Phone: (202) 433-9621 Fax: (202) 433-9619

-----Original Message-----
From: Shumate, Scott (GOV) [mailto:Scott.Shumate@cifa.mil]
Sent: Wednesday, April 27, 2005 10:53 AM
To: Gelles, Mike_NCIS
Subject: RE: NCIS/CIFA

Mike:

I will meet with you at NCIS or here at CIFA however prior to meeting I need to understand what you are wanting to accomplish. I prefer to keep this in the context of an office meeting. Please advise. Scott

Dr. R. Scott Shumate
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703-699-7792
scott.shumate@CIFA.MIL
scott.shumate@CIFA.SMIL.MIL

-----Original Message-----
From: Gelles, Mike_NCIS
Sent: Wednesday, April 27, 2005 8:52 AM
To: Shumate, Scott (GOV)
Subject: RE: NCIS/CIFA

Scott,

Thanks for the response. My feeling remains that you and I need to talk by
ourselves first. Neutral ground was to suggest a setting that would be easy.
I thought Bethesda would be a good place to meet perhpas we could go to lunch first.

Mike

Michael G. Gelles, Psy.D.
Chief Psychologist
Naval Criminal Investigative Service
Phone: (202) 433-9621 Fax: (202) 433-9619

-----Original Message-----
From: Shumate, Scott (GOV) [mailto:Scott.Shumate@cifa.mil]
Sent: Tuesday, April 26, 2005 10:23 PM
To: Gelles, Mike_NCIS
Subject: RE: NCIS/CIFA

Mike:

Thanks for responding to my phone call, I wanted to ensure that we were able
to get official notice to you in sufficient time this time around so that
the community would be able to have you present the NCIS model. This round
involves investigation rather than operations and with all of your
experience in the forensic area we thought you could make a valuable impact.
The goal is to share the various models as we try to expose everyone to the
various issues and experts that reside in the community. It is the strength
of everyones experiences that we are trying to capture. We got very good
feedback from the first series of trainings and I think that Turner did a
great job of setting that series up. We hope that this series is as
successful. What I was very impressed by was the amount of varied
expereinces that the psychologists throughout the community bring to bear.
We all learned and gained further appreciation. The community appears to
need this type of round table discussion and we look forward to you or one
of your other psychologists in this round, not only attending but also
presenting.

I suppose as I read your note I was struck by your reference to have a
meeting on "neutral" ground. Wish you didn't feel that way, but I respect
that you feel some type of boundary is present. I feel very comfortable
coming to NCIS and so I would be more than willing to come to the yard to
talk to you as well as your staff. I think to get the most out of the
discussions we should include others, like Turner and Kennedy (who I believe
has yet to come to NCIS). I think it would also be productive and fun to
have some of your operators and investigators present so that we could
benefit from them. You can call me anytime you would like if you want to
set up such a meeting. If you would want to come to CIFA, we could include
Robert McFadden, Greg Golden, Pat Hagen and Joe Hefferon if you would like,
as well as anyone else. It would also be nice to have Andy Ryan I am sure
that Bill Norris from DoDpi and Mike Capps from CIFA would be open.

We will be having another SPG meeting in June where Joe Krofcheck and Kathleen come which would also be another good venue. We hope to have you
at that Meeting since you were unable to attend the last one.

We also have a risk assessment group that meets every other month which would probably be more appropriate for one of your other psychologists to
attend but of course if you would like to come to this meeting as well you
are strongly encouraged.

I really want you and your staff to feel comfortable in not only attending
meetings that we have at CIFA but also to feel comfortable in engaging any
of my staff as we attend other meetings throughout the community. We would
really like to come over to NCIS and spend time professionally getting caught up in the many varied activities that your staff and agents are engaged in.

Again we look forward to the next series of looking at the investigative models being used in the community and truly hope that you can attend.

Scott

-----Original Message-----
From: Gelles, Mike_NCIS
Sent: Mon 4/25/2005 7:35 AM
To: Shumate, Scott (GOV)
Cc:
Subject: NCIS/CIFA

Scott,

Received your voice mail and would like to discuss the type of support you
are looking for at the course. We did not participate last time as
you know,
and were not clear as to what was wanted, given, the difference between
consultations to investigations and operations.

More importantly, before we agree to support the class, it will be
necessary
for you and I to sit down and discuss what it is CIFA Behavioral Sciences is
doing, and what direction it is going so we have an idea as to how
we can
best provide support. Give me a call or I will call you and we can
discuss a
neutral site to sit and talk. The office in Bethesda being one option.

Also, please forward your phone number as it was not on the voice
mail and I
don't have it.

Look forward to meeting with you.

Mike

Michael G. Gelles, Psy.D.
Chief Psychologist
Naval Criminal Investigative Service
Phone: (202) 433-9621 Fax: (202) 433-9619

Sender:	Shumate, Scott (GOV) <Scott.Shumate@cifa.mil>
Sent:	Saturday, April 23, 2005 11:37:15 PM
Recipient:	Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>
Subject:	Re: [PRESIDENTIAL] Fw: Presidential Task Force

Bingo! Mikes need to be viewed as important and central always takes priority. That is why he had to defend himself against an ethics charge three years ago. Apa was central to it and was manipulated by saying that it was a no win. The only thing that saved mike was 911. Which had nothing whatsoever to do with his case other than it would look like apa was taking a stand against the government while the colors ran so high. Mel gravitz sent this message to apa legal in an unofficial and informal meeting. That ended the case. This is one reason amongst many I find it interesting that mike was invited and that he acceptedexcept that his ego is out of bounds. For the record it wasn't mikes initiative that there be seperation between healthcare and behavioral consultants. But what the heck. As you can see he really gets my goat. How are you

---

Dr. R. Scott Shumate
Director Behavioral Sciences
DoD/Counterintelligence Field Activity
703-699-7792
scott.shumate@CIFA.MIL
scott.shumate@CIFA.SMIL.MIL

Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

-----Original Message-----
From: Kelly, Heather <hkelly@apa.org>
To: Shumate, Scott (GOV) <Scott.Shumate@cifa.mil>
Sent: Sat Apr 23 22:25:55 2005
Subject: FW: [PRESIDENTIAL] Fw: Presidential Task Force

hey...didn't think he was supposed to be sharing this yet?
H

-----Original Message-----
From: Presidential Task Force on Psychological Ethics and National Security [mailto:PENS@LISTS.APA.ORG] On Behalf Of Gelles, Mike
Sent: Saturday, April 23, 2005 11:23 AM
To: PENS@LISTS.APA.ORG
Subject: [PRESIDENTIAL] Fw: Presidential Task Force

Sent from my BlackBerry Wireless Handheld

-----Original Message-----
From: Behnke, Stephen <sbehnke@apa.org>
To: Gelles, Mike <MGelles@NCIS.NAVY.MIL>
Sent: Wed Apr 20 22:01:35 2005
Subject: RE: Presidential Task Force

Mike--thanks, excellent thoughts & observations. If you'd be willing, please put them on the listserve (that you'll receive information about shortly). I'd like the others to read. It's extremely helpful having people like yourself with so close to the ground.

Steve

-----Original Message-----
From: Gelles, Mike [mailto:MGelles@NCIS.NAVY.MIL]

Sent: Wednesday, April 20, 2005 8:38 AM
To: Behnke, Stephen
Subject: Re: Presidential Task Force

Steve as we move forward and based on the composition of the group DOD is trying to update current policy on interrogation. Interesting in that it initially tried to incoporate behavioral consultant into the policy. My and others position was that "behavioral consultant" should not be included in a general policy statement but more clearly defined as a resource and then further defined as who what etc that resource is and does. I think based on the GTMO experience putting mental ealth care professionals in the role of having to consult on interrogations when their training and role is to treat patients puts them in an untenable position. They do not have the training as it relates to being a consutant to interrogations and an awarenessof where the lanes in the road are interrogation is a law enforcement and intelligence function. While we may serve as consultants to the interrogator there are area which we need to know not to go. I mentiond to DOD that APA was looking at the role of psychologists.

Mike

Sent from my BlackBerry Wireless Handheld

Sender:	Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>
Sent:	Wednesday, June 12, 2002 11:14:50 AM
Recipient:	Brandon, Susan <SBrandon@apa.org>
Subject:	RE: note to NSC

Hi, Susan: I can't do anything with this until Friday, but we can chat then and send it out!
Thanks,
Heather

Heather O'Beirne Kelly, Ph.D.
Senior Legislative and Federal Affairs Officer
Science Public Policy Office
American Psychological Association
750 First Street, N.E., 5th Floor
Washington, D.C. 20002
phone 202.336.5932
fax 202.336.6063
email hkelly@apa.org

-----Original Message-----

Brandon, Susan

Tuesday, June 11, 2002 4:58 PM

Kelly, Heather

note to NSC

Heather -- How is this? I will wait to hear from you -- and change the "today" if I send it off later. Please edit as you please!

Susan

June 11, 2002

Dear Friends,

We would like to express our appreciation for the information and good ideas that you shared with us at our meeting today.

There were several opportunities that you provided for us to continue this interaction. These are listed here; we are glad to be helpful (please let us know if there are additional requests that got lost in the note-taking):

Look across the full spectrum of psychological research, and provide (perhaps by category of research focus) a list of people and expertise, so that you can see if any of these might be useful to you. We would be glad also to facilitate meetings between such people and your office - small-scale meetings such as these were what preceded the larger meeting we had at the FBI Academy last February; and it is the sort of meetings that APA/Science Policy regularly arranges between researchers and various members of Congress;

Provide you will a full list of the "one-page" descriptions of psychological research that is germane to counter-terrorism efforts, and access to the individual vignettes;

Facilitate interactions among psychologists (and perhaps other social scientists) outside of the U.S., psychologists here in this country, and people in your office.

We are planning to have another conference on the format as that used for the FBI Academy meeting. It appeared that a focus that would be useful to you and your group is on how to best communicate with the public, the media, and various infrastructure agencies about the level of risk or security alerts that now are part of our life here in the U.S., and how to do this while both maintaining credibility with those who receive these messages and avoiding threat fatigue among those who must react to these messages. We will follow up on this idea with you more, and look forward to developing this as at least part of the focus of such a meeting.

A good meeting is when important information exchange continues in the hallway as one goes out the door, and when those attending have more they want to hear and say. That is our perspective, and we hope it is your's.

Sincerely,

Philip G. Zimbardo, President, American Psychological Association
Heather
O'Beirne
Kelly,
Senior
Legislative
&
Federal
Affairs
Officer,
Public
Policy
Office,
APA
Susan E. Brandon, Senior Scientist, APA

Susan E. Brandon
Senior Scientist
Science Directorate
American Psychological Association

750 First Street NE
Washington DC 20002-4242
202 336 5925
202 336 5953 (fax)
SBrandon@apa.org

Sender:	Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>
Sent:	Friday, May 17, 2002 11:30:46 AM
Recipient:	Garrison, Ellen <egarrison@apa.org>;Mumford, Geoffrey <gmumford@apa.org>
Subject:	RE: Aloha/Phil and Condi Rice...

Ellen and Geoff: Just let Phil know, though, that there already are psychologists on staff down at Ft. Bragg, where psyops are headquartered...

Heather

Heather O'Beirne Kelly, Ph.D.
Senior Legislative and Federal Affairs Officer
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Washington, D.C. 20002
phone 202.336.5932
fax 202.336.6063
email hkelly@apa.org

-----Original Message-----
From: Garrison, Ellen
Sent: Friday, May 17, 2002 10:59 AM
To: PubPol
Cc: Tomes, Henry; Honaker, Michael
Subject: FW: Aloha/Phil and Condi Rice...

At least Phil is approaching Pat on this one! Geoff, could be very useful contact...

Ellen
-----Original Message-----
From: Philip Zimbardo PRIVACY REDACTION
Sent: Thursday, May 16, 2002 10:08 PM
To: Pat DeLeon
Subject: Re: Aloha

what a sweet man he is

I would like to chat with condi rice, my old provost with whom i had good relations, how best to arrange that, about getting psychologists involved in long term psych "warfare"propaganda on terrorism.

enjoy the weekend now that the rains have stopped.

Pat DeLeon PRIVACY REDACTION wrote:

> Good seeing you today

excellent meeting with dki

aloha

Cordially,

Phil Zimbardo, President
American Psychological Association

The Decade of Behavior
"Psychology Makes a Significant Difference"

Do You Yahoo!?
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Sender:	Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>
Sent:	Tuesday, May 07, 2002 11:02:32 AM
Recipient:	Garrison, Ellen <egarrison@apa.org>;Mumford, Geoffrey <gmumford@apa.org>
Subject:	DoD talking point for Sen. Inouye

Hi, here's a stab at a more positive talking point for Dr. Zimbardo in his meeting with Sen. Inouye:

Behavioral Research at the Department of Defense
[background: Sen. Inouye is Chairman of the Senate Appropriations Subcommittee on Defense, which funds the Defense Department and more specifically, its behavioral research portfolio.]

Senator Inouye, you know that many of our psychologists conduct research relevant to national security, and much of it is funded by the Department of Defense military service research laboratories. APA works hard to advocate for this human-oriented defense research, which has become even more vital in the current climate of increased operational tempo and constantly-changing demands on personnel. We thank you and your staff for recognizing how important this research is, and for supporting moderate increases in the overall Defense Science & Technology account and more specifically, the behavioral research programs of the military labs.

Heather O'Beirne Kelly, Ph.D.
Senior Legislative and Federal Affairs Officer
Science Public Policy Office
American Psychological Association
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Washington, D.C. 20002
phone 202.336.5932
fax 202.336.6063
email hkelly@apa.org

Sender:	Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>
Sent:	Wednesday, January 16, 2002 1:55:04 PM
Recipient:	Dennis Proffitt PRIVACY REDACTION
Subject:	Feedback for DARPA

Hi, Denny:

I hope things are going well for you and the lab -- I heard from Cedar over the holidays and he seems very happy there!

I have a question for you regarding DARPA. Our defense research coalition, the Coalition for National Security Research (CNSR -- the one that hosted the defense lobby day when you came a couple of years ago) has been asked by an assistant to the DARPA director for some feedback. It sounds like he's in charge of strategic planning/science policy issues in some way, and he's looking to the coalition for some input on what we think of the current DARPA research portfolio and where it should be going. Since you're the only psychologist I know who gets DARPA funding (are there others?), I wanted to see if you'd be willing to give me your ideas in this area. I'm listing below a few general questions that we're supposed to respond to as a coalition, but feel free to tell me whatever you want:

"**Opportunity for Input on DARPA Direction**
In preparing for a new CNSR project, we would like you to consider the following questions and let us know what if any issues you would like to see addressed or suggestions you would like to make. The questions below should be viewed as a guide in determining what - from an academic and scientific community standpoint - we would like to communicate to DARPA. Please think about your own institution/ discipline, but mostly about DOD's and DARPA's missions and
national challenges.

Do you have a significant stake in DARPA research?

In what Technical Areas, themes, and discoveries should DARPA be involved?

What technical areas and disciplines have been neglected?
Are there old ideas that need another look? New Ideas? Emerging Areas?"

Thanks, Denny, and please say hello to people at UVa!
Heather

Heather O'Beirne Kelly, Ph.D.
Senior Legislative and Federal Affairs Officer
Science Public Policy Office
American Psychological Association
750 First Street, N.E., 5th Floor
Washington, D.C. 20002
phone 202.336.5932
fax 202.336.6063
email hkelly@apa.org

Sender:	Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>
Sent:	Tuesday, April 03, 2001 4:21:45 PM
Recipient:	Anderson, Clinton <canderson@apa.org>
Cc:	Mumford, Geoffrey <gmumford@apa.org>
Subject:	language re Div 19

Hi, Clinton:

Here's my suggested language for the letter:

(adding onto your existing sentence) We certainly want to be supportive to the Division and to military psychologists, and our Practice Directorate and Science Public Policy Office staff in particular are "out in front" on issues important to both clinicians and researchers within the Departments of Defense and Veterans Affairs. (add a practice sentence here about the VA maybe) In terms of advocacy for psychological research funding within DoD and the VA, I know that you have presented APA's testimony before Congress on several occasions and I thank you for continuing to be an important resource for our Science Public Policy staff. You know that APA's science advocacy team has been instrumental in heading off proposed cuts to military behavioral research programs and that they are a strong voice for psychological scientists in the national security arena.

Change it however you wish!
Heather

Heather O'Beirne Kelly, Ph.D.
Legislative and Federal Affairs Officer
American Psychological Association
750 First Street, N.E.
Washington, D.C. 20002
phone 202.336.5932
fax 202.336.6063
email hkelly@apa.org

Sender:	Gilfoyle, Nathalie </O=APA/OU=DC/CN=RECIPIENTS/CN=NPG>
Sent:	Wednesday, November 10, 2004 1:43:51 PM
Recipient:	Anderson, Norman <NAnderson@apa.org>;Strassburger, Judith <jstrassburger@apa.org>
Subject:	RE: [APABOD] DRAFT Board statement

Here is a shorter version, based on Diane's note to Ann O'Roark, which could go along with the voting results and satisfy the requirement re notifying re emergency action. If you want me to send it on I'll be glad to do so . N

After the nominations for Boards and Committees were announced , the Board of Directors received a complaint from a Council member regarding the appearance of conflict of interest that could result if Debra Dunivin were elected to the Finance Committee in light of the fact that she is the spouse of Russ Newman. The Board decided that it should obtain expert advice on this issue . After discussions with legal counsel and advice from Price Waterhouse Cooper's (PWC) , APA's auditors, it was concluded that the key to handling the issue was to assure first that those voting were aware of the relationship and second that conflict of interest principles would be applied if Dr Dunivin were elected. On advice of PWC, it was determined that the best way to assure that the first principle was satisfied and docuemnted was to make full disclosure on the ballot . Due to the timing of this advice and difficulty in reaching Dr Duniven, the Board decided to delay sending the ballot from Friday October 28 to Monday , November 1 , to allow Dr Dunivin sufficient time to consider the issues . Dr Dunivin decided that she did not feel that she had enough time to explain how she has handled similar potential conflicts in the past and how she would do so in the future, if she were elected to be a member of the Finance Committee. Accordingly she decided that the best course was to withdraw from the slate of candidates. The ballot was amended to reflect her decision and transmitted on November 1.

Nathalie Gilfoyle
General Counsel
American Psychological Association
750 First Street , N.E.
Washington, D.C. 20002
202-336-6186

-----Original Message-----
From: Anderson, Norman
Sent: Tuesday, November 09, 2004 12:09 PM
To: Halpern, Diane; Gilfoyle, Nathalie; Strassburger, Judith
Subject: RE: [APABOD] DRAFT Board statement

Diane,

This was just a draft to get input. It contains all the relevant information so it is a good starting place to see what you and the board were comfortable including or deleting. I also think shorter is better, but we want to be sure we communicate what happened effectively. Do you have suggestions about cutting this down?

Norman

Norman Anderson, Ph.D.
Chief Executive Officer
American Psychological Association
750 First Street, NE

Washington, DC 20002
(202) 336-6080
(202) 336-6069 (fax)
nanderson@apa.org

-----Original Message-----
From: Halpern, Diane
Sent: Tuesday, November 09, 2004 11:53 AM
To: Gilfoyle, Nathalie; Anderson, Norman; Strassburger, Judith
Subject: RE: [APABOD] DRAFT Board statement

Hi Norman:

I think it is important that Debra see this statement before it is sent to Council. My own preference was for something shorter that would have been sent to Council with the results of the election. Nathalie and I had talked about that at Consolidated as a possibility. What were you thinking about this longer explanation?

D iane

Hi,

At the board luncheon this past weekend it was decided that a statement on the Dr. Dunivin situation should be developed and given to Council. Below is a draft of such a statement from Nathalie with some modifications from me.

Norman Anderson, Ph.D.
Chief Executive Officer
American Psychological Association
750 First Street, NE
Washington, DC 20002
(202) 336-6080
(202) 336-6069 (fax)
nanderson@apa.org

At its retreat meeting on October 15, the Board reviewed a complaint from a Council member who objected to the nomination and possible service of Dr. Debra Dunivin on the Finance Committee because she

is married to Dr. Russ Newman, a senior executive . The Council member apparently felt that this relationship posed an overarching conflict of interest that could require recusal of Dr Dunivin from most Committee business.

In nominating Dr Dunivin, the Board was aware that there might be occasional matters that would require recusal. After consulting with legal counsel, the Board concluded that recusal would be adequate to handle any actual conflict that was foreseeable. After receiving the complaint however, the Board re-examined the conflict issue and focused on whether there would be a perception of a dual relationship or the appearance of conflict of interest. Specifically, the Board examined whether Dr. Dunivin would be perceived to have a bias toward the Practice Directorate in all matters that come before the Finance Committee.

In order to evaluate the conflict issues more fully, the Board asked the CFO and legal counsel to consult with APA's auditors, Price WaterhouseCoopers (PWC) on the matter. The Board was advised by PWC that there are no clear rules governing non-profits in this situation and this type of service is not prohibited. They also noted that in contrast, in the world of for- profit businesses subject to securities regulation, such service by the spouse of a senior executive would not be permissible. PWC advised the Board that based on their understanding of Dr Newman's positions with APA and APAPO and the work of the Finance Committee (which does not include reviewing the budget or other financial aspects of the APAPO), any actual conflicts can be handled by recusal on an issue- by- issue basis. PWC believed that if Dr Dunivin were to remain a candidate for the Finance Committee, full disclosure of a potential conflict and how it would be addressed would minimize the risk posed by any such conflict. After extensive discussion, the Board concluded that based on the nature of the Finance Committee's work, which is largely advisory to the Board and Council, recusal by Dr. Dunivin should be adequate to address an actual conflict of interest or the appearance of a conflict regarding a matter directly affecting the Practice Directorate. At the Board's request, Dr. Halpern advised Dr Dunivin of the issues and discussed ways to satisfy the auditors recommendation to document disclosure. In light of the late notice of the Board's decision, which was compounded by the fact that she is serving out of the country in Guantanamo Bay, Dr Dunivin decided that it would be best if she withdrew from the ballot. Her reasons are explained in her statement.

