



AMERICAN
PSYCHOLOGICAL
ASSOCIATION

November 1, 2006

Neil Altman, PhD
Member, APA Council of Representatives
425 Riverside Drive, Apt. 2F
New York, NY 10025-7725

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

NEIL ALTMAN 11.22.06 RESPONSE TO ETHICS COMMITTEE

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.

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.

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”.

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.



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December 22, 2006

Neil Altman, PhD
Member, APA Council of Representatives
425 Riverside Drive, Apt. 2F
New York, NY 10025-7725

Dear Dr. Altman,

I am writing on behalf of the Ethics Committee in response to your letter dated November 5, 2006 (the Committee received your letter electronically on November 22), concerning your new business item for Council. The Committee asks that I convey its appreciation for your willingness to engage in this dialogue and your patience in so carefully attending to the Committee's questions and requests for comment. The Committee also wants to make clear its strong interest in continuing to work with you.

As an initial matter, the Committee agrees completely about the importance of addressing ethical standards 1.02 and 1.03 and has been very pleased to collaborate with the Divisions of Social Justice on this matter. The Committee looks forward to continuing to work with the president of the DSJ, Dr. Brad Olson, on this issue and wants to be sure that Dr. Olson's efforts, including but certainly not limited to his trips to DC this fall to meet with various APA governance groups, are recognized.

The Committee believes that understanding your position as fully and clearly as it can is especially important because your business item would prohibit any psychologist—even the most ethically-minded, informed, and conscientious—from engaging in a particular domain of practice or in a particular setting. The Committee believes that such an absolute prohibition must be based on well articulated criteria. For this reason, the Committee asks that you respond to each of its points below, in turn, and again expresses its appreciation for your time, attention, and patience.

1. In your November 5 letter you state "...organized psychology must...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." Is it your position that inconsistency between national and international standards and/or laws is a *per se* reason for psychologists to be prohibited from working in areas affected or addressed by international laws and/or standards? If so, this would be a unique instance in which the Ethics Code would prohibit psychologists from working in a particular area because the legal or normative structures which govern the

psychologist's actions are inconsistent. Given the inconsistency between many international codes or standards and local norms or legal structure (settings in which the death penalty is administered would be an example), basing a prohibition solely on the lack of harmony would be a precedent. Could you please comment on whether the Committee is correct in understanding that you believe such inconsistency should itself be the basis for a blanket prohibition on psychologists' activities, and if so how far you believe this prohibition should extend?

2. The Committee asks, in the alternative, whether you believe that there are specific work environments in which the individual judgment of a professional is necessarily so impaired that he or she cannot reasonably exercise responsible moral judgment. We might imagine two situations in which an environment was structured such that the moral judgment of professionals in that environment is always and necessarily so impaired as to justify a blanket prohibition on working in those environments: the first *overt and intentional*, and the second what might be termed *situational*.

First, such an environment might overtly and intentionally be designed to coerce the psychologist to violate ethics standards, either directly, for example by physical coercion, or indirectly, for example by the threat of a loss of employment. Coercion of this type may occur in many different settings. Whether a particular setting is an environment of this nature is at least in part an empirical question. Can you say whether you are basing your position on a claim that certain locations constitute environments of this sort?

Second, a work environment may be established in which there is less overt social or psychological coercion influencing the psychologist's moral judgment, but in which the social situation is so coercive as to be ethically and prohibitively contaminating. Your letter might be interpreted as arguing that the conditions in certain settings constitute such environments, that is, an environment so coercive and hostile to all who enter it that the normal process of moral judgment is impossible, such that the ethical-mindedness of the individual psychologist is rendered moot.

This second issue deserves close scrutiny. While psychologists are subject to the same coercive effects of hostile environments as anyone else, it may be that their training and expertise provides a buffer, and/or that there are processes in place that support ethical decision-making. For example, psychologists, as professionals trained in recognizing the potentially coercive and transformative nature of some work environments, may be more able than others to recognize when such conditions are present, and indeed, to challenge them. Analogously, psychologists are as susceptible as anyone else to sexual fantasies about patients, but are explicitly trained to recognize and address such fantasies in a manner designed to prevent harm to the patient. The approach of the Ethics Code has been a mixture of practical advice (the prohibition on sexual relations with patients for two years after the end of therapy and a strong cautionary admonition following the initial two-year period) with ethical expectations (the strong expectation to place the interests of the patient above those of the psychologist and to avoid harm.)

