

INTERROGATION LOG  
DETAINEE 063

**23 November 2002**

- 0225: The detainee arrives at the interrogation booth at Camp X-Ray. His hood is removed and he is bolted to the floor. SGT A and SGT R are the interrogators. A DoD linguist and MAJ L (BSCT) are present.
- 0235: Session begins. The detainee refuses to look at SGT A “due to his religion. This is a rapport building session.
- 0240: Detainee states he’s on hunger strike. SGT A explains the affects of a hunger strike on the body. SGT A runs “love of brothers in Cuba” approach.
- 0320: The detainee refused to answer whether he wanted water. SGT R explained with emphasis that not answering disrespects SGT A and embarrasses him. The detainee said no, he didn’t want water. The detainee continues to say he’s on hunger strike.
- 0345: The detainee dozed off during a break. SGT R woke him up.
- 0355: SGT R wakes up detainee again.
- 0450: Interrogators take a break. Detainee goes to the bathroom.
- 0520: Interrogation resumes. The detainee refuses food and water.
- 0540: SGT A begins 9/11 theme. The detainee asks to pray and is refused.
- 0550: Detainee drinks \_ bottle of water and states after this he is on strike, he refuses food.
- 0620: Interrogators take break to discuss theme.
- 0630: Interrogation resumes. SGT A continues with 9/11 theme.
- 0700: SGT R emphasized his frustration over detainees refusal to speak. SGT R denies detainees request to pray.
- 0707: Detainee requests to go to the bathroom.
- 0720: Detainee returns from bathroom break. He refuses a meal and states he is on hunger strike.
- 0725: Detainee states he will eat meal, but after that he’s going on hunger strike, one hand is uncuffed to allow him to eat.
- 0755: Detainee finishes meal and states again he is going on hunger strike. The detainee ate the entire MRE plus an extra cereal bar.
- 0800: SGT A continues with 9/11 theme.
- 0830: Detainee given 2 hours of rest. Interrogations will resume at 1030.
- 0835: Observations – Detainee attempts to control the interrogation by complaining about his treatment, his mental illness, and his separation from his brothers in Cuba. When shown articles of 9/11, the detainee looked at pictures attentively. The detainee was repeatedly told that he is a man, and part of being a man is accepting responsibility for your actions. Whenever the detainee said that “it is God’s will for him to be sitting in front of me, having to acknowledge and accept responsibility for his actions. The detainee went as far as to state that his religion forbids him to even speak to a woman.



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- 1035: The detainee is awakened and secured in chair. The interrogators are ENS C and IS1 E. A DoD linguist is present. The detainee is offered to use the restroom. The detainee is taken to the bathroom. The detainee then was staring at the floor for several minutes. When ENS C asked "what is on your mind" the detainee looked at the interrogator and began talking a lot about how unfair his situation was.
- 1110: The detainee asked if it was time to pray and was told not yet. The detainee then began asking what month it is. When not given an answer he persisted and then became quiet for about 10 minutes and then began again to engage in some conversation.
- 1135: The detainee began to shut down and not respond. He said that he would not speak at all.
- 1205: Break
- 1220: Interrogators returned and told the detainee it would be 20 minutes and then time to pray.
- 1240: Detainee given opportunity to pray.
- 1300: Lunch. Detainee refused to eat. At first he said he would eat, but then said that he was mentally not well and had only agreed because he was not thinking clearly.
- 1345: Detainee was shown 9/11 video. The detainee did watch without exhibiting any emotion. The detainee averted eyes from the photos of the hijackers.
- 1420: Read names of captured and killed AQ. The detainee stared off but was listening and closed his eyes when he heard some of the names of the dead.
- 1500: Break
- 1515: The detainee engaged in conversation regarding family and dreams. He asked why the interrogator was causing him pain talking of family and things he could not have. The detainee began to cry.
- 1530: Detainee requested and was given a bathroom break. Detainee returned hardened.
- 1700: Detainee spoke and said it has been a hard long day, also that he is on a hunger and talking strike.
- 1730: Detainee is offered food and water. He stated he was on a hunger strike. Food and water was provided anyway and placed next to him.
- 1800: Manchester Document was presented to the detainee. The detainee reacted when the description of an AQ operative was brought up.
- 1810: Detainee was asked if he would like to go the bathroom and if he wanted to nap.
- 1820: Circumstantial evidence was explained to the detainee. The Detainee stared at all of the documents and was visibly shaken. He seemed disturbed that the AQ leadership was talking, the detainee didn't say anything but he was making noticeable facial expressions.
- 1840: Detainee was told that he failed in his mission to the United States and in the Jihad in Afghanistan he again showed a facial response of failure.
- 1900: Break
- 1910: Returned from break.
- 1920: The detainee started speaking when told about the Koran and being judged by Allah and that leaders of AQ twisted the words. The detainee spoke very emotionally. SGT B asked to explain how this came about. Why he is the only



- one holding on and everyone else is speaking . SGT B stated “don’t worry about a military judge worry about Allah, the Koran doesn’t say kill the innocent. Make things right, repent.”
- 1930: Detainee cried. He wants to be taken back to Delta and he will talk. He was told that he had to earn his way back to Delta.
- 1945: Break
- 1950: Returned from break. SGT B told the detainee “I want to help and I won’t let anything bad happen to you.” Detainee became unresponsive.
- 2030: Break. Detainee used restroom and was allowed to sleep.
- 2145: Return from break. Detainee awakened and taken to restroom then secured in chair.
- 2215: Detainee unresponsive.
- 2400: Activities concluded for the day and detainee allowed to sleep.