The Board has expressed its regret to Dr Dunivin that these issues were not identified and addressed earlier.

To assure a clear understanding regarding how APA will deal with actual and perceived conflicts in future elections, the Board will be reviewing the relevant Association policies and will evaluate whether clarifications should be proposed.

##

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Sender:	American Psychological Association's Board of Directors <APABOD@LISTS.APA.ORG> on behalf of SSB [redacted]
Sent:	Wednesday, June 25, 2008 8:26:04 AM
Recipient:	APABOD@LISTS.APA.ORG
Subject:	Re: [APABOD] Possible Con statement writers

Good point. Ron was 05 president and I assume he appointed the membership, with Gerry and Barry as liaisons.

As for the con statement, is the BOD actually willing to let someone write the con statement without BOD oversight? If not, then it would be best to have someone on the BOD write the con statement. We need to think this through carefully. Either we give someone freedom in writing the con statement or the BOD should take responsibility for the con statement -- Sharon

---

From: American Psychological Association's Board of Directors [mailto:APABOD@LISTS.APA.ORG] **On Behalf Of** Bray, James H
Sent: Tuesday, June 24, 2008 10:44 PM
To: APABOD@LISTS.APA.ORG
Subject: Re: [APABOD] Possible Con statement writers

I believe Ron is associated with the PENS report.

James

-----Original Message-----
From: American Psychological Association's Board of Directors on behalf of Paul L. Craig
Sent: Tue 6/24/2008 8:04 PM
To: APABOD@LISTS.APA.ORG
Subject: Re: [APABOD] Possible Con statement writers

Any consideration of finding a former governance author for the "con"
statement with no APA political agenda at play (e.g., Ron Levant)?

Paul

Barry S Anton wrote:
> Hi:
> As requested, here is the list of people whom I spoke with over the
> weekend who spontaneously volunteered to participate in the Con
> statement writing.
>
> Bill Strickland, Division 19 (who volunteered Steve Sellman)
> Bonnie Markham, Division 42
> Bob Resnick, Division 42
>
> Bonnie Markham asked me if the letter writers could have assistance
> from the APA staff. I said I would find out; even though this issue
> was discussed at the BoD meeting. I believe we agreed that both pro
> and con statement writers could get assistance. I don't think we
> agreed about what type of assistance.
>
> Best,
>
> Barry
>

Sender: Laumeier, Emily </O=APA/OU=DC/CN=RECIPIENTS/CN=ELL>
Sent: Thursday, October 05, 2000 2:45:15 PM
Recipient: Gilfoyle, Nathalie <ngilfoyle@apa.org>
Subject: RE: Police/Military reaction

Celia did not want me to do anything until you had talked to her -- so now I am (nervously) seeking clarification before I act:

Are you saying Yes, I should send Robert's reply, now?

-----Original Message-----

Gilfoyle, Nathalie

Thursday, October 05, 2000 2:43 PM

Laumeier, Emily

RE: Police/Military reaction

So he reworked Stan's draft ...okay . looks good to me .

-----Original Message-----

Laumeier, Emily

Thursday, October 05, 2000 2:40 PM

Gilfoyle, Nathalie

RE: Police/Military reaction

2nd para in the email from me which begins " Hi Celia"

Here it is as a cut:

Dear Dr. Sanders,
Thank you for providing information regarding the importance of considering correctional psychology issues that may not be apparent to the Ethics Code Task Force. Your comment included an excellent example of the kinds of dilemmas that may be specific to correctional psychology. Your general comment is framed in the context of the recent appointment, but I think might also be submitted as a very useful comment for consideration by the Ethics Code Task Force. Please let the ethics staff know if you would like to revise it and have them submit the revision as a comment to the ECTF. It would be useful to the ECTF to have any additional examples such as the one you gave.

The Ethics Committee carefully reviewed all of the nominations made to the ECTF. The Council motion required the Committee to appoint one person to represent police & public safety psychology, correctional psychology, or military psychology. The Committee has previously struggled with the question of how best to ensure input from the many constituencies that are not represented on the ECTF, and continues to believe that active review and comment by many members is critical to the success of the revision. I hope that you will communicate directly with Dr. Grill regarding the special ethical issues that you identify in correctional psychology so that he has the benefit of you input and can perhaps collaborate with you and others as the revision process proceeds. I also hope that you will continue to directly offer input as the revision process proceeds, just as I hope that psychologists in police and public safety psychology will provide their input.

-----Original Message-----

Gilfoyle, Nathalie

Thursday, October 05, 2000 2:38 PM

Laumeier, Emily

Felder, Debbie

RE: Police/Military reaction

Where is the response that Robert drafted?

-----Original Message-----

Laumeier, Emily

Thursday, October 05, 2000 10:24 AM

Gilfoyle, Nathalie

Felder, Debbie

FW: Police/Military reaction

Nathalie,

Could you please read all of the below, starting at the bottom.

Celia has requested that we do not respond in this matter until the response is coordinated by you. She indicated (but preferrred not to discuss further details) that you were already in communication with Pat DeLeon and the divisions about this matter, and she expressed a wish that whatever our response is, it should be coordinated by the senior apa staffer who is fully informed on all the circumstances, you. She said that she likes the response Robert has drafted but wants you to determine whether it fits with your current communications with Pat DeLeon/Divisions, before we send. She wants you to call her and tell her the status before any further action is taken

I will not do anything further in this matter until I have instructions from you.

-----Original Message-----

Laumeier, Emily

Thursday, October 05, 2000 10:17 AM

'Robert Kinscherff PhD'

Laumeier, Emily

FW: Police/Military reaction

Hi Robert,

I just spoke with Celia. She will be calling you to discuss this matter. Em

-----Original Message-----

Laumeier, Emily

Thursday, October 05, 2000 9:54 AM

'Celia B Fisher PhD'

'Robert Kinscherff PhD'; Felder, Debbie; Laumeier, Emily

FW: Police/Military reaction

Hi Celia,

Please see the email chain below -- start reading at bottom and follow up to top. Below [in this part of the e-mail] is the response that Robert has recommended for this matter. He asked that I allow you an opportunity to comment on the response before sending out, but also noted his wish to move quickly to respond to Dr. Sanders so that he feels that his comments are being attended to.

Please send me your comments/approval as soon as possible. Thanks -- Em 202 336 6009

Dear Dr. Sanders,
Thank you for providing information regarding the importance of considering correctional psychology issues that may not be apparent to the Ethics Code Task Force. Your comment included an excellent example of the kinds of dilemmas that may be specific to correctional psychology. Your general comment is framed in the context of the recent appointment, but I think might also be submitted as a very useful comment for consideration by the Ethics Code Task Force. Please let the ethics staff know if you would like to revise it and have them submit the revision as a comment to the ECTF. It would be useful to the ECTF to have any additional examples such as the one you gave.

The Ethics Committee carefully reviewed all of the nominations made to the ECTF. The Council motion required the Committee to appoint one person to represent police & public safety psychology, correctional psychology, or military psychology. The Committee has previously struggled with the question of how best to ensure input from the many constituencies that are
not represented on the ECTF, and continues to believe that active review and comment by many members is critical to the success of the revision. I hope that you will communicate directly with Dr. Grill regarding the special ethical issues that you identify in correctional psychology so that he has the benefit of you input and can perhaps collaborate with you and others as
the revision process proceeds. I also hope that you will continue to directly offer input as the revision process proceeds, just as I hope that psychologists in police and public safety psychology will provide their input.

-----Original Message-----

Laumeier, Emily

Wednesday, October 04, 2000 4:11 PM

'Robert Kinscherff PhD'

Felder, Debbie; Laumeier, Emily; Mihaly, Martha; Jones, Stanley E.

Police/Military reaction

Hi Robert,

Yesterday we received a fax from one of the police/military candidates to the ECTF who was not appointed. I will fax you a copy of the original, but am enclosing a typed version for purposes of this e-mail.

The fax was in response to the memo we sent him which said:
"Thank you for your recent statement of interest in and availability to represent the constituency of police and public safety psychology/correctional psychology/military psychology on the APA Ethics Code Task Force. The Ethics Committee reviewed nominees at its meeting of September 23-24, and selected Dennis J. Grill, Ph.D., to fill the position. We appreciate your willingness to participate in the revision of the Ethics Code. If you would like to submit any comments on the Ethics Code, the task force welcomes your submissions."

Here is the text of the fax we received:

> To: Robert Kinscherff
> From: Gil Sanders
>
> Robert -- I've known Col Grill for several years and he is an excellent "military psychologist" However, I also spent over 20 years in the military -- but also have an additional 10 in correctional psychology. Thus I can state there are several key issues and problems that do not present in military psychology that do in correctional psychology especially in the area of dual relationships -- for example in the Federal Bureau of Prisons a psychologist is a "correctional officer" first and can be placed in a gun tower where they may be called upon to "shoot" his Pt. I feel that Col Grill lacks this critical information and knowledge. I therefore request that Ethics Committee be informed that several critical factors may not be discussed that correctional psychologists feel is urgent in any revision of the APA Code of Ethics.
>
> Gilbert O. Sanders
> CAPT. USPHS
> Chair Criminal Justice Section
> Div 18

How would you like to handle the response? In case it helps, I have consulted with Mike Honaker and Stan Jones to see if they had any recommendations. Stan provided some language (see below) to be considered for a potential response letter. Stan also noted that any of the paragrahs after the first could be left off, depending upon the approach desired. Mike's opinion was to use all the paragraphs, if this approach was chosen. Stan also mentioned the option of you consulting with Celia on the response, if you wish.

What do you think -- how would you like to respond to Dr. Sander's fax?
Em

Some potential language:

> Dear Dr. Sanders:
>
> Thank you for providing information regarding the importance of considering correctional psychology issues that may not be apparent to the Ethics Code Task Force. Your comment is framed in the context of the recent appointment, but might also be framed simply as a comment on the code and the revision process. Please let ethics staff know whether you would like your fax a) logged as comment on the revision, the comment provided to the ECTF as you submitted it to me; b) if you would like to revise it for submission as a comment, or c) if you prefer not to have it submitted as a comment. It would be useful to the ECTF to have any additional examples such as they one you give.
>
> [Option for para 2:]
>
> The Council motion required the Committee to appoint one person to represent police & public safety psychology, correctional psychology, or military psychology. The Committee

has previously struggled with the question of how best to ensure input from the many constituencies that are not represented on the ECTF, and continues to believe that active review and comment by many members is critical to the success of the revision.

[Addendum 1:]

You should be aware that the Ethics Committee's rationale arguing against adding the additional seat did not mention that Julia Ramos-Grenier, Ph.D., a current member of the ECTF, is a member of Division 18 (Psychologists in Public Service) and of that division's Police and Public Safety Section.

Sender: James Fisher

Dear Dr. Nightingale,

Thank you for contacting me. I look forward to having a representative of Division 18 or 19 on our Task Force. I am sharing your email with Robert Kinscherf Chair of the Ethics Committee. It is the Ethics Committee that formally makes the appointment to our task force and I suggest that nominations

be emailed to both of us. Robert's email address is indicated above. Robert and

I will coordinate this effort to be as expeditious as possible.

Celia Fisher

"Nightingale, Edmund" wrote:

> Dear Dr. Fisher,
>
> As you may already know there was a motion passed by APA's COR to add a
> member to the Task Force which is revising the Ethics Code. That member is
> to come from one of the following three constituencies: Police & Public
> Safety Psychology, Criminal Justice (corrections), or Military Psychology.
> The first two groups are represented in Division 18 and the third is in
> Division 19.
>
> I realize that the TF process is well along, and therefore the need to make
> an appointment and to open dialogue with other members of the committee is
> pressing. I would propose that we send you three names (one from each of
> these constituencies), along with CV's, and a statement of their experience
> and or interest in serving on the group and in helping to frame issues for
> which their fellows would require guidance.
>
> I have copied in Randy Taylor, President of Div 18, who will follow up with
> each of the two section chairs (Gil Sanders for the Criminal Justice
> Section
> [Corrections] and Mark Zelig for Police and Public Safety), and Henry
> Taylor, Div 19 (Military Psychology) COR representative. I believe Dr.
> Henry Taylor already has someone in mind as a nominee from Div. 19.
>
> I am enclosing a copy of the Council of Representatives motion which passed
> for your information. I will leave it to you and Dr. Randy Taylor to work
> out a time-frame for completing the nomination process and furthering the
> dialogue.
>
> Edmund J. Nightingale, Ph.D.
>
> COR Representative
> Public Service Division (18)
>
> Here is the COR motion passed April 6th, 2000.
>
> "Whereas the current makeup of the APA's Ethics Committee has no
> representation from the areas of Police and Public Safety Psychology or
> Correctional Psychology (areas of specialization reflected by sections in
> Division 18) nor Military Psychology (Division 19) nor demonstrated
> expertise in these areas of endeavor;
>
> "Whereas the current Ethical Principles of Psychologists and Code of

> Conduct
> is silent on many critical issues faced by psychologists who work in these
> areas and look to the principles and code and to the Ethics Committee for
> guidance;
>
> "And Whereas the issues they face include consultations with immediate life
> or death outcomes (hostage negotiations, timing of interventions in the
> presence of SWAT Teams, dual roles by regulation in prison riot
> situations),
> coaching of interrogators during investigative interrogation, development
> of
> profiles for investigative purposes, and special situations involving
> confidentiality and prescribed dual roles (working with military clients
> and
> their dependents);
>
> "Be it resolved that a slate, similar to those already extant on the
> current
> Ethics Committee for I/O, Counseling, School, Academic/Research, Forensic,
> etc be created which would seek nominees with clinical backgrounds in
> Police
> & Public Safety Psychology, Correctional Psychology, or Military Psychology
> to be added to the Ethics Committee to appropriately accommodate their
> consultative needs.
>
> "Be it further resolved that the membership of the Task Force working on
> the
> revision of the Ethical Principles and Code of Conduct be expanded to
> include a representative of this constituency."

--
Celia B. Fisher, Ph.D.
Director, Center for Ethics Education
Fordham University
Department of Psychology, Dealy Hall
441 East Fordham Road
Bronx, NY 10358
Tel. (718) 817-3793 Fax (212) 759-2009

PRIVACY REDACTION

Sender:	Gilfoyle, Nathalie </O=APA/OU=DC/CN=RECIPIENTS/CN=NPG>
Sent:	Wednesday, October 04, 2000 1:07:24 PM
Recipient:	'DeLeon, Patrick H., Ph.D., J.D.' PRIVACY REDACTION
Cc:	Strassburger, Judith <jstrassburger@apa.org>
Subject:	FW: FW: APA Ethics Task Force

Here is what I sent to Gerry this morning. I am sorry that I seem to have angered him in some way. I am at a loss....

-----Original Message-----
From: Gilfoyle, Nathalie
Sent: Wednesday, October 04, 2000 11:44 AM
To: 'Koocher, Gerald P., Ph.D.'
Cc: 'Kinscherff, R, Dr (Jud)'
Subject: FW: FW: APA Ethics Task Force

Gerry, after some back and forth with Pat re the below he suggested that the Board liaison to ECTF consider advising Dr Nightingale of the reasoning behind the EC appointment ...and asked that I bear this message to you . I know you weren't there when the vote was taken but perhaps Robert could provide the EC rationale for why it went with the nominee of the ECTF chair and that could be conveyed? Nathalie

-----Original Message-----
From: Pat DeLeon PRIVACY REDACTION
Sent: Tuesday, October 03, 2000 9:06 PM
To: ngilfoyle@apa.org
Subject: Fwd: FW: APA Ethics Task Force

>From: "Nightingale, Edmund" <Edmund.Nightingale@med.va.gov>
>To: 'Pat DeLeon' PRIVACY REDACTION
>Subject: FW: APA Ethics Task Force
>Date: Tue, 3 Oct 2000 10:56:54 -0500
>X-Mailer: Internet Mail Service (5.5.2650.21)
>
>Pat,
>
>It just goes to show that you can win one on the floor or lose it the the
>cloak rooms...Gil Sanders, our strongest nominee has a background all three
>areas. Dennis Grill may be a fine nominee, but he has no background in
>Police/correctional issues. I had thought the process was one wherein the
>division nominees would become the selection pool from which the committee
>would make a selection. I was wrong. The gods were offended and they did
>what they pleased!
>
>Edmund J. Nightingale, Ph.D.
>Director for Psychology
>Minneapolis VAMC
>
>
> > -----Original Message-----
> > From: Nightingale, Edmund
> > Sent: Monday, October 02, 2000 2:57 PM
> > To: 'Robert Kinscherff'
> > Subject: APA Ethics Task Force
> >
> >
> > I just received a copy of your letter appointing Dennis J. Grill, PhD to

> > the Task Force. I met Dennis several years ago on a plane, when he was
> > with a military research unit. I am curious as to the source of his
> > nomination since he was not mentioned to me by either division
> > representing these constituencies. I am also anxious that he be filled in
> > by the various Div 18 & 19 constituencies about the issues since he was
> > not a part of the process of its development. Do you have an e-mail
> > address for him? If so, please forward to him.
> >
> > I would hope his participation would prove to be mutually beneficial and
> > would hope in that instance that he might be kept in mind for an
> > appointment as an associate member of the EC, in keeping with the tenor of
> > our discussion about the need for such expertise on an ongoing basis for
> > provision of consultation to these constituencies.
> >
> > Thanks for your swift action on this matter.
> >
> > Edmund J. Nightingale, Ph.D.
> > Director for Psychology
> > Minneapolis VAMC
> >
> >

Sender: Gilfoyle, Nathalie </O=APA/OU=DC/CN=RECIPIENTS/CN=NPG>
Sent: Tuesday, October 03, 2000 10:40:04 PM
Recipient: 'Pat DeLeon' PRIVACY REDACTION
Subject: RE: FW: APA Ethics Task Force

---

hmmm no board members there. Gerry is on the ECTF but he wasn't there when EC acted. will you advise him on this or do you want me to take a crack?

-----Original Message-----

Pat DeLeon PRIVACY REDACTION

Tuesday, October 03, 2000 9:58 PM

Gilfoyle, Nathalie

RE: FW: APA Ethics Task Force

whomever is board liason to the task force
perhaps

aloha

At 10:00 PM 10/3/2000 -0400, you wrote:
>direct from whom?
>
> > -----Original Message-----
> > From: Pat DeLeon PRIVACY REDACTION
> > Sent: Tuesday, October 03, 2000 9:37 PM
> > To: Gilfoyle, Nathalie
> > Subject: RE: FW: APA Ethics Task Force
> >
> > better
> > and
> > a direct response to him would be important
> > he got council to override everyone's recommendations
> > if gets upset will undoubtedly go back to coucil and ask for "justice"
> > which he deserves
> > aloha
> >
> >
> > At 09:50 PM 10/3/2000 -0400, you wrote:
> > >Hmmm. Confidentially, Celia strongly wanted Dennis Grill.

Sender:	Honaker, Michael </O=APA/OU=DC/CN=RECIPIENTS/CN=MYH>
Sent:	Thursday, December 20, 2001 10:46:48 PM
Recipient:	Peet, Barbara <bpeet@apa.org>;Bullock, Merry <MBullock@apa.org>;Belar, Cynthia <CBelar@apa.org>;VandenBos, Gary <gary@apa.org>;Gilfoyle, Nathalie <ngilfoyle@apa.org>;Tomes, Henry <htomes@apa.org>;McKay, Charles L. <cmckay@apa.org>;McHugh, James L. <jmchugh@apa.org>;Strassburger, Judith <jstrassburger@apa.org>;Honaker, Michael <mhonaker@apa.org>;Fowler, Raymond <rfowler@apa.org>;Farberman, Rhea K. <rfarberman@apa.org>;Newman, Russ <rnewman@apa.org>;Salzinger, Kurt <KSalzinger@apa.org>
Subject:	Meeting/co-sponsor opportunity

EMG

This seems to me to be an excellent opportunity and one that meets our criteria for co-sponsorship. Anyone see any problems? Let me know ASAP

Mike

Salzinger, Kurt

Thursday, December 20, 2001 6:01 PM

Honaker, Michael; Fowler, Raymond

Mike,

As you no doubt know, we have been making available our list of experts to agencies of government from time to time. We now have an opportunity to hold a meeting for which APA will not have to spend a red cent. We would like very much to get moving on it as soon as possible. Is this something you could send to EMG by email and have people approve that way so that we do not have to wait for January 15th? I am appending the description of the meeting below.

Thanks.

Kurt

Request from EMG: Approval for APA participation in the event described below.

Event: A one-day meeting of behavioral and social scientists with members of the FBI Academy and other Federal agencies, to be held in early February 2002 at the FBI Academy, Quantico, Virginia.

Purpose: (1) To provide a format by which behavioral and social scientists can engage personnel in various Federal agencies in discussions about the behavioral and social science research that is germane to current initiatives regarding terrorism; and (2) to encourage these scientists to disseminate information based on behavioral and social science research to policy makers, the media and the general public.

Sponsored by: The sponsoring and supporting institutions are the APA, the American Political Science Association, the University of Virginia, the FBI Academy, the University of Pennsylvania (School of Arts & Sciences), and the Solomon Asch Center for the Study of Ethnopolitical Conflict (associated with the University of Pennsylvania).

