

Ethics Committee  
Public Comment Solicitation Website  
Provide Your Wording and Rationale for Ethical Standards 1.02 and 1.03  
End Date 10/1/09  
Call August 2009

Submit Your Wording and Rationale here

Posted by: Linda Muldoon  
Representing: Individual  
Date Edited: 08/20/2009  
Comments:

Add to the end of the second sentence: in keeping with basic principles of human rights as stated in the International Code of Human Rights.

Posted by: bernice lott  
Representing: Individual  
Date Edited: 08/25/2009  
Comments:

Posted by: bernice lott Representing: Individual Date Edited: 08/21/2009 Comments: The issue of adherence to standards of "human rights" as an enforceable principle within the APA Ethics Code is of great importance. I urge that this be done at the recommendation of the Ethics Committee. Those who maintain that it is difficult to define human rights are, in effect, against its inclusion in our ethics principles. I call your attention to The Universal Declaration of Human Rights, adopted by the General Assembly of the UN in December, 1948. It presents a definition that is clear and simple and elegant and one that has been signed on to by countries around the world. For a full copy of the Declaration, go to The Universal Declaration of Human Rights. It is relatively brief, and the Committee needs to read, study, and use it.

Posted by: James Cole  
Representing: Individual  
Date Edited: 08/30/2009  
Comments:

RE: Language proposal for revision of Standards 1.02 and 1.03 "If laws, regulations, or other legal authority conflict with the ethical principles of the Code of Ethics, psychologists must do whatever they can to uphold the ethical principles of the Code. If psychologists believe a law, regulation or other governing authority violates their commitment to their ethical principles, they make known their objections to governing authority and work to change the law, regulation or other governing authority. In exceptional circumstances when unjust laws or regulations conflict with ethical responsibilities, ethical principles supersede legal or regulatory obligations. Just laws that protect the rights, safety and welfare of others predominate. However, if upholding ethical principles likely results in a serious or unjust personal harm to psychologists (e.g.,

jail, physical harm, loss of professional credentials or employability) a decision for final action is a matter of personal choice." Rationale: I believe ethical principles must take precedent in both the aspirational and enforcement sections of the Code of Ethics, not authority. In particular under our Code of Ethics, a core principle requires that psychologists protect the rights, safety and welfare of clients. (Do no harm.) On the other hand, in rare cases that result in serious personal harm to psychologists, psychologists' choice to obey the law or legal authority would be an acceptable action. However, it is anticipated that in most circumstances obeying just laws (e.g. a court order) does not violate the Code's protection of the rights, safety or welfare of others. The basic principle of confidentiality is not absolute. James K. Cole, Ph.D. COR representative, Nebraska Psychological Association 3801 Calvert St. Lincoln NE 68506 (402) 488-5591  
jkcole@windstream.net

Posted by: norman stephenson

Representing: Individual

Date Edited: 09/06/2009

Comments:

Adding the words "in accordance with basic principles of human rights" to the enforceable section of the APA Code of Ethics runs the very real risk that licensing boards or the state attorney general would refuse to allow the APA Code of Ethics to become part of state law as it now is in most states. Being a part of state law gives the Code of Ethics real power as it then applies to all licensed psychologists, not just APA members. The worst penalty APA can meet out is being dropped from membership. The state can suspend or revoke a license and even levy fines. An additional problem is that although intended to apply to psychologists involved in torture, the statement is so broad that it could very easily apply to a wide range of other areas creating problems for conscientious psychologists.

Posted by: Martha Davis

Representing: Psychologists for an Ethical APA

Role in Group: spokesperson

Members in Group: 500

Date Edited: 09/13/2009

Comments:

We urge deletion of "If the conflict is unresolvable via such means, psychologists may adhere to the requirements of the law, regulations, or other governing legal authority" from all parts of the APA Ethics Code, and deletion of the qualifier "to the extent feasible" from Standard 1.03. We are pleased that the recent call notes the option to delete clauses. In 2005, the Ethics Committee and Board of Directors approved the PENS Task Force report, and effectively approved a program and practice that violates at least 13 Ethics Standards while it serves the needs and priorities of "governing legal authorities" (in this case military and intelligence personnel who involve psychologists in detainee interrogations.) Government documents show that what the psychologists have been doing with detainee interrogators continues to shame our profession. While

psychologist involvement in detainee interrogations may prove the most egregious application of the “may follow orders” clause, it will not be the last if 1.02 is kept in the Ethics Code as is. Please note that instead of qualifying 1.02 with a clause on human rights that would be insufficient to prevent all of the ways that 1.02 may be abused, we recommend the deletions described above together with the ADDITION of a new Standard of its own placed in both the aspirational and enforceable sections and worded like the following: No Standard of the Ethics Code can be used to justify violations of human rights or Standard 3.04, Avoiding Harm. Our committee, representing hundreds of psychologists, worked many hours to explain in detail why these changes are imperative and we request that the Ethics Committee place our full original comment with the comments submitted for the Fall 2009 review. It can be found in the 1.02 documents placed on the Ethics Committee website under 10 b. Four Comments Received Hard Copy, and it is called the PEAPA memorandum. Martha Davis for the PEAPA committee to change 1.02 and Psychologists for an Ethical APA.

Posted by: Diana Sholtz  
Representing: Individual  
Date Edited: 09/15/2009  
Comments:

My comments do not have to do with torture, but rather the more common clashes between psychological ethics and legal practice. When the latest ethics standards came out, I believed that APA had thrown ethical psychologists, behind whom APA had stood in prior iterations, under the bus. If I ever have to go to jail to protect client data that ethically must be protected, I would like my professional organization to stand behind me---not behind a bunch of lawyers. Therefore, my version would be as follows: 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 explain the Ethics Code, make clear that they are committed to it, and take steps to resolve the conflict in a way that permits adherence to the Ethics Code. If the conflict cannot be resolved, the psychologist, with the backing of the American Psychological Association, adheres to her/his ethical code, as the law cannot abrogate our responsibility to practice ethically.

Posted by: Ruth Fallenbaum  
Representing: Individual  
Date Edited: 09/22/2009  
Comments:

Delete the second sentence in section 1.02. Substitute: "When laws, regulations, or other governing legal authority are in conflict with ethical standards, ethical principles supersede legal or regulatory demands." Rationale: Making the above changes provide psychologists with clear ethical guidance in potentially difficult, challenging, and often high-pressure situations -- situations in which they most are in need of help and support in doing the right thing.

Posted by: Barbara Eisold

Representing: Individual

Date Edited: 09/22/2009

Comments:

Delete the last sentence of 1.02 and add "If the conflict is unresolvable, psychologists must adhere to standards of human rights, as defined by the Universal Declaration of Human Rights adopted by the General Assembly of the U.N. in Dec., 1948. Rationale: Without clear standards to guide behavior in a manner that is in accordance with international standards of human rights, psychologists will not be protected from justifying engagement in egregious, possibly torturous acts.

Posted by: Shara Sand

Representing: Individual

Date Edited: 09/22/2009

Comments:

I would like to see the deletion of "If the conflict is unresolvable via such means, psychologists may adhere to the requirements of the law, regulations, or other governing legal authority" from all parts of the APA Ethics Code, and deletion of the qualifier "to the extent feasible" from Standard 1.03. Government documents show that what the psychologists have been doing with detainee interrogators continues to shame our profession. Let's not put psychologists in the position of using the Nuremburg Defense to protect themselves.

Posted by: Jean Maria Arrigo

Representing: [informal]

Role in Group: coordinator

Members in Group: 10

Date Edited: 09/22/2009

Comments:

As a social psychologist working in the area of ethics of military intelligence, I submit this letter from military intelligence professionals opposed to 1.02. August 4, 2009 To President James A. Bray and the Council of Representatives of the American Psychological Association: We write as concerned, veteran military and intelligence professionals. If the American Psychological Association (APA) retains Section 1.02 in its Ethics Code, the APA will place itself in opposition to some of the best traditions of the American military profession. Section 1.02 of the APA Ethics Code undermines not only the good order and discipline of military and intelligence professionals who happen also to be psychologists, but also their responsibilities under official military doctrine and professional military ethics. This section of the APA code entails an exemption that a psychologist can follow an order from a government employer even if it is otherwise contraindicated by the APA code. This section of the APA code disregards the Nuremberg Principles as recognized in 1950 by UN General Assembly Resolution 177 and incorporated into American military doctrine in the 1956 publication of Field Manual

27-10, The Law of Armed Conflict. The Nuremberg Principles were drafted in the United States War Department during the last year of the Second World War. Two major themes of the Nuremberg Principles have been incorporated into American military doctrine: (1) commanders and government officials are responsible for the criminal acts of their subordinates, and (2) that a person acts in response to an order from a government or of a superior does not relieve him or her from personal criminal responsibility. In the case of the prosecution for the massacre of unarmed civilians in My Lai in Vietnam in March 1968, a military court categorically ruled out the so-called Nuremberg Defense in a defense of an accused war criminal who claimed an order(s) from superiors sanctioned an otherwise criminal act. The professional normative standards of the military professional as a whole are binding on psychologists within the military. We therefore ask that the APA remove Section 1.02, or any equivalent statement, in the APA Ethics Code and any other APA policy inconsistent with official military doctrine, professional military ethics, and the standards of international humanitarian law. Lawrence P. Rockwood, PhD, Former Captain, US Army Counterintelligence Author: *Walking Away from Nuremberg: Just War and the Doctrine of Command Responsibility in the American Military Profession*, 2007, Amherst: University of Massachusetts Press, 2007. David C. MacMichael, Ph.D., former senior estimates officer, National Security Council, former captain, USMC Terrence Karney, Former Staff Sergeant, US Army: Interrogator, and Interrogation Instructor Peter Weiss, Sergeant, Military Intelligence, 1945, served as interrogator of high-value German detainee in Nuremberg Matthew Alexander, former senior interrogator for the U.S. military in Iraq, Author: *How to Break a Terrorist*, 2008. New York: Free Press. David DeBatto, U.S. Army Counterintelligence Special Agent (ret.) C.B. Scott Jones, Ph.D. Commander, USN Retired. South Asia Naval Intelligence, J-2 U.S. European Command, Scientific and Technical Intelligence Analyst Virenda Verma, M.Sc., Col., Indian Army Intelligence Retired. Visiting Fellow – Institute of Chinese Studies, Delhi. India-Pakistan Soldiers Initiative for Peace, Founder. Tibet Study Group, Founder and General Secretary. Herbert Ely, Retired from Department of the Army, Senior Intelligence Analyst

Posted by: Stephen Benson

Representing: Individual

Date Edited: 09/29/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations. The part of 1.02 that says "If the conflicts are unresolvable through these means then the psychologist may follow the law, regulations, or other governing authority" must be deleted from the aspirational and enforceable parts of the Ethics Code. This clause should be stricken immediately from both the aspirational and enforceable sections of the EC no matter what other changes are made. The addition "provided adherence does not violate basic human rights" in the Introduction would be deleted as it no longer has a clause to qualify. The new 1.02 would read: If psychologists' ethical responsibilities conflict with law, regulations, or other governing legal authority, psychologists make known their obligation to the Ethics Code and take steps to resolve the conflict in a manner that is

consistent with the Code." I also urge that the Ethics Committee must ensure that no Standard of Ethics Code can be used to justify violations of human rights or of standard 3.04, which is called Avoiding Harm. Prohibitions on torture and abusive punishment are too narrow and, as we have seen, open to widely variant definitions of torture and abusive punishment. I join in urging that the Ethics Committee "propose that the Council immediately act on inclusion of a new Standard placed in both the aspirational and enforceable sections like the following: "No Standard of the Ethics Code can be used to justify violations of human rights or Standard 3.04, Avoiding Harm." I recommend adding a standard, to read: "Psychologists and Human Rights -- Psychologists do not violate others' human rights. They have a duty to report human rights violations that they observe. No part of this code can be used to justify or defend violations of human rights." The word "basic" is not necessary and is misleading, as it opens discussion to argument.

Posted by: Steven Reisner  
Representing: Coalition for an Ethical Psychology  
Role in Group: Co-founder  
Members in Group: 1000  
Date Edited: 09/27/2009  
Comments:

To the Committee:

For a decade prior to 2002, Ethical Standard 1.02 did not have a 'Nuremberg Defense' and elegantly addressed the issue of psychologists' ethical obligations in the face of conflict. The addition of the Nuremberg clause has been, at best, an embarrassment for the APA, at worst, a support for psychologists who have participated in state-sanctioned abuse of detainees. Currently, the Ethics Committee has a new mandate, which is to change the language of 1.02 and 1.03 to assure that these standards "can never be interpreted to justify or as a defense for violating human rights." This is the second time Council has mandated that the Ethics committee remove the Nuremberg defense from these standards. However, it is simply not good enough to leave the offensive Nuremberg language intact, while adding a clause about protecting human rights.

The APA Board and committees have already shown that they are willing to subvert the wishes of the membership and of Council when they refused to implement the member-passed and Council-validated referendum because, they argue, there is no way to determine when a site is in violation of international human rights law. There is a danger that the same argument will be used to claim that there is no accepted definition of "violating human rights." In that case, we fear that the code will continue to permit following the law and regulations in the military and elsewhere, and no cases will ever be brought. Therefore the only acceptable change in 1.02 and 1.03 is to take out the offensive Nuremberg language altogether. The standards simply must be changed so that they no longer permit following the law over following ethics. If there is good cause to make specific exceptions, these should be spelled out and voted on by Council.

That said, we support returning to and strengthening the 1992 language, deleting the Nuremberg clause altogether, and including the relevant applications of the standard added in 2002. Thus, we believe 1.02 and 1.03 should be rewritten as follows:

**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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code.

**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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code.

If the Committee believes that a pressing reason for an exception exists, such an exception should be spelled out, voted on by Council, and added to an appendix to the code.

We also support adding a clause to the code making psychologists' commitment to protecting human rights explicit. We propose, in keeping with the Council's mandate, adding the following standard:

**Psychologists and Human Rights**

Psychologists do not violate others' human rights. They have a duty to report human rights violations that they observe. No part of this code can be used to justify or defend violations of human rights.

Sincerely,

The Coalition for an Ethical Psychology

Posted by: Roy Eidelson

Representing: Individual

Date Edited: 09/27/2009

Comments:

Dear Committee Members: I am writing to fully endorse all of the recommended Ethics Code changes posted on 9/27/09 by Steven Reisner on behalf of the Coalition for an Ethical Psychology (of which I am not a member). I believe the rationale for these proposed changes is clearly stated and highly persuasive. Thank you. Roy Eidelson

Posted by: Stephen Soldz

Representing: Individual

Date Edited: 09/27/2009

Comments:

I agree with the comments posted by Steven Reisner of the Coalition for Ethical Psychology. To be a professional means to take professional responsibility. This responsibility cannot be ceded to other authorities. Like journalist who occasionally go to jail to protect sources, we need to make our ethical obligations mean something, even at the cost of some (usually slight) risk.

No human rights "exception" to 1.02 would be acceptable. It would leave our military colleagues in the same bind they are in now, where 1.02 undermines their ability to resist unethical orders. By law, they cannot be ordered to violate professional ethics. But, with 1.02 in effect, there is no violation. Thus, they have no defense against unethical orders.

Removing 1.02 will therefore provide a layer of additional protection for them.

Stephen Soldz, President-Elect, Psychologists for Social Responsibility

Posted by: Richard V. Wagner

Representing: Individual

Date Edited: 09/27/2009

Comments:

I am write in support of all of the recommended Ethics Code changes posted on September 27th by Steven Reisner on behalf of the Coalition for an Ethical Psychology -- altho I am not a member of that coalition. His rationale for these changes is clearly stated and I endorse them. Thank you.

