

APA takes strong action in response to independent review

APA's Council of Representatives voted almost unanimously to prohibit psychologists from participating in national security interrogations. Its resolution states that psychologists "shall not conduct, supervise, be in the presence of, or otherwise assist any national security interrogations for any military or intelligence entities, including private contractors working on their behalf, nor advise on conditions of confinement insofar as these might facilitate such an interrogation."

The new policy does allow psychologists to be involved in general policy consultation regarding humane interrogations. The prohibition does not apply to domestic law enforcement interrogations or domestic detention settings where detainees are under the protection of the U.S. Constitution. The resolution also aligns APA's stance on cruel, inhuman or degrading treatment or punishment with that of the U.N. Convention Against Torture.

The policy, approved on Aug. 7 during APA's Annual Convention in Toronto, is among the first steps the association has taken to address the findings of a report by the law firm Sidley Austin LLP, which concluded that some APA officials, principally APA's then-ethics director, "colluded with important DOD officials to have APA issue loose, high-level ethical guidelines that did not constrain DOD in any greater fashion than existing DOD interrogation guidelines."

The report, which can be found at www.apa.org/independent-review/index.aspx, also found that when APA members raised concerns about psychologists' involvement in interrogations, "APA officials engaged in a pattern of secret collaboration with DOD officials to defeat efforts by the APA Council of Representatives to introduce and pass resolutions that would have definitively prohibited psychologists from participating in interrogations at Guantanamo Bay and other U.S. detention centers abroad."

In addition, the report describes contact APA had with the CIA, but concluded that the evidence does not support earlier allegations by APA's critics of collusion between the two.

While the report found no indication that APA officials actually knew about any interrogation program using enhanced

interrogation techniques, it concluded that APA officials "had strong reasons to suspect that abusive interrogations had occurred" and that association leaders "intentionally and strategically avoided taking steps to learn information to confirm those suspicions."

APA has apologized and is reviewing and strengthening its relevant policies and procedures.

In a letter to members after the report's release, APA President-elect Susan McDaniel, PhD, and Past President Nadine Kaslow, PhD — both of the association's Special Committee for the Independent Review — wrote that "what happened should never have occurred."

"On behalf of our organization, we apologize for what has emerged in the report, including the secret coordination between several APA leaders and the Department of Defense that resulted in the lack of a clear and consistent anti-torture stance, limited guidance for military psychologists in the field, a failure to uphold an appropriate conflict of interest policy with regard to the Presidential Task Force on Psychological Ethics and National Security (PENS Task Force) on military interrogation, and a lack of appropriate checks and balances that could have revealed these significant problems," they wrote. "In addition, we deeply regret the fact that some APA members and other critics were privately and publicly discounted for raising concerns."

They added: "Together we can, indeed we must, recommit to psychology's core values and emerge from this crisis as a stronger association of which we can all be proud."

Meanwhile, a number of APA members and others named in the independent report have objected strongly to its findings or have asserted that their actions or motives were misinterpreted. APA has provided a Web page for those who were mentioned or have personal knowledge about the events discussed in the report to respond to the facts presented or provide their own accounts of issues pertaining to them. Visit the Web page at www.apa.org/independent-review/responses.aspx.

APA has also set up a Web page to enable people to voice their opinions on the report at www.apa.org/independent-review/index.aspx, just below the links to the report and report findings.

There's also an email box where members and others can send suggestions for APA moving forward: IRfeedback@apa.org.

Comments received through all of these mechanisms are being reviewed and cataloged and will continue to inform decisions and actions.

Action taken by APA's Council of Representatives unrelated to the independent review will be reported in the October *Monitor*.

Addressing allegations

The independent report was commissioned last fall by APA's Board of Directors, which retained former federal prosecutor David Hoffman of Sidley Austin LLP of Chicago, and his colleagues, to conduct a thorough review of the association between APA and Bush administration policies on abusive interrogation techniques during the war on terror. The board decided an independent investigation was necessary because of ongoing concerns by members, as well as allegations in *New York Times* reporter James Risen's book "Pay Any Price: Greed, Power and Endless War" that APA had colluded with the Bush administration to support torture during the war on terror.