## 24 November 2002

- 0400: SGT R and SGT A begin session. SGT R wakes 063. He is taken to the bathroom and walked around for 5 minutes to wake him up. SGT A greets 063. Detainee asks to perform sunrise prayer. SGT A tells him the sun hasn’t come up yet and that she will allow prayer later. SGT A offers water, but detainee refuses. Detainee asks when Ramadan will begin, SGT A says she’ll talk about that later. SGT A tells detainee that he is on hunger strike, so how would Ramadan make a difference? SGT A asks detainee what would be different if it was Ramadan, detainee states he doesn’t know how to answer the question, and detainee becomes unresponsive.
- 0415: SGT A begins by showing pictures of 19 hijackers and making remarks about what they may have been like, especially the young ones. Detainee won’t look at pictures. SGT A asks why detainee won’t look at pictures detainee won’t answer, SGT A is using the circumstantial evidence theme.
- 0430: Detainee nods off. SGT R explains that falling asleep is wrong.
- 0430: Detainee states that he won’t look at pictures because the people in the pictures don’t pertain to his case, and because he’s striking from interrogations.
- 0440: Detainee states he won’t participate in interrogations until he returns to Cuba with his brothers, and until we stop this injustice. SGT R explains that he has no right to talk of injustice.
- 0445: Detainee engages in conversation with SGT A over the evidence. Detainee states that the (U.S.) shouldn’t glue the hijackers to him. SGT A states that the evidence does that.
- 0450: Detainee wants to know if SGT A wants interrogation questions answered. SGT A states she doesn’t need an answer. The detainee seems disheartened by her response.
- 0450: SGT A is fusing the Level of Guilt Theme with the Evidence. The Detainee is not speaking, but appears to be listening carefully. SGT A is pointing out the little mistakes the detainee made that lead to the evidence that “glue the detainee to hijackers”. The detainee becomes unresponsive.
- 0457: SGT R advises detainee not to sleep.



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- 0509: SGT R advises detainee not to sleep.
- 0520: SGT R makes the detainee stand up and sit down 3 times. SGT R explains sleeping and not paying attention will not be tolerated. SGT A explains that his continued silence, while evidence builds against him hurts no one but him.
- 0545: Detainee continues to be unresponsive. SGT A continues to point out the mistakes that stopped him from entering Orlando, and the connections the detainee has with the hijackers.
- 0550: SGT R makes the detainee stand up 3 times and tells him to pay attention.
- 0602: SGT A is telling a story about an owl (Rapport Story). The detainee interrupts and states he wants to pray. SGT R advises detainee that SGT A decides when he prays. SGT R also explains that interrupting is rude.
- 0605: Detainee again asks to pray. SGT R says no.
- 0620: Detainee states he wants to pray. SGT R explains that he must respectfully ask SGT A for prayer time, the detainee does so and SGT A allows prayer.
- 0635: SGT A begins "Muslims in America Theme". Detainee is unresponsive
- 0702: SGT A briefly covers the Manchester Document, saying that his actions and answers during interrogations follow the resistance techniques in the document "It's just another piece of evidence."
- 0705: SGT R makes detainee stand up 3 times, and tells the detainee to pay attention. SGT R gives 5 minutes of instruction on the proper way to show respect to SGT A.
- 0708: SGT A talks about "Brothers in Cuba". Detainee remains unresponsive.
- 0800: SGT A offers meal to detainee. The detainee refuses. SGT R explains that refusal to eat is unproductive. SGT A offers 30 minutes rest. The detainee refuses. Interrogators had Corpsman check the detainee's vital signs. The detainee has not taken fluids for over 24 hours. Corpsman states vital signs are good. The detainee still refuses to speak a word.
- 0820: SGT R removes food from table and tells the detainee he missed his chance. SGT R explains that the detainee's refusal to eat hurts only him. SGT R will not loose any sleep over it.
- 0830: SGT A uses "Level of Guilt" approach.
- 0840: SGT R has the detainee stand for 10 minutes to stretch and avoid sleeping.
- 0900: SGT A asks the detainee if he wants to pray and sleep. The detainee says yes. SGT A says you have to drink water. The detainee says no. SGT R gives detainee 1 more chance. The detainee says no. SGT R empties water on floor and tells the detainee "you had your chance". The Corpsman then checks the detainee's vital signs, they are OK.
- 0925: SGT A discusses levels of guilt and sin.
- 0930: SGT A talks about the embarrassment of using a weak cover story and mixes in the "You can make this stop" approach. The detainee remains unresponsive.
- 0930: CAPT W advises SGT R that the Corpsman can administer IV fluids once Capt W and the Doctor on duty are notified and agree to it.
- 0940: SGT A begins September 11 approach.
- 0945: Detainee showed visible signs of interest when SGT A states "all will be revealed on judgment day".
- 0955: The detainee demands to go to the bathroom. SGT R states he will not go until he