Do the conditions of confinement at certain settings, and more specifically the conditions under which interrogations involving psychologists take place, constitute an environment where ethical decision-making is impossible so that no individual

psychologist, regardless of how ethically-minded and informed, could practice in an ethical manner, either because of pressures on the psychologist or because of other conditions of the setting? Again, this question is at least in part empirical and the Committee is very interested in what data we have. A comparison would be conditions of confinement in which many psychologists now practice. Are pressures on psychologists who advise or consult to non-military interrogations less intense and/or more amenable to resistance? What data do we have that address this question? If one were to compare the conditions of confinement in national security-related settings with the conditions of confinement at many US jails and prisons along dimensions such as access to quality health care, do you believe that the conditions in the US facilities would be uniformly superior? Do you believe that an individual with a severe mental illness is more likely to receive competent treatment at Guantanamo Bay or at a correctional facility in the US such as the Los Angeles county jail? What if it were demonstrated that, while US citizens with severe mental illness incarcerated in US correctional facilities had certain rights, their ability to exercise those rights was so limited as to render the rights virtually meaningless—would this mean that psychologists could no longer practice ethically in those facilities? What about settings in which the death penalty is administered, inconsistent with international human rights norms and standards? How do processes for reporting violations, such as those set forth in the Revised Army Field Manual and other Department of Defense policies, factor into assessing the ethical acceptability of working in a specific environment? The point of these questions is to explore more deeply what relevance you attribute to the actual conditions in which a person is confined, how the person is treated, and what specific processes are in place to protect ethical practice, for example by disclosing violations, as opposed to the individual's legal status or a discrepancy between national and international standards. More specifically, the Committee seeks to understand whether those actual conditions are such that they prevent the individual exercise of ethical judgment on the part of the well trained, informed, and ethically-minded psychologist.

3. Closely related to the second point, the Committee is mindful that there are few absolute ethical prohibitions on psychologists' conduct and that those prohibitions exist when the likelihood of harm is so great and the likelihood of legitimate benefit so small that no reasonable psychologist could engage in a particular behavior. Sexual involvement with a client provides an example of such an absolute prohibition. Do you believe that psychologists' involvement in military interrogations meets this test and, if so, could you identify the data that provide the basis for this determination?

4. Also closely related to the second point is the purpose of the new business item. If the item is intended to protect psychologists from being placed in ethically untenable positions, the item rests, at least in part, on an empirical claim: Psychologists are or are at high risk of being asked to engage in ethically impermissible activities and need to be protected from being placed in such situations. There are divisions within APA and individual members who have familiarity both with this area of practice as well as specific settings at which detainees are located. Have these APA governance groups or APA members on an individual basis indicated that they have been ordered or requested to engage in activities inconsistent with the PENS report, the 2005 and 2006 Council

Resolutions, or the Revised Army Field manual? Do the psychologists and governance groups most familiar with this work believe there is need for the protection you see as necessary? What can those communities tell us about what their members are being asked to do? The Committee views active engagement with the community of psychologists involved in this work as critical in thinking through this issue.

5. Following upon the point above, the Committee would like to explore the conditions under which a larger group, such as an association or state, protects a subgroup of its members or citizens by prohibiting a category of behaviors. There seem to be two distinct conditions under which such protection occurs. In the first, a subgroup asks the larger group for protection because the subgroup is unable adequately to protect itself. Such a request for protection is the result of an informed choice, made with a firm grasp of the need for protection. In the second condition, the larger group perceives the need for the subgroup to be protected, even though the subgroup itself may not perceive this need, as is the case with mandatory reporting statutes for children and prohibitions against sexual involvements with patients. In the second condition, the subgroup's possible lack of recognition of the need for protection is not dispositive; in fact, in part because the ability to recognize the need for protection may itself be compromised, the larger group acts *in loco parentis* to protect the subgroup. Could you please elaborate on which of these two conditions you see as most applicable, given that you base the item on a need to protect psychologists called to do this work?