Posted by: Scott Pytluk

Representing: Individual

Date Edited: 09/27/2009

Comments:

To the Committee: For a decade prior to 2002, Ethical Standard 1.02 did not have a 'Nuremberg Defense' and elegantly addressed the issue of psychologists' ethical obligations in the face of conflict. The addition of the Nuremberg clause has been, at best, an embarrassment for the APA, at worst, a support for psychologists who have participated in state-sanctioned abuse of detainees. Currently, the Ethics Committee has a new mandate, which is to change the language of 1.02 and 1.03 to assure that these standards "can never be interpreted to justify or as a defense for violating human rights." This is the second time Council has mandated that the Ethics committee remove the Nuremberg defense from these standards. However, it is simply not good enough to leave the offensive Nuremberg language intact, while adding a clause about protecting human rights. The APA Board and committees have already shown that they are willing to subvert the wishes of the membership and of Council when they refused to implement the member-passed and Council-validated referendum because, they argue, there is no way to determine when a site is in violation of international human rights law. There is a danger that the same argument will be used to claim that there is no accepted definition of "violating human rights." In that case, we fear that the code will continue to permit following the law and regulations in the military and elsewhere, and no cases will ever be



brought. Therefore the only acceptable change in 1.02 and 1.03 is to take out the offensive Nuremberg language altogether. The standards simply must be changed so that they no longer permit following the law over following ethics. If there is good cause to make specific exceptions, these should be spelled out and voted on by Council. That said, we support returning to and strengthening the 1992 language, deleting the Nuremberg clause altogether, and including the relevant applications of the standard added in 2002. Thus, we believe 1.02 and 1.03 should be rewritten as follows: 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. If the Committee believes that a pressing reason for an exception exists, such an exception should be spelled out, voted on by Council, and added to an appendix to the code. We also support adding a clause to the code making psychologists' commitment to protecting human rights explicit. We propose, in keeping with the Council's mandate, adding the following standard: Psychologists and Human Rights Psychologists do not violate others' human rights. They have a duty to report human rights violations that they observe. No part of this code can be used to justify or defend violations of human rights. Sincerely, Scott D. Pytluk, Ph.D.

Posted by: Bogat G. Anne

Representing: Individual

Date Edited: 09/27/2009

Comments:

I am writing to fully endorse all of the recommended Ethics Code changes posted on 9/27/09 by Steven Reisner on behalf of the Coalition for an Ethical Psychology (of which I am not a member). The rationale for these proposed changes reflects my own opinion and concerns.

Posted by: ELIZABETH HEGEMAN

Representing: Individual

Date Edited: 09/27/2009

Comments:

The deletion of 1.02 and 1.03 makes most sense since they constitute the nuremberg defense.

Posted by: Dr.JohnM. Stewart

Representing: Individual

Date Edited: 09/27/2009

Comments:

There are absolutely no circumstances that would allow psychologists to violate the ethics code, thus the Code should read as follows: 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 must adhere to the Ethics Code. 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 work to resolve the conflict in a way that permits adherence to the Ethics Code. Psychologists must not violate the code.

Posted by: Robert Parker

Representing: Individual

Date Edited: 09/27/2009

Comments:

I am in full support of the comment posted by Dr. Steven Reisner for the Coalition for an Ethical Psychology regarding the re-writing of Ethical Standards 1.02 and 1.03 as drafted at the bottom of my statement. It is time for Ethical Standard 1.02 and 1.03 to be clear and give unqualified support to all Psychologists who need the strength of our Ethical Code to address and resist conflicts between ethics and any governing authority or employer whose interests and demands conflict with our ethics, our professionalism, and our determination to protect individual human rights regardless of circumstance. By revising these standards, we will strengthen our position as professionals who will be able to speak out against abuse because we will have the unqualified support of our ethics and organization standing FIRMLY behind us. As Dr. Resiner has commented: "That said, we support returning to and strengthening the 1992 language, deleting the Nuremberg clause altogether, and including the relevant applications of the standard added in 2002. Thus, we believe 1.02 and 1.03 should be rewritten as follows:

#### 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code.

#### 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code.

If the Committee believes that a pressing reason for an exception exists, such an exception should be spelled out, voted on by Council, and added to an appendix to the code.

We also support adding a clause to the code making psychologists' commitment to protecting human rights explicit. We propose, in keeping with the Council's mandate, adding the following standard:

#### Psychologists and Human Rights

Psychologists do not violate others' human rights. They have a duty to report human rights violations that they observe. No part of this code can be used to justify or defend violations of human rights.

Posted by: Nancy Arvold

Representing: Individual

Date Edited: 09/28/2009

Comments:

Dear Committee Members: I am writing to fully endorse all of the recommended Ethics Code changes posted on 9/27/09 by Steven Reisner on behalf of the Coalition for an Ethical Psychology (of which I am not a member). I believe the rationale for these proposed changes is clearly stated and highly persuasive. It is a clear statement of integrity of this organization. Thank you. Nancy Arvold

Posted by: Joseph (Audie) Black

Representing: Individual

Date Edited: 09/28/2009

Comments:

I am writing to fully endorse the proposed revisions (and rationale for these revisions) offered by The Coalition for an Ethical Psychology, which were posted on 9/27/09.

Posted by: Kannerstein David

Representing: Individual

Date Edited: 09/28/2009

Comments:

I agree fully with Dr. Steven Reisner's call for APA to eliminate the "Nuremberg defense" which allows psychologists to participate in interrogations that would be considered prohibited by international law and his proposals on behalf of the Coalition for an Ethical Psychology which revises Ethical Standards 1.02 and 1.03. David Kannerstein, Ph.D. Licensed Psychologist

Posted by: Kathryn Adorney

Representing: Individual

Date Edited: 09/28/2009

Comments:

“I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.”

Posted by: Thomas Rosbrow

Representing: Individual

Date Edited: 09/28/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations. Without changing 1.02 and 1.03, the APA violates basic principles of human rights and international law.

Posted by: Gunnar Ingolfsson

Representing: Individual

Date Edited: 09/28/2009

Comments:

Dear Committee Members: I am writing to fully endorse all of the recommended Ethics Code changes posted on 9/27/09 by Steven Reisner on behalf of the Coalition for an Ethical Psychology (of which I am not a member). I believe the rationale for these proposed changes is clearly stated and highly persuasive. Thank you. Gunnar O. Ingolfsson

Posted by: Priscilla Kauff

Representing: Individual

Date Edited: 09/28/2009

Comments:

I support the wording submitted by Steve Reisner

Posted by: Ruth Blizard

Representing: Individual

Date Edited: 09/28/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.

Posted by: Connie Evert

Representing: Individual

Date Edited: 09/28/2009

Comments:

I agree with the rationale and fully endorse the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.

Posted by: mac brachman

Representing: Individual

Date Edited: 09/28/2009

Comments:

I agree with the proposed changes in the ethics code as offered by Dr. Reisner. For too long APA has stood in shameful contrast to the AMA and the American Psychiatric Association by not speaking out clearly and forcefully against psychologists' participation in indefensible techniques used against prisoners and detainees. This must stop now.

Posted by: George Mandler

Representing: Individual

Date Edited: 09/28/2009

Comments:

As an Apa member for for over 50 years I strongly recommend that we eliminate any Nuremberg amendations to Prinsviples 1.02 and 1.03 and make our defense of human rights as strong as possible.

Posted by: Jo Oppenheimer

Representing: Individual

Date Edited: 09/28/2009

Comments:

I agree entirely with Stephen Reisner's changes. We need to make these changes: For a decade prior to 2002, Ethical Standard 1.02 did not have a 'Nuremberg Defense' and elegantly addressed the issue of psychologists' ethical obligations in the face of conflict. The addition of the Nuremberg clause has been, at best, an embarrassment for the APA, at worst, a support for psychologists who have participated in state-sanctioned abuse of detainees. Currently, the Ethics Committee has a new mandate, which is to change the language of 1.02 and 1.03 to assure that these standards "can never be interpreted to justify or as a defense for violating human rights." This is the second time Council has mandated that the Ethics committee remove the Nuremberg defense from these standards. However, it is simply not good enough to leave the offensive Nuremberg language intact, while adding a clause about protecting human rights. The APA Board and committees have already shown that they are willing to subvert the wishes of the membership and of Council when~ they refused to implement the member-passed and Council-validated referendum because, they argue, there is no way to determine when a site is in violation of international human rights law. There is a danger that the same argument will be used to claim that there is no accepted definition of "violating human rights." In that case, we

fear that the code will continue to permit following the law and regulations in the military and elsewhere, and no cases will ever be brought. Therefore the only acceptable change in 1.02 and 1.03 is to take out the offensive Nuremberg language altogether. The standards simply must be changed so that they no longer permit following the law over following ethics. If there is good cause to make specific exceptions, these should be spelled out and voted on by Council. That said, we support returning to and strengthening the 1992 language, by deleting the Nuremberg clause altogether and including the relevant applications of the standard added in 2002. Thus, we believe 1.02 and 1.03 should be rewritten as follows: 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. If the Committee believes that a pressing reason for an exception exists, such an exception should be spelled out, voted on by Council, and added to an appendix to the code. We also support adding a clause to the code making psychologists' commitment to protecting human rights explicit. We propose, in keeping with the Council's mandate, adding the following standard: Psychologists and Human Rights Psychologists do not violate others' human rights. They have a duty to report human rights violations that they observe. No part of this code can be used to justify or defend violations of human rights. Let us speak with one voice and change APA's Nuremberg defense once and for all!

Posted by: Nancy Burke  
Representing: Individual  
Date Edited: 09/28/2009  
Comments:

It is a betrayal of my commitment to the APA to allow the organization to adopt a code of ethics that does not adequately protect human values and the work of promoting the psychological health and safety of all. Horrific things have been done in the name of national law, and in the face of this undisputed historical fact, we must provide an example, not merely of capitulation, but of moral thoughtfulness and strength. Thus, I agree wholeheartedly with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology, and I endorse the following wording of 1.02 and 1.03: 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent

with the Code. If the Committee believes that a pressing reason for an exception exists, such an exception should be spelled out, voted on by Council, and added to an appendix to the code. Psychologists and Human Rights Psychologists do not violate others' human rights. They have a duty to report human rights violations that they observe. No part of this code can be used to justify or defend violations of human rights.

Posted by: Wendy Lubin

Representing: Individual

Date Edited: 09/28/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations. Wendy Lubin, Ph.D. Graduate, NYU Postdoctoral Program

Posted by: Henry Seiden

Representing: Individual

Date Edited: 09/28/2009

Comments:

The addition of the Nuremberg clause is an embarrassment for the APA and support for psychologists who have participated in state-sanctioned abuse of detainees. Henry Seiden

Posted by: meredith fuller

Representing: Individual

Date Edited: 09/28/2009

Comments:

To the Committee: For a decade prior to 2002, Ethical Standard 1.02 did not have a 'Nuremberg Defense' and elegantly addressed the issue of psychologists' ethical obligations in the face of conflict. The addition of the Nuremberg clause has been, at best, an embarrassment for the APA, at worst, a support for psychologists who have participated in state-sanctioned abuse of detainees. Currently, the Ethics Committee has a new mandate, which is to change the language of 1.02 and 1.03 to assure that these standards "can never be interpreted to justify or as a defense for violating human rights." This is the second time Council has mandated that the Ethics committee remove the Nuremberg defense from these standards. However, it is simply not good enough to leave the offensive Nuremberg language intact, while adding a clause about protecting human rights. The APA Board and committees have already shown that they are willing to subvert the wishes of the membership and of Council when~ they refused to implement the member-passed and Council-validated referendum because, they argue, there is no way to determine when a site is in violation of international human rights law. There is a danger that the same argument will be used to claim that there is no accepted definition of "violating human rights." In that case, we fear that the code will continue to permit following the law and regulations in the military and elsewhere, and no cases will ever be brought. Therefore the only acceptable change in 1.02 and 1.03 is to take out the

offensive Nuremberg language altogether. The standards simply must be changed so that they no longer permit following the law over following ethics. If there is good cause to make specific exceptions, these should be spelled out and voted on by Council. That said, we support returning to and strengthening the 1992 language, by deleting the Nuremberg clause altogether and including the relevant applications of the standard added in 2002. Thus, we believe 1.02 and 1.03 should be rewritten as follows: 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. If the Committee believes that a pressing reason for an exception exists, such an exception should be spelled out, voted on by Council, and added to an appendix to the code. We also support adding a clause to the code making psychologists' commitment to protecting human rights explicit. We propose, in keeping with the Council's mandate, adding the following standard: Psychologists and Human Rights Psychologists do not violate others' human rights. They have a duty to report human rights violations that they observe. No part of this code can be used to justify or defend violations of human rights.

Posted by: Sidney Trantham

Representing: Individual

Date Edited: 09/28/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.

Posted by: Christian Huygen

Representing: Individual

Date Edited: 09/28/2009

Comments:

I, Christian Huygen, Ph.D., a licensed clinical psychologist and APA member, endorse the revisions proposed by the Coalition for an Ethical Psychology. Their comments and proposed language are as follows.

To the Committee:

For a decade prior to 2002, Ethical Standard 1.02 did not have a 'Nuremberg Defense' and elegantly addressed the issue of psychologists' ethical obligations in the face of conflict. The addition of the Nuremberg clause has been, at best, an embarrassment for the APA, at worst, a support for psychologists who have participated in state-sanctioned abuse of detainees. Currently, the Ethics Committee has a new mandate, which is to change the language of 1.02 and 1.03 to assure that these standards "can never be interpreted to



justify or as a defense for violating human rights." This is the second time Council has mandated that the Ethics committee remove the Nuremberg defense from these standards. However, it is simply not good enough to leave the offensive Nuremberg language intact, while adding a clause about protecting human rights.

The APA Board and committees have already shown that they are willing to subvert the wishes of the membership and of Council when they refused to implement the member-passed and Council-validated referendum because, they argue, there is no way to determine when a site is in violation of international human rights law. There is a danger that the same argument will be used to claim that there is no accepted definition of "violating human rights." In that case, we fear that the code will continue to permit following the law and regulations in the military and elsewhere, and no cases will ever be brought. Therefore the only acceptable change in 1.02 and 1.03 is to take out the offensive Nuremberg language altogether. The standards simply must be changed so that they no longer permit following the law over following ethics. If there is good cause to make specific exceptions, these should be spelled out and voted on by Council.

That said, we support returning to and strengthening the 1992 language, deleting the Nuremberg clause altogether, and including the relevant applications of the standard added in 2002. Thus, we believe 1.02 and 1.03 should be rewritten as follows:

#### 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code.

#### 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code.

If the Committee believes that a pressing reason for an exception exists, such an exception should be spelled out, voted on by Council, and added to an appendix to the code.

We also support adding a clause to the code making psychologists' commitment to protecting human rights explicit. We propose, in keeping with the Council's mandate, adding the following standard:

#### Psychologists and Human Rights

Psychologists do not violate others' human rights. They have a duty to report human rights violations that they observe. No part of this code can be used to justify or defend violations of human rights.

Posted by: Muriel dimen

Representing: Individual

Date Edited: 09/28/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.

Posted by: Trudy Bond

Representing: Individual

Date Edited: 09/28/2009

Comments:

As previously stated by Steven Reisner, I concur in the following comments: For a decade prior to 2002, Ethical Standard 1.02 did not have a 'Nuremberg Defense' and elegantly addressed the issue of psychologists' ethical obligations in the face of conflict. The addition of the Nuremberg clause has been, at best, an embarrassment for the APA, at worst, a support for psychologists who have participated in state-sanctioned abuse of detainees. Currently, the Ethics Committee has a new mandate, which is to change the language of 1.02 and 1.03 to assure that these standards "can never be interpreted to justify or as a defense for violating human rights." This is the second time Council has mandated that the Ethics committee remove the Nuremberg defense from these standards. I believe 1.02 and 1.03 should be rewritten as follows: 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code.

