While we believe that the resolution is well intentioned, the resolution is more likely to harm military clinical psychologists than to help them, and there also are reasons to believe that the resolution will not achieve its desired objectives. The resolution points out possible ambiguities that psychologists may confront in the context of interrogations of foreign detainees at US Detention Centers. (Since most foreign detainees are incarcerated at the US facility at Guantanamo Bay, Cuba, our comments pertain for the most part to military clinical psychologists stationed there.) Such ambiguities relate to perceived inconsistencies between US laws and international treaties, conventions, and standards regarding the treatment of foreign detainees - in this case detainees defined by the US Government as "unlawful enemy combatants." Any such ambiguities are indeed unfortunate, but it is not at all clear that a resolution to remove military psychologists from such ambiguous situations would serve either the psychologists or the detainees.

It certainly is appropriate for APA to take a position against torture and abuse, which it has done in the 2006 Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment. Were it not possible for psychologists to participate in interrogations without supporting torture or abuse, then a resolution along the lines of the current proposal would be appropriate. If this were the case, we would expect to hear from military psychologists who find themselves in morally or legally compromising situations and who would welcome such a resolution. The information we have received suggests the opposite - that military psychologists believe they are performing a valuable service by being included in the interrogation process, and that resolutions that would prevent such service fail to respect their ability to make appropriate ethical and professional judgments.

Given the way it is written, the resolution implies disapproval of psychologists who believe that their participation in interrogations is both ethical and a proper exercise of their military obligations, and thus adds additional pressure to their situation. We believe that it is appropriate to provide support to any psychologist who feels that participation in any particular interrogation of foreign detainees places him or her in a morally or ethically untenable situation, but a broad moratorium on all interrogations of foreign detainees would not be an effective means of providing support. In fact, it appears to pass judgment on a group of psychologists doing their legal and ethical military duties, in the absence of any evidence substantiating instances of abuse or mistreatment of detainees by psychologists at these facilities.

Nor would detainees likely be well served by a moratorium. The ethical and clinical training of psychologists make them more likely to be protective of the detainees' interests than those who have not had such training. Psychologists are more likely to recognize when interrogations are headed in a direction that would be psychologically

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harmful to the detainees and are thus more likely to deter interrogations from heading in that direction. Again, if circumstances arise where psychologists do not feel that they can exercise their professional duty to protect detainees from abuse, these would be circumstances where support from APA for withdrawal from interrogations would be appropriate. We note that the 2006 APA Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment already includes appropriate guidance for psychologists:

BE IT RESOLVED 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;

BE IT RESOLVED that should torture or other cruel, inhuman, or degrading treatment or cruel, inhuman, or degrading punishment evolve during a procedure where a psychologist is present, the psychologist shall attempt to intervene to stop such behavior, and failing that exit the procedure;

Reference the "Main Motion" on Page 1 of the Proposed Resolution .... "APA will explore ways to support those who choose to respect this moratorium. APA also will explore ways to facilitate organizational understanding of, and respect for, those who follow APA's guidance." If military psychologists receive legal orders from their superior officers to participate in interrogations, how will APA support those psychologists who fail to follow such orders? Moreover, how will APA facilitate the Department of Defense's (and the Military Services') understanding of, and respect for those military psychologists who choose not to obey direct orders?

Reference the 3rd "Whereas" on Page 2 of the Proposed Resolution. Here, the resolution notes that the 2006 APA Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment affirms that psychologists should not participate in torture or other forms of abuse, should attempt to stop such behavior if it exists, should exit the facility if it continues, and should report such acts to appropriate authorities. With this guidance already in place, we don't see the need for the moratorium called for in the proposed resolution. If psychologists are complying with the 2006 resolution, then there should not be any danger of inappropriate behavior on their parts, even in US detention centers with foreign detainees. Moreover, in the "Purpose and Rationale" section of the "Justification Statement" on Page 3, the resolution states ... "This resolution does not prohibit psychologists from participating in the aforementioned interrogations; rather, it is a recommendation from the American Psychological Association to psychologists and to their employers based on its assessment that psychologists working in these detention centers are in an untenable legal and ethical situation." This statement, contained in the "Justification Statement," would seem to obviate the need for the moratorium since it removes any prohibition of psychologists participating in interrogations.

Reference the 7th "Whereas" on Page 2 of the Proposed Resolution. This statement indicates that ...." psychologists working in US detention centers for foreign detainees are placed at risk (ethically and psychologically) particularly in relation to involvement in
interrogations interpreted as legal under US law, but inclusive of torture and other cruel, inhuman, or degrading treatment or punishment as defined under international law...." This assumes that psychologists are involved in interrogations in which inappropriate techniques are being used. We have discussed this issue with most of the military psychologists who have been assigned to Guantanamo Bay, and all report that they complied with the APA canon of ethics. There is no evidence that military psychologists have been engaged in inappropriate interrogations.

Reference Line 3 in the "Purpose and Rationale" section of the "Justification Statement" on Page 3 of the Proposed Resolution. This states that one of the purposes of the resolution is "to protect psychologists, legally, ethically, and psychologically, from involvement in such interrogations...." "Rather, the resolution is based on the lack of a clear legal framework governing interrogations of foreign "enemy combatants" being held offshore, deriving from discrepancies between US law and international law as set forth in the Geneva Conventions...." One of the realities of working as a psychologist is that they may be thrust into situations that are ambiguous and that can raise concerns for their colleagues, many of whom may have different personal views. Those psychologists who have chosen to work in a military environment believe that they are providing a service not only through professional practice, but through being present in situations where they, through their professional associations, can model best practice and ethical behaviors. Military settings, including combat, are often highly stressful and challenging, and psychologists need other professionals in close proximity who can train and guide their comrades to maintain high ethical and legal standards. Military psychologists understand the need to be in compliance with ethical standards and professional expectations, and they need the full support of their colleagues in these demanding roles.

Division 19 welcomes the opportunity to review this resolution, and we hope these comments will be useful to you. We also applaud your efforts and leadership in attempting to address this challenging issue. Nevertheless, it is our judgment that the resolution, in its present form, would be unwise and unproductive, and we would not be able to support it during its consideration by APA Council. A copy of this position has been provided to Dr. Steve Behnke, APA Ethics Officer.