Background: Since September 11, the APA Science Directorate has developed a collegiate relationship with faculty at the FBI Academy. Four members of the Science Directorate visited the Academy last October 24, 2001. Since then, APA has

arranged and coordinated three separate visits of behavioral and social scientists to the Academy for small-group conferences with the Chief of the Behavioral Science Unit of the Academy, Stephen Band, Ph.D., and his colleagues.

Who will attend:

APA Science Directorate has a list of approximately 25 behavioral and social scientists who have recognized expertise in areas that are relevant to current anti- and counter-terrorism initiatives. The areas of expertise are (1) risk perception/decision making, (2) stereotyping and prejudice; (3) human credulity/deception detection; (4) conflict and conflict resolution, and (5) characteristics and challenges of the American Muslim community. Depending on interest and availability, approximately 15 of these individuals will participate.

The Chief of the Behavioral Science Unit of the FBI Academy will invite a similar number of people ("field officers") from the FBI and other agencies.

General format: The format and limited attendance is chosen so as encourage the exchange of information, ideas and questions between the scientists and the field officers. Round-table panels of four or five scientists each will speak (there will be two panels in the morning and two in the afternoon). Each presenter will provide a short introduction of his or her expertise as it is germane to the content areas specified. A moderator subsequently will include the whole group in following discussions. Frequent coffee breaks and lunch (provided in the meeting room) will encourage informal interactions.

Budget: No funding is requested from APA. Funding is being provided by the FBI Academy, the University of Pennsylvania (School of Arts & Sciences), and the Solomon Asch Center for the Study of Ethnopolitical Conflict (associated with the University of Pennsylvania). Approximately $10,000 is coming from U. Penn. and Solomon Asch. The FBI Academy will provide travel funds, facilities for the meeting, possible video conferencing, and refreshments and lunch during the meeting.

Dissemination: Depending on need, the FBI Academy is able to provide video teleconferencing of this meeting to make the proceedings available to people at other sites. The group also will decide whether it is worthwhile to disseminate a written record of the meeting or whether individual participants should write up and distribute their own contributions.

Sender: Gilfoyle, Nathalie </O=APA/OU=DC/CN=RECIPIENTS/CN=NPG>
Sent: Tuesday, October 03, 2000 10:59:50 PM
Recipient: 'Pat DeLeon' PRIVACY REDACTION
Subject: RE: FW: APA Ethics Task Force

---

oaky - I will share the Nightingale e-mail with Gerry unless you say otherwise and update him on what happened and advise of what you think should occur.

-----Original Message-----

Pat DeLeon PRIVACY REDACTION

Tuesday, October 03, 2000 10:29 PM

Gilfoyle, Nathalie

RE: FW: APA Ethics Task Force

if you would
the key is the board liason to that group since council made a
commitment... etc

aloha

At 10:40 PM 10/3/2000 -0400, you wrote:
>hmmm no board members there. Gerry is on the ECTF but he wasn't there when
>EC acted. will you advise him on this or do you want me to take a crack?
>
> > -----Original Message-----
> > From: Pat DeLeon PRIVACY REDACTION
> > Sent: Tuesday, October 03, 2000 9:58 PM
> > To: Gilfoyle, Nathalie
> > Subject: RE: FW: APA Ethics Task Force
> >
> > whomever is board liason to the task force
> > perhaps
> >
> > aloha
> >
> >
> > At 10:00 PM 10/3/2000 -0400, you wrote:
> > >direct from whom?
> > >
> > > > -----Original Message-----
> > > > From: Pat DeLeon PRIVACY REDACTION
> > > > Sent: Tuesday, October 03, 2000 9:37 PM
> > > > To: Gilfoyle, Nathalie
> > > > Subject: RE: FW: APA Ethics Task Force
> > > >
> > > > better
> > > > and
> > > > a direct response to him would be important
> > > > he got council to override everyone's recommendations
> > > > if gets upset will undoubtedly go back to coucil and ask for "justice"
> > > > which he deserves
> > > > aloha
> > > >
> > > >
> > > > At 09:50 PM 10/3/2000 -0400, you wrote:
> > > > >Hmmm. Confidentially, Celia strongly wanted Dennis Grill.

Sender: Steve_Behnke PRIVACY REDACTION
Sent: Tuesday, February 13, 2001 8:16:36 AM
Recipient: Gilfoyle, Nathalie <ngilfoyle@apa.org>
Subject: FWD: [DIV42] Ethics Disaster

Good morning, Nathalie.

>===== Original Message From APAIT =====
----- Forwarded Message -----
From: Division 42 - Division of Independent Practice
<DIV42@LISTS.APA.ORG>
To: DIV42 <DIV42@LISTS.APA.ORG>
Subject: RE: [DIV42] Ethics Disaster

There have been several thoughts posted on this list recently that deserve further comment. I think Dr. Youngren as a "risk management" person for APAIT deserves the first response. Let me take his points one at a time, trying to stay brief:

1) I gather Jeff feels that there is some incompatibility in the Code of Conduct between protecting the legal and civil rights of psychologists vs. protecting the legal and civil rights of other people. I do not. In fact, I want the Code of Conduct to insist on both, and I want it to be explicit about doing so. Right now, the proposed Code says little if anything about due process for psychologists, or any of the Constitutional protections to which we are entitled as citizens, including the right to know what we are going to be charged with--so that we can refrain from adverse behavior in the first place, or defend ourselves if necessary in the second place. I aslso resonate with those who have said they want to see both specific training and accountability for professional bodies, such as Boards of Examiners, who adjudicate cases. These are not radical ideas, nor are they disrespectful.

2) Jeff seems to argue that he has never seen the actual wording in the Code of Conduct become a point of dispute in court, or in a Board proceeding. We are forced to take his word for what he has seen and heard, but I know he is aware of the Crowe case and the Campbell case, both of which turned on what the Code meant and how it should be interpreted. Gary Sall published his story in the IP several years ago, along with the contrite letter from his Board of Examiners in Washington apologizing under Court order for its treatment of him, along with the $100,000.00 settlement required by theCourt. I think he is also aware of cases cited

by Ziskin and Petersen in aggregate. I gave another very explicit example in my IP article, where the issue turned on what a "dual" (or "multiple") relationship might be (Winter, 2001).

This type of problem in my experience happens frequently. For example, I was being cross-examined about the "child custody" Guidelines even before they were voted on, and as I have described in other writings in the IP, I was asked to help opposing counsel impeach a psychologist expert, even though the Guidelines had not been approved or published by that time. Who reads the Code of Conduct? A lot of people, with very different motivations from mine and Jeff's. We need to stop "weaseling" and get this version right.

3) Like Marty Williams, I cannot give a citation for the case I talked about in my IP article. My understanding is that the Maryland Board is enjoined from speaking about the case, because of the risk of further harm to the psychologist involved, after more than 7 years of "investigation" including months of trials, appeals, and hearings at the expense of the psychologist-defendant. I can only assure colleagues that the psychologist was given a copy of what I wrote to verify or not any part of it--and he changed not a word. As I have said previously, I have collected several other cases of the same basic nature in Maryland; some of them have been described at APA meetings, usually in disguised form to protect the innocent. I hope the cloak of secrecy can be dropped for people who are willing to address Council, but that is their choice and not mine. We in Maryland psychology have found to our chagrin that our Board may keep a lot of data, but one datum it does not keep is, how many times have your judgments been reversed on appeal, and how often are your cases not upheld by ALJ's on the law (including the Code of Conduct)? Admitting mistakes is evidently not a character strength of the Maryland Board.

4) Finally, Dr. Youngren insists that the Task Force has been attacked. I know of no such attack. I respectfully disagree with many of the aspects of the document the APA Task Force produced, and I am disgusted that Celia Fisher spoke as she did to the 1999 Convention audience. Jeff was there, as was Marty Williams and I think several others on this list. I think she conveyed her attitude there perfectly, and several other 42 members on our

Division's
Task Force have discovered the same thing. I talked with Task Force members
as I have described on this list before, and I hit a brick wall.

It is not an attack on the individuals on the Task Force or the TF itself to say
that it read Arthur Kovacs and Christie Moorehead's laborious revision of version
3 of this document and obviously missed its significance. I think the revision
and "suggestion" process from the Task Force trivializes the work involved
in attempting to seek a genuine redress of grievances. The process very simply is not
geared to conceptual problems that are overarching, for example, and treats
all input as essentially equal in status, no matter the scope. Like it or not,
APA's governance is one of personality, not a forum for ideas. That is why
I have been making the point that this document will be changed when
the individuals on this list insist it be changed, and I am not talking about
Lenore Walker, Marty Williams, Arthur Kovacs, or yours truly.

We need a professionally respectable document from the Task Force. After four
revisions, it appears that the Task Force is failing to get the message. The
remaining question is, what are we going to do about that--meaning this
proposed revision? Professionally respectable to me means clear, concise
minimum standards of behavior (not "practice standards," which I think Jeff may
have inadvertently confused in his last message). Those minimum standards
should guide psychologists voluntarily to prevent unethical behavior, but they can be
adjudicated if necessary when educational efforts fail, by persons using
the Code of Conduct. This group of users necessarily includes those in the legal systems of
each jurisdiction.

Dick Saunders

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http://dl.www.juno.com/get/tagj.

~~~~~~~~~~~~~~~~~~~~~~~~~~~~

Stephen Behnke
(202) 336-6006
~~~~~~~~~~~~~~~~~~~~~~~~~~~~

Sender: Gerry Koocher [PRIVACY REDACTION]
Sent: Tuesday, July 26, 2005 2:58:46 PM
Recipient: Eileen R. Borris [PRIVACY REDACTION]
Cc: [Ronald Levant] [Gerry Koocher] Halpern, Diane </O=APA/OU=DC/CN=RECI
</O=APA/OU=DC/CN=RECIPIENTS/CN=NBA [Barry Anton] [Paul Craig] [Jessica Daniel]
Subject: Re: Fw: Statement Concerning the Use of Torture with Prisoners

---

Eileen,

Do you have a good definition of "coercive interrogation" that might help draw a line between the sort of investigation that a police psychologist or forensic psychologist might do and the kind of activity conceptualized by the Div 48 statement? This seems relevant because there are many types of evaluations that (while not unethical) would be deemed coerced, with the "data collection" gleaned via interrogation. Examples, might include questioning of a criminal suspect or prison inmate following a Miranda warning; or the conduct of a court ordered forensic evaluation of a sex offender. I am obviously referring ONLY to verbal questioning that does not involve threat of physical harm, etc., but where non-cooperation will have adverse effects (e.g., prolonged detention, denial of parole, etc.).

As a person who has conducted child custody evaluations and independent medical examinations of disability claimants, I have often found myself asking questions (interrogating?) people who would rather not be talking to me and who know that what they tell me might deny them something they very much want.

It is in that context I am trying to understand Div 48's use of "coercive interrogation" juxtaposed with accepted psychological practice.

Regards,

Gerry Koocher

Eileen R. Borris wrote:

> ----- Original Message -----
> **From:** Eileen R. Borris
> **To:** [Ronald Levant] [Gerry Koocher] [Diane Halpern]
> [Ruth Paige] [Carol Goodheart] ; nanderson@apa.org ; [Barry Anton]
> [Paul Craig] Jessica Daniel [Tom Demaio] [Ronald Rozensky]
> [Sandra Shullman] [Michael Madson]
> **Sent:** Tuesday, July 26, 2005 10:51 AM
> **Subject:** Statement Concerning the Use of Torture with Prisoners
> Dear Ron,
>
> Attached is a Statement Concerning the Use of Torture with Prisoners from the Executive Committee of the Society for the Study of Peace, Conflict, and Violence: Peace psychology Division 48. The Executive Committee is very concerned about recent events and ask that you please read the Statement and the accompanied call for action. We look forward to hearing from you at your earliest convenience.
>
> Sincerely,
> Dr. Eileen R. Borris
> President - The Society for the Study of Peace, Conflict, and Violence: Peace psychology Division 48

Sender:	Strassburger, Judith </O=APA/OU=DC/CN=RECIPIENTS/CN=JAS>
Sent:	Wednesday, April 02, 2003 4:38:12 PM
Recipient:	'Robert Sternberg' PRIVACY REDACTION ;Strassburger, Judith <jstrassburger@apa.org>
Cc:	Anderson, Norman <NAnderson@apa.org>
Subject:	RE: Paul Kimmel's Task Force on Psychological Effects of Efforts to P revent Terrorism

---

Hi Bob: We think it would be better if Paul gets this request after the Board meeting and that way we could say the Board discussed and feels... ok? Judy

Judy A. Strassburger, Executive Director
Governance Affairs Office
American Psychological Association
750 First Street, NE
Washington, DC 20002-4242
(202) 336-6088
(202) 336-6157 Fax
jstrassburger@apa.org

-----Original Message-----
From: Robert Sternberg PRIVACY REDACTION
Sent: Wednesday, April 02, 2003 4:36 PM
To: Strassburger, Judith
Cc: Anderson, Norman
Subject: RE: Paul Kimmel's Task Force on Psychological Effects of Efforts to P revent Terrorism

Could you ask him to do it, on my behalf? Let's hope he doesn't include he who shall remain nameless, and who, in addition to trying to ruin APA, also tries to kill Harry Potter. Yes, they are the same guy!!!!!! Don't let anyone else know. B.

On Wed, 2 Apr 2003, Strassburger, Judith wrote:

> We were thinking it would be better if Kimmel was asked to do it. Judy
>
> Judy A. Strassburger, Executive Director
> Governance Affairs Office
> American Psychological Association
> 750 First Street, NE
> Washington, DC 20002-4242
> (202) 336-6088
> (202) 336-6157 Fax
> jstrassburger@apa.org
>
>
> -----Original Message-----
> From: Robert Sternberg PRIVACY REDACTION
> Sent: Wednesday, April 02, 2003 4:31 PM
> To: Strassburger, Judith
> Cc: Anderson, Norman
> Subject: Re: Paul Kimmel's Task Force on Psychological Effects of
> Efforts to P revent Terrorism

>
>
> I agree. Perhaps the Board could do this trimming? Or should Kimmel do
> it? B.
>
>
> On Wed, 2 Apr 2003, Strassburger, Judith wrote:
>
> > Hi Bob: Norman, Mike , Henry and I just met to discuss this task force
> and
> > the appointments that will be coming to the Board at the Retreat meeting.
> > Norman included Henry in the meeting hoping this task force would find a
> > "home" in PI including Henry being the best person to guide this task
> force.
> > The more we discussed the more it seemed that it would be more effective
> if
> > the group's size was reduced to about 5 or 6 people (and the others could
> be
> > appointed to an advisory position) and met once to get it off the ground.
> > Henry felt this would be the most productive was of getting the task force
> > going. Norman asked me to drop you this note to let you know where we are
> > on it and that this could be a good was of handling the large number of
> > candidates. If you have questions, please let me know. Thanks, Judy
> >
> > Judy A. Strassburger, Executive Director
> > Governance Affairs Office
> > American Psychological Association
> > 750 First Street, NE
> > Washington, DC 20002-4242
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>
>
>
> Robert J. Sternberg
>
> IBM Professor of Psychology and Education, Department of Psychology,
> Yale University
> Director, Center for the Psychology of Abilities, Competencies, and
> Expertise (PACE Center), Yale University
> President, American Psychological Association
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> P.O. Box 208358
> New Haven, CT 06520-8358
>
> Street Address: 340 Edwards Street
> New Haven, CT 06511-3720
>
> PRIVACY REDACTION
>
> Websites:
> www.yale.edu/pace
> www.yale.edu/rjsternberg
> www.apa.org/about/president/
>

Robert J. Sternberg

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Director, Center for the Psychology of Abilities, Competencies, and
Expertise (PACE Center), Yale University
President, American Psychological Association

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PRIVACY
REDACTION

Websites:
www.yale.edu/pace
www.yale.edu/rjsternberg
www.apa.org/about/president/

Sender: Levant,Ronald F PRIVACY REDACTION
Sent: Thursday, October 06, 2005 9:19:49 AM
Recipient: Newman, Russ </O=APA/OU=DC/CN=RECIPIENTS/CN=RSN>
Cc: Anderson, Norman </O=APA/OU=DC/CN=RECIPIENTS/CN=NBA>
Subject: RE: Need SSN for GITMO TRIP

Lets talk in MD

Ronald F. Levant, EdD, ABPP, MBA
Dean and Professor of Psychology
Buchtel College of Arts and Sciences
The University of Akron
Akron, OH 44325-1901
PRIVACY REDACTION
Website: www.DrRonaldLevant.com
President, American Psychological Association, 2005
"Making Psychology a Household Word"

From: Newman, Russ [mailto:rnewman@apa.org]
Sent: Thursday, October 06, 2005 8:17 AM
To: Levant,Ronald F
Cc: Anderson, Norman
Subject: RE: Need SSN for GITMO TRIP

Ron,
I know staff is working out a good way to give you a briefing in advance of the trip (so I will be able to tell you more then), but FYI there are some difficult interprofessional issues with psychiatry that have surfaced recently re: appropriate training and experrtise to serve on GTMOs Behavioral Sciences Consultation Team. I'll fill you in later. Russ

> -----Original Message-----
> **From:** Levant,Ronald F PRIVACY REDACTION
> **Sent:** Thursday, October 06, 2005 8:05 AM
> **To:** Anderson, Norman
> **Cc:** Newman, Russ
> **Subject:** FW: Need SSN for GITMO TRIP
>
> SMILE
>
> Ronald F. Levant, EdD, ABPP, MBA
> Dean and Professor of Psychology
> Buchtel College of Arts and Sciences
>
> The University of Akron
> Akron, OH 44325-1901
>
> PRIVACY REDACTION
> Website: www.DrRonaldLevant.com

President, American Psychological Association, 2005
"Making Psychology a Household Word"

From: Ireland, Robert, COL, OASD(HA) PRIVACY REDACTION
Sent: Thursday, October 06, 2005 8:00 AM
To: Levant,Ronald F
Subject: Need SSN for GITMO TRIP

Dr. Levant,

Again, thank you for joining us on the 19th. You may be interested to know that Dr. Steven Sharfstein, President of the American Psychiatric Association, has also agreed to join us.

I am working details of country/special clearances today, as well as military air transport. For these, I will need your social security number and place of birth.

Also, will you be requiring overnight quarters on either the nights of 18 or 19 Oct?

More to follow,

Bob

Col Bob Ireland, USAF, MC
703 681 1703

Sender: Anderson, Norman </O=APA/OU=DC/CN=RECIPIENTS/CN=NBA>
Sent: Tuesday, December 07, 2004 7:35:41 AM
Recipient: 'Pat DeLeon' PRIVACY REDACTION
Subject: RE: Re: [psysr-gv] Psychologists and torture.

Yes.

Norman Anderson, Ph.D.
Chief Executive Officer
American Psychological Association
750 First Street, NE
Washington, DC 20002
(202) 336-6080
(202) 336-6069 (fax)
nanderson@apa.org

-----Original Message-----
From: Pat DeLeon PRIVACY REDACTION]
Sent: Tuesday, December 07, 2004 12:10 AM
To: Anderson, Norman
Subject: RE: Re: [psysr-gv] Psychologists and torture.

you do know that russ's wife is there ~

aloha

At 08:03 AM 12/6/2004 -0500, you wrote:
>Ron,
>
>I think we can gather and organize the facts as they start to come out.
>Given where this is occurring, it might be hard to get more (and more
>accurate) information than the newspapers are getting, who will likely be
>following this story closely. We of course know psychologists at the
>military base there, but given the sensitivity of the issue, and the fact
>that psychologists are being implicated, that might be a little tricky (I
>am sure reporters are trying to get to them too). But I will nonetheless
>talk to Rhea about how we might get more information.
>
>Just FYI, Rhea has prepared a statement from APA just in case it is
>needed. Diane is sending it to the Board (she may have already).
>
>Norman
>Norman B. Anderson, Ph.D.
>Chief Executive Officer
>American Psychological Association (APA)
>750 First Street, NE
>Washington, DC 20002
>(202) 336-6080
>(202) 336-6069
>www.apa.org
>
>
>
>

>-----Original Message-----
>From: Ronald F. Levant, Ed.D, M.B.A., ABPP PRIVACY REDACTION
>Sent: Monday, December 06, 2004 6:17 AM
>To: Anderson, Norman
>Cc: jstrassbuger@apa.org; Halpern, Diane; Pat Deleon; Anthony Marsella;
>'Levant, Ronald F., Ed.D.'
>Subject: FW: Re: [psysr-gv] Psychologists and torture.
>
>
>Hi Norman: Since this issue (see attachment) appears to be heading for
>CoR in February, can we have staff start looking into it, find out what
>the known facts are?
>Thanks
>Ron
>
>Ronald F. Levant, Ed.D., M.B.A., ABPP
>Dean and Professor
>Center for Psychological Studies
>Nova Southeastern University
>3301 College Avenue
>Ft. Lauderdale, FL 33314
PRIVACY REDACTION
>www.DrRonaldLevant.com website
>
>President-Elect, American Psychological Association, 2004
>"Making Psychology a Household Word"
>
>
>
>-----Original Message-----
>From: Anthony Marsella PRIVACY REDACTION
>Sent: Sunday, December 05, 2004 5:23 PM
>To: Halpern, Diane; ronald levant; Pat DeLeon
>Subject: Fwd: Re: [psysr-gv] Psychologists and torture.
>
>
>
>Anthony J. Marsella, Ph.D., D.H.C.
>Professor Emeritus
>Department of Psychology
>University of Hawaii
>Honolulu, Hawaii 96822
>
>"What kind of peace do I mean? What kind of peace do we seek? Not a
>Pax Americana enforced on the world by American weapons of war. . . .
>I am talking about genuine peace, the kind of peace that makes life on
>earth worth living, . . .not merely peace for Americans but peace for
>all men and women -- not merely peace in our time but peace for all
>time." President John F. Kennedy, American University, June 10, 1963.