Posted by: jacqueline schwarz

Representing: Individual

Date Edited: 09/28/2009

Comments:

There is no matter of more importance that has come before APA in my almost 20 years of membership than this one. We must stop our adherence to an inhumane, and internationally understood as unethical, stance. We must not allow any psychologist to participate directly or indirectly in torture. I agree in entirety with Steve Reisner's submission about 1.02 and 1.03. I have the additional passion around this that comes from being the daughter of Holocaust survivors. We know what is right to do. We must fix any loophole that would allow a psychologist to think being "given orders" to do

something makes it ok to support torture. Please, let us wake up and be the esteem-worthy profession which we are capable of. The Nuremberg defense is shameful.

Posted by: Martin Schoen

Representing: Individual

Date Edited: 09/28/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations. In fact, I will not consider renewing my membership in the APA until it does so; as a psychologist, I've been embarrassed by APA's actions in relation to our government's use of torture etc. and its support for psychologists who have participated in state-sanctioned abuse of detainees. Martin J. Schoen, Psy.D.

Posted by: anne erreich

Representing: Individual

Date Edited: 09/28/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the committee to institute those recommendations. The time is long past to close this shameful chapter in the APA's history.

Posted by: Gabrielle Stutman

Representing: Individual

Date Edited: 09/28/2009

Comments:

The Nazis were unable to defend their actions by saying that they were just obeying orders. I thought that, by now, all ethical people had realized the corrupt nature of that defense. To find that my professional organization is even considering to call this an ethical standard is nauseating. Gabrielle Stutman, PhD

Posted by: Kenna Bolton Holz

Representing: Individual

Date Edited: 09/28/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.

Posted by: Benau Kenneth

Representing: Individual

Date Edited: 09/28/2009

Comments:

"I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations."

Posted by: Clare G. Holzman

Representing: Individual

Date Edited: 09/28/2009

Comments:

It is simply unacceptable for the American Psychological Association to disregard the will of APA Council and a majority of the APA membership, to say nothing of the principles established at Nuremberg in the aftermath of the horrors perpetrated by the Nazis. I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology, as stated below. I urge the Committee to institute these recommendations: 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. If the Committee believes that a pressing reason for an exception exists, such an exception should be spelled out, voted on by Council, and added to an appendix to the code. We also support adding a clause to the code making psychologists' commitment to protecting human rights explicit. We propose, in keeping with the Council's mandate, adding the following standard: Psychologists and Human Rights Psychologists do not violate others' human rights. They have a duty to report human rights violations that they observe. No part of this code can be used to justify or defend violations of human rights.

Posted by: Gary Lea

Representing: Individual

Date Edited: 09/28/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.

Posted by: Ann Baker

Representing: Individual

Date Edited: 09/28/2009

Comments:

I am writing in support of the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. In my view, these proposed changes are appropriate

and necessary to eliminate any ambiguity about the need for psychologists to place ethical considerations above adherence to any other authority. I urge the Committee to adopt these changes.

Posted by: Inge-Marie Eigsti

Representing: Individual

Date Edited: 09/28/2009

Comments:

I strongly agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations immediately.

Posted by: Frances Geteles

Representing: Individual

Date Edited: 09/28/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations. The existing passages (above) for sections 1.02 and 1.03 make it easy to justify unethical behavior on the grounds of "just following orders" whether from legal precepts, bosses or organizations. These existing rules are too reminiscent of the legal memos that the government has used to justify torture. Your suggested changes (the resolves) are too vague. It is not clear that the new phrasing will be strong enough.

Posted by: Joan Chodorow

Representing: Individual

Date Edited: 09/28/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.

Posted by: Irma Roca de Torres

Representing: Individual

Date Edited: 09/28/2009

Comments:

I agree with the proposal submitted by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to adopt those recommendations.

Posted by: Adele Cuthbert

Representing: Individual

Date Edited: 09/28/2009

Comments:

I share the deep concern of many APA members about the present wording of ethical standards 1.02 and 1.03, a concern that the standards can be used as a Nuremburg defense to violations of core human rights. In order to make a Nuremburg defense less likely and to reduce ambiguity about one's ethical responsibilities, I urge the deletion of the last sentence of standard 1.02 ("If the conflict is unresolvable via such means....") and the deletion of the qualifier "and to the extent feasible) in standard 1.03.

Posted by: Sarah Stewart

Representing: Individual

Date Edited: 09/28/2009

Comments:

Where it is written "we" below it speaks for me and my wishes. I am using Steven Reisner, Ph.D.'s words as they are well put and speak for me excellently. Please respect them: "To the Committee: For a decade prior to 2002, Ethical Standard 1.02 did not have a 'Nuremberg Defense' and elegantly addressed the issue of psychologists' ethical obligations in the face of conflict. The addition of the Nuremberg clause has been, at best, an embarrassment for the APA, at worst, a support for psychologists who have participated in state-sanctioned abuse of detainees. Currently, the Ethics Committee has a new mandate, which is to change the language of 1.02 and 1.03 to assure that these standards "can never be interpreted to justify or as a defense for violating human rights." This is the second time Council has mandated that the Ethics committee remove the Nuremberg defense from these standards. However, it is simply not good enough to leave the offensive Nuremberg language intact, while adding a clause about protecting human rights. The APA Board and committees have already shown that they are willing to subvert the wishes of the membership and of Council when~ they refused to implement the member-passed and Council-validated referendum because, they argue, there is no way to determine when a site is in violation of international human rights law. There is a danger that the same argument will be used to claim that there is no accepted definition of "violating human rights." In that case, we fear that the code will continue to permit following the law and regulations in the military and elsewhere, and no cases will ever be brought. Therefore the only acceptable change in 1.02 and 1.03 is to take out the offensive Nuremberg language altogether. The standards simply must be changed so that they no longer permit following the law over following ethics. If there is good cause to make specific exceptions, these should be spelled out and voted on by Council. That said, we support returning to and strengthening the 1992 language, by deleting the Nuremberg clause altogether and including the relevant applications of the standard added in 2002. Thus, we believe 1.02 and 1.03 should be rewritten as follows: 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. 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 obligation to the Ethics Code and take

steps to resolve the conflict in a manner that is consistent with the Code. If the Committee believes that a pressing reason for an exception exists, such an exception should be spelled out, voted on by Council, and added to an appendix to the code. We also support adding a clause to the code making psychologists' commitment to protecting human rights explicit. We propose, in keeping with the Council's mandate, adding the following standard: Psychologists and Human Rights Psychologists do not violate others' human rights. They have a duty to report human rights violations that they observe. No part of this code can be used to justify or defend violations of human rights."

Posted by: steven kanofsky

Representing: Individual

Date Edited: 09/28/2009

Comments:

"I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations."

Posted by: Joan Farber

Representing: Individual

Date Edited: 09/28/2009

Comments:

I agree with the proposals offered by Steven reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.

Posted by: Elaine Heiby

Representing: Individual

Date Edited: 09/28/2009

Comments:

I totally agree with the comment posted by Steven Reisner for the Coalition for an Ethical Psychology

Posted by: Wayne Klug

Representing: Individual

Date Edited: 09/28/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.

Posted by: David S. Nichols

Representing: Individual

Date Edited: 09/28/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.

Posted by: H. A. Hak

Representing: Individual

Date Edited: 09/28/2009

Comments:

"I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations."

Posted by: Andrea Cousins

Representing: Individual

Date Edited: 09/28/2009

Comments:

"I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations." Andrea Cousins, PhD, PsyD Massachusetts Campaign Against Torture

Posted by: Frank Summers

Representing: Individual

Date Edited: 09/29/2009

Comments:

I agree with the proposal by Steve Reisner on behalf of Psychologists for an Ethical APA that the loophole in 1.02 has to be eliminated by deleting the second sentence and inserting a statement that psychologists must adhere to to human rights. Standard 1.02 should be changed to eliminate the second sentence and add a statement regarding the imperative to respect human rights at all times as follows: "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. The psychologist always acts in accordance with basic human rights as defined by international standards of behavior." Rationale: By eliminating the second sentence, Standard 1.02 would make clear that psychologists cannot ever justify violating the code on the basis of "following orders." The Nuremberg defense was thrown out of court by the Nuremberg judges because "following orders" cannot justify unethical behavior. Although the APA has stated that 1.02 cannot be used to justify torture, that statement is not in the Ethics Code and is, therefore, not enforceable. The only way to make that statement enforceable is to eliminate the allowance for following order in Standard 1.02. By so doing, the Ethics Code is unambiguous that using the "following orders" rationale to justify violations of any of the provisions of the code is simply not allowable. By including the statement on human rights the code leaves no ambiguity regarding the need to respect international standards of human rights. Standard 1.03 should be modified as follows: "...make known their commitment to the Ethics Code and attempt to resolve the conflict in a way that permits adherence to the Ethics Code. The



psychologist is required to behave according to accepted international human rights standards at all times.” Rationale: same as 1.02 above. The elimination of “to the extent feasible” erases the ambiguity of the need to follow human rights standards, and the addition of the second sentence makes clear that the psychologist is in no way allowed to violate human rights standards no matter what organization she or he may belong to..

Posted by: Gregory Milbourne

Representing: Individual

Date Edited: 09/28/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.

Posted by: Herbert Gingold

Representing: Individual

Date Edited: 09/28/2009

Comments:

I don't believe that psychologists should participate in torture or any behavior forbidden by the Geneva Convention. If the psychologist works for a governmental agency or any other type of organization, they must refuse to take part in activities that could hurt, damage, humiliate, kill others or that might give "cover" to people going the same. Psychologists do not violate others' human rights. They have a duty to report human rights violations that they observe. No part of this code can be used to justify or defend violations of human rights.

Posted by: Dan Meyer

Representing: Individual

Date Edited: 09/28/2009

Comments:

No more defense of indefensible actions, whether it be the military, government or civilian psychologists.

Posted by: Marcus Tye

Representing: Individual

Date Edited: 09/28/2009

Comments:

Please use the following wording: 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. Rationale: The ethics code, professional psychologists, and our profession was well served with similar language before. The present language has been fraught with ethical and moral problems -- leading to Ken Pope's resignation. APA has been like a client in denial for too long -- there is problem with the ethics code language, it was a well-intentioned error to change 1.02, it's time APA changed it. If you won't listen to me, at least listen to someone as wise and thoughtful as Ken Pope and his eloquent resignation letter which addresses 1.02 superbly, a similar case applying to 1.03.

Posted by: Susan Raeburn

Representing: Individual

Date Edited: 09/28/2009

Comments:

I support the recommendations that Dr. Reisner submitted on behalf of the Coalition for an Ethical Psychology regarding 1.02 and 1.03. Susan Raeburn, PhD

Posted by: Juan Pablo Ferrer

Representing: Individual

Date Edited: 09/28/2009

Comments:

I strongly urge the committee to be proactive and absolute in regards to the protection of human rights. It is insufficient for psychologists to not have a hard line drawn on an issue so vital to modern society. I support Dr. Reisner's efforts and wording: "To the Committee: For a decade prior to 2002, Ethical Standard 1.02 did not have a 'Nuremberg Defense' and elegantly addressed the issue of psychologists' ethical obligations in the face of conflict. The addition of the Nuremberg clause has been, at best, an embarrassment for the APA, at worst, a support for psychologists who have participated in state-sanctioned abuse of detainees. Currently, the Ethics Committee has a new mandate, which is to change the language of 1.02 and 1.03 to assure that these standards "can never be interpreted to justify or as a defense for violating human rights." This is the second time Council has mandated that the Ethics committee remove the Nuremberg defense from these standards. However, it is simply not good enough to leave the offensive Nuremberg language intact, while adding a clause about protecting human rights. The APA Board and committees have already shown that they are willing to subvert the wishes of the membership and of Council when~ they refused to implement the member-passed and Council-validated referendum because, they argue, there is no way to determine when a site is in violation of international human rights law. There is a danger that the same argument will be used to claim that there is no accepted definition of "violating human rights." In that case, we fear that the code will continue to permit following the law and regulations in the military and elsewhere, and no cases will ever be brought. Therefore the only acceptable change in 1.02 and 1.03 is to take out the offensive Nuremberg language altogether. The standards simply must be changed so that they no longer permit

following the law over following ethics. If there is good cause to make specific exceptions, these should be spelled out and voted on by Council. That said, we support returning to and strengthening the 1992 language, by deleting the Nuremberg clause altogether and including the relevant applications of the standard added in 2002. Thus, we believe 1.02 and 1.03 should be rewritten as follows: 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. If the Committee believes that a pressing reason for an exception exists, such an exception should be spelled out, voted on by Council, and added to an appendix to the code. We also support adding a clause to the code making psychologists' commitment to protecting human rights explicit. We propose, in keeping with the Council's mandate, adding the following standard: Psychologists and Human Rights Psychologists do not violate others' human rights. They have a duty to report human rights violations that they observe. No part of this code can be used to justify or defend violations of human rights."

Posted by: Sharon Cairns

Representing: Individual

Date Edited: 09/28/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.

Posted by: Catherine DiNardo

Representing: Individual

Date Edited: 09/28/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.

Posted by: karl knobler

Representing: Individual

Date Edited: 09/28/2009

Comments:

I agree with Dr. Steven Reissner and Bryant Welch who have persuavely stated that the ethical guidelines should be adhered to and should not become a defense for not taking responsibility for one's decisions and behavior. As well, I am concerned that the position

of APA weds it continuously with supporting the military and the VA system, and creating a conflict of interest in how decisions are made.

Posted by: Susan Dudley

Representing: Individual

Date Edited: 09/28/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.

Posted by: Jacqueline Cleland

Representing: Individual

Date Edited: 09/28/2009

Comments:

As a current practicing clinical psychologist and a former U.S. Justice Department employee in the office of Justice Programs, Office for Victims of Crime, having worked directly with the United Nations, I agree with and strongly support the proposals offered by Steven Reisner on behalf of the coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.

Posted by: Amy Schaffer

Representing: Individual

Date Edited: 09/28/2009

Comments:

I have been deeply disturbed by the current version of the ethical code, which allows the Nuremberg defense. I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology.

Posted by: Jean Hill

Representing: Individual

Date Edited: 09/28/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.

Posted by: Devon King

Representing: Individual

Date Edited: 09/28/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.

Posted by: Jon Girvetz  
Representing: Individual  
Date Edited: 09/28/2009  
Comments:

As a long standing member of APA, a Past President of the Monterey Bay Psychological Association and presently the Chair of the MBPA Contemporary Issues in Psychology Forum, I wish to add my support of the proposal offered by Steven Reisner in behalf of the Coalition for an Ethical Psychology. I strongly believe it is not enough to give mention of protecting human rights without deleting the the "Nuremburg defense" clause altogether. That this language was present in the ethics code to begin with, and that APA has been slow and at times obviously resistant to dealing with this issue remains as a significant concern to me and many that I speak with. Some have withdrawn membership from the APA altogether. I urge you to work quickly to implement the changes suggested by Steven Reisner. Further delay will only seen as diversionary and foster more distrust in APA, already a problem for many.

Posted by: Adrienne Aron  
Representing: Individual  
Date Edited: 09/28/2009  
Comments:

I agree with the recommendations of Steven Reisner, and propose adding a single phrase, as follows (indicated in caps): 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code AND WITH THE STANDARDS OF INTERNATIONAL LAW.