Hoffman, who says he received APA's "complete cooperation" in the investigation, was told that he was free to go wherever the facts led him. Hoffman and his team conducted more than 200 interviews of 148 people during an eight-month investigation that produced a 542-page report. The APA Board of Directors received the report on June 27.

APA's council discussed the report at its Aug. 5 and 7 meetings. (A roll call vote of the resolution to prohibit psychologists' involvement in national security interrogations can be found at www.apa.org/independent-review/index.aspx.)

The resolution clarifies that psychologists may be present at detention settings deemed by the United Nations to be in violation of international law (such as the U.N. Convention Against Torture and Geneva Conventions) *only* if they are working directly for detainees or for an independent third party working to protect human rights, or they are providing treatment to military personnel.

The resolution also redefines the term "cruel, inhuman or degrading treatment or punishment" in the 2006 and 2013 council resolutions in accordance with the U.N. Convention Against Torture to ensure that it provides protections to everyone, everywhere, including foreign detainees held outside of the United States.

In addition, the measure calls on the association to inform federal officials of this expanded APA human rights policy, while stipulating prohibited detention settings and requesting that psychologists at these sites be offered deployment elsewhere.

In a separate action to address the ethical problems cited in the independent report, the council voted to establish a blue-ribbon panel to evaluate and recommend changes to the APA Ethics Office and ethics processes. These include, but are not limited to, establishing a chief ethics officer, studying the relationship between ethics education and the ethics adjudication function, and exploring potential conflicts between human rights and other considerations. The panel will be appointed collaboratively by APA's board and Council Leadership Team and will include psychologist members and non-members of APA and experts from other fields. The panel will report back to the council next August.

"These actions by APA's council represent significant concrete steps toward rectifying our past organizational

shortcomings," said Kaslow. "We are now moving forward in a spirit of reconciliation and reform."

McDaniel, APA's 2016 president, said much work is ahead to change APA's culture to be more transparent and more focused on human rights. "In addition, we will institute clearer conflict-of-interest policies going forward, all of which are aimed at ensuring that APA regains the trust of its members and the public," she said.

Meanwhile, before the council meeting, APA's Board of Directors* voted to approve the following actions under its purview:

- The board will establish a mechanism for immediate oversight in the processing of filed ethics complaints, including review of current adjudication and investigative procedures, and transparency and accuracy in the disclosure of current ethics office practices.
- The board will ensure that on the APA website where the *Responses of the APA Ethics Committee to Questions, Comments, and Vignettes Regarding APA Policy on the Role of Psychologists in National Security-Related Activities* is located, a disclaimer will appear.
- The board will evaluate and modify, as needed, conflict-of-interest policies regarding financial, policy or relationship-based conflicts, and other associated processes to ensure that the policies are understood and followed. A mechanism will be developed to educate, enhance awareness and provide ongoing updates to members of governing bodies and advisory groups of APA regarding those conflict-of-interest policies.
- The board will create clear procedures for appointing and making public the members of task forces, commissions, etc. Procedures for appointment will include a standard and robust conflict-of-interest assessment and a procedure for assuring needed content expertise and diversities.
- The board will create specific criteria and procedures for emergency action by the board in keeping with the authority established in the bylaws.
- The board will direct the CEO to ensure an appropriate balance of autonomy and oversight in the supervisory process

- To read the full report, go to www.apa.org/independent-review/index.aspx.
- To learn more about the actions APA's Council of Representatives has taken since this article went to press, go to www.apa.org/independent-review/index.aspx.
- To make comments about the report or suggestions for APA moving forward, go to www.apa.org/independent-review/index.aspx, or email APA at IRfeedback@apa.org.
- To read comments from some of those named in the report, go to www.apa.org/independent-review/responses.aspx.

with respect to financial decisions, business processes and standards, and other activities.

- The board will increase APA's engagement around human rights activities and its collaboration with other organizations regarding these issues.