Sender:	Anderson, Norman </O=APA/OU=DC/CN=RECIPIENTS/CN=NBA>
Sent:	Monday, November 15, 2004 1:57:17 PM
Recipient:	Belar, Cynthia <CBelar@apa.org>
Subject:	RE: Back from Iraq

Oh gosh! Glad he is back.

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(202) 336-6069 (fax)
nanderson@apa.org

-----Original Message-----
From: Belar, Cynthia
Sent: Monday, November 15, 2004 1:35 PM
To: Anderson, Norman
Subject: FW: Back from Iraq

Good news, Larry James is back from Iraq. He was on a convey and it was hit by an RPG rocket, the humvee caught on fire and his computer (and diary I had told him to keep)destroyed. PRIVACY REDACTION PRIVACY REDACTION all lucky to be alive.

cdb

Sender:	Anderson, Norman </O=APA/OU=DC/CN=RECIPIENTS/CN=NBA>
Sent:	Monday, August 23, 2004 10:31:55 AM
Recipient:	O'Brien, Maureen <mobrien@apa.org>;Farberman, Rhea K. <rfarberman@apa.org>
Subject:	RE: FW: Taskforce on Terrorism

Not sure I am following this. Is the report now on track to be "adopted" by Council as APA policy, or does this process not make the report more likely to be received? I didn't get the sense from the board that we wanted to move the report toward adoption, but I could be wrong.

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(202) 336-6069 (fax)
nanderson@apa.org

-----Original Message-----
From: O'Brien, Maureen
Sent: Friday, August 20, 2004 2:30 PM
To: Farberman, Rhea K.
Cc: Anderson, Norman
Subject: RE: FW: Taskforce on Terrorism

Rhea,

The item will be in the Cross Cutting Agenda. Conference committee meetings can be requested for items on the Cross Cutting Agenda. (I have already suggested to Dr. Kimmel that a conference committee meeting be requested.)

I've made a couple changes below (in green).

Thanks!

Maureen

-----Original Message-----
From: Farberman, Rhea K.
Sent: Friday, August 20, 2004 1:50 PM
To: O'Brien, Maureen
Cc: Anderson, Norman
Subject: RE: FW: Taskforce on Terrorism

Maureen, Norman -- here's what I plan to say to Paul Kimmel -- please review, I want to make sure I have the language right... And, can we fly him in to attend these sessions? -- would probably be helpful. Can we tell him that this phase of work on the report is going to be staffed in the Executive Office? (Or if the Exec.

Office is taking on the Racism report, I'd be willing to take this one in my office). Both need savvy editorial work.

Thanks.
Rhea

DRAFT
Hello Paul -- Maureen asked me to jump in here --

The plan at this point is to have your report included as an item in the Cross Cutting Agenda at both consolidated meetings (Boards and Committees) this Fall. Doing so will meet the APA policy requirement that Task Force and Working Group reports are reviewed by the full governance structure before they can be "adopted" by Council. The actual language of the Council action would be to "receive" the report but for my purposes, i.e. being able to publicize the report findings, a report being "received" by Council is fine. And, by the way, I don't think the full Council would have voted to receive the report in July -- there were too many concerns about some of the text.

We suggest that a conference committee meeting be requested for both consolidated meetings. I plan to attend both of these conference committees and will be available to help massage the report text where needed. Of course, you will be consulted during this review and editing process. I think by February we'll have a strong revised version that will serve APA well -- i.e. will add psychology's expertise on an important issue without leading to accusations that we are playing politics or speaking beyond the science.

Best,
Rhea

-----Original Message-----
From: O'Brien, Maureen
Sent: Thursday, August 19, 2004 2:20 PM
To: Farberman, Rhea K.
Subject: FW: FW: TaskForce on Terrorism

Rhea,

Can you please respond to Dr. Kimmel?

Thanks.

Maureen
-----Original Message-----
From: Paul Kimmel PRIVACY REDACTION
Sent: Thursday, August 19, 2004 1:58 PM
To: O'Brien, Maureen
Subject: Re: FW: TaskForce on Terrorism

Maureen,

Thanks for the clarification. Do we (the TF) request the conference meeting or does

the Public Interest Directorate? Who will their representative for us be?

Our revised motion (which you sent me recently) made at Council on 7/30 was for the item to come to the February Council meetings for adoption by Council. We could have had the Council "receive" it without going to Boards and Committees by just calling for a vote on item 23 in the July agenda.

My understanding was that going through the Boards and Committees was necessary for adoption which is a stronger action and allows APA to do more to use and publicize our work. Am I correct on this? Would this action be better addressed in conference or by written feedback?

Thanks again for your help.

Paul Kimmel, Chair
Task Force on the Psychological Effects of Efforts to Prevent Terrorism

Sender:	Anderson, Norman </O=APA/OU=DC/CN=RECIPIENTS/CN=NBA>
Sent:	Wednesday, July 14, 2004 6:15:06 PM
Recipient:	Strassburger, Judith <jstrassburger@apa.org>;Farberman, Rhea K. <rfarberman@apa.org>
Subject:	RE: pressure to do media on TF report of psychological effects of efforts to prevent terrorism

Yes, absolutely; wait for Council but also have the Board discuss it and hear Rhea's concerns. We need to give Rhea some governance (Board) cover on this so it is not all on her.

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Chief Executive Officer
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Washington, DC 20002
(202) 336-6080
(202) 336-6069 (fax)
nanderson@apa.org

-----Original Message-----

Strassburger, Judith

Wednesday, July 14, 2004 6:03 PM

Farberman, Rhea K.; Anderson, Norman

RE: pressure to do media on TF report of psychological effects of efforts to prevent terrorism

I think it is a good plan to tell them you have to wait for the Council discussion...also true! I'm thinking maybe we should put this on the Board's ES for disucssion and "heads-up". What do you think? Judy

-----Original Message-----

Farberman, Rhea K.

Wednesday, July 14, 2004 5:55 PM

Anderson, Norman

Strassburger, Judith

pressure to do media on TF report of psychological effects of efforts to prevent terrorism

I think it is good Norman, Judy -- I'm getting some pressure from a few members of this task force to publicize their report (Council agenda item #23). My dilemma is that I think this report, if it gets any attention, will do real harm to APA's public image. (My personal hope is that wisdom prevails on the floor of Council and the report is edited or not accepted). My concern is the slant of the report (anti-Bush) and some of the specific language in the report.

For example, here's some phrases from the report that the conservative media would kill us with:

"militantly patriotic policies"
"current administration has weaponized fear in the war on terrorism"
"the state response to terrorism can be more dangerous than the terrorists"

For APA to go on the record as saying that the Bush administration is more dangerous to Americans than terrorists (and that's the way this will be reported) is playing with fire.

I also think there are also some "science" problems with the report. For example, one of the papers

states "an important effect of the U.S. government's efforts to prevent terrorism was a wave of hate crimes in the United States". How was the author able to separate out those hate crimes that were a result of 9/11 and those that resulted from government response to 9/11?

Another issue, two of the papers are, as far as I can tell, based on the anecdotal experiences of two clinicians...?

So, I've got two touchy political problems. How to deal with the TF members requests and how to deal with the potential fallout if the report is accepted as is.

My sense is to bite the bullet with the TF and tell them that until I hear the Council discussion of the report I can't make any plans for media. And, 2) hope that Council does some damage control with the manuscript.

Any thoughts?

Rhea

Rhea K. Farberman, APR
Executive Director, Public and Member Communications
American Psychological Association
(202) 336-5709
RFarberman@apa.org
www.apa.org

Sender:	Anderson, Norman </O=APA/OU=DC/CN=RECIPIENTS/CN=NBA>
Sent:	Sunday, June 13, 2004 10:17:35 AM
Recipient:	'Larry.James@NA.AMEDD.ARMY.MIL' <Larry.James@NA.AMEDD.ARMY.MIL>
Subject:	RE: sub-committee on terrorism

Larry,

Ignore the question. I am sure it is confidential even if true.

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Washington, DC 20002
(202) 336-6080
(202) 336-6069 (fax)
nanderson@apa.org

-----Original Message-----
From: Anderson, Norman
Sent: Sunday, June 13, 2004 8:49 AM
To: 'Larry.James@NA.AMEDD.ARMY.MIL'
Subject: RE: sub-committee on terrorism

Larry,

Don't know if you are still at this email address. Do I understand correctly that you are going to head up health services at the prison system in Iraq?

Norman

Norman Anderson, Ph.D.
Chief Executive Officer
American Psychological Association
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Washington, DC 20002
(202) 336-6080
(202) 336-6069 (fax)
nanderson@apa.org

-----Original Message-----
From: Anderson, Norman
Sent: Wednesday, April 21, 2004 10:55 AM
To: 'Larry.James@NA.AMEDD.ARMY.MIL'
Subject: Re: sub-committee on terrorism

Hi Larry,

I can't recall the formation of a new committee on this topic, but that doesn't mean there isn't one. Let me find out and get

back to you.

Norman
Dr. Norman B. Anderson

-----Original Message-----
From: James, Larry C COL WRAMC-Wash DC <Larry.James@NA.AMEDD.ARMY.MIL>
To: Anderson, Norman <NAnderson@apa.org>
Sent: Wed Apr 21 06:14:10 2004
Subject: sub-committee on terrorism

Hi there Norman,

I hear tell that APA is going to have a sub-committee on terrorism?
If this is true could I request to be placed on the committee(please
forgive me if this is poor form to make such a request)?

Norman, my duties during my 6 month deployment was specifically related to
terrorism and I have continued to work with many DOD and federal agencies as
a consultant on this topic. So I think it would make since to have a
representative from the DOD on this sub-committee.

what do you think?

Larry J.

Sender: APA's Board of Directors Executive Management Group <APABODEMG@LISTS.APA.ORG> on behalf of Levant,Ronald F [PRIVACY REDACTION]
Sent: Wednesday, June 07, 2006 10:41:40 AM
Recipient: APABODEMG@LISTS.APA.ORG
Subject: Re: [APABODEMG] FW: Oct 05 GTMO Travelers

Thanks Russ! Very interesting
Ron

From: APA's Board of Directors Executive Management Group [mailto:APABODEMG@LISTS.APA.ORG] **On Behalf Of** Newman, Russ
Sent: Wednesday, June 07, 2006 7:20 AM
To: APABODEMG@LISTS.APA.ORG
Subject: Re: [APABODEMG] FW: Oct 05 GTMO Travelers

Ron,
That's a rhetorical question, right? Seriously, it is my understanding that following the "gap analysis" (which looked at the training of psychololegists and psychiatrists) relative to the BSC, it was determined that when psychiatrists are being prepared to function as BSCs (and it is the intent of the military that they *will continue* to prepare military psychiatrists to function in the role of BSCs despite the little ApA's position on this activity), they will be required to receive additional in service training to that which psychologists receive. As a part of this additional training, psychiatrists being prepared for the role of BSCs will be required to take some type of didactic preparation in social psychology, as well as training in dealing/consulting with organizations and systems. It is assumed that psychologists already have this training relevant to serving in the role of BSC. Russ

-----Original Message-----
From: APA's Board of Directors Executive Management Group [mailto:APABODEMG@LISTS.APA.ORG]**On Behalf Of** Levant,Ronald F
Sent: Wednesday, June 07, 2006 4:39 AM
To: APABODEMG@LISTS.APA.ORG
Subject: [APABODEMG] FW: Oct 05 GTMO Travelers

I thought you all might find this of interest. Note particularly enclosure 2 at the back. Are psychiatrists the most ethical or the least-well trained? Steve, Russ, your thoughts?
Best
Ron

From: Ireland, Robert, COL, OASD(HA) [PRIVACY REDACTION]
Sent: Tuesday, June 06, 2006 5:48 PM
To: Audiey Kao; Lawrence C. Mohr; [Nancy Sherman] Okie, Susan; Benedek, David M LTC WRAMC-Wash DC; Levant,Ronald F; Garcia, Patricio (OPHS); [Ardell Lockerman]
Subject: Oct 05 GTMO Travelers

http://www.dtic.mil/whs/directives/corres/html/231008.htm

Oct 2005 Guantanamo Bay Visitors,

This afternoon, Dr. Winkenwerder released a new DoD Instruction, 2310.08E, on "Medical Program Support for Detainee Operations".

You may find it at the hyperlink above.

Again, thank you for your participation in this experience and your considered reflections and recommendations.

Bob

Col Bob Ireland, USAF, MC, CFS
Program Director for Mental Health Policy
Office of the Assistant Secretary of Defense (Health Affairs)
PRIVACY REDACTION

Sender:	Mumford, Geoffrey </O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>
Sent:	Monday, July 21, 2003 6:06:56 PM
Recipient:	Honaker, Michael <mhonaker@apa.org>
Cc:	PubPol <PubPol@apa.org>;Science <Science-DL@apa.org>;Anderson, Norman <NAnderson@apa.org>
Subject:	CIA workshop summary

Mike,

Just a note to let you know that the APA/CIA/RAND workshop went extremely well last week. Here's the summary I'm pulling together for SPIN. I'll write a Monitor article about it once we've vetted the content. Suffice to say, psychological science is likely to play a much more significant role within the intelligence community from now on and both the research and operations communities looked at this as the start of a long and potentially very fruitful collaboration. Pull what you like from it for the Council report:

On July 17-18, RAND Corp. and the APA hosted a wokshop entitled the "Science of Deception: Integration of Practice and Theory" with generous funding from the Central Intelligence Agency. The workshop provided an opportunity to bring together individuals with a need to understand and use deception in the service of national defense/security, with those who investigate the phenomena and mechanisms of deception. Meeting at RAND headquarters in Arlington, VA, the workshop drew together approximately 40 individuals including research psychologists, psychiatrists, neurologists who study various aspects of deception and representatives from the CIA, FBI and Department of Defense with interests in intelligence operations. In addition, representatives from the White House Office of Science and Technology Policy and the Science and Technology Directorate of the Department of Homeland Security were present. Following brief introductions and welcoming remarks from Kevin O'Connell, Director of the Intelligence Policy Center within RAND's National Security Research Division the workshop divided into break-out groups to discuss thematic scenarios (see below) following a format used in a previous conference on counterterrorism held at the FBI Academy in February 2002.

See: http://www.fbi.gov/publications/counterr/counterrorism.htm

The scenarios dealt broadly with issues such as embassy walk-in informants; threat assessment; intelligence gathering; and law enforcement interrogation and debriefing. Participants were prompted in advance to think about research issues and practical considerations they wanted the broader group to consider. Across the two days, there were a number of thought-provoking discussions suggesting the need to develop both short term and long term research programs on deception. Workshop participants will review transcripts from the meeting toward the goal of developing a more detailed summary suitable for public consumption.

My profound thanks to both Scott Gerwehr, Associate Policy Analyst at RAND and Susan Brandon, Program Officer for Affect and Biobehavioral Regulation at NIMH who jointly conceived of this project while Susan was still Senior Scientist here at APA. Special thanks to Kirk Hubbard, Chief of the Research & Analysis Branch, Operational Assessment Division of the CIA for generous financial support and to RAND for providing conference facilities and other logistical support.

-geoff

Scenarios:

#1 - Embassy Walk-In Phenomena

Throughout the world, individuals regularly walk into an American Embassy and state that they have valuable information regarding threats to U.S. interests abroad or sensitive intelligence information. These "walk-ins" or "volunteers" will also phone in or send emails to U.S. embassies with offers of information.

Some walk-ins actually have valuable, sensitive information, some are mentally unstable, and some are "provocations," hoping to pique the interest of the CIA t identify Agency employees and /or the methods used by the Agency to handle walk-ins. Others simply wish to provide false and misleading information to the Agency, and still others may have useful information but are trying to peddle the information to

multiple governments in the hope of reaping financial gain.

Determining who has legitimate information of value and who is engaging in a deception is clearly a critical issue. Constraints include limited time to interview the walk-in, variability in interviewer skill (sometimes the interviewer is an Embassy Security Officer, other times it is an Agency ops officer), or lack of face-to-face observation in the case of individuals calling in or writing email.

What history of successes and failures do we have, and what can we learn from our own history (avoiding hindsight bias, if possible)? How can we analyze these situations using the procedures of decision-making analysis that have been used in the practice of medicine?

What use can we make of instances of deception among ourselves, such as the experiences of undercover agents, spies, selective sharing of information depending on classification rating; socially acceptable lies (e.g., about weight or age); lies to children from parents (Santa Claus)?

How does the current behavior of the U.S. embassy personnel (or whomever the officers are) impact on how people offer information? How can we take into account the characteristic that deception frequently is a social interaction, and that the recipient's behavior may determine the behavior of the deceiver in a real-time manner?

How important are differential power and status between informer and officer?

How does motive affect social negotiation?

What are our cultural stories (folk psychology) regarding truth and lies, and how we value these in different situations? What are other cultural stories?

#2 - Law Enforcement Threat Assessment

Law
enforcement,
especially
the
FBI
and
Secret
Service,
receive
threats
by
phone,
letters,
and
email.
Responding
in
terms
of
false
positives

and
false
negatives
has
significant
impact
in
terms
of
public
safety
and
expending
resources.
How
can
these
types
of
threats
be
validated?

What is the impact of our felt need to act secretly? In haste? How would our behavior be different if those needs were not present?

How does motive affect social negotiation?

What are the working definitions of deception and deception detection? Should these include spinning, withholding, false memories, trickery, plausible denial statements, and dissociative memories and personalities? What are the relationship of these to error & lapses of memory, self-deception, Mass Psychogenic Illness, and malingering?

Might someone who wants to evade detection systems be able to fake a temporary physical illness or mental illness in order to get past deception detection systems and then once inside (the embassy, the hospital, the office, whatever) have access to secure systems?

How important are differential power and status between informer and officer? What role might social stigmatizing play?

What similar situations do we have in other venues that can inform us about this (where else do we ask people to keep or divulge secrets? Separate themselves from home and family and country? Quickly size up another individual, etc.)

#3 - Law Enforcement Interrogation and Debriefing

Law
enforcement
routinely

question witnesses and suspects regarding criminal activity. How do you tell if the individual is telling the truth, lying, or something in between? Acts of omission and acts of commission are both important to identify.

How do we find out if the informant has knowledge of which s/he is not aware?

How important are differential power and status between witness and officer?

What pharmacological agents are known to affect apparent truth-telling behavior?

What are mechanisms and processes of learning to lie? Can these be demonstrated within relatively short periods of time (e.g., within a polygraph test session)?

What are the ways lies are detected in legitimate pursuits, e.g., among those who are good gamblers? Amarillo Slim Preston says that he notes changes in patterns of behavior across short durations of time; what other social situations involve lie-detecting?

What are sensory overloads on the maintenance of deceptive behaviors? How might we overload the

or overwhelm the senses and see how it affects deceptive behaviors?

Lying takes more mental memory and processing effort than truth telling, because we have to remember what we said when and where, whereas truth is generally less context and time-dependent. Could we use changes in contexts in which questions are asked to look for consistency across situations as indications of deception?

What are the effects of a "jerk" examiner in a polygraph situations?

#4 - Intelligence gathering

Many government agencies, including but not limited to DOD, FBI, DOE, CIA, and the Department of Treasury, gather "intelligence" of one type of another. A high priority is how to evaluate the authenticity of both the source of information and the information itself. Issues that need to be addressed include whether the person is who s/he says s/he is, whether s/he has access to the information s/he purports to have, and whether the information accurate.

What history of successes and failures do we have, and what can we learn from our own history (avoiding hindsight bias, if possible)?

What are the dimensions of truth? Lies, truth, something in between? How much truth is present in our everyday social world, and how does this vary as a function of culture? How much is truth valued (as compared to other valued behaviors) and again, how does this vary as a function of culture?

Can we reasonably map types of lies, or conceptions of lies, to specific behaviors and to the likelihood of their occurrence to specific situations (e.g., lies about bombs in suitcases to airport security)? Once we do this, can we create categories and relationships among categories, and then test the validity of such across samples? Might it be possible to greatly increase the likelihood of success if we agree that different strategies are needed to different types of interactions? That is, to propose that the same methodology may not be appropriate for personnel selection as for surveillance or law enforcement or airport screening?

What are the important general receiver characteristics? That is, how does how you respond to me change the way I lie?

We often assume deceit involves malice and intent to harm. But it is as often motivated by compassion and dedication to good (and God). How might deception behaviors be different depending on the underlying motivational system?

If we are to construct a system for deception detection, how can we ensure that it "fails well?" (I.e., that it might stretch and sag before breaking, each component failure leaving the whole as unaffected as possible.)
What are the relevant ethical and personal privacy issues that must be addressed?

Sender:	Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent:	Friday, September 28, 2012 11:29:18 PM
Recipient:	Anderson, Norman <NAnderson@apa.org>;Honaker, Michael <mhonaker@apa.org>;Garrison, Ellen <egarrison@apa.org>;Farberman, Rhea <rfarberman@apa.org>;Gilfoyle, Nathalie <ngilfoyle@apa.org>;Springer, Ann <ASpringer@apa.org>
Cc:	Childress-Beatty, Lindsay <LChildress-Beatty@apa.org>
Subject:	Meeting with Suzanne and Don this evening regarding the "open letter"--confidential

Yesterday Suzanne asked to meet regarding the "open letter." This evening Lindsay and I had a good meeting with her and Don. We met for about 40 minutes. Suzanne asked for an understanding about what had happened in the three cases mentioned in the letter. We explained what had happened with Mike Gelles (The full Committee reviewed the case and closed with no violation 10 years ago), Larry James (dismissed; no charges were brought) and John Leso (Trudy Bond and another psychologist have filed complaints which are under review).