Posted by: fredric weiss  
Representing: Individual  
Date Edited: 09/28/2009  
Comments:

To the Committee: For a decade prior to 2002, Ethical Standard 1.02 did not have a 'Nuremberg Defense' and elegantly addressed the issue of psychologists' ethical obligations in the face of conflict. The addition of the Nuremberg clause has been, at best, an embarrassment for the APA, at worst, a support for psychologists who have participated in state-sanctioned abuse of detainees. Currently, the Ethics Committee has a new mandate, which is to change the language of 1.02 and 1.03 to assure that these standards "can never be interpreted to justify or as a defense for violating human rights." This is the second time Council has mandated that the Ethics committee remove the Nuremberg defense from these standards. However, it is simply not good enough to leave the offensive Nuremberg language intact, while adding a clause about protecting human

rights. The APA Board and committees have already shown that they are willing to subvert the wishes of the membership and of Council when~ they refused to implement the member-passed and Council-validated referendum because, they argue, there is no way to determine when a site is in violation of international human rights law. There is a danger that the same argument will be used to claim that there is no accepted definition of "violating human rights." In that case, we fear that the code will continue to permit following the law and regulations in the military and elsewhere, and no cases will ever be brought. Therefore the only acceptable change in 1.02 and 1.03 is to take out the offensive Nuremberg language altogether. The standards simply must be changed so that they no longer permit following the law over following ethics. If there is good cause to make specific exceptions, these should be spelled out and voted on by Council. That said, we support returning to and strengthening the 1992 language, by deleting the Nuremberg clause altogether and including the relevant applications of the standard added in 2002. Thus, we believe 1.02 and 1.03 should be rewritten as follows: 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. If the Committee believes that a pressing reason for an exception exists, such an exception should be spelled out, voted on by Council, and added to an appendix to the code. We also support adding a clause to the code making psychologists' commitment to protecting human rights explicit. We propose, in keeping with the Council's mandate, adding the following standard: Psychologists and Human Rights Psychologists do not violate others' human rights. They have a duty to report human rights violations that they observe. No part of this code can be used to justify or defend violations of human rights

Posted by: Ann Fischer  
Representing: Individual  
Date Edited: 09/28/2009  
Comments:

I endorse the wording proposed by Stephen Reisner, representing the Coalition for an Ethical Psychology.

Posted by: Marion Frank  
Representing: Individual  
Date Edited: 09/28/2009  
Comments:

1.02 The standards must be changed so that they no longer permit following the law over following ethics. If psychologists' ethical responsibilities conflict with law or other governing legal authority, psychologists should make known their obligation to the Ethics

Code and take steps to resolve the conflict. 1.03 If the demands of an organization with which psychologists are affiliated or for whom they are working conflict with this Ethics Code, psychologists should clarify the nature of the conflict, make known their obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. Most importantly, psychologists' commitment to protecting human rights should be made explicit. It should be clear that psychologists do not violate others' human rights. They have a duty to report human rights violations that they observe. No part of any code should be used to justify or defend violations of human rights. It seems that APA has repeatedly undermined attempts at real change. It is embarrassing, demeaning, and contrary to what I believe our professional stands for.

Posted by: larry zuberbier

Representing: Individual

Date Edited: 09/28/2009

Comments:

Is APA a guild that will forego a meaningful and enforced code of ethics to rationalize any potential source of income for its members? I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.

Posted by: frank bono

Representing: Individual

Date Edited: 09/28/2009

Comments:

I never dreamed that our fine and noble profession would lead and participate in the design and application of torture. And, do so for such a easily abused and misused concept as "national security." And, apparently, use junk science to justify it. "Learned helplessness, indeed. And now to be parsing words with a committee that has so betrayed our heritage and general membership? Have we lost our sense of history and purpose? Shame on all of us for permitting this aberration. I strongly urge the adoption of the changes advocated by the Coalition for an Ethical Psychology, once again making psychologists' commitment to protecting human rights explicit. Please add the following standard: Psychologists and Human Rights Psychologists do not violate others' human rights. They have a duty to report human rights violations that they observe. No part of this code can be used to justify or defend violations of human rights.

Posted by: Christine Naber

Representing: Individual

Date Edited: 09/28/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations."

Posted by: Benson Don  
Representing: Individual  
Date Edited: 09/28/2009  
Comments:

I, too, agree with the proposals offered by Steven Reisner on behalf of a Coalition for an Ethical Psychology. We are living at a time when our ethical principles must especially stand strong in the face of cruelty and brutality. Please institute his recommendations for modification of the ethics code.

Posted by: Richard Jenkins  
Representing: Individual  
Date Edited: 09/28/2009  
Comments:

For 1.02, Delete: If the conflict is unresolvable via such means, psychologists may adhere to the requirements of the law, regulations, or other governing legal authority. For 1.03, Change to read: 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, and make known their commitment to the Ethics Code. I am a fellow and a 25 year member of APA, who has been engaged in clinical work, teaching, research, and government service, as well as contract work for the Department of Defense. there is no reason for psychologists to be forced to make ethics subordinate to other authority.

Posted by: alice shaw  
Representing: Individual  
Date Edited: 09/28/2009  
Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical APA. The wording qualifying adherence to human rights principles must be eliminated. Psychologists must stand by the highest principles of human rights as stated in the Geneva Conventions, help to implement them and report exceptions in all professional dealings. They must adhere to these human rights principles even when a law, governing body, organization or other authority orders compromising actions for whatever reason.

Posted by: Gilbert Trachtman  
Representing: Individual  
Date Edited: 09/28/2009  
Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations. I object



strongly to the delaying tactics used to avoid these changes so necessary to substantiate our public posture as a helping profession.

Posted by: Richard Weinberg

Representing: Individual

Date Edited: 09/28/2009

Comments:

I recommend that the wording be simplified 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 all reasonable steps to resolve the conflict. 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 take all reasonable steps to resolve the conflict.

Posted by: Patricia Rosbrow

Representing: Individual

Date Edited: 09/28/2009

Comments:

"I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations." To the Committee: For a decade prior to 2002, Ethical Standard 1.02 did not have a 'Nuremberg Defense' and elegantly addressed the issue of psychologists' ethical obligations in the face of conflict. The addition of the Nuremberg clause has been, at best, an embarrassment for the APA, at worst, a support for psychologists who have participated in state-sanctioned abuse of detainees. Currently, the Ethics Committee has a new mandate, which is to change the language of 1.02 and 1.03 to assure that these standards "can never be interpreted to justify or as a defense for violating human rights." This is the second time Council has mandated that the Ethics committee remove the Nuremberg defense from these standards. However, it is simply not good enough to leave the offensive Nuremberg language intact, while adding a clause about protecting human rights. The APA Board and committees have already shown that they are willing to subvert the wishes of the membership and of Council when~ they refused to implement the member-passed and Council-validated referendum because, they argue, there is no way to determine when a site is in violation of international human rights law. There is a danger that the same argument will be used to claim that there is no accepted definition of "violating human rights." In that case, we fear that the code will continue to permit following the law and regulations in the military and elsewhere, and no cases will ever be brought. Therefore the only acceptable change in 1.02 and 1.03 is to take out the offensive Nuremberg language altogether. The standards simply must be changed so that they no longer permit following the law over following ethics. If there is good cause to make specific exceptions, these should be spelled out and voted on by Council. That said, we support

returning to and strengthening the 1992 language, by deleting the Nuremberg clause altogether and including the relevant applications of the standard added in 2002. Thus, we believe 1.02 and 1.03 should be rewritten as follows: 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. If the Committee believes that a pressing reason for an exception exists, such an exception should be spelled out, voted on by Council, and added to an appendix to the code. We also support adding a clause to the code making psychologists' commitment to protecting human rights explicit. We propose, in keeping with the Council's mandate, adding the following standard: Psychologists and Human Rights Psychologists do not violate others' human rights. They have a duty to report human rights violations that they observe. No part of this code can be used to justify or defend violations of human rights.

Posted by: Brigitte Fleeman

Representing: Individual

Date Edited: 09/28/2009

Comments:

I definitely support the added clarification: "Psychologists and Human Rights Psychologists do not violate others' human rights. They have a duty to report human rights violations that they observe. No part of this code can be used to justify or defend violations of human rights." If anybody is in doubt that there might arise a dilemma with government sanctioned abuse, please read the Atlantic Monthly October 2009 Article "Dear Mr. Bush, you approved torture. Only you can fix the damage. Here's how" by Andrew Sullivan. Government supported torture is even possible in the United States. We need a professional code that CLEARLY takes a stand for human rights.

Posted by: Adrienne McFadd

Representing: Individual

Date Edited: 09/28/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.

Posted by: Bjorg Hermannsdottir

Representing: Individual

Date Edited: 09/28/2009

Comments:

Dear Committee Members: I am writing to fully endorse all of the recommended Ethics Code changes posted on 9/27/09 by Steven Reisner on behalf of the Coalition for an Ethical Psychology (of which I am not a member). I believe the rationale for these proposed changes is clearly stated and highly persuasive. Thank you. Sincerely, Bjorg S. Hermannsdottir, M.A.

Posted by: James Cole  
Representing: Nebraska Psychological Association  
Role in Group: COR representative  
Members in Group: 300  
Date Edited: 09/28/2009  
Comments:

I previously recommended changes to the Ethics Committee. However, I now support the Steven Reisner proposal on behalf of the Coalition for an Ethical Psychology. In general I believe both the aspirational and enforcement sections of the Code of Ethics should be consistent. In particular I believe Standards 1.02 and 1.03 must represent an unambiguous rejection of a potential Nuremberg interpretation. I support the Coalition's changes to 1.02 and 1.03 and the added "Psychologists and Human Rights" clause. James K. Cole, Ph.D Nebraska Representative to COR

Posted by: James Cole  
Representing: Nebraska Psychological Association  
Role in Group: COR representative  
Members in Group: 300  
Date Edited: 09/28/2009  
Comments:

I previously recommended changes to the Ethics Committee. However, I now support the Steven Reisner proposal on behalf of the Coalition for an Ethical Psychology. In general I believe both the aspirational and enforcement sections of the Code of Ethics should be consistent. In particular I believe Standards 1.02 and 1.03 must represent an unambiguous rejection of a potential Nuremberg interpretation. I support the Coalition's changes to 1.02 and 1.03 and the added "Psychologists and Human Rights" clause. James K. Cole, Ph.D Nebraska Representative to COR

Posted by: frank marotta ph.d.  
Representing: Massachusetts Coalition Against Torture  
Role in Group: steering committee  
Members in Group: 40  
Date Edited: 09/29/2009  
Comments:

We are glad that the APA Ethics Committee has agreed to reconsider Standards 1.02 and 1.03. They have been an embarrassment to our profession and were a primary reason why we founded a group aimed at passing in the Massachusetts legislature a bill governing

licensed health professionals which would patch the gaps in the APA ethics code. Section 1.02 has become known as psychology's Nuremberg Defense. It accepts orders from any "governing authority" as a valid reason to set aside the ethics code. This has not only been a public relations disaster for psychology (see Harpers magazine, July, 2009, for just one recent example), but more importantly it has raised grave concerns within the profession (see Pope and Gutheil, International Journal of Law and Psychiatry, vol. 34, #4 ). Section 1.02 effectively undercuts all the rest of the ethics code and is arguably one reason why over the last few years psychologists have been found to have been involved in the planning, monitoring and carrying out of brutal interrogations of national security detainees. Section 1.02 as it stands has no place in a professional code of ethics. It operates solely to give psychologists impunity rather than to encourage ethical behavior. The minimum acceptable changes as we see it would be: 1. Deletion of the last sentence of 1.02 ("If the conflict ... authority"). 2. Deletion of "to the extent feasible" from 1.03. 3. Add to 1.02: "If the conflict is unresolvable the psychologist must decline to participate. If violations of human rights are involved, the psychologist has a duty to inform some effective authority." Although our wording differs a bit, we strongly support the submissions by Psychologists for an Ethical APA, including their more detailed memorandum of March 11, 2009. We agree with them that there should also be added to the enforceable code the statement: "No standard of the Ethics Code can be used to justify violations of human rights or of Standard 3.04, Avoiding Harm." We look forward to once again having an ethics code which psychologists can be proud of, rather than one which enables human rights abuses. Andrea Cousins Ph.D., Psy.D. Carolyn Hicks Ed.D. Frank Marrota Ph.D., ABPP Robert May Ph.D., ABPP All of the above are also members of The Massachusetts Campaign Against Torture

Posted by: M Marlyne Kilbey

Representing: Individual

Date Edited: 09/28/2009

Comments:

Delete the second sentence in section 1.02. Substitute: "When laws, regulations, or other governing legal authority are in conflict with ethical standards, ethical principles supersede legal or regulatory demands." Rationale: Making the above changes provide psychologists with clear ethical guidance in potentially difficult, challenging, and often high-pressure situations -- situations in which they most are in need of help and support in doing the right thing.

Posted by: Alvin Hornstein

Representing: Individual

Date Edited: 09/28/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.

Posted by: Alicia English

Representing: Individual

Date Edited: 09/28/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations stated below: To the Committee: For a decade prior to 2002, Ethical Standard 1.02 did not have a 'Nuremberg Defense' and elegantly addressed the issue of psychologists' ethical obligations in the face of conflict. The addition of the Nuremberg clause has been, at best, an embarrassment for the APA, at worst, a support for psychologists who have participated in state-sanctioned abuse of detainees. Currently, the Ethics Committee has a new mandate, which is to change the language of 1.02 and 1.03 to assure that these standards "can never be interpreted to justify or as a defense for violating human rights." This is the second time Council has mandated that the Ethics committee remove the Nuremberg defense from these standards. However, it is simply not good enough to leave the offensive Nuremberg language intact, while adding a clause about protecting human rights. The APA Board and committees have already shown that they are willing to subvert the wishes of the membership and of Council when~ they refused to implement the member-passed and Council-validated referendum because, they argue, there is no way to determine when a site is in violation of international human rights law. There is a danger that the same argument will be used to claim that there is no accepted definition of "violating human rights." In that case, we fear that the code will continue to permit following the law and regulations in the military and elsewhere, and no cases will ever be brought. Therefore the only acceptable change in 1.02 and 1.03 is to take out the offensive Nuremberg language altogether. The standards simply must be changed so that they no longer permit following the law over following ethics. If there is good cause to make specific exceptions, these should be spelled out and voted on by Council. That said, we support returning to and strengthening the 1992 language, by deleting the Nuremberg clause altogether and including the relevant applications of the standard added in 2002. Thus, we believe 1.02 and 1.03 should be rewritten as follows: 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. If the Committee believes that a pressing reason for an exception exists, such an exception should be spelled out, voted on by Council, and added to an appendix to the code. We also support adding a clause to the code making psychologists' commitment to protecting human rights explicit. We propose, in keeping with the Council's mandate, adding the following standard: Psychologists and Human Rights Psychologists do not violate others' human rights. They have a duty to report human rights violations that they observe. No part of this code can be used to justify or defend violations of human rights.

Posted by: Peter Thomas

Representing: Individual

Date Edited: 09/28/2009

Comments:

I strongly agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.

Posted by: Julia Treland

Representing: Individual

Date Edited: 09/28/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations, below: To the Committee: For a decade prior to 2002, Ethical Standard 1.02 did not have a 'Nuremberg Defense' and elegantly addressed the issue of psychologists' ethical obligations in the face of conflict. The addition of the Nuremberg clause has been, at best, an embarrassment for the APA, at worst, a support for psychologists who have participated in state-sanctioned abuse of detainees. Currently, the Ethics Committee has a new mandate, which is to change the language of 1.02 and 1.03 to assure that these standards "can never be interpreted to justify or as a defense for violating human rights." This is the second time Council has mandated that the Ethics committee remove the Nuremberg defense from these standards. However, it is simply not good enough to leave the offensive Nuremberg language intact, while adding a clause about protecting human rights. The APA Board and committees have already shown that they are willing to subvert the wishes of the membership and of Council when they refused to implement the member-passed and Council-validated referendum because, they argue, there is no way to determine when a site is in violation of international human rights law. There is a danger that the same argument will be used to claim that there is no accepted definition of "violating human rights." In that case, we fear that the code will continue to permit following the law and regulations in the military and elsewhere, and no cases will ever be brought. Therefore the only acceptable change in 1.02 and 1.03 is to take out the offensive Nuremberg language altogether. The standards simply must be changed so that they no longer permit following the law over following ethics. If there is good cause to make specific exceptions, these should be spelled out and voted on by Council. That said, we support returning to and strengthening the 1992 language, by deleting the Nuremberg clause altogether and including the relevant applications of the standard added in 2002. Thus, we believe 1.02 and 1.03 should be rewritten as follows: 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. 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 obligation to the Ethics Code and take

steps to resolve the conflict in a manner that is consistent with the Code. If the Committee believes that a pressing reason for an exception exists, such an exception should be spelled out, voted on by Council, and added to an appendix to the code. We also support adding a clause to the code making psychologists' commitment to protecting human rights explicit. We propose, in keeping with the Council's mandate, adding the following standard: Psychologists and Human Rights Psychologists do not violate others' human rights. They have a duty to report human rights violations that they observe. No part of this code can be used to justify or defend violations of human rights.

