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December 5, 2011

Dear Colleagues,

I am writing on behalf of the Board of Directors of the American Psychological Association (APA) in response to your letter dated October 12, 2011, from Psychologists for an Ethical APA. We have been giving serious consideration to the concerns that you raised. I would now like to address these critical issues, along with your request that specific actions be taken regarding the PENS report, the petition resolution, the Ethics Code, and the Ethics Office/recent Ethics Committees.

At the heart of your letter and the ongoing petition drive of the Coalition for an Ethical Psychology is the request that the 2005 Report of the APA Presidential Task Force on Psychological Ethics and National Security (PENS) be rescinded. In this context, questions have been raised about the composition and workings of the task force. Concerns have also been expressed about the adoption of the PENS report as policy on an emergency basis by the then Board of Directors on behalf of the Council of Representatives. Given that the PENS report lays the foundation for important Council actions in subsequent years, some of the report's content is now outdated and inaccurate (e.g., reference to the 2002 version of Ethical Standard 1.02). The Board of Directors encourages dialogue among our APA colleagues to determine how governance could best approach issues regarding the PENS report. Any possible Council action involving the PENS report needs to be considered in the context of our six other related policies (including the petition resolution), which date back to 1986. This will help to ensure that our policies in this area constitute, and are regarded as, an integrated and coordinated whole.

In response to your call for the full implementation of the petition resolution, I would like to direct your attention to the most recent Central Office annual report to Council. This report outlines the numerous steps that have been taken to address each of the recommendations (including the additional options) offered by the APA Presidential Advisory Group on the Implementation of the Petition Resolution, on which three of you served. (Please see http://www.apa.org/news/press/statements/petition-resolution.aspx.) As you may recall, the Advisory Group recognized that it was beyond APA's expertise to determine which detention facilities would be deemed "unlawful" according to the terms of the petition resolution. To address this critical matter, APA's Office of International Affairs has offered to provide assistance to our members in contacting outside experts through our U.N. representatives. These linkages

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could be to the U.N. Office of the High Commissioner for Human Rights and to key non-governmental organizations (e.g., International Committee of the Red Cross).

With respect to the APA Ethics Code, I wholeheartedly endorse your request for a full review that is transparent and democratic. The APA Bylaws set forth the process for such a review. The last review occurred over a five-year period with a priority on openness, transparency, and member involvement. APA members were repeatedly requested to submit comments to the various draft revisions. This concerted outreach to our membership resulted in about a dozen drafts to ensure the serious consideration of all voices in the revision process. I anticipate that the next review will be every bit as transparent and participatory.

Your call for an independent investigation into the Ethics Office and recent Ethics Committees is also deserving of a response. In this context, it has been falsely asserted that APA colluded with the Bush administration in the harmful detention and interrogation practices of the "War on Terror." There is a crucial point that needs to be made to counter this erroneous accusation.

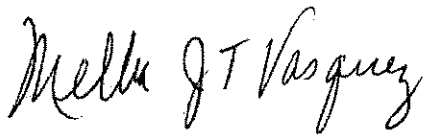
Despite repeated claims to the contrary, there was absolutely no connection between the drafting and adoption of Ethical Standard 1.02 in 2002 and the September 11, 2001, terrorist attacks. The relevant aspect of Standard 1.02, which addresses conflicts between ethics and law, was drafted in the fall of 2000. It was circulated for public comment prior to September 11, 2001. This standard was written largely in response to conflicts regarding confidentiality that arise most often when courts issue subpoenas for psychologists' records (e.g., test data) in custody disputes. It was intended to provide a means for psychologists to avoid being caught in a bind between a court and a licensing board or ethics committee. In essence, it enabled psychologists to follow a valid court order when their attempts to resolve the ethics/law conflict proved to be unsuccessful. Standard 1.02 provided a defense to releasing confidential information in response to a legal mandate. Neither the 2002 version nor the 2010 revision in any way provides a defense to participating in torture or other violations of human rights. Some of you have already been made aware of the erroneous nature of these assertions, and we believe that it is important in the interest of professional integrity that no such false allegations be further disseminated.

On a related front, you describe the recent release of the draft APA Ethics Casebook "after a six year delay" as "yet another chapter in APA's failure to take a meaningful stand against psychologist involvement in torture." You neglect to mention the Ethics Committee's stated reason for this delay. This was to await the completion of Council's multi-year process of policy development related to the role of psychologists in national security-related activities. This process was continuing from August 2005 through February 2010, when Council approved amendments to the Ethics Code. As the Committee clearly notes in its preamble, the vignettes proposed were those received in response to its December 2007 call

for public comment. The comment period has been extended until February 27, 2012. This decision was made to provide those interested with ample time to respond to the commentary provided for each of the vignettes, as well as to propose new vignettes to address other issues or concerns. The current responses reference all of APA's relevant policies in this area, including the petition resolution.

In closing, the Board of Directors seeks and welcomes the active participation of our members in the development of policies that draw upon our psychological science and practice to address critical issues facing our society. We highly value the important interchange of ideas and sharing of perspectives on issues and appreciate you sharing yours and considering ours. For those of you who are not currently APA members, we encourage you to join the association so that you can take part in these vital policy-related dialogues.

Sincerely,



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