- asks properly. The detainee says "please may I go to the bathroom?". SGT A allows him.
- 1000: SGT R asks how the detainee will act on judgment day. Will he be proud, will he beg forgiveness or will he remain silent like a coward, just as he's doing now. The detainee appeared to be thinking about what SGT R said.
- 1023: SGT A begins "Good Muslim" approach.
- 1215: ENS C and IS1 E entered booth. Detainee was not very responsive.
- 1230: Detainee is offered a fish sandwich, French fries, coke and a yogurt parfait. Request was made to unhand cuff detainee, but there was no key. Detainee did not eat.
- 1240: Detainee was unhand cuffed and interrogation team ate in front of him. Detainee's nose turned red when his judgment was questioned. In the past, this has indicated that he was getting upset.
- 1320: Strap was hung from ceiling in anticipation of the doctor's arrival.
- 1330: Detainee was asked if he wanted water. Detainee understands that in order to pray, he must drink water.
- 1340: Vitals were checked
- 1345: Detainee was searched
- 1355: Detainee stated, "I think now we are in Ramadan."
- 1405: Detainee agreed to drink water in return for being allowed to pray.
- 1440: Interrogators reentered room and discussion ensues about returning to his brothers in Cuba. Detainee became somewhat upset and claimed that the treatment he was receiving was illegal. "Evidence of guilt" was reinforced and detainee was introduced to the implications of conspiracy to commit crimes. Detainee was questioned about a statement he made the previous day, "I was only doing what God wanted me to do." Detainee asked several times if he really said that. When pressed on the issue, detainee stated that he wanted a normal life that what happened was between him and God. Lead interrogator pointed out to detainee that he could be a messenger for God and his cause. Detainee became visibly anxious.
- 1545: Detainee was silent and unresponsive. He averted his eyes when the 9/11 video was playing. Control interrogation initiated a "judgment day approach." Detainee's facial expressions indicated some responsiveness to the approach.
- 1630: Detainee was allowed to sleep. Detainee was told that he would be awoken and could pray if he drank water.
- 1745: Detainee awoken and given opportunity to pray and use the restroom. Detainee refused to drink water and consequently was not allowed to pray.
- 1800: Medical personnel checked vital signs and determined that detainee needed to be hydrated.
- 1810: Detainee was given two bags of fluids. Detainee stated that he did not want an IV and that he was in control of his body. SGT M asserted that he was in control and that detainee has no choice but to cooperate.
- 1845: Medical doctor arrives to evaluate detainee to ensure he is physically able to continue. Detainee stated that he wanted to sign a form or a release stating that he did not want any medications. The doctor explained that no such form exists. Detainee was informed that we would not let him die.



- 1900: Detainee was told that he had been abandoned by Al-Qaida and that he should stop trying to protect them.
- 1915: Detainee used restroom and prayed.
- 1930: Detainee seemed disturbed that everybody was talking and that he was left here all alone.
- 2000: Detainee was offered food and told that he has already missed five meals.
- 2020: Detainee's vital signs were checked and it was determined that he was in good condition.
- 2030: Detainee was offered anonymity in exchange for his cooperation. SGT M reminded detainee about false statements that he made in the past.
- 2045: Detainee was asked if his allegiance to Al-Qaida was greater than his allegiance to God. SGT M emphasized that detainee has choices and that detainee was responsible for his current condition.
- 2100: Discussion turned to the Koran. SGT M asked detainee to show him in the Koran where it authorizes the use of terrorism.
- 2115: Detainee said he was cold and the AC was turned off.
- 2205: Detainee used restroom and asked if he wanted food or water.
- 2315: Medical personnel checked vitals signs. All vital signs were normal.
- 2330: Detainee began to cry.
- 2400: Pressure wrap was put on detainee's feet to combat the swelling. Detainee was put to bed.

## **25 November 2002**

- 0400: Woke detainee and corpsman took vitals. Corpsman advised SGT R that detainee must take oral liquids within one hour or detainee will be given IV solution. SGT R provided SGT A with a bottle of powdered Tang mixed with water in order to provide electrolytes. SGT A advised detainee that he must drink bottle or he'll get another IV. She offered the incentive of morning prayer if he drank. Detainee refused. SGT A began with a "your mission" approach. SGT A asks detainee "what do you think is God's mission for you", "you have a mission to share God's message." Detainee was unresponsive.
- 0440: SGT A again advised detainee that he must drink or get an IV.
- 0445: Corpsman tried several times to get IV into the detainee without success. The corpsman stated that the detainee's dehydration was causing his veins to roll in his arm. The corpsman succeeded in getting a IV in the top of the hand but the IV stopped flowing. The corpsman retried the IV in the hand but was unsuccessful. The doctor was called to make a trip to perform an assessment.
- 0600: To follow up on "Gods message", SGT R showed 9-11 DVD. SGT R stood behind detainee and whispered in his ear, "What is God telling you right now? Your 19 friends died in a fireball and you weren't with them. Was that God's choice? Is it God's will that you stay alive to tell us about his message?" At that point, detainee threw his head back and butted SGT R in the eye. The 2 MPs in the room wrestled detainee to the ground to regain control. SGT R crouched over detainee and the detainee attempted to spit on him. SGT R stated "Go ahead and