Suzanne seemed very comfortable with the discussion. She asked for a statement that would inform a "naïve" member. She (repeatedly) emphasized that she was not concerned with Trudy Bond (whose mind will not be changed regardless of what we say), but rather wants a statement that could be distributed to members who have read the "open letter" and then gotten in touch with her and/or Don with questions about what happened.

Suzanne indicated there is no rush (i.e., she is not asking for something tomorrow). She would like something plainspoken and succinct that says what APA has done in the cases and explains why the Leso case has not been resolved. She asked that the statement include that the ethics process is designed to respect the interests of all parties involved, which is why respecting due process is so important. (She also asked that the statement contain a link to the interrogation timeline.)

Tomorrow Lindsay and I will draft language for your review that can be included in Rhea's statement.

Thank you,

Steve

Sender: American Psychological Association's Board of Directors <APABOD@LISTS.APA.ORG> on behalf of Bray, James H
PRIVACY REDACTION
Sent: Tuesday, June 24, 2008 10:44:01 PM
Recipient: APABOD@LISTS.APA.ORG
Subject: Re: [APABOD] Possible Con statement writers

I believe Ron is associated with the PENS report.

James

-----Original Message-----
From: American Psychological Association's Board of Directors on behalf of Paul L. Craig
Sent: Tue 6/24/2008 8:04 PM
To: APABOD@LISTS.APA.ORG
Subject: Re: [APABOD] Possible Con statement writers

Any consideration of finding a former governance author for the "con"
statement with no APA political agenda at play (e.g., Ron Levant)?

Paul

Barry S Anton wrote:
> Hi:
> As requested, here is the list of people whom I spoke with over the
> weekend who spontaneously volunteered to participate in the Con
> statement writing.
>
> Bill Strickland, Division 19 (who volunteered Steve Sellman)
> Bonnie Markham, Division 42
> Bob Resnick, Division 42
>
> Bonnie Markham asked me if the letter writers could have assistance
> from the APA staff. I said I would find out; even though this issue
> was discussed at the BoD meeting. I believe we agreed that both pro
> and con statement writers could get assistance. I don't think we
> agreed about what type of assistance.
>
> Best,
>
> Barry
>

Sender:	Anderson, Norman </O=APA/OU=DC/CN=RECIPIENTS/CN=NBA>
Sent:	Friday, August 04, 2006 10:30:02 PM
Recipient:	Strassburger, Judy </O=APA/OU=DC/CN=RECIPIENTS/CN=JAS>;'SSB' PRIVACY REDACTION
Subject:	RE: [APABODEMG] FW: APA still rocked by torture debate

Not the full Board, but the idea of inviting someone opposed to APA's policies was discussed today with Gerry, Rhea, Steve, and I, along with our crisis communications consultants. This was in a response to an email from Reisner(sp) to Gerry who suggested it. Our crisis consultants felt that this was definitely something we should do from a media perspective. Gerry has issued an invitation to Reisner to speak. If he can't do it we have to go with someone else but Gerry, Rhea, and Steve are opposed to Rubenstein for a number of reasons. This all started happening this afternoon. Crazy day.

Norman

Norman B. Anderson, Ph.D.
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(202) 336-6080
(202) 336-6069 fax
nanderson@apa.org
www.apa.org

From: Strassburger, Judy
Sent: Fri 8/4/2006 9:26 PM
To: 'SSB'
Cc: Anderson, Norman
Subject: RE: [APABODEMG] FW: APA still rocked by torture debate

Not that I'm aware of but I will copy Norman on this to get his take. Judy

Judy A. Strassburger, Executive Director
Governance Affairs
American Psychological Association
750 First Street, NE
Washington, DC 20002-4242
(202) 336-6088
(202) 336-6157 Fax
jstrassburger@apa.org

-----Original Message-----
From: SSB PRIVACY REDACTION
Sent: Friday, August 04, 2006 10:08 AM
To: Strassburger, Judy

Subject: FW: [APABODEMG] FW: APA still rocked by torture debate

Judy, Did the BOD ever discuss the possibility of inviting Rubenstein? Sharon

-----Original Message-----
From: APA's Board of Directors Executive Management Group [mailto:APABODEMG@LISTS.APA.ORG] On Behalf Of Levant,Ronald F
Sent: Friday, August 04, 2006 8:47 AM
To: APABODEMG@LISTS.APA.ORG
Subject: [APABODEMG] FW: APA still rocked by torture debate

FYI, escalation? "Brad Olson, chair-elect for the Divisions for Social Justice within the APA. He and other disgruntled APA members say the interrogation controversy threatens to overshadow the entire slate of issues at the upcoming convention."

-----Original Message-----
From: Ken Pope PRIVACY REDACTION
Sent: Friday, August 04, 2006 7:57 AM
To: Ken Pope
Subject: APA still rocked by torture debate

This morning's *Salon* includes an article: "Psychologists group still rocked by torture debate; In an angry response to Salon, the American Psychological Association defends its policy on participating in terror suspects' interrogation -- as some members still push for change" by Mark Benjamin.

Here's the article:

Agitated members of the American Psychological Association are making final plans to challenge a policy that allows psychologists to participate in the interrogation of detainees during the "war on terror." As Salon reported on July 26, the 150,000-member association has been embroiled in an internal revolt over the group's year-old interrogation ethics principles. Detractors say those principles are so weak and vague that psychologists could become pawns in detainee abuse.

Currently, they are drafting alternative proposals, one of which would outright bar psychologists from taking part in interrogations, to present at the association's annual meeting Aug. 10-13 in New Orleans.

Salon revealed that six of the 10 psychologists that APA president Gerald Koocher helped select to draft the ethics report had close ties to the military, including four who'd been involved with the handling of detainees at Guanténamo or Abu Ghraib, or who'd served in Afghanistan.

That revelation, subsequently reported by the Associated Press, further incensed some members of the association, said Steven Reisner, a psychologist critical of the current interrogation policy. "It generated a lot of energy in my circles," he said, adding that an online petition against the interrogation principles has netted more than 1,400 signatures from members and other psychologists.

The association reacted angrily to Salon's article, releasing a six- point response, distributed to APA leaders, alleging inaccuracies and biased reporting. APA spokeswoman Rhea Farberman said in a telephone call that Salon had an agenda and that the article lacked sufficient balance. However, when questioned, Farberman also acknowledged that a key ASA rejoinder was "technically" incorrect.

At issue is the year-old report by the APA's 10-member Psychological Ethics and National Security (PENS) task force. The report states that psychologists can play "a valuable and ethical role to assist in protecting our nation, other nations, and innocent civilians from harm"

by consulting with interrogators. It reflects the view that psychologists can use their insight and knowledge to help interrogators pry valuable information from prisoners. APA director of ethics Stephen Behnke said that psychologists also help prevent abuse. "Psychologists take advisory or consultative roles in relation to interrogations to help ensure

interrogations are safe, legal, ethical, and effective," he wrote in an e-mail.

The PENS report explicitly states that "psychologists do not engage in, direct, support, facilitate, or offer training in torture or other cruel, inhuman, or degrading treatment." But some psychologists, including former APA president Philip Zimbardo, architect of the famous

1971 Stanford prison experiment in which students, as mock prison guards, quickly became sadistic, believe that claim is a pro forma protection easily circumvented in the post-9/11 atmosphere. Other opponents of the APA policy go even further, arguing that psychologists should refrain from interrogations entirely because interrogations fundamentally violate psychologists' primary role in the healing profession.

In its original six-point response to Salon, the APA took exception to the use of the words "internal revolt" to describe the push against the association's interrogation principles. It suggested the policy had been formally embraced by the elected members of the APA's council, who have broad authority to develop APA policy. "The reality is that APA's Council of Representatives endorsed the current policy at its last meeting," the association leadership said in the response.

That raised some eyebrows among some members, who pointed out the claim was incorrect. In a relatively unusual move, they said, the interrogation report bypassed the council (described on the APA Web site as the "most important governance body of the association") and became policy through the imprimatur of APA's smaller 12-person board of directors. "Council was not asked to endorse or approve the PENS task force report," said council member Bernice Lott.

Farberman, the APA spokeswoman, acknowledged that the original APA statement on the council's endorsement was technically incorrect. She said that members of the council had made "laudatory" statements about the report at a council meeting last February. When called on this issue last week by her own members, Farberman admitted to the council in an e-mail, obtained by Salon, that "Council took no official action on the report." Still, Farberman said in a telephone call to Salon that the APA leadership was not facing an internal revolt. She said that an Associated Press article was more accurate in describing the APA leadership as "under fire."

The APA also bashed Salon for reporting that the names and biographies of the 10 psychologists who drafted the ethics principles, including those with military ties, were not made public by the APA because they did not appear in the PENS report and were not available on the APA Web site. (Congressional sources sent the bios to Salon.) The APA slammed that portion of the story as "totally false," arguing that the names and biographies of the task force members "are, and have been for some time, available through the APA Web site."

But a link to the biographies of those task force members appeared on the APA Web site only after the publication of Salon's article.

Farberman acknowledged that the APA did put the link to the bios of the task force members on its site after Salon published its story. But she added that one could have previously navigated to the Web site of the Society for the Study of Peace, Conflict and Violence through the APA Web site. "We said that the bio statements have been available through the Web site for some time," she wrote in an e-mail.

Maybe so. But Linda M. Woolf, president of the Society for the Study of Peace, Conflict and Violence, said her organization's Web site is "separate" from the APA Web site. In fact, her organization published the bios some time ago, with concerns about the PENS report. Woolf said the APA's current interrogation policy, alone, "does not provide clear enough guidelines to keep psychologists out of situations involving abuse in the name of the war on terror."

The APA also took umbrage with the suggestion that its interrogation policy was skewed because six of the 10 members of the task force who helped draft it had military backgrounds. "In terms of the membership of the PENS Task Force and any undue influence of the U.S. military -- the PENS Report was a consensus document," it said. "It openly reports on the three areas where consensus could not be reached amongst the Task Force Members."

However, despite -- or because of -- its being a consensus document, one civilian member of the task force resigned in protest early this year.

That member, Michael Wessells, a psychology professor at Randolph-Macon College, said there is nothing wrong with the report per se, but that the APA policy alone is inadequate for preventing psychologists from getting involved in abuse. He said he resigned when he realized that Koocher would not lead the association to make a clear denunciation of the

interrogation tactics employed in the war on terror or explicitly tell psychologists what they can and cannot do.

Some psychologists have suggested that members of the task force with military ties would indeed not be inclined to buck an administration that has pursued tough interrogation tactics. "There likely would be implicit pressures on them to keep the scope of their recommendations restricted," Zimbardo said. On the other hand, one of the association members with military ties does have a long history as a vocal critic of abuse. Michael Gelles, a chief psychologist for the Naval Criminal Investigative Service, was reportedly shocked by what he saw in military interrogation logs from Guantánamo early in the war on terror and funneled that information through sympathetic Pentagon channels in an effort to put a stop to it.

Civilian psychologists and association members said they have been instructed by the APA not to discuss the task force's internal debates.

But some said confidentially they feel embarrassed that the APA has not taken a stronger stand against what has gone on during the war on terror. They point out that the American Psychiatric Association, in spite of the Pentagon's wishes, has announced an outright ban on the participation of psychiatrists in interrogations.

In an apparent effort to tamp down the uproar, embattled APA president Koocher invited Lt. Gen. Kevin C. Kiley, the surgeon general of the Army, to address the APA leadership at the New Orleans convention. At the same, Koocher refused a request to invite Leonard Rubenstein, executive director of Physicians for Human Rights and a Harvard Law School graduate, to speak as a counterweight. "There is no ethical role for a health professional in the interrogation of an individual detainee," Rubenstein said. "Despite a claim to rely on the same values

-- to take care to do no harm -- the American Psychological Association not only allows, but encourages its members to advise interrogators how best to gain information from a particular detainee."

The move to block Rubenstein further angered Koocher's opponents. "A small number of people in the APA leadership are fundamentally circumventing the democratic process here," said Brad Olson, chair-elect for the Divisions for Social Justice within the APA. He and other disgruntled APA members say the interrogation controversy threatens to overshadow the entire slate of issues at the upcoming convention.

Ken

Resources for Veterans, Their Families, & those who are working with them:
<http://kspope.com/torvic/war.php>

"Hear the other side."
--Saint Augustine (354-430 AD)

Sender:	Bray, James H PRIVACY REDACTION
Sent:	Tuesday, November 11, 2008 3:26:44 PM
Recipient:	Garrison, Ellen </O=APA/OU=DC/CN=RECIPIENTS/CN=EGG>
Cc:	Anderson, Norman </O=APA/OU=DC/CN=RECIPIENTS/CN=NBA>;Kazdin, Alan < PRIVACY REDACTION >
Subject:	FW: [APABODEMG] APA Presidential Advisory Group on the Implementation of the Petition Resolution

Ellen,
Thanks for this email. I am a bit taken aback by your announcement that this will be on the February Council Agenda. As the 2009 presiding officer who sets that agenda, I feel this is overstepping your authority to announce such a plan and I ask that you not circulate this to Council until the Board discusses this issue. We did not vote to have this happen at the Oct. board meeting. We already have a very full positive agenda, and I have not yet decided whether to put it on for February. I certainly want to have a discussion about this with the full board of directors before making a final decision.

Many thanks
James Bray
2009 APA President

-----Original Message-----
From: APA's Board of Directors Executive Management Group [mailto:APABODEMG@LISTS.APA.ORG] On Behalf Of Garrison, Ellen
Sent: Tuesday, November 11, 2008 2:06 PM
To: APABODEMG@LISTS.APA.ORG
Subject: [APABODEMG] APA Presidential Advisory Group on the Implementation of the Petition Resolution

Greetings, everyone. Please see the following announcement of the formation and upcoming meeting of the APA Presidential Advisory Group on the Implementation of the Petition Resolution. This advisory group was recently appointed by APA President Alan Kazdin to propose options to implement the petition resolution for the Council of Representatives to consider at its February meeting.

For more detailed information about the advisory group, please see the attached overview statement. Also please feel free to contact me in my role as APA staff liaison to the advisory group, if you have any questions or would like additional information.

Best,
Ellen

Petition Resolution Advisory Group Announced

(November 11, 2008) -- APA President Alan E. Kazdin, Ph.D., has appointed an advisory group on the implementation of the petition resolution that was approved by the APA membership in September. The

resolution relates to the work of psychologists in settings "where persons are held outside of, or in violation of, either International Law (e.g., the UN Convention Against Torture and the Geneva Conventions) or the US Constitution (where appropriate)."

Dr. Kazdin's appointments to the group are being made after an open nominations process and include the original petitioners, as well as members of the APA Council of Representatives and Board of Directors. The advisory group members reflect the broad range of APA constituent groups with interest and expertise related to the petition resolution and its implementation.

The charge to the advisory group is to identify issues in need of clarification related to the petition resolution and to suggest ways that this might be accomplished, as well as to propose possible options to implement the resolution for Council to consider.

Members of the advisory group are:

Elena J. Eisman, Ed.D., Chair Allen M. Omoto, Ph.D.

Daniel Aalbers Walter E. Penk, Ph.D.

Armand R. Cerbone, Ph.D. William J. Strickland, Ph.D.

Ruth H.A. Fallenbaum, Ph.D. Michael Wertheimer, Ph.D.

Corann Okorodudu, Ed.D. Elizabeth C. Wiggins, J.D., Ph.D.

Bradley David Olson, Ph.D.

The group will have one face-to-face meeting on November 14 and 15 in Washington, D.C. Its report is to be completed by December 31 and will be shared with Council soon thereafter.

At its February meeting, Council is expected to consider the options proposed by the advisory group to implement the petition resolution. According to the Association's bylaws and rules, the resolution will become effective as official policy as of APA's next annual meeting in August of 2009.
However, Council could consider suspending those rules and making the resolution official policy as of February.

###

Ellen G. Garrison, Ph.D. | Senior Policy Advisor

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APA Logo<https://securenet.apa.org/dana-cached/help/empty.html>

Message

From: Bella M. DePaulo PRIVACY REDACTION
Sent: 5/7/2002 6:08:41 PM
To: ScottGerwehr PRIVACY REDACTION
Subject: FW: a request for help <fwd>

Dear Dr. DePaulo,
May I ask you to read down these two messages and point me in the right direction regarding the question that I asked Robert?
Thank you very much.
Susan Brandon

-----Original Message-----
From: Robert Cialdini PRIVACY REDACTION
Sent: Tuesday, May 07, 2002 9:39 AM
To: 'Brandon, Susan'
Subject: RE: a request for help

Susan--
I'm afraid that I can't be very helpful in pointing to research on the question of what constitutes deception. However, you may wish to contact Dr. Bella De Paulo who is currently visiting at the U. of Calif.-Santa Barbara Psychology Department. She's an expert on the topic.

More informally, when I serve as an expert witness in legal cases involving deception, I employ the following definitions:

Misleading Information refers to information that causes a recipient to believe a state of affairs that does not exist.

Deceptive information refers to information that is designed to cause a recipient to believe a state of affairs that does not exist.

Sincerely,
--Bob Cialdini

Robert B. Cialdini
Regents' Professor of Psychology
Arizona State University
Tempe, AZ 85287-1104
PRIVACY REDACTION

-----Original Message-----
From: Brandon, Susan [mailto:SBrandon@apa.org]
Sent: Tuesday, May 07, 2002 4:59 AM
To PRIVACY REDACTION
Subject: a request for help

Dear Professor Cialdini,

As "visiting scientist" here in the Science Directorate of the American Psychological Association, I have been "assigned" the task/honor of trying to offer the resources of psychological science to various law enforcement

and intelligence agencies that operate out of D.C. One just project is being conducted by a group of people who are working for the CIA. They are interested in the issue of deception, in the environment of computer/human interactions. (For example, how might one design a software that allows for secret information to be displayed but available only for those who know how to find it?)

The following question was posed. Can you help me with it?

"I was doing some writing last week about our deception problem and it occurred to me that I have never seen a formal (scientific?) definition of deception that broke it down into components. Do you know know if such a thing exists? I mean something like: "Deception consists of a deception mechanism and a perception, where the deception mechanism has an explicit design intended to deceive and results in the desired perception (or, usually) misperception." Then deception mechanism would be further deconstructed as would the factors that affect perception. These I assume might even be separate sciences. Ring any bells?"

If you can point me to others to ask, I would be very appreciative.

Thank you,

Susan Brandon

Susan E. Brandon
Senior Scientist
Science Directorate
American Psychological Association

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202 336 5925
202 336 5953 (fax)
SBrandon@apa.org

Message

From: Brandon, Susan [SBrandon@apa.org]
Sent: 5/13/2002 12:07:51 PM
To: 'Scott Gerwehr' PRIVACY REDACTION
Subject: RE: On deception

Dear Scott,
Thanks so much for your thoughtful and very informative reply! One of the best aspects of my position here at APA as "senior scientist" is learning about areas of psychology otherwise unknown to me -- and this one is one of the more fascinating. With your permission, may I forward your note to the person who asked me the question? It might be most efficient for me to just put him in touch with you.
I'll wait to hear from you --
Thanks again,
Susan
-----Original Message-----
From: Scott Gerwehr PRIVACY REDACTION
Sent: Sunday, May 12, 2002 3:12 PM
To: SBrandon@apa.org
Cc: Bella DiPaulo Robert Cialdini
Subject: On deception
Ms. Brandon,

I am writing you with regards to the inquiry you sent Drs. Cialdini and De Paulo. Bella and I are collaborating and she forwarded me your note because I have been working on deception across a broad range of national security issues for several years (a nontrivial fraction of which has been devoted to developing a taxonomy and nomenclature which can cross disciplinary boundaries).

All that said, the operational definition we're using is this:

Deception is *the practice of deliberately inducing disadvantageous misperception in the mind of another*. This is a distillation of the joint definition found in DoD Joint Publication 3-58: Joint Doctrine for Military Deception and clearly serves as a broad aegis under which a variety of techniques could be considered deceptive.