Posted by: Suzanne Gassner

Representing: Individual

Date Edited: 09/28/2009

Comments:

"I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations." Suzanne Gassner

Posted by: Michael Gardos Reid

Representing: Individual

Date Edited: 09/28/2009

Comments:

"I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations."

Posted by: Michael Singer

Representing: Individual

Date Edited: 09/28/2009

Comments:

To the Committee: For a decade prior to 2002, Ethical Standard 1.02 did not have a 'Nuremberg Defense' and elegantly addressed the issue of psychologists' ethical obligations in the face of conflict. The addition of the Nuremberg clause has been, at best, an embarrassment for the APA, at worst, a support for psychologists who have participated in state-sanctioned abuse of detainees. Currently, the Ethics Committee has a new mandate, which is to change the language of 1.02 and 1.03 to assure that these standards "can never be interpreted to justify or as a defense for violating human rights." This is the second time Council has mandated that the Ethics committee remove the Nuremberg defense from these standards. However, it is simply not good enough to leave the offensive Nuremberg language intact, while adding a clause about protecting human rights. Therefore the only acceptable change in 1.02 and 1.03 is to take out the offensive Nuremberg language altogether. The standards simply must be changed so that they no longer permit following the law over following ethics. If there is good cause to make specific exceptions, these should be spelled out and voted on by Council. That said, I support returning to and strengthening the 1992 language, by deleting the Nuremberg

clause altogether and including the relevant applications of the standard added in 2002. Thus, I believe 1.02 and 1.03 should be rewritten as follows: 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. If the Committee believes that a pressing reason for an exception exists, such an exception should be spelled out, voted on by Council, and added to an appendix to the code. I also support adding a clause to the code making psychologists' commitment to protecting human rights explicit. We propose, in keeping with the Council's mandate, adding the following standard: Psychologists and Human Rights Psychologists do not violate others' human rights. They have a duty to report human rights violations that they observe. No part of this code can be used to justify or defend violations of human rights.

Posted by: Laura Doty  
Representing: Individual  
Date Edited: 09/28/2009  
Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.

Posted by: Judith Goldberg  
Representing: Individual  
Date Edited: 09/28/2009  
Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations

Posted by: Billie Pivnick  
Representing: Individual  
Date Edited: 09/28/2009  
Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.

Posted by: Stefan Zicht  
Representing: Individual  
Date Edited: 09/28/2009



Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.

Posted by: Edward Tejjirian

Representing: Individual

Date Edited: 09/28/2009

Comments:

1.02 Conflicts Between Ethics and Law, Regulations, or Other Governing Legal Authority PROPOSED WORDING, ETHICAL STANDARD 1.02: 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 adhere to the Ethics Code. Under no circumstances may psychologists violate the prohibitions against participation or support, whether direct or indirect, in the inflicting of cruel, inhuman, or degrading treatment or torture, as these prohibitions have been outlined in the 2007 Resolution and amended in 2008, below: The 2007 Resolution specifies as prohibited "...all techniques considered torture or cruel, inhuman or degrading treatment or punishment under the United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; the Geneva Conventions; 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; the Basic Principles for the Treatment of Prisoners; or the World Medical Association Declaration of Tokyo. The 2008 Resolution affirms, "An absolute prohibition against the following techniques therefore arises from, is understood in the context of, and is interpreted according to these texts: mock executions; water-boarding or any other form of simulated drowning or suffocation; sexual humiliation; rape; cultural or religious humiliation; exploitation of fears, phobias or psychopathology; induced hypothermia; the use of psychotropic drugs or mind-altering substances; 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; isolation; sensory deprivation and over-stimulation; sleep deprivation; or the threatened use of any of the above techniques to an individual or to members of an individual's family. Psychologists are absolutely prohibited from knowingly planning, designing, participating in or assisting in the use of all condemned techniques at any time and may not enlist others to employ these techniques in order to circumvent this resolution's prohibition..." PROPOSED WORDING, Ethical Standard 1.03 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, and adhere to the Ethics Code. Adherence to the Ethics Code may never be suspended because of work setting regulations or procedures. Justification for the proposed wording: The reason for referencing the language of the 2007/8 Resolutions in 1.02 is to ensure that this language unambiguously constitutes part of the Ethics Code. The proposed language of 1.03 stipulates that observance of the Ethics Code may never be suspended, including observance of the provisions of the 2007/8 Resolutions, because

of work setting regulations. If the Board of Directors and/or Council explicitly delineate other human rights standards that must be observed and/or not violated, these will be added to Standard 1.02 and further define the constraints that psychologists are ethically bound to observe in all settings.

Posted by: Maria Celano

Representing: Individual

Date Edited: 09/28/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.

Posted by: Mona Cardell

Representing: Individual

Date Edited: 09/28/2009

Comments:

I believe 1.02 and 1.03 should be rewritten as follows: 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. If the Committee believes that a pressing reason for an exception exists, such an exception should be spelled out, voted on by Council, and added to an appendix to the code. I also support adding a clause to the code making psychologists' commitment to protecting human rights explicit. I propose, in keeping with the Council's mandate, adding the following standard: Psychologists and Human Rights Psychologists do not violate others' human rights. They have a duty to report human rights violations that they observe. No part of this code can be used to justify or defend violations of human rights.

Posted by: Ann Clarkson

Representing: Individual

Date Edited: 09/28/2009

Comments:

I, Ann B. Clarkson, PhD, whole-heartedly agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations. This should have been done immediately after the resolution was passed by the APA members.

Posted by: john marks  
Representing: Individual  
Date Edited: 09/28/2009  
Comments:

Psychologists must not participate directly or indirectly in torture. "Legal" escapes from this requirement degrade our profession and humanity. I agree with the principled comments of Steven Reisner.

Posted by: howard susser  
Representing: Individual  
Date Edited: 09/28/2009  
Comments:

The wording should make clear in unambiguous language that torture or any other similar violation of human rights is unacceptable.

Posted by: YIANNA IOANNOU  
Representing: Individual  
Date Edited: 09/29/2009  
Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.

Posted by: Martha Temple  
Representing: Individual  
Date Edited: 09/29/2009  
Comments:

The wording of 1.03 should stand. The wording of 1.02 should be replaced by language that has the absolute meaning of 1.03 without further qualification as to "basic human rights." The Nuremburg Defense is untenable in our profession.

Posted by: David Lam  
Representing: Individual  
Date Edited: 09/29/2009  
Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.

Posted by: Ilene Serlin  
Representing: Individual  
Date Edited: 09/29/2009  
Comments:

I agree with Steve Reisner's comments--no unambiguous language. Ilene Serlin, Ph.D

Posted by: Hermine Muskat

Representing: Individual

Date Edited: 09/29/2009

Comments:

Our integrity as people, not to mention as professionals, is really on the line now. We must enact the suggestions made by Dr. Steven Reisner on behalf of the Coalition for an Ethical Psychology and others of conscience who support changing 1.02 and 1.03 by removing the currently existing Nuremberg language altogether....to assure that we will not permit ever following the law over following and upholding ethical, humane behavior, I urge the committee to institute all of Dr. Steven Reisner's recommendations now.

Posted by: Susan Staggs

Representing: Individual

Date Edited: 09/29/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.

Posted by: Arlene Kagle

Representing: Individual

Date Edited: 09/29/2009

Comments:

I find the "Nuremberg Defense" of 1.02 to be abhorrent. I leave the re wording to others, but the idea that a psychologist can behave in ways that are against the ethics of our profession is outrageous.

Posted by: Emily Filardo

Representing: Individual

Date Edited: 09/29/2009

Comments:

I am in the process of developing a psychology course for my university's (Kean University) Masters in Holocaust and Genocide Studies. I strongly support the wording proposed by Dr. Stephen Reisner to correct the disturbing inclusion of/acceptance of a Nuremberg defense for psychologists. Our ethics cannot be viewed as something we may discard for convenience any time a government agency asks us to do so. Dr. Emily K. Filardo Associate Professor & Director, Women's Studies Program Kean University Union, NJ 07042

Posted by: John Neafsey  
Representing: Individual  
Date Edited: 09/29/2009  
Comments:

I fully support the revised wording for Ethical Standards 1.02 and 1.03 as proposed by Dr. Steven Reisner. In addition, so that there is no doubt whatsoever about the issue of whether psychologists should assist interrogators in disgraceful places like the prisons in Guantanamo Bay, Cuba or Bagram Air Force Base in Afghanistan, the following wording of last year's Referendum (which, to my knowledge, has been lost in the APA bureaucracy and never actually been implemented) should also be added verbatim to Standard 1.03: PSYCHOLOGISTS MAY NOT WORK IN SETTINGS WHERE PERSONS ARE HELD OUTSIDE OF, OR IN ISOLATION OF, EITHER INTERNATIONAL LAW (E.G., THE U.N CONVENTION AGAINST TORTURE AND THE GENEVA CONVENTIONS) OR THE U.S. CONSTITUTION, UNLESS THEY ARE WORKING DIRECTLY FOR THE PERSONS BEING DETAINED OR FOR AN INDEPENDENT THIRD PARTY WORKING TO PROTECT HUMAN RIGHTS.

Posted by: Art Eccleston  
Representing: Individual  
Date Edited: 09/29/2009  
Comments:

To the Committee:

For a decade prior to 2002, Ethical Standard 1.02 did not have a 'Nuremberg Defense' and elegantly addressed the issue of psychologists' ethical obligations in the face of conflict. The addition of the Nuremberg clause has been, at best, an embarrassment for the APA, at worst, a support for psychologists who have participated in state-sanctioned abuse of detainees. Currently, the Ethics Committee has a new mandate, which is to change the language of 1.02 and 1.03 to assure that these standards "can never be interpreted to justify or as a defense for violating human rights." This is the second time Council has mandated that the Ethics committee remove the Nuremberg defense from these standards. However, it is simply not good enough to leave the offensive Nuremberg language intact, while adding a clause about protecting human rights.

The APA Board and committees have already shown that they are willing to subvert the wishes of the membership and of Council when they refused to implement the member-passed and Council-validated referendum because, they argue, there is no way to determine when a site is in violation of international human rights law. There is a danger that the same argument will be used to claim that there is no accepted definition of "violating human rights." In that case, we fear that the code will continue to permit following the law and regulations in the military and elsewhere, and no cases will ever be brought. Therefore the only acceptable change in 1.02 and 1.03 is to take out the offensive Nuremberg language altogether. The standards simply must be changed so that

they no longer permit following the law over following ethics. If there is good cause to make specific exceptions, these should be spelled out and voted on by Council.

That said, we support returning to and strengthening the 1992 language, deleting the Nuremberg clause altogether, and including the relevant applications of the standard added in 2002. Thus, we believe 1.02 and 1.03 should be rewritten as follows:

#### 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code.

#### 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code.

If the Committee believes that a pressing reason for an exception exists, such an exception should be spelled out, voted on by Council, and added to an appendix to the code.

We also support adding a clause to the code making psychologists' commitment to protecting human rights explicit. We propose, in keeping with the Council's mandate, adding the following standard:

#### Psychologists and Human Rights

Psychologists do not violate others' human rights. They have a duty to report human rights violations that they observe. No part of this code can be used to justify or defend violations of human rights.

Posted by: Donna Skillman

Representing: Individual

Date Edited: 09/29/2009

Comments:

To the Committee:

For a decade prior to 2002, Ethical Standard 1.02 did not have a 'Nuremberg Defense' and elegantly addressed the issue of psychologists' ethical obligations in the face of conflict. The addition of the Nuremberg clause has been, at best, an embarrassment for the APA, at worst, a support for psychologists who have participated in state-sanctioned abuse of

detainees. Currently, the Ethics Committee has a new mandate, which is to change the language of 1.02 and 1.03 to assure that these standards "can never be interpreted to justify or as a defense for violating human rights." This is the second time Council has mandated that the Ethics committee remove the Nuremberg defense from these standards. However, it is simply not good enough to leave the offensive Nuremberg language intact, while adding a clause about protecting human rights.

The APA Board and committees have already shown that they are willing to subvert the wishes of the membership and of Council when they refused to implement the member-passed and Council-validated referendum because, they argue, there is no way to determine when a site is in violation of international human rights law. There is a danger that the same argument will be used to claim that there is no accepted definition of "violating human rights." In that case, we fear that the code will continue to permit following the law and regulations in the military and elsewhere, and no cases will ever be brought. Therefore the only acceptable change in 1.02 and 1.03 is to take out the offensive Nuremberg language altogether. The standards simply must be changed so that they no longer permit following the law over following ethics. If there is good cause to make specific exceptions, these should be spelled out and voted on by Council.

That said, we support returning to and strengthening the 1992 language, deleting the Nuremberg clause altogether, and including the relevant applications of the standard added in 2002. Thus, we believe 1.02 and 1.03 should be rewritten as follows:

**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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code.

**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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code.

If the Committee believes that a pressing reason for an exception exists, such an exception should be spelled out, voted on by Council, and added to an appendix to the code.

We also support adding a clause to the code making psychologists' commitment to protecting human rights explicit. We propose, in keeping with the Council's mandate, adding the following standard:

**Psychologists and Human Rights**

Psychologists do not violate others' human rights. They have a duty to report human rights violations that they observe. No part of this code can be used to justify or defend violations of human rights.

Posted by: Sue Elkind

Representing: Individual

Date Edited: 09/29/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.

Posted by: Polly Scarvalone

Representing: Individual

Date Edited: 09/29/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.

Posted by: tracy grant

Representing: Individual

Date Edited: 09/29/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.”

Posted by: Erica Lilleleht

Representing: Individual

Date Edited: 09/29/2009

Comments:

I fully support the proposal offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. His arguments are clear and persuasive; his proposals, just and certainly timely.

Posted by: Candis Cousins

Representing: Individual

Date Edited: 09/29/2009

Comments:

That said, we support returning to and strengthening the 1992 language, by deleting the Nuremberg clause altogether and including the relevant applications of the standard



added in 2002. Thus, we believe 1.02 and 1.03 should be rewritten as follows: 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. If the Committee believes that a pressing reason for an exception exists, such an exception should be spelled out, voted on by Council, and added to an appendix to the code. We also support adding a clause to the code making psychologists' commitment to protecting human rights explicit. We propose, in keeping with the Council's mandate, adding the following standard: Psychologists and Human Rights Psychologists do not violate others' human rights. They have a duty to report human rights violations that they observe. No part of this code can be used to justify or defend violations of human rights.

Posted by: Ann Womack

Representing: Individual

Date Edited: 09/29/2009

Comments:

I fully endorse all of the recommended Ethics Code changes posted on 9/27/09 by Steven Reisner on behalf of the Coalition for an Ethical Psychology (of which I am not a member). I believe the rationale for these proposed changes is clearly stated and highly persuasive. Thank you. Ann J Womack

Posted by: Jane Kenner

Representing: Individual

Date Edited: 09/29/2009

Comments:

I fully support the comment sent to you by Steven Reisner, Ph.D. I believe the membership of the APA, especially in light of the Council-validated Referendum, will best be represented by a return to and strengthening of the 1992 wording of Ethical Standards 1.02 and 1.03. Also, given recent revelations by different media sources regarding the participation of psychologists in both the design and implementation of torture and CID, it is urgent that 1.02 and 1.03 to safeguard the rights of any future terrorism detainees.