- spit on me. It won't change anything. You're still here. I'm still talking to you, and you won't leave until you've given Gods message." Detainee is put in chair.
- 0630: SGT A showed circumstantial evidence and told detainee repeatedly that she won't go away and neither will the evidence.
- 0645: Doctor attempted to put in IV and was unsuccessful. The doctor left to get more supplies.
- 0700: SGT A continued circumstantial evidence theme.
- 0705: Assessment – His reaction to SGT R was a combination of his guilt (possibly at not participating in the attack), his continuous interrogation, and his obvious hatred of SGT R. He was told after the episode that it proves he's not as weak and mentally ill as he wants us to believe.
- 0730: Doctor arrived and ran an IV by putting in a temporary shunt to allow continuous IV.
- 0745: SGT A ran the "already captured and talking" approach. When SGT R entered the booth the detainee reached for the IV. The guard stopped him and he reached again. The guards stopped him and cuffed his hands to the chair so he couldn't reach the IV. The detainee bent over and bit the IV tube completely in two. The guards strapped him to a stretcher and the corpsman attached a new IV. The detainee struggled through the entire process, but could no longer reach the IV.
- 0900: SGT A resumed the previous approach.
- 0915: Detainee requested to go to the bathroom but was given an opportunity to use a bottle instead. He was told he will not be unstrapped.
- 0940: Detainee was given three and one-half bags of IV. He started moaning and told the MPs he's willing to talk so he can urinate. SGT A entered the booth and asked the following questions: Who do you work for? (Detainee answered: Al Qaida), Who was your leader? (Detainee answered: Usama bin Laden), Why did you go to Orlando? (Detainee answered: I wasn't told the mission), Who was meeting you? (Detainee answered: I don't know), Who was with you on the plane? (Detainee answered: I was by myself). SGT R told detainee he was wasting SGT R's time. Detainee told SGT A he was willing to drink.
- 1000: Detainee again said he has to go to bathroom. SGT R said he can go in the bottle. Detainee said he wanted to go to the bathroom because it's more comfortable. SGT R said "You've ruined all trust, you can either go in the bottle or in your pants." Detainee goes in his pants. SGT A continued approach.
- 1030: Assessment – Detainee has a greater deal of animosity toward SGT R. He is beginning to understand the futility of his situation. He has to understand that his antics will not stop the interrogation at all. We feel he is slowly realizing that he will not outlast the battle of wills. He is much closer to compliance and cooperation now than at the beginning of the operation.
- 1110: Interrogation team entered the booth; ENS C (Lead), IS1 E (Control), and a female DOD linguist. Lead attempted to engage detainee in conversation but detainee was unresponsive.
- 1115: Detainee requested to use the restroom. When offered a bottle he said that he wanted to go outside. Control told him he could not, he would have to use the bottle. Detainee agreed. As preparations were being made control was talking about his behavior and how to get off the gurney, detainee urinated in his pants.



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- 1130: Lead began talking with detainee. Detainee began moaning and turning his head from right to left.
- 1140: Detainee in clear voice said that he needed to use the restroom. He engaged in clear and articulate conversation about getting off the gurney.
- 1200: Detainee said that he would eat.
- 1210: Detainee released from gurney and sat in chair. He ate two bites of meal and said it was enough. Control said he promised to eat the whole meal. Detainee ate the whole MRE.
- 1235: Detainee taken to restroom. He was told to empty himself completely. Detainee then washed and changed clothing.
- 1250: Detainee was given an opportunity to pray.
- 1320: Interrogation team entered room and detainee engaged in conversation regarding his statement about being Al Qaida. He said that he was mad at the guards and under much pressure.
- 1335: Detainee requested a second MRE as he was still hungry. He said he would end the hunger strike to stop the IVs. Lead kept small talk going.
- 1340: Detainee began crying hard spontaneously.
- 1350: Detainee said that when he came to Orlando he was turned away due to a visa problem. He said that he was coming on his own and was not Al Qaida. He said he did not know Usama bin Laden. He said "I don't know what God wants." Lead talked about the oath to Usama bin Laden and the detainee sat in silence listening intently. He said he knows nothing about Usama bin Laden.
- 1420: Detainee requested a third MRE. He was given an MRE and drank half a bottle of water. Detainee slowly engaged less and less while he ate. Detainee became evasive on most simple of requests.
- 1445: Detainee said "After I ate I feel better and will not talk."
- 1500: Detainee stated "You are working with the devil. You can take me back to my brothers. I will not eat anymore. I will not drink anymore and I am not going to talk anymore."
- 1505: Detainee began crying and praying.
- 1520: Detainee began talking about his situation. He continued to engage but much less.
- 1543: Break
- 1605: Resumed with detainee engaging very little.
- 1715: Team exited for a break. Control returned and began 9-11 theme.
- 1735: Detainee given opportunity to pray. He wanted to check if the sun was down himself but was refused.
- 1745: Control re-entered and continued 9-11 theme until relieved. Detainee did not speak but was actively listening and viewed all photos.
- 1800: Third shift commenced interrogating detainee.
- 1805: Detainee claimed he was innocent and that everything was just a coincidence.
- 1807: Detainee claimed that he admitted to be Al-Qaida because of the intense psychological pressure
- 1815: Detainee asserted his innocence and expressed remorse over the terrorist attacks
- 1820: Circumstantial evidence theme
- 1840: 9/11 video



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1850: SGT B takes over interrogation and goes over the Manchester Document  
1900: GWOT theme  
1915: Detainee asked about Ramadan  
1935: SGT M continues GWOT theme  
1945: Break. Detainee refused both food and water.  
2000: Detainee began to cry while watching 9/11 video  
2100: Detainee claimed to have been pressured into making a confession  
2130: Detainee requested to go back to Cuba  
2135: Detainee refused to talk about his mission, the one that was between him and God.  
2150: Detainee went to the restroom  
2205: Manchester Document – security plans  
2230: Futility and self-inflicted suffering  
2320: Detainee refused food and water  
2400: Detainee was checked by medical personnel and was allowed to rest