One could of course take a variety of perspectives on the conduct of deception: classifying it by its ultimate intent; by its level of sophistication or dynamism; by its admixture with or deviance from the truth; by the means used to conduct it (the most common definition); etc. I prefer the perspective of classifying deception by its intended *effect* upon the target's perceptual and cognitive processes. Thus the following:

- Masking Deceptions (reducing or concealing a true signal)
- Misleading Deceptions (transmitting a clear and unambiguous false signal)
- Confusing Deceptions (inducing paralyzing uncertainty by lowering the signal-to-noise ratio)

A taxonomy which marries these effects to the common framework for categorizing deceptions might look like this:

Means	Definition	Type of Effect
Disinformation	An admixture of truth plus fiction. Distortions. Can take numerous forms: memoranda, personal letters, maps or blueprints, rumors, on the record announcements, video or photos, Internet chat, etc.	Misleading

Misinformation	Pure fiction. Lies. As per disinformation, can take any form.	Misleading
Feints and Demonstrations	*Activities* undertaken to draw the target's attention and/or resources. A feint makes contact with the enemy, while a demonstration does not.	Misleading
Decoys	*Objects* meant to draw the target's attention and/or resources. Also called dummies.	Misleading
Disguise/Mimicry	Making one subject look like another. Also called displays or simulations.	Misleading
Camouflage	The use of natural, local or indigenous materials on a subject to conceal it from the target.	Masking
Concealment	Protection from observation. Hiding.	Masking
Low Observables/ Reduced Signatures	Structures, patterns or materials applied to a subject, which make it more difficult to *detect*.	Masking
Disruptive Signatures	Structures, patterns or materials applied to a subject, which make it more difficult to *identify*.	Confusing
Uncertainty-Generating Techniques	An array of techniques under one heading: they have in common the goal of creating paralyzing uncertainty in the mind of the target. Generating multiple or contradictory signatures are an example of this category. Firing and then quickly displacing and firing again (aka shoot-n-scoot) also falls under this heading. Some types of mis- or dis-information, which explicitly seek to promote ambiguity also may be included here.	Confusing

I'd like to mention is that there is some possibility for neurobiological support for this classification scheme. Consider hearing and vision:

In auditory processing: intensity, frequency, and duration of sound are processed binaurally at the cochlear nucleus, the superior olivary nucleus, and the inferior colliculus. Pattern detection and discrimination are done in the auditory cortex, while ambiguities are resolved when auditory cortex associates with executive nuclei. Consider these three deceptive techniques: creeping along stealthily (Masking deceptions), imitating a bird call (Misleading deceptions), or emitting noise from a number of locations simultaneously to render the adversary uncertain as to where you really are (Confusing deceptions). Hypothesis: different cortical functions/areas would apply against each of the three in order to combat them (e.g., combating auditory Masking would require just the nuclei anterior to the auditory cortex)

In visual processing: motion and contrast is processed separately from color and form. Motion detection streams along the magnocellular pathway into the lateral geniculate nucleus and thence to V1 for edge detection and contrast analysis. Form and color streams along the parvocellular pathway into the LGN and thence on to V2, V4, and the inferior temporal region for categorization and semantic investment. Once again, resolving ambiguities requires interpolating missing info and/or hypothesis testing in association with executive nuclei. Consider these three deceptive techniques: crouching motionless in a camouflage uniform (Masking), emplacing a single mannequin to draw fire (Misleading), hiding a single rifleman among a mob of noisy non-combatants (Confusing). It again seems to me arguable that different cortical areas/functions are applying against the different types of deception.

Obviously, there is much experimentation to be done in investigating the neurobiology of deception; I've seen some intriguing work done in Steve Kosslyn's labs, but like so much else in the embryonic *science* of deception we still have many more questions than answers.

As a Parthian shot, let me comment that since Francis Bacon's "On Simulation and Dissimulation" (written five hundred years ago), there have been very few truly interdisciplinary attempts to develop a theory of deception (as opposed to ad hoc efforts *within* a particular field...e.g., military operations). Here are some good open-source references which attempt to grapple with the issue:

Rue L (1994) By The Grace of Guile. NY: Oxford University Press

Bell JB, Whaley B (1991) Cheating and Deception. Transaction Publishers: New Brunswick

Mitchell R (1986) A Framework for Discussing Deception. In Deception: Perspectives on Human and Nonhuman Deceit, eds. Mitchell R, Thompson N. New York: SUNY Press

Greenberg I (1982) Role of Deception in Decision Theory. Journal of Conflict Resolution 26/1: 139-156

Whaley B (1982) "Toward a General Theory of Deception". In Military Deception and Strategic Surprise, eds. John Gooch & Amos Perlmutter, London: Frank Cass

Also, the FTC guidelines on deceptive practices are worth reading.

Here are our own recent pubs, which I'd be happy to share (the ones that are FOUO would have to go to your sponsors, who can then release them to you). They include a significant amount of theoretical work as substrate for the analysis.

Gerwehr S, Glenn R (2002) Unweaving the Web: Deception, Adaptation, and Future Urban Conflicts. RAND MR-1495-A

Weissler R, Gerwehr S, Anderson R (2002) The Susceptibility of Port and Vulnerability Scanners to Deception. RAND PM-1320-NSA (FOUO/Distrib Limited to US Govt Agencies)

Gerwehr S, Glenn R (2000) The Art of Darkness: Deception and Urban Operations. RAND MR-1132-A

Gerwehr S, Weissler R, Medby J, Anderson R, Rothenberg J (2000) Employing Deception in Information Systems to Thwart Adversary Reconnaissance-Phase Activities. PM-1124-NSA (FOUO/Distrib Limited to US Govt Agencies)

Gerwehr S, Rothenberg J, Anderson R (1999) An Arsenal of Deceptions for INFOSEC. RAND PM-1167-NSA (FOUO/Distrib Limited to US Govt Agencies)

Hope this was helpful. I'd be happy to clarify, elaborate or discuss further as you'd like; it is an endlessly fascinating topic!

Cheers
Scott

Scott Gerwehr
RAND


PRIVACY REDACTION

From: "Mumford, Geoffrey" <gmumford@apa.org>
To: [redacted] Scott Gerwehr
Subject: deception workshop
Countering Terrorism.pdf

Dear Dr. Gerwehr,

The American Psychological Association is considering putting together a workshop on the topic of deception and deception detection. The participants would be academic researchers and personnel in law enforcement and intelligence. The model is a conference that APA co-sponsored at the FBI Academy in February of 2002 (the report of which is attached). What is important to us about the format of the previous meeting, and the one workshop we propose, is that there an equal number of "operational" and academic researchers, each of whom have something to say on the topic at hand. The proceedings of such a workshop would be made available to all participants and their associated universities and agencies.

It is my understanding that you have considerable expertise in the area of deception, and we are wondering if you would be interested in discussing this project with us and, perhaps, participating in the workshop.

You answered an inquiry from our visiting "senior scientist," Susan Brandon, about deception last May 12, 2002. (Susan has since taken a job at NIH and now serves as an advisor to projects such as this.) The RAND paper that you co-authored is part of the inspiration for this workshop; the notion of being advised by animal behavior is of course very appealing to psychologists!

I look forward to hearing from you.

Thanks,
-geoff
<<Countering Terrorism.pdf>>
Geoff Mumford, PhD
Director of Science Policy
American Psychological Association
750 First Street, NE
Washington, DC 20002-4242
(202) 336-6067 phone
(202) 336-6063 fax
gmumford@apa.org

From: "Mumford, Geoffrey" <gmumford@apa.org>
To: "'Scott Gerwehr" [redacted]
Subject: RE: deception workshop
Deception note.doc

Hi Scott,

We met with some colleagues at the CIA yesterday who greeted this idea with a similar level enthusiasm and perhaps more importantly a commitment to fund it. We took along a brief outline of the sort of meeting we had in mind and I'm attaching that description here (this is just a placeholder and everyone is open to ideas on how to proceed except for size, we'd like to keep it manageable).

I'd like to arrange a conference call between you and Susan Brandon and me as soon as that's convenient for you. I gather you are on the west coast and wondered if some afternoon early this coming week would work for you? Please let me know what your availability looks like and we'll plan from there. I'm pasting the text in here too as sometimes we have difficulty sending attachments.

Deception Forum

Goal: This one-day meeting will bring together individuals with a need to know and use deception, with those who investigate the phenomena and mechanisms of deception. This will provide those on the operational side with new strategies of deception to use, and an increased awareness of how others might use deception. It will provide the researchers with an opportunity to see what aspects of deception are well-described and what aspects require further systematic scrutiny. The term deception as it is used here includes both deception and counterdeception.

Participants: Although all participants will be appropriately screened, the primary responsibility for selecting and inviting operational participants will be with the intelligence and law enforcement communities. The research participants will be similarly screened, but otherwise selected primarily by an advisory committee under the auspices of the American Psychological Association; these researchers will come from the domain of both human and animal behavior investigations. As deemed appropriate, representatives from other agencies also will participate. Approximately 15 operationals and 15 researchers will be invited. This meeting will not be open to the public and the media will not be invited. However, the proceedings of the meeting will be made available to the public via websites, unless some participants request some parts of the proceedings be kept confidential.

Format: The meeting will be mostly discussion. Prior to the meeting, all participants will be invited to submit questions, scenarios, or brief descriptions of research findings that reflect their concerns and experiences with deception and knowledge of deception. During the meeting, the researchers will be given about 10 minutes each to provide further description of their research. Subsequent discussion will be centered on submitted items, questions raised by that research, and discussant questions to be constructed by participants both prior to and during the meeting.
<<Deception note.doc>>

Best,

-geoff
> -----Original Message-----
> From: Scott Gerwehr [redacted]
> Sent: Monday, March 10, 2003 11:00 AM
> To: Mumford, Geoffrey
> Subject: Re: deception workshop
>
> Geoff,
>
> I would be honored and thrilled to contribute/participate in any way
> you think might be useful. It is a topic of great, enduring interest to
> me and I am delighted to hear that you are considering putting together
> the conference.
>
> You need but let me know how and when I may be of service.
>
> Cheers
> Scott
>
> On Monday, March 10, 2003, at 05:51 AM, Mumford, Geoffrey wrote:
>
> > Dear Dr. Gerwehr,
> >
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> > a
> > workshop on the topic of deception and deception detection. The
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> >
> >
> >
> > <Countering Terrorism.pdf>
> _____
> Scott Gerwehr
> RAND
> PRIVACY REDACTION

Message

From: Demaine, Linda (Judiciary) [Linda_Demaine@judiciary.senate.gov]
Sent: 3/26/2003 2:27:34 PM
To: Scott Gerwehr PRIVACY REDACTION
Subject: RE: Upcoming demonstrations

Dear Scott,

Thank you so much. I would love to attend both the Thursday meeting with the APA folks and the 12:30 Friday project meeting. I'll look forward to seeing you then! (And I will notify Diana Thornton of my intentions for Friday).

Love right back at ya!
Linda

Linda J. Demaine, J.D., Ph.D.
APA Congressional Fellow
U.S. Senate, Committee on the Judiciary
152 Dirksen Senate Office Building
Washington, DC 20510
Tel: 202/224-8056
Fax: 202/224-9516

-----Original Message-----
From: Scott Gerwehr PRIVACY REDACTION
Sent: Tuesday, March 25, 2003 7:07 PM
To: Demaine, Linda (Judiciary)
Subject: Re: Upcoming demonstrations

Dearest Linda!

Am now in DC and got your message. You are absolutely and positively invited to all our meetings and then some (then some explained below). Here are the project meetings:

Weds: 1:30pm in 5126
Fri: 9am in 5126, 12:30pm in 5126

They are all the same briefing. Come to any/all! If you do plan to attend, let me know and drop a line to Diana Thornton at PRIVACY REDACTION There are some new security procedures for the 5th floor.

Finally, Thursday at 2pm I am meeting two VERY interesting folks in the 4th floor reception area: Geoff Mumford, the APA Director of Science Policy and Susan Brandon, formerly the senior APA fellow (now at NIMH). They want to discuss organizaing a joint APA/CIA/RAND deception conference...wheeeeeeeee!!!!!!! You're invited to join us for coffee then if you can and are so inclined.

Love!
Scott

On Monday, March 24, 2003, at 11:39 AM, Demaine, Linda (Judiciary) wrote:

Dear Scott,

Would you like for me to attend any of the project meetings scheduled for this week? I'm not sure if these are what you were referring to in our previous email exchange. If they are, I'd be happy to see you all and get up to speed. If not, just tell me to be patient, and I'll do my darnedest. I'm ready to dive back in to the project whenever my services can be of use. I've torn myself away from it for much too long, and have missed you and the subject matter.

Warmest regards,

Linda

Linda J. Demaine, J.D., Ph.D.

APA Congressional Fellow

U.S.Senate, Committee on the Judiciary
152 Dirksen Senate Office Building
Washington,DC20510

Tel: 202/224-8056

Fax: 202/224-9516

From: "kirk hubbard" [PRIVACY REDACTION]
To: "SusanBrandon" <sbrandon@mail.nih.gov>
Cc: "Geoffrey Mumford" <gmumford@apa.org>,"Scott Gerwehr (E-mail)" [PRIVACY REDACTION]
Subject: Re: Suggestions from Scott Gerwehr

Greetings All. I got a separate note from Scott and I would very much like to meet with him if he is in my neighborhood. My office phone is [PRIVACY REDACTION] will respond to Scott's question about the concept of the forum in a later note--although, frankly, the best description of it came from Geoff and Susan.

I would like to comment on one point. I know about half of the list of potential attendees sent by Susan and Scott. I think for this first forum, we would limit deception to mean on an individual human level. None of the people in my office, or my colleaques in DOD and FBI are interested in, or involved with electronic deception, or the concept of Denial & Deception on a large scale. Hence, the NRO and NSA folks might not be appropriate for this first forum. I would like to limit the "ops" people to those who deal directly with agents, double agents, walk-in "volunteers", provocations from a hostile service, etc. There will be a mix of psychologists who assess these people, ops officers who handle agents, and counterintelligence officers who try to catch the people directed against us. Signals intelligence, materials intelligence, and denial & deception is a whole different set of problems vis a vis deception. Does anybody have any heartburn with this?

The list of scientists looks great. Good luck getting Cialdini to come for free! I am not sure how John Endler's work would fit in, but I think we are really looking for creative ideas, not immediate solutions. Another guy that works on deception using biophysiology is Andy Morgan. He's a psychiatrist at Yale and the VA Hospital there--does research with the military special ops people. Just signed on to work with us part-time. I don't have his phone number here at home, but will forward it on to you. You should probably talk to him to get a feel for what he is doing in the area of deception. Feel free to use my name by way of introduction.

I don't know anything about group dynamics and the like, but I would guess we should limit the attendees to 30-40? I'll defer to you guys, but it might get unmanageable after that? Perhaps about the size of the Palo Alto group??

Best to all,

Kirk

----- Original Message -----
From: Brandon, Susan (NIH/NIMH)
Sent: Friday, March 28, 2003 3:07 PM
To: Kirk Hubbard (E-mail)
Cc: Geoff Mumford (E-mail); Scott Gerwehr (E-mail)
Subject: Suggestions from Scott Gerwehr

Dear Kirk,

I'll attach the current academics list to this note: you will see that it has grown to 23 (the list is alphabetical so ignore the numbers; they are just to keep count). Presumably, not everyone will want to attend or be able to. But it might be appropriate to think of 20 or so people from the operational side; we do of course want to keep things well-balanced. Please let us know if you don't agree with any of these guys; we will send out the invitation early next week. Geoff and I talked to Tony Pinizzotto at the FBI Academy and they will want to send a few people, he was sure. (We told him about the numbers limits.)

Scott Gerwehr may have contacted you or talked to you already, but just in case, he has suggested people that seem to be mostly agency sorts. So, I will list them here:

These numbers were passed along from Kevin O'Connell, as well:
"Scotty" Skotzko: PRIVACY REDACTION
Dave Henry - CIA IOC - can be reached through the Langley switchboard PRIVACY REDACTION
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Terry Thompson - CIA - PRIVACY REDACTION
Mike Gellos - NCIS - PRIVACY REDACTION
Joseph Krofcheck - NRO PRIVACY REDACTION

Some for whom we don't have telephone numbers:
Kathy Miritello
Greg Moore

Scott is great, I am sure you will enjoy talking with him (although he dresses like a Californian, he has the energy level of a New Yorker).

Best,

Susan
<<List of possible participants.doc>>

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From: "kirk hubbard" PRIVACY REDACTION
To: Scott Gerwehr
Cc: sbrandon@mail.nih.gov, gmumford@apa.org
Subject: Re: Progress

Hello All,

I am free to meet with Scott on Tuesday afternoon. Just call me at PRIVACY REDACTION (secure) or PRIVACY REDACTION when you finish your CTC meeting. I am in 2R30 NHB.

My intention has always been to reimburse the scientist attendees for their travel and per diem. I am still trying to find out the mechanism for doing that without having to initiate 15 separate contracts. I believe Geoff and Susan were going to try to get the scientists to participate without a stipend. If not, I might be able to help in that regard, as well.

Geoff, Andy Morgan (actually Charles A. Morgan III, M.D) is at PRIVACY REDACTION (O), PRIVACY REDACTION I am not pushing for his attendance, but I do recall he is doing some applied research in the area of deception. You can decide if what he is doing is relevant.

I am very excited about this joint endeavor. If we pull it off as I believe we will, it will readily demonstrate a cooperative relationship between APA's Science Directorate and the USG. And if Scott and Kevin provide Krispy Kreme donuts and a conference room, then we really have a team set up!

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>From: Scott Gerwehr PRIVACY REDACTION
>To: "kirk hubbard" PRIVACY REDACTION
>CC: "SusanBrandon" <sbrandon@mail.nih.gov>,"Geoffrey Mumford"
><gmumford@apa.org>
>Subject: Progress
>Date: Sun, 30 Mar 2003 10:11:44 -0500
>
>Good morning to all!
>
>Kirk, I know that I can either speak with you (at the least) or meet you in
>the next couple of days. I'll be in NY Monday and could call you any time
>in the afternoon that works for you, but I will actually be at the agency
>on Tuesday (for a CTC meeting) from 1pm on. The only wrinkle is that it is
>an open-ended brainstorming session, so I don't have a firm endpoint. I'm
>guessing 3 or 3:30pm...should I give you a ring when I'm done, whenever
>that is, or would you need something firmer? Your call entirely.
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>As for the invitees, I absolutely think that we should take your comments
>to heart: add anyone from that list of suggestions or none at all as you
>see fit. Moreover, I completely agree with the 30-40 person range as

>optimal.
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>Something to think about is funding. Some initial thoughts: Using RAND's
>facilities would be essentially free, and I could cover coffee, etc.
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>Metro stop I think we'd be OK letting attendees fend for themselves for
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>>Best to all,
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>>To: Kirk Hubbard (E-mail)
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>>Best,
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>>Susan
>><<List of possible participants.doc>>
>>

>>

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<?xml version .0" encodingTF-8"?>
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	<real>1049127002</real>
	<key>flags</key>
	<integer>33815681</integer>
	<key>sender</key>
	<string>"kirk hubbard" < PRIVACY REDACTION ></string>
	<key>subject</key>
	<string>Re: Progress</string>
	<key>to</key>
	<string> Scott Gerwehr </string>
</dict>
</plist>

Message

From: Mumford, Geoffrey [gmumford@apa.org]
Sent: 4/1/2003 3:13:57 PM
To: 'kirk hubbard' PRIVACY REDACTION
CC: sbrandon@mail.nih.gov; 'Scott Gerwehr' PRIVACY REDACTION
Subject: RE: Progress

Hi Kirk,

In case you saw that Andy wasn't on the list, it was an unintentional omission...I've left a message on his voicemail and I'm just waiting to connect with him before making a determination. Thanks.
-geoff

-----Original Message-----
From: kirk hubbard PRIVACY REDACTION
Sent: Monday, March 31, 2003 11:10 AM
To: Scott Gerwehr
Cc: sbrandon@mail.nih.gov; gmumford@apa.org
Subject: Re: Progress

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>>Cc: Geoff Mumford (E-mail); Scott Gerwehr (E-mail)
>>Subject: Suggestions from Scott Gerwehr
>>
>>Dear Kirk,
>>
>>I'll attach the current academics list to this note: you will see that
it
>>has grown to 23 (the list is alphabetical so ignore the numbers; they
are
>>just to keep count). Presumably, not everyone will want to attend or
be
>>able to. But it might be appropriate to think of 20 or so people from
the
>>operational side; we do of course want to keep things well-balanced.
>>Please
>>let us know if you don't agree with any of these guys; we will send
out
>>the
>>invitation early next week. Geoff and I talked to Tony Pinizzotto at
the
>>FBI Academy and they will want to send a few people, he was sure. (We

>>told
>>him about the numbers limits.)
>>
>>Scott Gerwehr may have contacted you or talked to you already, but

just in
>>case, he has suggested people that seem to be mostly agency sorts.
So, I
>>will list them here:
>>
>>These numbers were passed along from Kevin O'Connell, as well:
>>"Scotty" Skotzko: PRIVACY REDACTION
>>Dave Henry - CIA IOC - can be reached through the Langley switchboard
PRIVACY REDACTION
>>Brian Shaw (NIC) PRIVACY REDACTION Brian is Larry Gershwin's deputy at the

>>FDDC,
>>so contacting him is contacting Larry)
>>Paul Boedges - NRO CI - PRIVACY REDACTION
>>Terry Thompson - CIA - PRIVACY REDACTION
>>Mike Gellos - NCIS - PRIVACY REDACTION
>>Joseph Krofcheck - NRO PRIVACY REDACTION
>>
>>Some for whom we don't have telephone numbers:
>>Kathy Miritello
>>Greg Moore
>>
>>Scott is great, I am sure you will enjoy talking with him (although he
>>dresses like a Californian, he has the energy level of a New Yorker).
>>
>>Best,
>>
>>Susan
>><<List of possible participants.doc>>
>>
>>

_____
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http://join.msn.com/?page=features/featuredemail

From: "kirk hubbard" [redacted]
To: sbrandon@mail.nih.gov, gmumford@apa.org, [redacted] Scott Gerwehr
Subject: RE: Workshop on Science of Deception

Susan, Your reply sounds fine to me. Pretty slick--you should be handling agents for us!

Another approach in addition to your note might be to find someone like Sternberg, Zimbardo, etc. who knows Ekman and could cajole him. Joe
Matarazzo knows him and has called on my behalf before, but I don't know if they have any personal relationship. Joe loves to strong arm people, but I don't know what effect that might have on Ekman. We don't want him to be disruptive at the forum!