Posted by: Sharon Gadberry

Representing: Individual

Date Edited: 09/29/2009

Comments:

I strongly believe that the sections should be revised to read as they were originally written, before being revised. The process of revision was guided by individuals who had a conflict of interest, as they had ties to the military. The process was also non-transparent and eliminated the checks, balances, and consultations that should accompany such radical changes in the basic ethics code of the organization. The result of the new rules are catastrophic for the organization. Members have already voted to return the wording and intent back to the original form. It is inexcusable to prolong and complicate this simple process.

Posted by: Barbara Blaylock

Representing: Individual

Date Edited: 09/29/2009

Comments:

I agree with the position expressed by Stephen Reisner on behalf of the Coalition for Ethical Psychology.

Posted by: Nina Thomas

Representing: Individual

Date Edited: 09/29/2009

Comments:

As a member of the former Psychology, Ethics and National Security Task Force that has been rightfully criticized for its preponderance of military members whose participation could not be without the influence of the services for which they worked, I must reiterate (as I have since the first day of the meeting of that TF) my strong and persistent objection to the versions of Ethical Standards 1.02 and 1.03 as they currently exist. As written, they permit what others have referred to as the "Nuremberg Defense," the "just following orders" that is not acceptable on either a moral or ethical basis. I would put forth that international human rights law are so widely accepted that they clearly set the standard for ethical choices to be made. Yet many of APA's Committees and Boards have found bases for arguing that there is no clarity to what defines "international human rights law." For that reason I would propose, as does Dr. Reisner, that the two items under consideration, 1.02 and 1.03 be written as follows: 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. If the Committee believes that a pressing reason for an exception exists, such an exception should be spelled out, voted on by Council, and added to an appendix to the code. I also support, as others have done, adding a clause to the code making psychologists' commitment to protecting human rights explicit. For example, in keeping with the

Council's mandate, adding the following standard: Psychologists and Human Rights  
Psychologists do not violate others' human rights. They have a duty to report human rights violations that they observe. No part of this code can be used to justify or defend violations of human rights. I would add further that it is most disturbing that despite the more than two years now since the referendum prohibiting psychologists from practicing in settings within which detainees are denied basic principles of human rights (habeas corpus, right to counsel, to have charges brought against them, etc.) there has still been no implementation of the referendum supported by a significant majority of voting APA members. Equally, it is distressing that the Ethics Committee has still not completed the one recommendation that followed from the PENS Task Force, that of a Casebook, much less a resolution of the difficulties that have plagued the organization with Ethical Principles 1.02 and 1.03. Nina Thomas Individually

Posted by: David Steindorf

Representing: Individual

Date Edited: 09/29/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations. In addition, I must admit to considerable professional embarrassment that this issue remains contested this many years after the American Psychiatric Association, among others, made it quite clear that there could be no acceptable rationale for violating human rights in order to remain compliant with employment obligations or expectations that were in violation of established professional ethics. No ambiguity or exceptions should exist in APA's ethical standards of psychologists in this particular area. Let us once and for all put this issue to rest and follow the wishes of the majority of our profession as expressed in the recent referendum of the membership of APA.

Posted by: Andrew Kane

Representing: Individual

Date Edited: 09/29/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology, and the numerous proposal offered by Ken Pope. I urge the Committee to institute those recommendations. All of APA's wonderful statements opposing torture are WORTHLESS unless we change Ethical Standards 1.02 and 1.03 AND add an enforceable Ethical Standard precluding any psychologist from participating in torture. Andrew W. Kane, Ph.D. 10082640

Posted by: Gerald Stechler

Representing: Individual

Date Edited: 09/29/2009

Comments:

Morally, philosophically, politically, and religiously, there can be no wavering on each psychologist's absolute personal and professional responsibility to never engage in any acts that violate the Geneva Conventions, regardless of what any institution or government may allow or require.

Posted by: Stephen RAUCH

Representing: Individual

Date Edited: 09/29/2009

Comments:

Basically I support the deletion of the "Nuremburg" clauses. This concept was NOT ACCEPTED at the Nuremburg trials and it should not be in our ethics code as a "cop out" for an individual psychologist's ethical responsibility. "FIRST, DO NO HARM!" seems like a good basic principle for any professional working with others. I too have been riven over the public harm done to the profession of Psychology by its identification with those administering torture! Stephen Rauch

Posted by: nancy slagg

Representing: Individual

Date Edited: 09/29/2009

Comments:

"I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations."

Posted by: Michael Castell

Representing: Individual

Date Edited: 09/29/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.

Posted by: Michael Ellis

Representing: Individual

Date Edited: 09/29/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.

Posted by: ERIC OLSEN

Representing: Individual

Date Edited: 09/29/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.

Posted by: Sonia Gojman de Millan

Representing: Individual

Date Edited: 09/29/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.

Posted by: gerald schamess

Representing: Individual

Date Edited: 09/29/2009

Comments:

Posted by Gerald Schamess I endorse the revisions propsoed by the Coalition for Ethical Psychology and urge that they be implemented at the earliest possible time.

Posted by: Ernest Belden

Representing: Individual

Date Edited: 09/29/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.

Posted by: Elyse Morgan

Representing: Individual

Date Edited: 09/29/2009

Comments:

We must immediately and unequivocally endorse ethics over political and social pressures, and renounce the direct or indirect participation of psychologists in torture. I completely agree with Steve Reisner's proposal with regard to 1.02 and 1.03. We must not hide behind orders or hierarchies to defend what we know is wrong. It is no longer possible to claim ignorance; failure to act is tantamount to intentionally inflicting harm.

Posted by: Michael Schmitt

Representing: Individual

Date Edited: 09/29/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations. Michael Schmitt, PhD Department of Psychology Simon Fraser University

Posted by: Rocco Marino

Representing: Individual

Date Edited: 09/29/2009

Comments:

I agree with the proposal offered by Steven Reisner on behalf of the Coalition for an Ethical Society. I urge the Committee to institute those recommendations.

Posted by: H John Becker

Representing: Individual

Date Edited: 09/30/2009

Comments:

I am appalled that our APA code includes language that allows the "Nuremburg Defense." We must subscribe to higher standards than that proclaimed by Nazis. Therefore, I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. In particular, "Thus, we believe 1.02 and 1.03 should be rewritten as follows: 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. If the Committee believes that a pressing reason for an exception exists, such an exception should be spelled out, voted on by Council, and added to an appendix to the code. We also support adding a clause to the code making psychologists' commitment to protecting human rights explicit. We propose, in keeping with the Council's mandate, adding the following standard: Psychologists and Human Rights Psychologists do not violate others' human rights. They have a duty to report human rights violations that they observe. No part of this code can be used to justify or defend violations of human rights." H. John Becker, Ph.D.

Posted by: Lubna Somjee

Representing: Individual

Date Edited: 09/30/2009

Comments:

For a decade prior to 2002, Ethical Standard 1.02 did not have a 'Nuremberg Defense' and elegantly addressed the issue of psychologists' ethical obligations in the face of conflict. The addition of the Nuremberg clause has been, at best, an embarrassment for the APA, at worst, a support for psychologists who have participated in state-sanctioned abuse of detainees. Currently, the Ethics Committee has a new mandate, which is to change the language of 1.02 and 1.03 to assure that these standards "can never be interpreted to

justify or as a defense for violating human rights." This is the second time Council has mandated that the Ethics committee remove the Nuremberg defense from these standards. However, it is simply not good enough to leave the offensive Nuremberg language intact, while adding a clause about protecting human rights. The APA Board and committees have already shown that they are willing to subvert the wishes of the membership and of Council when~ they refused to implement the member-passed and Council-validated referendum because, they argue, there is no way to determine when a site is in violation of international human rights law. There is a danger that the same argument will be used to claim that there is no accepted definition of "violating human rights." In that case, we fear that the code will continue to permit following the law and regulations in the military and elsewhere, and no cases will ever be brought. Therefore the only acceptable change in 1.02 and 1.03 is to take out the offensive Nuremberg language altogether. The standards simply must be changed so that they no longer permit following the law over following ethics. If there is good cause to make specific exceptions, these should be spelled out and voted on by Council. That said, we support returning to and strengthening the 1992 language, by deleting the Nuremberg clause altogether and including the relevant applications of the standard added in 2002. Thus, we believe 1.02 and 1.03 should be rewritten as follows: 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. If the Committee believes that a pressing reason for an exception exists, such an exception should be spelled out, voted on by Council, and added to an appendix to the code. We also support adding a clause to the code making psychologists' commitment to protecting human rights explicit. We propose, in keeping with the Council's mandate, adding the following standard: Psychologists and Human Rights Psychologists do not violate others' human rights. They have a duty to report human rights violations that they observe. No part of this code can be used to justify or defend violations of human rights. Let us speak with one voice and change APA's Nuremberg defense once and for all! Please post your comment today (and certainly by October 1st)! You do not have to be an APA member to post a comment.

Posted by: Mark Brennan

Representing: Individual

Date Edited: 09/30/2009

Comments:

I fully agree and support the positioin articulated by Steven Reisner for the Coalition for an Ethical Psychology. Sincerely, Dr. Mark Brennan

Posted by: Mary Pelton Cooper

Representing: Individual

Date Edited: 09/30/2009

Comments:

Regarding Ethical Standards 1.02 and 1.03 The Council has mandated that the Ethics Committee must ensure these standards "can never be interpreted to justify or as a defense for violating human rights." Why is the committee delaying??? Please Just Do It The new APA policy is: PSYCHOLOGISTS MAY NOT WORK IN SETTINGS WHERE PERSONS ARE HELD OUTSIDE OF, OR IN ISOLATION OF, EITHER INTERNATIONAL LAW (E.G., THE U.N CONVENTION AGAINST TORTURE AND THE GENEVA CONVENTIONS) OR THE U.S. CONSTITUTION, UNLESS THEY ARE WORKING DIRECTLY FOR THE PERSONS BEING DETAINED OR FOR AN INDEPENDENT THIRD PARTY WORKING TO PROTECT HUMAN RIGHTS. The Nuremberg defense in 1.02 is a national and international embarrassment. The ethics committee is responsible for harm done to the reputation of all psychologists by altering the code of ethics to provide opportunities for participation in torture. APA has a long history as the national voice for Psychology. However, that responsibility is already shifting to other organizations, and the trend will continue if the APA ethics committee does not resolve this problem. 1.02 and 1.03 should be rewritten as follows:  
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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. If the Committee believes that a pressing reason for an exception exists, such an exception should be spelled out, voted on by Council, and added to an appendix to the code. Mary Pelton Cooper, Psy.D Licensed Psychologist, Michigan

Posted by: Carter Mehl

Representing: Individual

Date Edited: 09/30/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to adopt those recommendations.

Posted by: Aalbers Dan

Representing: Individual

Date Edited: 09/30/2009

Comments:

I urge the Ethics Committee to follow the recommendations outlined in the memorandum submitted by Psychologists for an Ethical APA. Additionally, I strongly recommend that the ethics committee review the following document:



[http://wikileaks.org/wiki/Guantanmo\\_Bay\\_use\\_of\\_psychologists\\_for\\_interrogations\\_2006-2008](http://wikileaks.org/wiki/Guantanmo_Bay_use_of_psychologists_for_interrogations_2006-2008) Therein you will see that APA policy was made standard operation procedure at Guantanamo Bay. I have long been disturbed that so much of the debate surrounding these changes has been so abstract. There has been too much discussion about how 1.02 and 1.03 could be used and too little discussion about how it is being used. It is critical that the ethics committee acknowledge that when it writes APA policy, it writes Department of Defense policy and that the words you choose have very concrete effects on the way that the persons detained at GITMO are treated. The name of our profession and the name of this naval base are tied together; the membership is waiting to see if APA policy will continue to be linked to DoD policy or if the association is capable of freeing itself from those moorings and charting an independent course.

Posted by: Florence Denmark

Representing: Individual

Date Edited: 09/30/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.

Posted by: Rosemary Cogan

Representing: Individual

Date Edited: 09/30/2009

Comments:

I strongly support the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations. Surely the Nuremberg trials did away - properly - forever the dense that wrong was done simply because it was ordered. We do have an obligation to think beyond "orders" and consider the morality of our actions. The issues can be difficult at times - which is all the more reason for having a Code of Ethics that supports human values. This is an imperative issue for us all.

Posted by: Maria Russo

Representing: Individual

Date Edited: 09/30/2009

Comments:

Maria Russo I strongly support and agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I also strongly urge thr Committee to institute those regulations as quickly as possible.

Posted by: Lawrence Jacobson

Representing: Individual

Date Edited: 09/30/2009

Comments:

To the Committee: For a decade prior to 2002, Ethical Standard 1.02 did not have a 'Nuremberg Defense' and elegantly addressed the issue of psychologists' ethical obligations in the face of conflict. The addition of the Nuremberg clause has been, at best, an embarrassment for the APA, at worst, a support for psychologists who have participated in state-sanctioned abuse of detainees. Currently, the Ethics Committee has a new mandate, which is to change the language of 1.02 and 1.03 to assure that these standards "can never be interpreted to justify or as a defense for violating human rights." This is the second time Council has mandated that the Ethics committee remove the Nuremberg defense from these standards. However, it is simply not good enough to leave the offensive Nuremberg language intact, while adding a clause about protecting human rights. The APA Board and committees have already shown that they are willing to subvert the wishes of the membership and of Council when they refused to implement the member-passed and Council-validated referendum because, they argue, there is no way to determine when a site is in violation of international human rights law. There is a danger that the same argument will be used to claim that there is no accepted definition of "violating human rights." In that case, I fear that the code will continue to permit following the law and regulations in the military and elsewhere, and no cases will ever be brought. Therefore the only acceptable change in 1.02 and 1.03 is to take out the offensive Nuremberg language altogether. The standards simply must be changed so that they no longer permit following the law over following ethics. If there is good cause to make specific exceptions, these should be spelled out and voted on by Council. That said, I support returning to and strengthening the 1992 language, by deleting the Nuremberg clause altogether and including the relevant applications of the standard added in 2002. Thus, I believe 1.02 and 1.03 should be rewritten as follows: 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. If the Committee believes that a pressing reason for an exception exists, such an exception should be spelled out, voted on by Council, and added to an appendix to the code. I also support adding a clause to the code making psychologists' commitment to protecting human rights explicit. We propose, in keeping with the Council's mandate, adding the following standard: Psychologists and Human Rights Psychologists do not violate others' human rights or aid or abet human rights violations. No part of this code can be used to justify or defend violations of human rights.

Posted by: William Todd-Mancillas

Representing: Individual

Date Edited: 09/30/2009

Comments:

I fully support Prof. Reisner's recommendations for how to modify and adumbrate sections 1.02 and 1.03. Wm. R. Todd-Mancillas

Posted by: Eric Morris  
Representing: Individual  
Date Edited: 09/30/2009  
Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.

Posted by: Margaret Cramer  
Representing: Individual  
Date Edited: 09/30/2009  
Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.” To the Committee: For a decade prior to 2002, Ethical Standard 1.02 did not have a 'Nuremberg Defense' and elegantly addressed the issue of psychologists' ethical obligations in the face of conflict. The addition of the Nuremberg clause has been, at best, an embarrassment for the APA, at worst, a support for psychologists who have participated in state-sanctioned abuse of detainees. Currently, the Ethics Committee has a new mandate, which is to change the language of 1.02 and 1.03 to assure that these standards "can never be interpreted to justify or as a defense for violating human rights." This is the second time Council has mandated that the Ethics committee remove the Nuremberg defense from these standards. However, it is simply not good enough to leave the offensive Nuremberg language intact, while adding a clause about protecting human rights. The APA Board and committees have already shown that they are willing to subvert the wishes of the membership and of Council when~ they refused to implement the member-passed and Council-validated referendum because, they argue, there is no way to determine when a site is in violation of international human rights law. There is a danger that the same argument will be used to claim that there is no accepted definition of "violating human rights." In that case, we fear that the code will continue to permit following the law and regulations in the military and elsewhere, and no cases will ever be brought. Therefore the only acceptable change in 1.02 and 1.03 is to take out the offensive Nuremberg language altogether. The standards simply must be changed so that they no longer permit following the law over following ethics. If there is good cause to make specific exceptions, these should be spelled out and voted on by Council. That said, we support returning to and strengthening the 1992 language, by deleting the Nuremberg clause altogether and including the relevant applications of the standard added in 2002. Thus, we believe 1.02 and 1.03 should be rewritten as follows: 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. If the Committee believes that a pressing reason for an exception exists, such an exception should be spelled out, voted on by Council, and added to an appendix to the code. We also support adding a clause to the code making psychologists' commitment to protecting human rights explicit. We propose, in keeping with the Council's mandate, adding the following standard: Psychologists and Human Rights Psychologists do not violate others' human rights. They have a duty to report human rights violations that they observe. No part of this code can be used to justify or defend violations of human rights.