**26 November 2002**

0400: SGT R wakes detainee- MPs take detainee to bathroom- he is searched and cuffed to chair. Detainee takes a couple sips of water. SGT A advises detainee that a bottle of water is much easier than a bag.  
0405: SGT A begins by quoting a verse from Qoran. Detainee is awake, but completely unresponsive.  
0425: SGT A uses “ Manchester Document” theme, explains to detainee how he uses interrogation resistance techniques. Detainee is unresponsive; he has yet to speak a word. SGT R makes detainee stand up to avoid sleeping.  
0430: SGT R states that because he (SGT R) is such a kind-hearted guy, he’ll let detainee sit down, but detainee will stand again if he falls asleep.  
0440: SGT R makes detainee stand again to avoid sleep.  
0445: SGT A explains how detainee is not mentally sick, he simply feels guilty.  
0457: SGT R allows detainee to sit down.  
0505: SGT A tells detainee that no one feels sorry for him; he has brought this on himself. Detainee takes two sips of water. Corpsman checks vitals. Guards take detainee on walk to wake him up. Detainee has not spoken a word.  
0515: Detainee is returned to chair. SGT A gives Arabic greeting detainee returns it. Detainee says he’s mentally sick. SGT A explains to everyone in room how detainee is using Al-Qaida handbook. Corpsman rechecks vitals.  
0545: Detainee is stood up for 2 minutes to avoid sleep.  
0550: SGT R makes detainee stand up to avoid sleep for two minutes.  
0555: SGT R makes detainee stand up to avoid sleep.  
0620: SGT A allows detainee to sit down. SGT R explains the difference between his will and God’s will. Detainee asks to pray. SGT A says, “You can pray after you drink water” Detainee says he is fasting. SGT A doesn’t allow prayer.  
0630: Detainee begins to chant. SGT R says, “If you continue to chant, I’ll turn on the music” Detainee stops chanting.  
0645: interrogators take a break. Corpsman states we need to elevate left hand to alleviate swelling. Hand is cuffed above hand with a soft strap. No tension is on



- the arm. Detainee states he doesn't want his hand tied up. "I will take responsibility for my hand" SGT A states "I'm glad you are taking responsibility for your hand. Not drinking caused the swelling."
- 0700: SGT A covers circumstantial evidence theme.
- 0730: SGT R covers detainee's personal failures.
- 0745: Doctor gives detainee checkup – vitals are good – shunt is cleaned – swelling in hand has gone down.
- 0800: SGT A covers "What we know" theme.
- 0820: SGT R covers "Failures" with more emphasis.
- 0850: SGT A allows detainee to sleep for 30 minutes. Detainee has spoken very little through the session and keeps falling asleep. The 30 minutes may help him engage a little more. After a brief discussion, interrogators decided to let detainee sleep until 1000 hoping to improve participation.
- 1005: SGT R wakes up detainee. Detainee goes to bathroom and is searched.
- 1010: SGT A gives "Futility" approach.
- 1045: SGT R runs a harsh pride & ego down approach. ENS C (as rehearsed earlier) comes in and asks SGT R what he is doing. ENS C says "Don't talk to him like that, he's a human being." SGT R says "Human beings don't kill 3000 people" and storms out.
- 1100: Second shift interrogation team enters booth – ENS C (lead) and IS1 E (control). Lead begins speaking to detainee but the detainee looks down and away.
- 1130: Detainee continues the silent conduct. Lead leaves and control instructs detainee to stand for ten minutes to stretch and wake up.
- 1150: Lead re-enters but subject continues not to engage in conversation. Lead runs "Circumstantial Evidence" theme. Medical checks detainee's circulation.
- 1245: Detainee offered food and water. Detainee refuses. Team ate outside of detainee's presence.
- 1330: Control enters and offers water. Detainee says he is fasting due to Ramadan. Detainee requested to pray and was told he could only pray if he drinks water. Detainee continues to refuse water but exchanges in dialogue with control. Detainee was allowed 10 minutes to pray. Medical removes shunt from arm.
- 1400: Lead continues to try to engage detainee in conversation. Detainee unresponsive.
- 1600: Detainee laid down with feet elevated due to swelling of feet. Detainee slept for 45 minutes.
- 1720: Detainee told it is time for prayer but he must drink water first. Detainee took one sip but was told he must drink it all. Detainee refused to drink water.
- 1800: SGT B began interrogation. Detainee refused to speak. Muslims in America theme was introduced.
- 1805: Levels of guilt was introduced.
- 1810: Detainee refused food and water
- 1835: SGT M takes over the interrogation. P&E down was employed (ie You look like hell. Do you want to see me everyday and pray on the floor where you urinated?)
- 1845: Manchester Document/Futility- The Al-Qaida training manual was written by somebody who never went through an interrogation.