Kirk

>From: "Brandon, Susan (NIH/NIMH)" <sbrandon@mail.nih.gov>
>To: "'Mumford, Geoffrey'" <gmumford@apa.org>, 'Kirk Hubbard' [redacted] 'Scott Gerwehr' [redacted]
>Subject: RE: Workshop on Science of Deception
>Date: Tue, 1 Apr 2003 18:07:33 -0500
>
>Hi -- I have composed a reply to Paul Ekman which needs to be checked by
>Kirk because it includes some of his words from his recent email (SEE POINT
>#2) -- I'll copy it here below and include the word file. Of course, since
>Geoff is the official inviter, he has all power to send this or change it
>and send it or not send it, etc.
>I think sometimes arrogance works better than graciousness (and Geoff is a
>gracious person, which leaves me to play arrogant. This is the academic
>version of good guy / bad guy).
>Susan
>
>Dear Paul,
>
>My colleagues and I want you to be part of this deception workshop
>primarily
>because we think that your participation will significantly improve the
>conversations that occur there. However, we think that this meeting with
>be
>worthwhile to you because it is unique in format and content. Here are our
>arguments to participate:
>
>(1) This is not the usual meeting: The format of this meeting is most
>deliberately not one where the academics lecture and the others sit and
>take
>notes. We eschew such deadly events. The operational attendees have
>agreed
>to provide some questions and issues that are of particular interest to
>them, beforehand - and it is these that will serve as the foci of the
>discussions. (We will also circulate short descriptions of the researchers
>beforehand, so will plan on about 5-10 initial minutes of meeting time for

>each researcher to describe those aspects of their research and data that
>are relevant.)
>
>(2) It will be a unique group: The operational attendees will be those who
>deal directly with agents, double agents, walk-in "volunteers," and
>provocations from a hostile service. There will be a mix of psychologists
>who assess these people, ops officers who handle agents, and
>counterintelligence officers who try to catch the people directed against
>us. There will be an equal number of researchers, primarily psychologists
>with backgrounds in social psychology in general (deception, motivation,
>persuasion, intelligence in particular), and one or two who have studied
>"deception" in the animal world.
>
>(3) Importantly, those with experience in the operational world will invite
>the operatives; those with experience in the academic world will invite the
>researchers. What I have seen of much of the Washington policy-world is
>that there is a cadre of "expertise" that is often recycled for their
>input,
>perhaps because the number of researchers with the apparently requisite
>security clearances is relatively small, or just because familiarity via
>established networks is a powerful selective factor. This will be a
>meeting
>within the science domain as much as the agency domain.
>
>(4) We look forward to a clash of cultures, perspectives, and experiences
>that will be mutually informative. It is our experience that researchers
>who participate in such meetings learn things that are useful to their own
>research - new questions and different views on old questions - mostly
>because the mix of people is unusual.
>
>We don't have the questions from the agency people yet, and probably won't
>have them for awhile. We also haven't heard back from more than 50% of our
>invitees, and are unwilling to circulate the invitation list at this point.
>Our criterion for inviting researchers is that their research appears not
>only appropriate to the topic but first-rate, or that they do research >which
>is somewhat tangential to the topic but they are bright and creative, and
>will ensure livelier conversations than usually happen.
>
>There is one question that one of my non-agency colleagues has, which might
>interest you: how can we use deception to address the old challenge that
>meetings like this have, which is that the researchers can talk because
>their knowledge is in the public domain, but the operationals have to be
>more circumspect. How can we create a discourse methodology for the secret
>agents to share the important aspects of their questions without
>compromising sources or otherwise getting into trouble because they let out
>information that is secret? Given what is known in cognitive science and
>with whole computer worlds of data shifting (etc. etc.) available to us,
>how
>can this problem be solved? Do we have to accept the status quo, still?
>
>We look forward to hearing from you, and hope that you will decide in our
>favor.
>
>Kind regards, etc.
>
>

>
>
>-----Original Message-----
>From: Mumford, Geoffrey [mailto:gmumford@apa.org]
>Sent: Tuesday, April 01, 2003 11:05 AM
>To: 'Kirk Hubbard'; 'Scott Gerwehr'
>Cc: Brandon, Susan (NIH/NIMH)
>Subject: FW: Workshop on Science of Deception
>
>
>Scott and Kirk,
>
>FYI...here's Paul's response...it would be helpful to think about how we
>could make this a unique experience for both sides.
>
>Best,
>-geoff
>
>-----Original Message-----
>From: Paul Ekman PRIVACY REDACTION
>Sent: Tuesday, April 01, 2003 11:03 AM
>To: 'Mumford, Geoffrey'
>Subject: RE: Workshop on Science of Deception
>
>
>It all depends on who is coming, who has been invited for what reason,
>and what the agenda is about. To just hear people give their standard
>talks would be a bore and of not much use. The more the homeland
>security can specific questions in advance they want answers to the
>better the meeting
>
>paul
>
>Paul Ekman, Ph.D.
>Professor of Psychology
>University of California, S.F.
>401 Parnassus Avenue, San Francisco CA 94143
> PRIVACY REDACTION
> www.paulekman.com
>
>
>
>-----Original Message-----
>From: Mumford, Geoffrey [mailto:gmumford@apa.org]
>Sent: Tuesday, April 01, 2003 3:19 AM
>To: 'Paul Ekman'
>Subject: RE: Workshop on Science of Deception
>
>
>Hi Paul,
>
>It does sound like you have a full plate and I understand your
>ambivalence. The initial round of invitations went out yesterday and I
>expect it will take a few more days to hear from everyone. I'll be
>pleased to send you the participant list when I get a better sense of
>who's accepted as well as an agenda. We'd like to make this an

>attractive opportunity for all participants and if you have any ideas
>about how to make this interaction more productive or interesting, I'd
>appreciate hearing from you. Even if you decide not to come your input
>at this early stage could make the workshop a better experience for
>everyone involved. In any case thanks for your reply we'll be in touch
>again soon.
>
>Best,
>-geoff
> > -----Original Message-----
> > From: Paul Ekman [PRIVACY REDACTION]
> > Sent: Monday, March 31, 2003 7:36 PM
> > To: 'Mumford, Geoffrey'
> > Subject: RE: Workshop on Science of Deception
> >
> > I am ambivalent. I am teaching counter intelligence, counter terror,
> > foreign service personnel, fib polygraphist... To name those within
> > the last two months. I also am co pi on a 1 mil. Grant from drape. I
> > find conferences a waste of time, and for me an additional waste of
> > two days of travel. So I may send a colleague, but I am not willing as
>
> > yet to commit to coming. I would have to see the list of invitees who
> > have accepted, and the agenda. But let me repeat, I am at this point
> > leaning towards not participating.
> >
> > Paul
> >
> > Paul Ekman, Ph.D.
> > Professor of Psychology
> > University of California, S.F.
> > 401 Parnassus Avenue, San Francisco CA 94143
> > [PRIVACY REDACTION]
> > www.paulekman.com
> >
> >
> >
> > -----Original Message-----
> > From: Mumford, Geoffrey [mailto:gmumford@apa.org]
> > Sent: Monday, March 31, 2003 10:02 AM
> > To: [Paul Ekman]
> > Subject: Workshop on Science of Deception
> >
> >
> > Dear Dr. Ekman,
> >
> > I'm writing to invite you to participate in a 1½-day workshop on "The
> > Science of Deception: Integration of Practice and Theory," to be held
> > in Arlington, VA in July 2003 (the tentative dates are July 17-18).
> > This meeting will be sponsored by the American Psychological
> > Association (APA), Rand Corporation, and the intelligence community,
> > including the Central Intelligence Agency (CIA), the Federal Bureau of
>
> > Investigation (FBI), and the Defense Intelligence Agency (DIA). The
> > meeting will be held in the Washington offices of the RAND Corporation
>
> > in Arlington, Virginia.

> >
> > The goal of the meeting is to bring together individuals with a need
> > to know and use deception in service of national defense/security,
> > with those who investigate the phenomena and mechanisms of deception.
>
> > The plan is to have about twenty representatives from each community.
>
> > Those participants concerned primarily with application and the
> > operational use of deception will provide discussion points and
> > questions. Those participants who come with some research expertise
> > will be given a brief opportunity to describe their investigations.
> > The bulk of the day will be spent in discussions focused on the topics
>
> > and questions provided by the intelligence community.
> >
> > This meeting will be similar in format and intent to a meeting
> > convened in February 2002 by the APA, the University of Pennsylvania
> > (Solomon Asch Center for the Study of Ethnopolitical Conflict) and the
>
> > FBI Academy entitled "Countering Terrorism: Integration of Practice
> > and Theory." This rather unique congregation of people formed in
> > response to the attacks on 9/11, which appeared to both mobilize the
> > academic research community and to encourage the law enforcement and
> > intelligence communities to seek advice and aid for their new
> > challenges. The format of the conference was one where each
> > participant was given the opportunity to offer their own expertise and
>
> > perspective; the intent was to provide a meeting place for
> > "practitioners" and "theorists." A description of the February
> > conference - including the wide range of participants - can be found
> > on the APA website <http://www.apa.org/ppo/issues/ct.pdf>. As was the
>
> > practice for the February meeting, no honoraria are offered, but all
> > travel and lodging expenses will be covered.
> >
> > It is our intent to invite some researchers whose expertise appears to
>
> > be completely within the domain of deception, and some whose expertise
>
> > may be more tangential, in the hopes that a diverse group will
> > increase the likelihood of creative solutions and the benefits of new
> > perspectives on common problems. One outcome of the February FBI
> > Academy conference was that researcher participants did not just
> > provide expertise, but were challenged with new questions and issues
> > that were useful to their own research agenda. We believe that this
> > outcome can obtain again.
> >
> > We have not yet received the specific questions and issues that the
> > intelligence community wishes to address. Our own, preliminary list
> > of topics include deception detection and counter-deception; deception
>
> > denial; interpersonal and strategic persuasion; author attribution;
> > deception strategies in interviews and negotiation; nonverbal
> > deception cues; motivations to deceive; methods of deception in the
> > nonhuman animal world; social psychological influences on deception
> > detection; prediction of one's own and other's emotional and

> > motivational characteristics; attribution theory; the role of implicit
>
> > factors in persuasion; and the interactional functions of speech. We
> > will narrow the range of topics as we are informed by the intelligence
>
> > community of their particular interests, and depending on who in the
> > research community chooses to participate.
> >
> > We believe this is a unique opportunity, and we hope that you will
> > participate. Please feel free to contact me with any questions but in
>
> > any case, a brief reply indicating your level of interest would be
> > greatly appreciated.
> >
> > Regards,
> > -geoff> >
> > Geoff Mumford, PhD
> > Director of Science Policy
> > American Psychological Association
> > 750 First Street, NE
> > Washington, DC 20002-4242
> > (202) 336-6067 phone
> > (202) 336-6063 fax
> > gmumford@apa.org
> >
> >
>
><< notetoEkman.doc >>

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<?xml version .0" encodingTF-8"?>
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<real>1049311489</real>
<key>flags</key>
<integer>33815681</integer>
<key>sender</key>
<string>"kirk hubbard" < PRIVACY REDACTION ></string>
<key>subject</key>
<string>RE: Workshop on Science of Deception</string>
<key>to</key>
<string>sbrandon@mail.nih.gov, gmumford@apa.org, Scott Gerwehr </string>
</dict>
</plist>

From: "Mumford, Geoffrey" <gmumford@apa.org>
To: "'kirk hubbard'" [redacted]
Cc: SBrandon@mail.nih.gov [redacted]
Subject: RE: FW: Workshop on Science of Deception

Kirk,

Its extremely generous of you to be providing this level of funding and I have no doubt we can come in well under budget. I can do a rough cut on travel costs tomorrow and maybe Scott can give us a sense of what gov't room rates look like (I'd add here that we also have an APA Convention office that makes corporate accommodations as needed Scott if that helps lift the logistical burden at all?). I haven't heard from the UK guy yet but assuming he's the outlier, even if he comes I'm confident we'll be in good shape. I also want to make this as logistically simple for you Kirk as possible, so if its easier for APA to deal with the travel in bulk (via our on-site Amex office) and get reimbursed in bulk that works for me, just let me know.

Also, I'd weight the taping as an advantage but not absolutely critical. So Kirk if really good ops people were bowing out (although sounds like you have a ready supply) then we could consider alternatives. I'd hope the caveat that all recording/transcripts would be scrubbed as deemed appropriate by CIA/RAND would be sufficient to put your people at ease, but again that's your call.

Taking advantage of the per diem as possible supplementary funding is a good thought but I doubt it would be necessary and my sense is that if so many of these folks are willingly coming without honoraria and we're covering the travel, lodging and incidentals, they probably won't care or think about a per diem (but yet another generous thought that is appreciated by those of us on the planning end).

Thanks to you both for discussing Ricky's participation...I'll try to get in touch with the hold-outs tomorrow and see where we stand and if numbers/budget permit, I'll extend the invite. Kirk, I haven't heard back from Andy Morgan as to rescheduling, but if you hold any sway with whoever is providing his orientation, please weigh in...especially given the Iraq context, I think his participation would be especially topical, timely and thought provoking.

Thanks All,
-geoff

> -----Original Message-----
> From: kirk hubbard [redacted]
> Sent: Wednesday, April 09, 2003 1:39 PM
> To: gmumford@apa.org; [redacted]
> Cc: SBrandon@mail.nih.gov
> Subject: RE: FW: Workshop on Science of Deception
>
> Greetings All, Great news on the food front. Thanks Scott!
>
> I have set aside $40,000 for travel, hotel etc. for the visiting
> scientists.
> That is $2,666 each for 15 people. Some will no doubt cost much less if

>
> they are nearby. Others may be more, for example the person in England.
> We
> can go over the 15 number limit but not the $40K amount (read: I can't
> promise there will be more money available in July).
>
> A back-up scribe would be a good idea. I personally don't have a problem
> with taping the sessions, but some of the ops guys might be a little
> nervous. I'll let them know ahead of time and if they are uncomfortable
> they can decline the invite. There will be no shortage of ops people > interested in attending. I may
have to beat some off with a stick.
>
> For what it is worth, the scientists are eligible for $46 per day per
> diem.
> We could ask them to contribute to some of the food expenses, unless that
> is
> too crass. Your call.
>
> Kirk
>
>
>
>
>
>
> >From: "Mumford, Geoffrey" <gmumford@apa.org>
> >To: 'Scott Gerwehr' PRIVACY REDACTION
> >CC: 'Kirk Hubbard' PRIVACY REDACTION 'NIMH-Susan'
> ><SBrandon@mail.nih.gov>
> >Subject: RE: FW: Workshop on Science of Deception
> >Date: Wed, 9 Apr 2003 07:56:05 -0400
> >
> >Scott,
> >
> >This is great news all around! Very generous of you to offer to support
> the
> >catering costs...I would vote for an outside dinner too and if that
> expands
> >our budget, APA can likely chip in to supplement so please let us know.
> >Maybe we can bait Ekman with choice of meat or fish, a small house salad,
> >choice of dressing and 2 sides ;)
> >
> >Glad you found Ricky Jay, I'll send the fax as you suggested. I'm also
> >very
> >glad that everyone is on-board with producing a document...If possible,
> >audio recording would be a real advantage in that effort...I'd be pleased
>
> >to
> >volunteer staff support for transcribing a draft.
> >
> >It does appear to be coming together rather nicely with timely input from
> >everyone involved, so thanks to all for that...bully for us;)
> >
> >-geoff
> >
> >

> >
> >-----Original Message-----
> >From: Scott Gerwehr [redacted]
> >Sent: Tuesday, April 08, 2003 3:32 PM
> >To: Mumford, Geoffrey
> >Cc: 'Kirk Hubbard'; 'NIMH-Susan'
> >Subject: Re: FW: Workshop on Science of Deception
> >
> >
> >Wow, what an extraordinary group being assembled! I can scarcely
> >believe it.
> >
> >A few items:
> >- the catering cost for 40 people having two breakfasts, a lunch, and a
> >dinner - all good quality fare - will be just under $2K total
> >(including all tax, delivery, and other charges). I have approached
> >several units here to come up with the money...I would VERY much like
> >RAND to make this small contribution to such an important event, so
> >stay tuned...
> >- We can use the dinner money to bring food into RAND or to eat at a
> >nearby restaurant...not a decision we need to make immediately, but
> >something to consider. If someone (e.g., Ron Carpenter) wants to
> >present a show during dinner, we can accommodate them. Myself, I think
> >the lunch should be brought in and I'm entirely flexible about the
> >dinner; after all day cooped up in the conference room...
> >- I'll look into Ricky Jay, although I'm cautiously pessimistic about
> >the chances. Worth checking out, though: he is fascinating and utterly
> >out of the box!
> >- I (and RAND more generally) would love to publish proceedings from
> >the conference, scrubbed per the ops community's needs. I think there
> >would be avid readership for such a document, and it would be Exhibit 1
> >in making the case for future conferences to those who aren't at this
> >one, and more importantly, for building bridges between the academic
> >and ops communities. I'll look into recording and transcribing the
> >discussions, although note-takers would be valuable in any event.
> >- I am compelled to mention again how marvelous this is and will
> >continue to be!
> >
> >Cheers
> >Scott
> >
> >On Tuesday, April 8, 2003, at 11:41 AM, Mumford, Geoffrey wrote:
> >
> > > And this just in...her ears must have been burning and proof that
> > > opposites attract ;)
> > > -geoff
> > > -----Original Message-----
> > > From: Maureen O'Sullivan [redacted]
> > > Sent: Tuesday, April 08, 2003 2:47 PM
> > > To: Mumford, Geoffrey
> > > Subject: Re: Workshop on Science of Deception
> > >
> > >
> > > Dear Dr. Mumford,
> > >
> > > I am delighted to attend.

> > >
> > > The project on expert lie detectors that Paul Ekman and I have been
> > > doing, and on which I am the principal investigator, will be of great
> > > interest, I believe. Independently, I have also completed a study on
> > > cognitive heuristics in detecting deception (the boy-who-cried-wolf
> > > effect (in press, Personality and Social Psychology Bulletin) and a
> > > study of techniques of teaching detecting deception and individual
> > > differences in learning effectiveness that I am presenting at the
> > > Western Psychological Association and will be submitting early in the
> > > summer. All four of these topics are ones on which little research
> have
> > > been done.
> > >
> > > I look forward to meeting you and the others workers in the vineyard
> of
> > > deception detection.
> > >
> > > Maureen O'Sullivan
> > >
> > >
> > >
> > >
> > > At 10:26 AM 4/8/03 -0400, you wrote:
> > >
> > >
> > > Dear Dr. O'Sullivan,
> > >
> > >> I'm writing to invite you to participate in a 1½-day workshop on "The
> > >> Science of Deception: Integration of Practice and Theory," to be held
> > > in
> > >> Arlington, VA in July 2003 (the tentative dates are July 17-18).
> This
> > >> meeting will be sponsored by the American Psychological Association
> > > (APA),
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> > >> Intelligence Agency (CIA), the Federal Bureau of Investigation (FBI),
> > > and
> > >> the Defense Intelligence Agency (DIA). The meeting will be held in
> > > the
> > >> Washington offices of the RAND Corporation in Arlington, Virginia.
> > >>
> > >> The goal of the meeting is to bring together individuals with a need
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> > >> who investigate the phenomena and mechanisms of deception. The plan
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> > >> have about twenty representatives from each community. Those
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> > >> will provide discussion points and questions. Those participants who
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> > >> with some research expertise will be given a brief opportunity to
> > > describe

> > >> their investigations. The bulk of the day will be spent in
> > > discussions
> > >> focused on the topics and questions provided by the intelligence
> > >> community.
> > >>
> > >> This meeting will be similar in format and intent to a meeting
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> Asch
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> > > This
> > >> rather unique congregation of people formed in response to the
> attacks
> > > on
> > >> 9/11, which appeared to both mobilize the academic research community
> > > and
> > >> to encourage the law enforcement and intelligence communities to seek
> > >> advice and aid for their new challenges. The format of the
> conference
> > > was
> > >> one where each participant was given the opportunity to offer their
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> > >> expertise and perspective; the intent was to provide a meeting place
> > > for
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> > > conference
> > >> - including the wide range of participants - can be found on the APA
> > >> website < http://www.apa.org/ppo/issues/ct.pdf
> > > <http://www.apa.org/ppo/issues/ct.pdf> >. As was the practice for
> > >> the February meeting, no honoraria are offered, but all travel and
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> > >> expenses will be covered.
> > >>
> > >> It is our intent to invite some researchers whose expertise appears
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> > > be
> > >> completely within the domain of deception, and some whose expertise
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> > > on
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> own
> > >> research agenda. We believe that this outcome can obtain again.
> > >>
> > >> We have not yet received the specific questions and issues that the
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> > > of
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> > >> denial; interpersonal and strategic persuasion; author attribution;
> > >> deception strategies in interviews and negotiation; nonverbal
> > > deception

> > >> cues; motivations to deceive; methods of deception in the nonhuman
> > > animal
> > >> world; social psychological influences on deception detection;
> > > prediction
> > >> of one's own and other's emotional and motivational characteristics;
> > >> attribution theory; the role of implicit factors in persuasion; and
> > > the
> > >> interactional functions of speech. We will narrow the range of
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> > > as
> > >> we are informed by the intelligence community of their particular
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> > >> participate.
> > >>
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> > >> participate. Please feel free to contact me with any questions but
> in
> > > any
> > >> case, a brief reply indicating your level of interest would be
> greatly
> > >> appreciated.
> > >>
> > >> Regards,
> > >> -geoff
> > >>
> > >> Geoff Mumford, PhD
> > >> Director of Science Policy
> > >> American Psychological Association
> > >> 750 First Street, NE
> > >> Washington, DC 20002-4242
> > >> (202) 336-6067 phone
> > >> (202) 336-6063 fax
> > >> gmumford@apa.org
> > >>
> > >>
> > >
> > >
> > > Maureen O'Sullivan, Ph.D.
> > > Professor, Department of Psychology
> > > University of San Francisco
> > > 2130 Fulton St.
> > > San Francisco, CA 94117
> > > PRIVACY REDACTION
> > >
> > >
> > >
> > >
> >_____
> >Scott Gerwehr
> >RAND
> > PRIVACY REDACTION
> >
> >
> >
> >
> >

>
> _____
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	<key>subject</key>
	<string>RE: FW: Workshop on Science of Deception</string>
	<key>to</key>
	<string>"'kirk hubbard'" < PRIVACY REDACTION n></string>
</dict>
</plist>

From: "kirk hubbard" PRIVACY REDACTION
To: gmumford@apa.org
Cc: sbrandon@mail.nih.gov, Scott Gerwehr
Subject: RE: people for the workshop

Thanks for the bio data. I have a call into Joe and will send him an email as well. He loves arm twisting and I believe he is quite effective. We'll see!