Posted by: Brad Olson

Representing: Individual

Date Edited: 09/30/2009

Comments:

I fully support the revised wording for Ethical Standards 1.02 and 1.03 as proposed by Dr. Steven Reisner. Also, consistent with John Neafsey's comment: So that there is no doubt whatsoever about the issue of whether psychologists should work in places like the prisons in Guantanamo Bay, Cuba or Bagram Air Force Base in Afghanistan, the following wording of last year's Referendum should also be added to this section of the ethics code: PSYCHOLOGISTS MAY NOT WORK IN SETTINGS WHERE PERSONS ARE HELD OUTSIDE OF, OR IN ISOLATION OF, EITHER INTERNATIONAL LAW (E.G., THE U.N CONVENTION AGAINST TORTURE AND THE GENEVA CONVENTIONS) OR THE U.S. CONSTITUTION, UNLESS THEY ARE WORKING DIRECTLY FOR THE PERSONS BEING DETAINED OR FOR AN INDEPENDENT THIRD PARTY WORKING TO PROTECT HUMAN RIGHTS. Brad Olson

Posted by: Carolyn Hicks

Representing: Individual

Date Edited: 09/30/2009

Comments:

I support the recommendation and wording offered by S. Reisner and the Coalition for an Ethical APA. The rationale given by Dr. Reisner is clear and I agree with it. I strongly urge the deletion of the last sentence in 1.02, "If the conflict is unresolvable via such means, psychologists may adhere to the requirements of the law, regulations or other governing legal authority." and the removal of the phrase "to the extent feasible" in 1.03. In all instances, a psychologist's ethical responsibilities should take precedence.

Posted by: Judith Van Hoorn

Representing: Individual

Date Edited: 09/30/2009

Comments:

Posted by: Nancy Wecker

Representing: Individual

Date Edited: 09/30/2009

Comments:

I wholeheartedly and completely support the wording offered by the Coalition for an Ethical Psychology (by Stephen Reisner). There have been times in history when the laws of the land are wrong, unethical and/or oppressive. Psychologists must stand up as individuals and as leaders for human rights at all times, not just when the political atmosphere is favorable. I urge the rewriting of 1.02 and 1.03 as proposed by Dr. Reisner and the addition of the clause, "Psychologists do not violate others' human rights. They have a duty to report human rights violations that they observe. No part of this code can be used to justify or defend violations of human rights." In the shadow of psychologists' role in promoting, developing and complying with tragic behavior of inhumane mistreatment of prisoners, APA must take an incredibly strong, explicit, clear commitment to not repeat past misdeeds whether done actively or in passive acceptance.

Posted by: Allen Omoto

Representing: Sponsors of APA Council Resolution re: Ethics

Role in Group: member

Members in Group: 7

Date Edited: 09/30/2009

Comments:

Comments from the Sponsors of the new APA Council Resolution Regarding Ethics Committee Recommendations for Standards 1.02 and 1.03 Judith Van Hoorn (Div, 48) Laurie Wagner (Div. 39) Corann Okorodudu (Div. 48) Allen Omoto (Div. 9) Bill Strickland (Div. 19) Martha Banks (Div. 45) Beth Wiggins (Div. 41) Jennifer Kelly (Georgia) We are Council and former Council members from six divisions/associations that represent a diverse range of constituencies. We are writing as the Sponsors of the new APA Council Resolution that is the impetus for the Ethics Committee's Call for Comments. Below we provide specific recommendations for changes to Ethical Standards 1.02 and 1.03. We have additional recommendations regarding the Introduction and Applicability sections which we have posted separately. Considerations in Recommending Changes to Ethical Standards 1.02 and 1.03 We believe there are a number of possible ways to accomplish the changes to the Ethics Code that fulfill the directives of the Resolution. We are encouraged by many of the suggestions posted. In particular, we are in full agreement with suggestions to delete the second sentence of Standard 1.02, which was added in 2002. That sentence reads: "If the conflict is unresolvable via such means, psychologists may adhere to the requirements of the law, regulations, or other governing legal authority." We believe this deletion is essential in order to ensure that Standard 1.02 can never be used to justify or defend violations of human rights. Furthermore, we do not believe that adding wording, such as "in keeping with principles of basic human rights" at the end of this particular sentence is sufficient to

ensure that 1.02 cannot be used to justify or defend human rights violations. We believe that a Standard addressing conflicts between ethics and laws, regulations and other governing legal authority must find a position between the two extremes of giving outright permission to break the Ethics Code by following the law and requiring breaking the law by following the Ethics Code. A conflict addressed by this Standard occurs when psychologists cannot follow both the Ethical Code and the law, regulation or governing legal authority. Resolving such a conflict requires a deliberative process in which psychologists examine and weigh their ethical and legal obligations and commitment to uphold basic principles of human rights. We think this point bears emphasizing in a Standard involving conflicts between ethics and laws (i.e., 1.02). The same principle and thinking applies to Standard 1.03 regarding conflicts between ethics and organizational demands. We offer the following: I. Suggestions for rewording current Standards 1.02 and 1.03; II. An alternative approach to fulfill Council's directive to ensure that Standards 1.02 and 1.03 can never be used to justify or defend violating human rights by adding a new Standard to the Ethics Code; and I. Suggestions for rewording Standards 1.02 and 1.03.

A. One suggestion for changing the wording of Standards 1.02 and 1.03: --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 clarify the nature of the conflict, make known their commitment to the Ethics Code, and take reasonable steps to resolve the conflict consistent with the Ethics Code and its General Principles. Under no circumstances may this Standard be used to justify or defend violating human rights. --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 are in conflict with this Ethics Code, psychologists clarify the nature of the conflict, make known their commitment to the Ethics Code, and take reasonable steps to resolve the conflict consistent with the Ethics Code and its General Principles. Under no circumstances may this Standard be used to justify or defend violating human rights.

B. Another suggestion for changing the wording of Standards 1.02 and 1.03: --1.02 Conflicts Between Ethics and Law, Regulations, or Other Governing Legal Authority If psychologists' responsibilities under the Ethics Code conflict with law, regulations, or other governing legal authority, psychologists engage in a thoughtful process of resolving the dilemma. This process generally includes clarifying the nature of the conflict, consulting with knowledgeable colleagues, making known the psychologist's ethical and legal obligations, examining the psychologist's commitment to uphold basic principles of human rights, and working to resolve the conflict in accordance with the Ethics Code. Under no circumstances may this Standard be used to justify or defend violating human rights. --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 are in conflict with this Ethics Code, psychologists engage in a thoughtful process of resolving the dilemma. This process generally includes clarifying the nature of the conflict, consulting with knowledgeable colleagues, making known the psychologist's ethical and legal obligations, examining the psychologist's commitment to uphold basic principles of human rights, and working to resolve the conflict in accordance with the Ethics Code. Under no circumstances may this Standard be used to justify or defend violating human rights.

II. An alternative approach to fulfill Council's directive to ensure that Standards

1.02 and 1.03 can never used to justify or defend violating human rights by adding a new Standard to the Ethics Code As an alternative to having both Standards 1.02 and 1.03 end with “Under no circumstances may this Standard be used to justify or defend violating human rights” we suggest creating a new Standard to address this issue. The new Standard could be placed at the end of the “Resolving Ethics Issues” section of the Ethics Code. It could read: “1.09 Proper Use of the Ethics Code Under no circumstances may any Standard of the Ethical Code, including Standards 1.02 and 1.03, be used to justify or defend violating human rights.” Beyond these suggestions, we encourage the Ethics Committee to review the way that other professional organizations address conflicts between ethics and law, with special focus on the processes outlined for resolving these conflicts. In particular, we suggest examining the Ethics Codes of the Canadian Psychological Association, American Medical Association, and American Psychoanalytic Association, all of which have wording that could be useful to consider including in our own Ethical Code. Additionally, we suggest that the Ethics Committee consider clarifying the definition of “conflict” in the Introduction or elsewhere in the Ethics Code. It appears to us that the meaning of conflict has been a source of confusion for many, as seen in some of the responses to the Committee’s Call for Comments last spring. For example, some comments suggested that the current wording for Standard 1.02 was needed to cover instances such as obeying a court order to release records even though this appears to be addressed by Standard 4.05. We particularly like the explanation of the meaning of “conflict” provided by the Ethics Committee in its June 2009 report. As a group we remain committed to our long-standing work on this issue and look forward to continuing that work in cooperation with the Ethics Committee, the Council of Representatives, and all interested APA members.

Posted by: Allen Omoto

Representing: Sponsors of APA Council Resolution re: Ethics

Role in Group: member

Members in Group: 7

Date Edited: 09/30/2009

Comments:

Additional Comments from the Sponsors of the new APA Council Resolution Regarding Ethics Committee Recommendations for Standards 1.02 and 1.03 Judith Van Hoorn (Div. 48) Laurie Wagner (Div. 39) Corann Okorodudu (Div. 48) Allen Omoto (Div. 9) Bill Strickland (Div. 19) Martha Banks (Div. 45) Beth Wiggins (Div. 41) Jennifer Kelly (Georgia) We are Council and former Council members from six divisions/associations that represent a diverse range of constituencies. We are writing as the Sponsors of the new APA Council Resolution that is the impetus for the Ethics Committee’s Call for Comments. We have previously provided specific recommendations for changes to Ethical Standards 1.02 and 1.03. Below, we suggest that additional action will be required to fulfill Council’s directive to resolve the discrepancy between the aspirational and enforceable portions of the Ethics Code so that the Introduction and Applicability sections are mutually consistent with revised or new Standards. We look forward to the Ethics Committee’s report of its October meeting, to the Committee’s distillation of the recommendations and comments it receives in response to this call for comments and the

planned follow-up call, and to continued discussion between the Ethics Committee and the Sponsors of the Resolution. Additional action required to fulfill Council's directive to resolve the discrepancy between the aspirational and enforceable portions of the Ethics Code so that the Introduction and Applicability section is consistent with revised or new Standards. In light of the Council directive for consistency across the Introduction and Applicability section and (revised) Standards 1.02 and 1.03, it becomes clear that current wording in the Introduction and Applicability section will need to be changed if either of our recommendations for revising Standards 1.02 and 1.03 are implemented. Specifically, the following language will need to be modified. One suggestion would be to delete the bracketed material from current language while retaining "and in keeping with basic principles of human rights" at the end of the phrase "in a responsible manner." "If psychologists' ethical responsibilities conflict with 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 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." Thus, the suggested rewording for the Introduction and Applicability Section is: "If psychologists' ethical responsibilities conflict with law, regulations or other governing authority, psychologists make known their commitment to this Ethics Code and take steps to resolve the conflict in a responsible manner in keeping with basic principles of human rights." We would also concur with rewording this section of the Introduction and Applicability by adding wording taken from the two suggested changes to Standards 1.02 and 1.03 that we offered in a separate document posted in response to the Call for Comments. As a group we remain committed to our long-standing work on this issue and look forward to continuing that work in cooperation with the Ethics Committee, the Council of Representatives, and all interested APA members.

Posted by: Kristi Schermerhorn

Representing: Individual

Date Edited: 09/30/2009

Comments:

For years, the APA has turned a blind eye to reports of abusive interrogations and torture. I fear that if 1.02 and 1.03 are left as they are currently written, psychologists involved in these outrages will have a Nuremberg defense to hide behind. Therefore, I urge the Committee to institute the recommendations made by Dr. Steven Reisner on behalf of the Coalition for an Ethical and the proposal made by Dr. John Neafsey to include the wording from last year's Referendum into the wording for 1.03.

Posted by: Ronnie Lesser

Representing: Individual

Date Edited: 09/30/2009

Comments:

For a decade prior to 2002, Ethical Standard 1.02 did not have a 'Nuremberg Defense' and elegantly addressed the issue of psychologists' ethical obligations in the face of conflict.



The addition of the Nuremberg clause has been, at best, an embarrassment for the APA, at worst, a support for psychologists who have participated in state-sanctioned abuse of detainees. Currently, the Ethics Committee has a new mandate, which is to change the language of 1.02 and 1.03 to assure that these standards "can never be interpreted to justify or as a defense for violating human rights." This is the second time Council has mandated that the Ethics committee remove the Nuremberg defense from these standards. However, it is simply not good enough to leave the offensive Nuremberg language intact, while adding a clause about protecting human rights. The APA Board and committees have already shown that they are willing to subvert the wishes of the membership and of Council when~ they refused to implement the member-passed and Council-validated referendum because, they argue, there is no way to determine when a site is in violation of international human rights law. There is a danger that the same argument will be used to claim that there is no accepted definition of "violating human rights." In that case, we fear that the code will continue to permit following the law and regulations in the military and elsewhere, and no cases will ever be brought. Therefore the only acceptable change in 1.02 and 1.03 is to take out the offensive Nuremberg language altogether. The standards simply must be changed so that they no longer permit following the law over following ethics. If there is good cause to make specific exceptions, these should be spelled out and voted on by Council. That said, we support returning to and strengthening the 1992 language, by deleting the Nuremberg clause altogether and including the relevant applications of the standard added in 2002. Thus, we believe 1.02 and 1.03 should be rewritten as follows: 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. I urge acceptance of Dr. Reisner's proposal. Sincerely, Ronnie Lesser

Posted by: Jaine Darwin  
Representing: Individual  
Date Edited: 09/30/2009  
Comments:

I support the suggestions and rationale of the seven movers of the resolution.

Posted by: Ryan Hunt  
Representing: Individual  
Date Edited: 10/01/2009  
Comments:

I endorse the changes recommended above by Dr. Steven Reisner and the Coalition for an Ethical Psychology. I also support the recommendation made above by Dr. Brad Olson that the text of the Referendum be included explicitly in the Ethics Code. This will help to resolve the confusion that the APA leadership seems to have as to whether the Referendum, already endorsed by a majority of the membership, is in fact enforceable APA policy. The fact that our discussion about what to do with 1.02 and 1.03 is now

starting over at square one, over four years after the PENS Task Force Report and eight years after the beginnings of Bush administration interrogation policies, is both frustrating and shameful. We now know that the 2004 CIA IG Report contains the term "psychologist/interrogator," and even mentions that these "psychologist/interrogators" on more than one occasion "administered the waterboard." That report also stipulates clearly that psychologists are "required" to be present during any interrogations that utilize "Enhanced Interrogation Techniques" (EITs). It is now widely understood that "EITs" is nothing more than a euphemism for torture and abuse, and it has long been understood in the U.S. and internationally that waterboarding is torture as well. These are criminal acts we are talking about, and psychologists were required to be present during them, their silence giving their professional approval that this behavior was acceptable. We know much already about the roles played by James Mitchell and Bruce Jessen. However, the responsibility for this goes well beyond them and their fellow "bad apples," up into the upper levels of APA leadership in a manner that directly parallels the situation in the Bush administration. Investigating (and, likely, prosecuting) Mitchell and Jessen and the other "psychologist/interrogators" who participated in these barbaric abuses, although necessary, is not sufficient. What is needed in addition, then, is to remove the "Nuremberg Defense" from our Ethics Code, as it currently exists in Statements 1.02 and 1.03, to enforce the Referendum, repeal the PENS policies, and, most importantly, for the APA to open itself up to independent, outside investigations undertaken by an international and impartial body, and for it to abide by any and all recommendations that arise from these investigations. Only these steps will help our profession to finally begin to work through this dark and shameful episode in our history, and to take steps to resolve it and to ensure that it does not recur. Finally, the APA must change its attitude of disrespect or disdain toward its own membership. Even a cursory perusal of the multitude of comments above should show the Committee that the vast majority of APA members support removing the Nuremberg Defense from the Code. This has been the case for some time now. For the APA to continue to dither about this in late 2009, more than 4 years after it started the process of reviewing 1.02, is not only shameful, but more importantly it is indicative of the leadership's indifference toward the wishes of its membership, as well as its willful ignorance or indifference regarding the gravity of this crisis. Many of its members have been trying in vain for years to steer the APA away from this torture iceberg that it has seemed hell-bent on colliding with. It's hard for many of us not to feel that if we had only been listened to then, instead of being marginalized, condescended to, and frequently lied to, then our profession and the APA might have been able to come to terms with this crisis much sooner and in a more responsible manner. Also, I must observe that simply removing the Nuremberg Defense from 1.02 and 1.03 at this late date, after it (and the PENS process based upon it) has ALREADY been used as cover for psychologists who participated in systematic torture at Guantanamo, Bagram, and the Black Sites, is necessary and long-overdue but is far from sufficient. Simply changing the wording now, while maintaining a stance of only "looking forward and not backward," as our President might say, is to engage in further complicity with the torture that has been committed under cover of 1.02. If we can acknowledge that 1.02 and the PENS Report based upon it were deeply flawed, then it necessarily follows that we must revisit the heinous torture and war crimes that have been committed (and rendered "ethical") since 2002 when the Code was changed, in order that

the full story be told, that those responsible and complicit be held accountable, and that rank and file APA members can finally again have a profession that we can be proud of.