- 1850: Why doesn't Usama bin Laden use his children, or why does he not participate in suicide missions? Al-Qaida is falling apart theme/futility. SGT M reviewed with detainee the slips that he made.
- 1905: Manchester Document theme/futility
- 1930: P&E down
- 1940: SGT B takes over interrogation
- 2010: Detainee drinks a bottle of water and is allowed to pray. Comparison is made between idol worship and swearing Bay'a to Usama bin Laden.
- 2100: Detainee uses the latrine, walks around outside, and does knee bends to get the blood circulating. Medical check. Detainee checked out medically
- 2110: Muslims in America theme
- 2200: SGT M takes over interrogation
- 2230: Manchester Document theme/futility – Did you see how quickly the United States took over Afghanistan and how quickly the Jihadist fled the country or surrendered.
- 2235: Detainee became very uncomfortable with SGT M's hand on his shoulder and tried to move it. Detainee seemed very disgusted at SGT M
- 2300: Detainee proclaims his innocence and requested that SGT M stop talking about Islam. (ie Usama bin Laden raped Islam. UBL hijacked Islam) Detainee stated, "If you interrogate me in the right way and the right position... you might find some answers.
- 2308: Detainee claimed that the interrogations are based on malice, hate, and jealousy. He said, "The treatment is wild and animalistic. Everybody has limits. Once those limits are crossed, what is somebody suppose to do?"
- 2310: Detainee said, "If I told the truth, everybody would get mad. If you interrogated me correctly... maybe if you rested and I rested... One interrogator after another... God and his angels see what is happening."
- 2315: Detainee was on the verge of breaking
- 2339: Detainee shut down and medical personnel check detainee. Detainee used the restroom
- 2400: Interrogation ended. Medical check. Detainee was walked around the room for five minutes before going to bed to get his blood circulating. Detainee's feet were elevated to reduce swelling in his feet.

## **27 November 2002**

- 0400: SGT R (control) wakes detainee. Detainee goes to bathroom. MPs walk detainee around to wake him up and get fluids from IV to move. His feet have swollen due to excess fluid. SGT A (lead) begins Manchester Document.
- 0415: Detainee asked to pray at sunrise. Lead told him that he must drink \_ bottle of water. Detainee held his hands up and readily accepted the water.
- 0510: Lead started playing 9-11 video. Detainee asked to go to bathroom half way through the video. Lead told him he would have to wait because she thinks he just asks for bathroom breaks just to get a mental break. Detainee did not ask to go to bathroom again.



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- 0610: Video over. Detainee prayed and taken to bathroom. Detainee stated he was constipated. Corpsman states detainee is impacted and needs to drink three bottles of water or the detainee will be given an enema.
- 0640: Control explains the enema procedure. Control begins circumstantial evidence theme with "you're a failure approach". Detainee's body language indicated he was becoming angry. Control nicknames detainee "Mo".
- 0800: Doctor checks vitals – O.K. Lead starts Saudi Government theme and Al Qaida falling apart and talking theme. Lead covers circumstantial evidence theme in soft but stern voice. Detainee appears to be listening to lead.
- 0905: Detainee goes to bathroom and is walked around to stay awake.
- 0925: Lead starts "failure" approach with Al Qaida falling apart theme.
- 1000: Control puts detainee in swivel chair at MAJ L's suggestion to keep him awake and stop him from fixing his eyes on one spot in booth. Detainee struggled with MP when MP moved chair. Control used "onion" analogy to explain how detainee's control over his life is being stripped away. Control gives detainee three facts: we are hunting down Al Qaida every day, we will not stop until they are captured or killed, we control every aspect of your life. Detainee did not speak but became very angry with control.
- 1100: Detainee awakened and taken to the restroom.
- 1200: Interrogation team entered booth. ENS C (lead), IS1 E (control) and a female DOD linguist. Lead made polite conversation but detainee did not engage. Detainee asked for prayer. Was told it was not time yet. Detainee was offered water but refused. Detainee said he was fasting.
- 1225: Team brought in a home cooked Arab meal and offered to detainee. Detainee declined to eat and team ate in front of him.
- 1245: Detainee asked for prayer. He was told he would have to drink water. Detainee took a small drink and was told he would have to take the whole bottle. He finished the bottle and was allowed to pray.
- 1315: Detainee taken to bathroom. He stated that he made a small bowel movement.
- 1340: Detainee asked to eat and was offered the homemade meal. Control entered room and displayed agitation that detainee was now eating (a rehearsed event).
- 1400: Lead and detainee engaged in small talk about prayer.
- 1415: Medical visited detainee regarding constipation. Detainee was offered a suppository rub but he refused, saying he wanted an oral stool softener.
- 1440: Detainee asked to use the bathroom and was taken.
- 1500: Lead began speaking with detainee about prayer and Islam.
- 1600: Detainee complained of pain in head, and was offered a nap.
- 1715: Detainee was taken to bathroom.
- 1725: Interrogators offered to let detainee pray.
- 1800: SGT B began interrogation by talking about the numerous slip-ups that detainee has made since returning to Camp X-Ray.
- 1845: Detainee requested water and drank \_ bottle
- 1900: Detainee used latrine and exercised.
- 1915: Interrogation team discussed the irony of Usama bin Laden choosing the name Al-Qaida (The Base) for his organization. Interrogation team took the position that God and the Koran should be the base and the foundation in everybody's life.