6. In your November 5 letter you ask whether it is "...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'..." You then state "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." You emphasize psychologists have neither the training nor the expertise to assess whether specific behaviors meet certain legal criteria or criteria set forth in human rights documents. It would appear, then, that a logical alternative would be for APA to focus on specific behaviors, and identify which specific behaviors are ethically acceptable and which are not; this reasoning seems especially compelling given that human behavior is an area of expertise for psychologists. The Committee notes that the 2006 APA Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and the revised Army Field Manual, identify specific behaviors, in order to prohibit certain behaviors and permit others. The Committee asks why the language found in the 2006 Resolution and the Revised Army Field Manual, which focuses on specific behaviors, does not provide a reasonable and logical alternative to a blanket prohibition for precisely the reasons you cite in your November 5 letter.

7. In your letter of November 5, you state regarding the Revised Army Field Manual "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.” Is your understanding that there is ambiguity regarding whether Department of Defense personnel are bound by the Army Field Manual, and/or whether the Army Field Manual is binding at all Department of Defense settings?

8. Finally, the Committee is very interested in your thoughts on whether your arguments, as set forth in your November 5 letter, could lead a reasonable, ethically-minded psychologist to precisely the opposite conclusion you have drawn. You base your position on inconsistent standards and laws, and what you assess as the likelihood that psychologists will be asked to engage in torture. The conclusion here appears to be that the *absence* of psychologists is likely to result in *less* abuse in interrogations—yet might precisely the opposite be true? In other words, to reduce the likelihood of abuse and to enhance the ethical practice of interrogations, why would it not be preferable to *add* professionals who are well-trained and mature, have studied international human rights documents such as the Geneva Conventions, understand the effects of torture and abuse on an individual, are familiar with studies in social psychology regarding the influence of context and group processes, and have examined what questioning techniques are likely to lead to reliable information and conversely what techniques are likely to result in bad information? The Committee would like to know whether you believe a reasonable, ethically-minded psychologist could conclude that the involvement of more, rather than fewer, psychologists will reduce the likelihood that abuse will take place during interrogations.

The Committee asks that you respond to each of these points, in turn. The Committee is especially interested in your analysis and reasoning. The Committee also looks forward to hearing how the process of collaborating with other APA governance groups is proceeding.

Again, the Ethics Committee wants to convey its appreciation for your patience as we collaborate in thinking through these complex, challenging, and enormously important questions. The Committee is also grateful for the opportunity you have provided to clarify its own thinking.

Sincerely,

Stephen Behnke
Director, Ethics Office

Dr. Stephen Behnke
Director of Ethics
American Psychological Association
Washington DC

December 25, 2006

Dear Dr. Behnke,

Thanks to you and to the ethics committee for your continued serious engagement with the issues raised by my resolution related to interrogations at detention centers.

First, let me make clear that the resolution is not proposing a change to the ethics code. The resolution is also not proposing a “prohibition” against the participation of psychologists in interrogations at detention centers for foreign detainees. The resolution simply asks that the Association take a position in favor of a moratorium on psychologists’ participation in interrogations at detention centers, given the ambiguity as to what interrogation techniques are legal and which illegal in the wake of the 2006 Military Commissions Bill. There would be nothing enforceable if this resolution were passed. APA would, however, be taking a public position, similar to that taken by the American Psychiatric Association, making clear that it is concerned about the situation of psychologists in the detention centers. Passage of the resolution would help to reduce public confusion as to where APA stands and add to what has already been stated in the PENS report and the 2006 resolution against torture. Given the evident confusion on the part of the ethics committee as to what is being requested in this resolution, I have revised the resolution (attached) to include a statement of the main motion that is explicit about its purpose. Now to take up your questions one by one:

1. Again, the resolution is not calling for a prohibition. I do believe that APA should oppose psychologist participation in any setting in which there is unclarity as to the legality of the duties psychologists may be called upon to perform.
2. I would not say that no psychologist would be capable of resisting coercion or social pressure to behave in an illegal or unethical manner in connection with participation in interrogations in detention centers such as Guantanamo Bay. Clearly, some, such as Michael Gelles have been capable of doing so. I am not familiar enough with the actual conditions of work for psychologists in detention centers to say with any degree of confidence what sort of pressures they are under to collude with actions that constitute torture or cruel, inhuman, or degrading treatment (CIDT). That said, studies by Zimbardo and Milgram show that many people will be influenced by certain contexts to behave cruelly to others in ways that would ordinarily be unacceptable to them. We should not stand by while psychologists are put in positions in which only the extraordinarily courageous or steadfast are able to maintain ethical and legal behavior. In any case, my point has more to do with the fact that even the most courageous, steadfast, and principled psychologists cannot know whether certain interrogation techniques are legal, given the current situation in the wake of the military commissions act of 2006. In interrogations taking place in domestic settings, the relevant legal framework is generally Federal, state, and local law, so that there is either a reasonable degree of clarity as to what is legal and what is not, or a clear procedure for obtaining such clarity through the courts. Interrogations in domestic settings such as prisons are governed by clear legal standards, such as the Miranda ruling. These are so well known and accepted in the United States that if a psychologist were asked to participate in an interrogation in a prison or police station in which the detainee were denied Miranda rights, it

would be relatively straightforward to object and to report the abuse. If psychologists were asked to participate in some way in the execution of death sentences in domestic settings, however, there would be a significant degree of unclarity, since by many international standards the death penalty is not acceptable. I would be in favor of APA calling for a moratorium on psychologists participation in carrying out death penalties for this reason, but, of course, this is not what is at issue in the present resolution.

3. Again, we are not talking about a prohibition, only a position statement on the part of APA. The relevant prohibition, against participating in torture or CIDT, is already in place in the 2006 APA resolution against torture and CIDT.
4. Military psychologists, CIA psychologists, and consultants have not, to my knowledge, stated that they feel they are placed in an untenable legal or ethical position in the detention centers. They may not have so stated either because: a) they have up to this point not been asked to take or to witness illegal actions, or b) because they were not aware that they were committing or witnessing possibly illegal actions, or c) because, due to cognitive dissonance, once they had participated in or witnessed an arguably illegal action, they rationalized the action as acceptable or d) because the consequences of complaining about military orders is retaliation or damage to one's career to an unacceptable degree.
5. Given my response to item 4 above, the resolution is clearly not responding to a request for protection on the part of military psychologists, CIA psychologists, or consultants. Nor, however, do I feel that the resolution is asking APA to act *in loco parentis*. Rather, the resolution is asking APA to take a broad view of the legal situation created by the Military Commissions Act of 2006, and to recognize pro-actively the untenable situation created for military psychologists, CIA psychologists, and consultants. These psychologists work among the trees, their professional association is in a better position to see the broader forest.
6. The difference between a "breach" and a "grave breach" of the Geneva Conventions is not a matter of identifying specific behaviors since which behaviors fall into which category depends on the judgment of the President of the United States, as well as the judgment of any domestic or international court that may at some point in the future be asked to rule on this point. The judgments of the President, and of a domestic or international court, may be in conflict with each other. It is for this reason that the Military Commissions Act of 2006 gave retroactive immunity to agents of the US government with respect to any future war crimes charges under US law.
7. My understanding is that all branches of the US armed forces are bound by the Army Field Manual, but not employees of the Central Intelligence Agency, who may work in US run detention centers for foreign detainees.
8. I agree that it is possible that the presence of ethically minded psychologists at detention centers might reduce the risk of illegal interrogation techniques. However, I believe that it should not be the responsibility of psychologists to police interrogations, laudable as it is when some courageous psychologists take it upon themselves to perform this function. Especially when the criteria for legal vs. illegal interrogation methods have not been clarified, it is not acceptable, in my view, to ask psychologists to perform this function. Even police officers should not be asked to enforce the law in the absence of a clear legal framework.

Thank you again for your detailed response. I look forward to engaging with the committee in the next step in this process.

Neil Altman, Ph.D.