Posted by: marguerite stewart

Representing: Individual

Date Edited: 09/30/2009

Comments:

1.02 If there are conflicts between psychologists' ethical responsibility and the law; psychologists take steps to resolve it in accord with the psychologists' ethical code. If the conflicts are not resolved the psychologist follows the ethical code of psychology. 1.03 If the demands of organizations within which psychologists work conflict with the ethical code of psychologists the psychologist makes an attempt to resolve the conflict, but if this does not happen, the psychologist must uphold the ethical code.

Posted by: Dennis Debiak

Representing: Individual

Date Edited: 10/01/2009

Comments:

The language of 1.02 and 1.03 must be changed in order to eliminate the possibility of using the Nuremberg Defense. I support the suggestions and rationale of the seven movers of the resolution.

Posted by: Lynne Layton

Representing: Individual

Date Edited: 10/01/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the committee to institute those recommendations and once and for all eliminate the possibility of a "Nuremberg defense."

Posted by: Julien Arbor

Representing: Individual

Date Edited: 10/01/2009

Comments:

To the Committee: For a decade prior to 2002, Ethical Standard 1.02 did not have a 'Nuremberg Defense' and elegantly addressed the issue of psychologists' ethical obligations in the face of conflict. The addition of the Nuremberg clause has been, at best, an embarrassment for the APA, at worst, a support for psychologists who have participated in state-sanctioned abuse of detainees. Currently, the Ethics Committee has a new mandate, which is to change the language of 1.02 and 1.03 to assure that these standards "can never be interpreted to justify or as a defense for violating human rights." This is the second time Council has mandated that the Ethics committee remove the

Nuremberg defense from these standards. However, it is simply not good enough to leave the offensive Nuremberg language intact, while adding a clause about protecting human rights. The APA Board and committees have already shown that they are willing to subvert the wishes of the membership and of Council when~ they refused to implement the member-passed and Council-validated referendum because, they argue, there is no way to determine when a site is in violation of international human rights law. There is a danger that the same argument will be used to claim that there is no accepted definition of "violating human rights." In that case, we fear that the code will continue to permit following the law and regulations in the military and elsewhere, and no cases will ever be brought. Therefore the only acceptable change in 1.02 and 1.03 is to take out the offensive Nuremberg language altogether. The standards simply must be changed so that they no longer permit following the law over following ethics. If there is good cause to make specific exceptions, these should be spelled out and voted on by Council. That said, we support returning to and strengthening the 1992 language, by deleting the Nuremberg clause altogether and including the relevant applications of the standard added in 2002. Thus, we believe 1.02 and 1.03 should be rewritten as follows: 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. If the Committee believes that a pressing reason for an exception exists, such an exception should be spelled out, voted on by Council, and added to an appendix to the code. We also support adding a clause to the code making psychologists' commitment to protecting human rights explicit. We propose, in keeping with the Council's mandate, adding the following standard: Psychologists and Human Rights Psychologists do not violate others' human rights. They have a duty to report human rights violations that they observe. No part of this code can be used to justify or defend violations of human rights.

Posted by: James Choca  
Representing: Individual  
Date Edited: 10/01/2009  
Comments:

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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code. 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 obligation to the Ethics Code and take steps to resolve the conflict in a manner that is consistent with the Code.

Posted by: Kevin Murphy

Representing: Individual

Date Edited: 10/01/2009

Comments:

The Board of Scientific Affairs has considered the Call for Language Amending Ethical Standards 1.02 and 1.03. BSA recognizes the possibility that the specific language of Standards 1.02 and 1.03 might be viewed as inconsistent with the aspirational language of the Introduction of the Ethical Principles of Psychologists and Code of Conduct (2002). However, the Board of Scientific Affairs does NOT believe that changes to the language of these Standards is advisable at this time. In particular, changes that incorporate the phrase "in keeping with basic principles of human rights" or its equivalent would tend to render these Standards ambiguous and unenforceable. BSA does not support piecemeal revisions of the Ethical Principles of Psychologists and Code of Conduct. Rather, we recommend that the issues that led to this call for language amending these two standards be considered in the context of a wholesale review and revision of the Ethical Principles of Psychologists and Code of Conduct. We also recommend that a firm timeline for revising the Ethical Principles of Psychologists and Code of Conduct be established and disseminated as soon as possible.

Posted by: Eric Sullivan

Representing: Individual

Date Edited: 10/01/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations. The committee might also consider spelling out what is considered an "unresolvable" conflict. This loophole allows any action taken by a psychologist, no matter how reprehensible, to be forgiven if evidence can be provided that the psychologist acted in accordance with the law, regulations, the military, etc. It may be worthwhile to create an appendix in which one may refer to specific rules about situations in which one must defer to the code of ethics versus another authority, when a psychologist should push for adherence to the ethical standards versus another compelling force, and/or concrete methods to resolve such conflicts.

Posted by: Elisse Blinder

Representing: Individual

Date Edited: 10/01/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations Dr. Elisse A. Blinder, Ph.D Clinical Psychologist

Posted by: Mary Weatherbee

Representing: Individual

Date Edited: 10/01/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.

Posted by: Jane Tillman

Representing: Individual

Date Edited: 10/01/2009

Comments:

Delete the last sentence of 1.02 and add "If the conflict is unresolvable, psychologists must adhere to standards of human rights, as defined by the Universal Declaration of Human Rights adopted by the General Assembly of the U.N. in Dec., 1948. Rationale: Without clear standards to guide behavior in a manner that is in accordance with international standards of human rights, psychologists will not be protected from justifying engagement in egregious, possibly torturous acts. I think it is essential to eliminate a repetition of the past when individuals felt the "just following orders" defense justified a host of unethical actions. Ethics is not simply "following orders" but also about pursuing a virtuous life of character. A virtuous psychologist can in no way participate in human rights violations for any reason.

Posted by: Barry Nigrosh

Representing: Individual

Date Edited: 10/01/2009

Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.

Posted by: Margaret White

Representing: Individual

Date Edited: 10/01/2009

Comments:

I am vehemently in support of eliminating the "Nuremburg defense" clause contained in 1.02 and 1.03. For the first time in my 33 years as a psychologist I have been ashamed of the image our profession has projected because of this cowardly retreat from a truly ethical stand. For this to come from our "Ethics Committee" is shameful, since ethics are about doing what is right, not what is convenient or self serving. Please give all psychologists, in all settings, the basis for being able to point to our Ethics Code and say, "That is considered unethical, I won't do that." If these loopholes are not removed, I will not be renewing my membership because I will see APA as hopelessly corrupted by guild

concerns (help the military psychologists have more influence) instead of the true ethics that have always made me proud to be a psychologist.

Posted by: Tedd Judd  
Representing: Individual  
Date Edited: 10/01/2009  
Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations. Unlike medicine, psychology lacks a Hippocratic Oath and a pledge to do no harm. We need to incorporate such a philosophy into our ethics in as clear a way as possible.

Posted by: Lynn Waelde  
Representing: Individual  
Date Edited: 10/01/2009  
Comments:

I agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I urge the Committee to institute those recommendations.

Posted by: Ellen Levine  
Representing: Individual  
Date Edited: 10/01/2009  
Comments:

The sentence "If the conflict is unresolvable via such means, psychologists may adhere to the requirements of the law, regulations, or other governing legal authority" should be deleted from all parts of the APA Ethics Code. Also the term "to the extent feasible" should be deleted from Standard 1.03. We are pleased that the recent call notes the option to delete clauses. I support the recommendations made on 9/27/09 by Steven Reisner. He wrote the rationale better than I ever could.

Posted by: niels beck  
Representing: Individual  
Date Edited: 10/01/2009  
Comments:

Niels C. Beck, PhD. I agree entirely with Dr. Reisner's proposed changes to the code. It has taken far too long for the APA to take a stand on this issue. Labeling the current wording of section 1.02 as the 'Nuremburg Defense' is a sad but accurate description of this section.

Posted by: Bellg Albert  
Representing: Individual

Date Edited: 10/01/2009

Comments:

I strongly agree with the proposals offered by Steven Reisner on behalf of the Coalition for an Ethical Psychology. I emphatically urge the Committee to institute those recommendations.

Posted by: Nancy McWilliams

Representing: Individual

Date Edited: 10/01/2009

Comments:

I strongly endorse the recommendations of the Sponsors of the new APA Council Resolution regarding Ethics Committee Recommendations for Standards 1.02 and 1.03. These recommendations seem to be consistent with the recommendations made by Steve Reisner, who has also articulated the problem with the implicit "Nuremburg Defense" in the way the current standards read.

Posted by: Steven Reisner

Representing: Coalition for an Ethical Psychology

Role in Group: Founding member

Members in Group: 1000

Date Edited: 10/01/2009

Comments:

I am responding, on behalf of the Coalition for an Ethical Psychology, to the comments posted today by the Sponsors recommending language changes for 1.02 and 1.03.

The Coalition concurs that Option 'A' is an acceptable rewording of the 1.02 (and 1.03):

If psychologists' ethical responsibilities conflict with law, regulations, or other governing legal authority, psychologists clarify the nature of the conflict, make known their commitment to the Ethics Code, and take reasonable steps to resolve the conflict consistent with the Ethics Code and its General Principles. Under no circumstances may this Standard be used to justify or defend violating human rights.

This is similar to the rewording the Coalition recommended (and which drew over 140 additional comments in support). Of course we prefer our own wording, which is clearer and stronger: "psychologists make known their obligation to the Ethics code..."

However, we are disturbed that the sponsors came up with a second option, which, unlike the first, lacks operative language, and appears to protect the psychologists' role in the DOD and CIA interrogation project. Faced with two such options, we fear the Ethics Committee will choose 'B', which we find quite problematic. Here are our concerns:

Option 'B' reads:



If psychologists' responsibilities under the Ethics Code conflict with law, regulations, or other governing legal authority, psychologists engage in a thoughtful process of resolving the dilemma. This process generally includes clarifying the nature of the conflict, consulting with knowledgeable colleagues, making known the psychologist's ethical and legal obligations, examining the psychologist's commitment to uphold basic principles of human rights, and working to resolve the conflict in accordance with the Ethics Code. Under no circumstances may this Standard be used to justify or defend violating human rights.

Under this option, a psychologist does not have to be "committed" to the ethics code over the law. He or she simply has to "engage in a thoughtful process." He/she can show evidence of such thoughtfulness by consulting with knowledgeable colleagues and working to resolve the conflict, etc. And he/she cannot justify or defend human rights violation. This is a radically different construction from Option A, which asserts what actions are required of psychologists in such circumstances. Option B replaces required action with recommendations ("generally includes"), where "making known the psychologist's ethical and legal obligations" and "working to resolve the conflict" are simply options. But a psychologist does not run afoul of the ethics code, so long as he or she makes a good faith effort to be "thoughtful."

A useful test to assess the value of rewording this standard is whether or not it would have prevented a psychologist from following a lawful order under the Yoo/Bybee memoranda from the Office of Legal Council to participate in an enhanced interrogation. The wording of Option B does not pass that test. Here are the reasons as we see them:

1. Psychologists who participated in enhanced interrogations were 'thoughtful.' Morgan Banks wrote a 'thoughtful' memo instructing BSCTs that their commitment was to the law and regulations. Mitchell and Jessen provided a 'thoughtful' (if biased and incorrect) review of the literature attesting that the techniques did not cause severe or lasting harm. The PENS report, which was attached to the BSCT memoranda, was also a thoughtful document. Yet, the PENS report changed psychologists primary obligation from 'do no harm' to 'responsibility to society' and gave the APA's imprimatur to CIA and Defense Department interrogation policy. Of course, ethical discourse seeks to encourage individual thoughtfulness and responsibility, but since we have an enforceable ethics code, the presumption is that the obligation to behave ethically is not simply a matter of individual thoughtfulness, but that the individual is beholden to act in accordance with the standards of the code.
2. In Option B, the simple and essential phrase "psychologists make known their commitment to the Ethics Code" is omitted. In its place, psychologists make "known the psychologist's ethical and legal obligations...working to resolve the conflict in accordance with the ethics code." We believe that without the "commitment to the ethics code," this standard still permits psychologists' to override the ethics code.

3. Option B replaces a commitment to the ethics code with a commitment to human rights. While the commitment to human rights is laudable and should be included (preferably in a separate and new standard), it does not compensate for the loss of a commitment to ethics. As we wrote in our comments to the Ethics Committee:

The APA Board and committees have already shown that they are willing to subvert the wishes of the membership and of Council when they refused to implement the member-passed and Council-validated referendum because, they argue, there is no way to determine when a site is in violation of international human rights law. There is a danger that the same argument will be used to claim that there is no accepted definition of "violating human rights."

4. We are most troubled by the introduction, once again, of language drawn from the spurious legal rationales of the Office of Legal Council, which supported the arguments offered by military and CIA psychologists that health professionals should oversee "enhanced interrogation techniques." These memos created protections for those who participated in a language eerily similar to the language of Option B.

Option B asserts that a psychologist would not be in violation of the ethics code if the psychologist shows evidence of a "thoughtful process":

This process generally includes clarifying the nature of the conflict, consulting with knowledgeable colleagues, making known the psychologist's ethical and legal obligations, examining the psychologist's commitment to uphold basic principles of human rights, and working to resolve the conflict in accordance with the Ethics Code.

In Yoo's OLC memo, he described how an interrogator could defend against charges of violating the legal statutes against torture by demonstrating that he or she acted "in good faith":

A defendant could show that he acted in good faith by taking such steps as surveying professional literature, consulting with experts, or reviewing evidence gained from past experience....All of these steps would show that he has drawn on the relevant body of knowledge concerning the result proscribed by the statute, namely prolonged mental harm. Because the presence of good faith would negate the specific intent element of torture, it is a complete defense to such a charge.

Our conclusion is that no psychologist involved in an enhanced interrogation during the Bush administration would have anything to fear from Option B, since it does not state explicitly that the psychologists' commitment or obligation is to ethics if these conflict with law, regulations, or governing authority.

Since reestablishing the commitment to ethics over law was the whole point of this effort, we ask the sponsors to withdraw Option B.

Steven Reisner

on behalf of the Coalition for an Ethical Psychology