- 2000: SGT M took over interrogation. Detainee became very agitated and yelled at SGT M for about five minutes. Detainee was restrained. SGT M continually stated that UBL's mission was unrighteous and misguided and continually asked detainee who he worked for in Al-Qaida.
- 2030: Detainee drank water and went to the latrine.
- 2110: 9/11 Video was played for detainee. He became very agitated and violent. He tried to kick the DVD player and assault SGT M. MP had to restrain detainee. SGT M agitated detainee by grasping his shoulder and asking him the following two questions:  
Who did you work for in Al-Qaida?  
What was Al-Qaida doing in America?
- 2130: Detainee was sent to the restroom, but tried to resist.
- 2140: Detainee refused stool softener medication.
- 2145: SGT M initiated the Al-Qaida Falling Apart theme.
- 2200: SGT B continued with Al-Qaida Falling Apart theme and introduced detainee to the victims of 9/11. At this point, SGT B was very firm with detainee and took the moral high ground. SGT B expressed his disgust for detainee and accused detainee of being "unclean" because of his malicious intentions and desires to kill innocent men, women, and children. Detainee took great offense to being accused of being unclean and accused SGT B of not knowing what a harsh word he used.
- 2245: Detainee went to the latrine and exercised
- 2300: Detainee took the stool softener medication
- 2315: SGT M took over the interrogation.
- 2320: Detainee requested that SGT M stop saying that the Al-Qaida raped the Koran. He also said, "God is not Al-Qaida and the Koran cannot be raped."
- 2325: SGT M read several passages out of the Koran that condemned Al-Qaida.
- 2342: Detainee spit on SGT M after SGT M said, "This was the reason (referring to the attacks of September 11) of your miserable existence; to go to the United States and kill innocent people." Detainee also accused SGT M of working with the Jinn.
- 2350: Detainee proclaimed his innocence
- 2400: Medical personnel check detainee's vital signs. Detainee went to sleep.

## **28 November 2002**

- 0400: SGT R (control) woke detainee up. Detainee drank \_ bottle of water, goes to bathroom and walks. Corpsman checks vitals. Detainee's feet appear more swollen than yesterday. Detainee refused aspirin (offered to help reduce swelling). SGT A (lead) asks detainee about the kicking and spitting incident the night before. Lead explains how detainee has no control.
- 0415: Lead begins Al Qaida falling apart theme, goes into pride and ego down. Detainee was repeatedly shown picture of Bin Al Shibh and asked why Bin Al Shibh's life was viewed as being more valuable than his. Detainee told that Bin Al Shibh was viewed as a future leader. Lead wondered out loud why Bin Al Shibh is better than detainee, if Saudis are supposed to be better than Yemenis.



- Detainee was told he should show Bin Al Shibh respect because he is better than detainee.
- 0530: Lead began asking about detainee's family and asking what happened in his household that produced a terrorist. Lead also talked about pictures of 9-11 victims on the wall, focusing on children. Detainee still won't look at lead. Detainee was told that if God keeps track of your sins, he would have millions so he should not be concerned about something as small as looking at a woman.
- 0615: Detainee told that he would be going to the bathroom. He said he didn't have to go, but was told that he would go because we wanted him to.
- 0630: When control entered booth, detainee stated in English "Excuse me sergeant, I want to pray." Control said "Have you earned prayer? I know you have a lot to ask forgiveness for, but I already told you that you have to earn it." Detainee says "Please, I want to pray here" (pointing to floor next to his chair). Control responds no.
- 0635: Detainee placed in swivel chair. As control talked about victims' pictures on wall, MPs rolled detainee to each picture. Particular attention was paid to the children. Control asked "Are these the faces of evil?" Detainee struggled with MPs during his stay in swivel chair. Detainee gets explanation of use of enema – seems embarrassed.
- 0700: Control gives Arabic lesson to detainee. Control writes the Arabic words for "liar", "coward", and "failure" on the wall. Control asks detainee "are you a liar? Are you a failure? Are you a coward? Yes you are." Detainee seemed surprised at control's knowledge of Arabic. Control did this in response to detainee's earlier use of english. Detainee said nothing during this session but showed apparent signs of anger toward the theme.
- 0740: Control takes break. Medical shows up and checks vitals. Detainee takes walk. Control asks in Arabic "how are you Mohammed?" Detainee responds in arabic "not bad".
- 0800: Lead begins session, returning to Al Qaida falling apart. Asks detainee why Bin Al Shibh is better than him.
- 1041: After revisiting words written on the wall by control, detainee said (paraphrased) "You are using those words against me and they are hurting me. There's no need to say those things to me. No man would accept those words."
- 1125: Detainee awakened.
- 1150: Interrogation team entered the booth. ENS C (lead), IS1 E (control), and a female DOD linguist. Lead made small talk about family. Detainee non-responsive.
- 1205: Took pictures of 9-11 victims down.
- 1220: Offered water for prayer. At first detainee rejected but then accepted.
- 1240: Bathroom break.
- 1300: Subject was given cheeseburger and MRE. He had some worry if the burger was O.K. for him to eat, he finally decided it was.
- 1330: Detainee spoke with lead for a period of time but then began whining so lead left.
- 1400: Taken to bathroom and walked 10 minutes.
- 1430: Control entered room and started 9-11 theme. Detainee professed his innocence. Theme was switched to circumstantial evidence.



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1500: Detainee asked for bathroom break and was refused as he was using it as a ploy to interrupt interrogation.  
1515: Detainee taken to bathroom and walked 10 minutes.  
1540: Control re-entered, continued circumstantial evidence, then switched to 9-11.  
1645: Detainee requested prayer. He was told it was not time.  
1700: Detainee was told it was time for prayer and was offered water. Detainee refused the water. Detainee was then taken to the bathroom and walked 10 minutes. He then said he wanted prayer and would drink. He was told that he could have the water, however the time for prayer had passed.  
1750: Detainee exercised and refused food and water. SGT B began interrogation  
1840: Detainee refused food and water  
1900: Detainee went to the latrine  
1945: SGT M took over interrogation  
2000: Detainee went to the latrine and drank two bottles of water to avoid get an enema  
2020: Detainee exercised by doing knee bends. SGT M implemented SPC P's "Mohammad the Slave" theme. Detainee stated that he is God's slave. Circumstantial evidence theme.  
2100: Detainee exercised and used the latrine  
2115: Interrogation team left detainee to watch 9/11 video  
2200: SGT M taped pictures of the 9/11 victims on detainee's body  
2305: Detainee proclaimed his innocence and said he would pass a polygraph test.  
2230: Detainee went to the latrine  
2340: Detainee exercised  
2350: Medical check  
2400: Detainee drank one bottle of water, used the latrine, and went to bed.