- The board will ask that an Office of Human Rights be established with an advisory committee building upon and expanding the current Work Group for Human Rights of the Board for the Advancement of Psychology in the Public Interest. The office will develop online resources, books, curricular materials, CE programming, and human rights convention programming; educate the public about psychology and human rights to increase the knowledge of dangers and harm associated with the use of torture and cruel, inhuman or degrading treatment and/or punishment; and coordinate with outside human rights organizations to organize a conference to address past human rights abuses and publish proceedings to include a plan for prevention.

- The board will recommend that APA's Education Directorate promote a focus on human rights and ethics as a core element of psychology education and training from high school through continuing education offerings.

The board also voted to approve the following statement in recognition of APA members who work in military settings:

The board acknowledges and appreciates the valuable and ethical behavior of the members of the American Psychological Association who work in military settings who make important and honorable contributions to those they serve and to the greater society. We commend the services they provide to military members and veterans and their families, as well as to the organizations in which they serve.

Members speaking out

The report validated the fears some members had expressed about APA's handling of the enhanced interrogation issue. Among the critics were Jean Maria Arrigo, PhD, an independent social psychologist and oral historian, who in 2005 served on the PENS Task Force; Steven Reisner, PhD, a clinical psychologist and psychoanalyst, who is a founding member of the Coalition for an Ethical Psychology and an advisor on psychology and ethics for Physicians for Human Rights; and Stephen Soldz, PhD, who is the director of the Boston Graduate School of Psychoanalysis.

Over the years, they had called on APA to issue a blanket prohibition on psychologist participation in interrogations.

Arrigo was one of 10 members of the PENS Task Force. From the outset, she voiced concerns about the group's mission and scope but found that her efforts to protect human rights in the task force discussions were rebuffed.

She says that she suspected collusion in August 2006 after she learned that an APA staff member who had been an observer at the task force meetings had close ties to a

psychologist involved in interrogation operations at the Guantanamo Bay detention facility.

"I then shared the PENS listserv with human rights scholars Steven Reisner and Nathaniel Raymond and notified the task force that I had done so," Arrigo says. Raymond is now the director of the Signal Program on Human Security and Technology at the Harvard Humanitarian Initiative.

Despite widely airing her concerns — including in her presentation "A Counterintelligence Perspective on APA PENS Task Force Process" at the APA 2007 Mini-Convention on Ethics and Interrogations — association staff and leadership took no action, she says.

Meanwhile, according to the Hoffman report, APA's then-Ethics Director Stephen Behnke was working "behind the scenes" with a few DOD psychologists. The report states that Behnke, who drafted the PENS Task Force report, repeatedly consulted on ethics language that would be acceptable to the DOD — language that formed the basis of the PENS Task Force recommendations, as well as other APA communications and actions on the issue.

After APA's Board of Directors received Hoffman's report, it invited Reisner and Soldz to discuss the report's findings before they were made public. (The report was scheduled to be publicly released in mid-July after APA's board and council had time to review it; but it was leaked to *The New York Times*, which published an article on July 10. APA then released the full report ahead of schedule.)

In his comments to APA's board, Soldz wrote that the Hoffman report documented "a years-long conspiracy."

Future directions

In their original letter to the members, Kaslow and McDaniel acknowledged that the findings in the report are deeply disturbing. They invited members to share their ideas on how APA should move forward, adding that feedback would be tracked, cataloged and used to guide decisions over the coming months.

They also noted that the current board and council had begun to make structural, process, policy and cultural changes that will demonstrate APA's commitment to ethics and human rights and help ensure that APA emerges from this crisis as a stronger association.

"We need the input and strategic thinking of all of our members at this critical time, as we map the future of our organization. We can and must do better. Our profession — and all of those we serve — deserve nothing less," McDaniel said. ■

* Board members and senior staff who had involvement with any of the significant events investigated, regardless of any level of culpability, were recused from deliberations and decisions related to the Hoffman report. This was done to avoid any real or perceived conflict of interest with regard to the board's actions.