>From: "Mumford, Geoffrey" <gmumford@apa.org>
>To: 'kirk hubbard' PRIVACY REDACTION
>CC: sbrandon@mail.nih.gov, Scott Gerwehr
>Subject: RE: people for the workshop
>Date: Wed, 14 May 2003 15:10:56 -0400
>
>Hi Kirk,
>
>I just chatted with Susan and we think that on balance it would be better
>to
>have Ekman there than not so we think you should ask Joe to twist away.
>I'll
>have the fentanyl dart ready if things get out of hand. Thanks.
>
>I'm attaching and pasting in what I know about the bios of the attendees.
>The status of those listed as undecided hasn't changed as far as I can
>tell.
>
>
>The Science of Deception: Integration of Theory and Practice
>Participants (academia)
>May 14, 2003
>
>1. Charles F. Bond Jr., Department of Psychology, Texas Christian
>University
>Research interests are in social psychology, especially research on
>nonverbal behavior and on the effects of the presence of others on human
>task performance.
>Bond investigates accuracy at detecting deception within and across
>cultures. He has found that accuracy rates are not that great within
>cultures, and can be even lower across cultures. (He has studied people
>from
>Jordan, India, and the U.S.) Interestingly, people from different cultures
>do tend to agree on which people are more or less likely to be lying. Bond
>has collaborators from 45 nations (35 different languages) who are
>recruiting people (more than 8000 so far) to answer the question, "How can
>you tell when people are lying?" In preliminary analyses, there was one
>response that was mentioned by more than 5% of the people in all 45 nations
>(on average, by 16% of respondents): avoiding ey contact. Other responses
>that occurred fairly often were speech errors, inconsistencies, and
>nervousness. Not useful were the background of the person, the situation,
>and whether or not there had been a confession.
>Department of Psychology
>Texas Christian University
>TCU Box 289920
>Fort Worth, TX 76129

>PRIVACY REDACTION
>
>Ronald H. Carpenter, Professor of English, University of Florida
>(undecided)
>From "The statistical profile of language behavior with Machiavellian
>intent
>or while experiencing caution and avoiding self-incrimination." Annals of
>the New York Academy of Sciences. Vol 606 Nov 1990, 5-17. Suggests that
>when
>individuals shift from being truthful to lying there are some clearly
>discernible changes in their language behaviors. For analyzing the
>presidential debates of 1976, the language variable as an index of an
>individual's internal psychological condition was lexical diversity as
>quantified by the type-token ratio (TTR). Research indicates that deception
>causes encoders to have higher TTRs than those of people uttering truthful
>statements. The same phenomenon may hold true for duplicity or
>Machiavellianism, wherein people manipulate their statements to serve
>hidden
>but personally advantageous purposes.
>Department of English
>University of Florida
>Gainesville, FL 32611
>(352) 392-0777
>
>John M. Darley, Warren Professor of Psychology, Princeton University
>(undecided)
>Research interests include social influence processes, bystander
>intervention in emergency situations, social comparison theory, the
>psychology of moral judgments,
>psychology and the law.
>Department of Psychology
>Green Hall
>Princeton, NJ 08544-1010
PRIVACY REDACTION
>
>2. Bella DePaulo, Professor of Psychology, University of Virginia
>Research interests include : (1) Motivation to detect deception: how
>motivation might affect a person's ability to detect deception; (2)
>Deception detection over e-mail: how well people can detect deception in an
>e-mail message versus other forms of written communication; (3) Deception
>detection in a negotiation: sex differences in the ability to detect
>deception in a negotiation situation; (4) Nonverbal cues to rapport: how
>skilled people are at determining a dyad's rapport simply from watching
>their nonverbal cues: (5) Nonverbal cues to emotion: The advantages and
>liabilities of Closeness: motivated inaccuracy at decoding
>relationship-threatening emotions; (6) people's ability to control their
>expressions, and the ability of friends versus strangers (and men versus
>women) to read the expressions and infer the emotions or motivations
>underlying the expressions; (7) Witness credibility: the nonverbal and
>verbal cues that make a witness appear more credible to mock jurors.
>Department of Psychology
>Gilmer Hall
>University of Virginia

>Charlottesville, Virginia 22903-2477
PRIVACY REDACTION
>
>Paul Ekman, Professor of Psychology, Department of Psychiatry, University
>of
>California (undecided)
>Research interests include emotion expression and physiological activity;
>interpersonal deception
>Department of Psychiatry
>University of California
>San Francisco
PRIVACY REDACTION
>
>3. John A. Endler, Professor of Biology, James Cook University & UC Santa
>Barbara
> Research interests include the interplay between ecological,
>behavioral, and genetic factors, and how they affect geographic variation
>and the process of natural selection in natural populations.
>Humanities I Building HA212
>James Cook University
PRIVACY REDACTION
>
>Steven Fein, Professor of Psychology, Williams College (undecided)
> Research interests include the processes of interpersonal perception
>and social cognition: suspicion; attribution; stereotypes and prejudice;
>self-affirmation theory; self-image maintenance processes in judgments and
>behaviors; social psychological influences on perceptions of political
>debates; effects of media images on attitudes and behaviors; cross-cultural
>differences; social psychology and sports.
>Bronfman Science Center, Rm. 376
>Williams College
>Williamstown, Massachusetts 01267 USA
PRIVACY REDACTION
>4. Roy O. Freedle, senior associate in the Center for Assessment Design and
>Scoring at
>Educational Testing Service in Princeton, NJ.
>Dr. Freedle has established a journal, Discourse Processes: A
>Multidisciplinary Journal. The journal provides a forum for the
>cross-fertilization of ideas of scholars working in the area from a variety
>of perspectives-psycholinguistics, sociolinguistics, educational
>psychology,
>computational linguistics, cross-cultural comparisons of communicative
>competence, the clinical interview, and related topics. He is also the
>editor of a series of books, Discourse Processes: Advances in Research and
>Theory
>Educational Testing Service,
>Office of State and Federal Relations

>Suite 900
>1800 K Street, N.W.
>Washington, DC 20006
PRIVACY REDACTION

>5. Scott Gerwehr, Associate Policy Analyst, RAND
>With a background in neuropsychology, Gerwehr was part of a
>UCLA/Cedars-Sinai team on the Human Genome Project looking at genes
>responsible for neural
>development prior to going to RAND. During five years of employment at
>RAND,
>his research has focused on the psychological dimensions of conflict:
>deception and counterdeception; interpersonal and strategic persuasion;
>indoctrination and radicalization; military psychological operations
>(PSYOP)
>at all levels of war; risk communication; public and covert diplomacy; and
>tactical communications in law-enforcement. The settings for these
>research
>efforts have included aerospace operations, urban insurgency and conflict,
>confidence artistry, computer network operations (CNO), deceptive
>advertising, undercover law-enforcement operations, terrorism and
>counterterrorism, counterintelligence, and the foreign policy of states and
>non-state actors. SECRET clearance since 1997, TS/SCI since 1998.
>RAND Office of External Communications
PRIVACY REDACTION

>
>6. Roy S. Godsen, Professor, International Relations, Georgetown University
> Areas of Specialization: International Relations, Security Studies
>Office: 674 ICC
PRIVACY REDACTION

>
>7. Tim Guilford, Professor of Biology, Merton College, Oxford (likely)
> Research on animal predator behavior and strategies of camouflage
>and deception.
>Merton College
>Oxford OX1 4JD
PRIVACY REDACTION

>8. Robert Kinscherff (J.D., Ph.D.) Massacusetts General Hospital; Harvard
>Medical School.
> Kinscherff is director of forensic training at the Law and
>Psychiatry Service of the Massachusetts General Hospital, and senior
>forensic psychologist for the Boston Juvenile Court Clinic. He holds a
>faculty appointment at the Harvard Medical School. He serves the American
>Psychological Association as a member of its Ethics Committee, and is also
>a
>member of the Joint Task Force on Professional Relations for the American
>Psychological Association and the American Bar Association. Dr.
>Kinscherff's
>research and forensic practice areas include juvenile violence, violence
>risk assessment, sexual offenders, family violence and child maltreatment.

>He teaches and trains nationally on these and other issues.
>Law and Psychiatry Service
>Massachusetts General Hospital
>55 Fruit Street
>Boston, MA 02114
PRIVACY REDACTION
>
>9. G. Daniel Lassiter, Professor of Psychology, Ohio University
> Research interests include the problem of how people come to
>organize and comprehend the information contained in another person's
>ongoing stream of behavior. The overall goal of Lassiter's work is to
>further illuminate the nature of the behavior perception process and at the
>same time establish its prominent role in a variety of psychological
>phenomena. Dr. Lassiter's interest in behavior perception has recently
>branched out into the study of decision-making in simulated juries.
>Department of Psychology
>Ohio University
>Office: 247 Porter Hall
>Athens, OH 45701
PRIVACY REDACTION
>10. Robert W. Mitchell, Professor of Psychology, Eastern Kentucky
>University
> Research interests include animal behavior, deception, play,
>simulative processes, and animal cognition.
>Department of Psychology
>Eastern Kentucky University
>104 Cammack Hall
PRIVACY REDACTION
>10.5 Charles A. Morgan III, Associate Professor, Yale University School of
>Medicine
>Dr. Morgan is studying various aspects of high intensity military training
>and post-traumatic stress disorders. The neurobiology, phenomenology,
>clinical psychopharmacology, and natural history of these are considered.
>Recent work has explored the neuro-endocrine response to acute stress and
>the relationship of this to dissociation and military operational
>performance
>Yale University
>School of Medicine
>333 Cedar Street
>New Haven, CT 06510
PRIVACY REDACTION
>
>11. Maureen O'Sullivan, Professor of Psychology, Department of Psychiatry,
>University of California San Francisco
>O'Sullivan's research includes methods of finding expert lie detectors.
>Tests of thousands of people, from various lines of work (e.g., police,
>therapists), have identified "experts." The challenge is to figure out
>what

>might be special about these experts. For example, she is asking whether
>they especially attentive to nonverbal cues, decisions about deceptiveness
>in particular ways, or have personal experiences that distinguish them from
>others.
>Department of Psychiatry
>University of California at San Francisco
>Box 0984, LPPI BX
>401 Parnassus Avenue
>San Francisco, CA 94143-0984
> PRIVACY REDACTION
>
>12. Richard E. Petty, Distinguished University Professor, Department of
>Psychology, The Ohio State University.
> Research interests include the situational and individual difference
>factors responsible for changes in beliefs, attitudes, and behaviors. Much
>of his current work is aimed at examining the implications of the
>Elaboration Likelihood Model of persuasion for understanding prejudice,
>consumer choices, political and legal decisions, and health behaviors.
>Topics of special current interest include: understanding the role of
>meta-cognitive as well as implicit (unconscious) factors in persuasion and
>resistance to change; the effect of racial and ethnic prejudice and
>specific
>emotions on social judgment and behavior; and investigating how people
>correct their evaluations for various factors they think may have biased
>their judgments (such as stereotypes they hold or emotions they are
>experiencing).
>Department of Psychology
>The Ohio State University
>1885 Neil Avenue
>Columbus, Ohio 43210-1222
PRIVACY REDACTION
>
>12.5 Richard H. Shultz, Professor of International Politics, Tufts
>University
>Professor Shultz's interests are in U.S. national security policy; regional
>conflict and state disintegration; ethnic and religious violence;
>contemporary military strategy; intelligence policy and covert paramilitary
>operations; low intensity conflict and power projection; media-military
>relations; and the changing roles and missions of the U.S. armed forces.
>The Fletcher School
>Cabot 609C
>Tufts University
>Medford, MA 02155
PRIVACY REDACTION
>13. Roger W. Shuy, Professor Emeritus, Department of Linguistics,
>Georgetown
>University.
>From The language of confession, interrogation, and deception (1998). (from
>the
>cover) Taking a linguistic point of view, R. W. Shuy offers a practical
>explanation of how confessions work. Using his 1993 work Language Crimes as
>his model, Shuy examines criminal confessions, the interrogations that
>elicit them, and the deceptive language that plays a role in the confession

>event. He presents transcripts from numerous interrogations and analyzes
>how
>language is used, how constitutional rights are protected (or not),
>consistency and truthfulness, suggestibility, written confessions, as well
>as unvalidated confessions. He concludes the volume with explicit advice on
>how to conduct interrogations that will yield credible evidence.
> PRIVACY REDACTION
>
>14. James Wirtz, Professor, National Security Affairs Department Chairman
>Research interests are nuclear strategy and counterproliferation;
>intelligence; international relations theory.
>Navy Postgraduate School
>jwirtz@nps.navy.mil
>
>
>-----Original Message-----
>From: kirk hubbard PRIVACY REDACTION
>Sent: Wednesday, May 14, 2003 12:54 PM
>To: sbrandon@mail.nih.gov; GMumford@apa.org; Scott Gerwehr
>Subject: Re: people for the workshop
>
>
>I have not asked Joe to twist Ekman's arm yet. Should I?
>
>Bob Meriscsko (sp?) would like to attend, as would Gary Strong (Bob
>recommended Gary). So we may have reached our limit.
>
>Can I get a brief bio on those who have agreed to attend (if you have it)?
>I recall seeing a short paragraph on some of the prospective attendees.
>This is for Bob. He is conducting a workshop also on deception in June, I
>think. His workshop, to ba attended by lots of cognitive psychologists
>(want an invitation Susan?), will work on a theoretical cognitive model for
>deception. I said we were more interested in applied research, but there
>may be some overlap.
>
>I will provide some questions and scenarios. Better give me a deadline,
>though!
>
>I spoke with my contact in DOD about Mike Capps. He will attend as an ops
>person.
>
>More later, Kirk
>
>
> >From: "Brandon, Susan (NIH/NIMH)" <sbrandon@mail.nih.gov>
> >To: "Geoff Mumford (E-mail)" <GMumford@apa.org>, "Kirk Hubbard (E-mail)"
PRIVACY REDACTION "Scott Gerwehr (E-mail)" PRIVACY REDACTION
> >Subject: people for the workshop
> >Date: Mon, 12 May 2003 10:49:14 -0400
> >
> >Dear Committee (?!),
> >
> >It seems to me that we have a good group of academics for the deception
> >workshop: weighted towards psychology (which is good, of course. . . .)
>are
> >5 and maybe 6, if Ekman doesn't like twisted arms (Bond, DePaulo,

>Lassiter,
> >O'Sullivan, & Petty); 3 in animal deception/behavior (Endler, Guilford,
> >Mitchell); 2 in linguistics (Freedle, Shuy); 3 in deceptions ops/politics
> >(Gerwehr, Godson, Wirtz) and two others (Kinscherff, who is smart and
> >thoughtful and an outlier, and Morgan, who does neuroscience-type
>things).
> >But we now have 15 certains, counting you, Scott, as an academic -- so I
> >say
> >we let the others fall off. If Schultz and Ekman come, this will be 17
> >academics. And if we include Bob Meriscsko, then it's 18.
> >It is easy to get quite excited about this meeting.
> >
> >It might be good for us to send these folks some questions or scenarios
>or
> >other useful stuff, if your (subcommittee) group has such, Kirk. I am
>sure
> >you are busy re-entering the Washington world (or the Langley world) and
> >have sufficient to catch up on already. But if there is anything along
> >those lines that I could help with, please let me know.
> >
> >Kind regards,
> >
> >Susan
>
>_____
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>
><< Listofpossibleparticipantsupdated5-8-03.doc >>

_____
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        <key>flags</key>
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        <key>sender</key>
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        <key>subject</key>
        <string>RE: people for the workshop</string>
        <key>to</key>
        <string>gmumford@apa.org</string>
</dict>
</plist>
```

Message

From: kirk hubbard [PRIVACY REDACTION]
Sent: 6/6/2003 2:19:49 PM
To: sbrandon@mail.nih.gov
CC: GMumford@apa.org; [Scott Gerwehr]
Subject: RE: still on for June 16 4 PM Moaddel?

Hello All, I have some "scenarios" or instances in which we have to deal with deception which can be shared with the scientist crowd. Should I fax them to one or all of you?

Saw Scott's name in an APA Monitor article. Will have to get your autograph!

Kirk

>From: "Brandon, Susan (NIH/NIMH)" <sbrandon@mail.nih.gov>
>To: 'kirk hubbard' [PRIVACY REDACTION]
>CC: GMumford@apa.org, "Scott Gerwehr (E-mail)" [PRIVACY REDACTION]
>Subject: RE: still on for June 16 4 PM Moaddel?
>Date: Thu, 5 Jun 2003 09:15:49 -0400
>
>Dear Kirk -- I don't know if it's a learned or instinctive, but somehow
>hitting people who work for 3-letter acronym agencies that start with c or
>f
>is something I try not to do. . . . so guess I'd better watch out how I
>prioritize workshops. No fear: our's will be better. I am very much
>looking forward to it --
>Perhaps Geoff and Scott and you and I can still bounce some
>issues/questions
>around. I will try to initiate that soon.
>Susan
>
>-----Original Message-----
>From: kirk hubbard [PRIVACY REDACTION]
>Sent: Tuesday, June 03, 2003 5:04 PM
>To: Brandon, Susan (NIH/NIMH)
>Cc: GMumford@apa.org
>Subject: RE: still on for June 16 4 PM Moaddel?
>
>
>WHAT DO YOU MEAN BOB'S WORKSHOP OR OURS?!!? There is only one important
>workshop and it is OURS, dammit!!!
>
>I'll put you and Mansoor in the visator access system right now. Then I'll
>start writing up some issues for the workshop. Thanks for the reminder.
>And no need to be pc with me--I respond best to a blow to the head!
>
>Regards to both of you. Kirk
>
>
> >From: "Brandon, Susan (NIH/NIMH)" <sbrandon@mail.nih.gov>
> >To: 'kirk hubbard' [PRIVACY REDACTION]
> >CC: "Geoff Mumford (E-mail)" <GMumford@apa.org>
> >Subject: RE: still on for June 16 4 PM Moaddel?
> >Date: Tue, 3 Jun 2003 12:59:24 -0400
> >
> >Dear Kirk -- Good; shall plan on 4 PM. Will ask for a cv -- the social
> >security # is [PRIVACY REDACTION]
> >
> >Are you asking about our deception workshop, or Bob's?
> >
> >I am planning on writing up some first drafts of issues and questions,
>for
> >our workshop, to bounce around among us -- but these would best be coming
> >from your end. Is there any way I can facilitate that? (This sounds
> >terribly pc but I don't mean it to be! That is, I am really just trying
>to

> >be useful. . . .).
> >
> >Susan
> >
> >-----Original Message-----
> >From: kirk hubbard [redacted]
> >Sent: Tuesday, June 03, 2003 12:31 PM
> >To: Brandon, Susan (NIH/NIMH)
> >Subject: Re: still on for June 16 4 PM Moaddel?
> >
> >
> >It's on my calendar, but I need his SSN so he can gain access. You may
> >have
> >
> >given it to me, but I can't recall. Any chance he could bring a cv when
>he
> >comes? I'll need it if we do a contract with him.
> >
> >How's the Deception Forum going. Haven't heard much lately.
> >
> >Kirk
> >
> >
> > >From: "Brandon, Susan (NIH/NIMH)" <sbrandon@mail.nih.gov>
> > >To: "Kirk Hubbard (E-mail)" [redacted]
> > >Subject: still on for June 16 4 PM Moaddel?
> > >Date: Tue, 3 Jun 2003 11:30:33 -0400
> > >
> > >Dear Kirk,
> > >
> > >I am just writing to confirm that we are going to meet with Mansoor
> >Moaddel
> > >on June 16th at 4 PM, in your office.
> > >
> > >And I will assume that we'll talk for about an hour -- just to let
> >Mansoor
> > >have some sense of what materials he should be expected to talk about.
> > >He's
> > >got some recent data from Saudi Arabia that he is quite enthusiastic
> >about
> > >sharing -- in fact, he's quite enthusiastic overall (although he may
>not
> >be
> > >quite a match for Scott).
> > >
> > >Hope you are well.
> > >
> > >Susan
> >
> >_____
> >Add photos to your e-mail with MSN 8. Get 2 months FREE*.
> >http://join.msn.com/?page=features/featuredemail
>
>_____
>Protect your PC - get McAfee.com VirusScan Online
>http://clinic.mcafee.com/clinic/ibuy/campaign.asp?cid=3963

_____
MSN 8 helps eliminate e-mail viruses. Get 2 months FREE*.
http://join.msn.com/?page=features/virus