### **29 November 2002**

0400: New linguist assigned to team. SGT R (control) wakes detainee. Corpsman advises detainee he need to drink three bottles of water of get an enema. After some resistance, detainee drinks one and a half bottles of water. Detainee walks for 15 minutes. SGT A (lead) begins approach.  
0415: Run Manchester document theme and muslims in America.  
0600: Detainee does not ask for anything, but waits for control to enter room and asks to pray. Drinks one half bottle of water.  
0610: Detainee taken to bathroom and exercised.  
0645: Control begins Arabic lesson. Explains detainee is a student and control is teacher. Detainee drinks one bottle of water.  
0730: Doctor checks detainee. Tells detainee that if detainee doesn't have a bowel movement, detainee will get an enema. Doctor says detainee's feet look better.  
0745: Control continues student/teacher approach.  
0800: Control asks detainee, "are you a liar?" Detainee replies no. Control, "Then why did you tell me you've never been to the U.S.? Here's the proof." Controls shows circumstantial evidence of visit. Control tells detainee that he will show detainee how to embrace the truth. Detainee did not say anything else but paid



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- close attention to control. Control gave commands at random times to stand and sit. Detainee complied.
- 0915: Detainee taken to bathroom. Lead begins pride and ego down approach.
- 1000: Detainee taken to bathroom. Base communication workers arrive to install command post phone lines, so detainee could not be walked.
- 1010: Lead resumes approach. Detainee began to fall asleep and was told to stand. When guard tried to teach detainee where to stand, detainee pushed guard. Other guards entered room and regained control. Detainee tried to complain, but lead told detainee that he might as well be speaking an alien language because no one wants to hear what he says.
- 1040: Lead laughed at detainee and this seemed to infuriate the detainee. Detainee told he must realize he has no control.
- 1100: Detainee used the latrine
- 1125: 2<sup>nd</sup> Shift entered the booth. Detainee would not engage in conversation but would make eye contact.
- 1200: Detainee prayed, walked, and used latrine
- 1220: Detainee refused lunch and stated that he was on a food and water strike
- 1320: Detainee used latrine and checked by medical
- 1440: Detainee exercised and used latrine. Detainee asked for a nap and was refused.
- 1500: Interrogators entered the room
- 1550: Detainee was given the chance to use latrine
- 1648: Detainee was offered prayer time if he would drink water. Detainee refused water
- 1650: Detainee used latrine and exercised
- 1700: Detainee returned to booth
- 1725: Detainee refused MRE.
- 1755: Interrogation session ended
- 1800: Shift 3 began interrogation
- 1920: Detainee refused food
- 1935: Detainee used latrine
- 1940: Detainee exercised
- 2100: Detainee used latrine
- 2105: Detainee refused food and water
- 2145: Detainee exercised
- 2400: Detainee refused water and was checked by medical personnel. Medical personnel indicated that detainee is getting very close to being dehydrated. Detainee complained of being dizzy and having a headache. Detainee went to bed.

**30 November 2002**

- 0402: First shift begins. Detainee awakened and sent to bathroom. Corpsman checked detainees vitals and determined that if the detainee didn't drink any water he would need an IV.
- 0415: Detainee refused water.
- 0420: Interrogation began with lead running pride and ego down. Enforced control of detainee approach.
- 0530: Detainee refuses water, IV is started. Detainee offers no resistance.



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0540: Detainee taken to bathroom. While in bathroom, "My shame causes me to look at the floor" was written on the floor in the interrogation booth.

0600: Detainee given another IV bag. Lead suggested the detainee elected this procedure because he wants people to feel sorry for him. Detainee stated that he didn't choose IV. Lead stated that he did because he wasn't drinking water.

0715: Detainee taken to bathroom.

0740: Interrogator began showing pictures of places in Saudi Arabia informing the detainee that he will never see these places again. Detainee gave indications he was near tears, then composed himself.

0830: Interrogator began 9-11 theme. Talked about innocent children victims. Detainee stated that he didn't believe the person who wrote the information about the victims. Detainee made to wear sign that stated "I am going to hell because I am full of hate"

0915: Detainee taken to bathroom. Detainee received another IV bag. Shown 9-11 video. Detainee protested about the music on the video.

1000: Detainee taken to bathroom and walked. Detainee given another IV bag.

1030: Interrogator continued 9-11 theme with volume turned up high.

1105: First shift ended.

1115: Second shift began.

1140: Detainee taken to bathroom and exercised, allowed to wash hands and pray.

1220: Detainee offered food and water. Detainee rejected the MRE and waited until the lead had started eating to say that he was now ready to eat. The lead did not give the detainee the MRE because he had rejected the food when it was offered and would not allow the detainee to manipulate the situation. Detainee then told lead not to bring food anymore.

1330: Detainee given 1-1/2 hour nap

1500: Detainee woken and taken to bathroom. Detainee was shown video of UBL laughing about the hijackers not knowing their mission. Detainee recounted cover story about buying used cars in the U.S. again.

1635: Break. Detainee continued cover story about buying used cars in the U.S. but was caught denying information he had just spoken about knowing A. T.

1750: Detainee taken to bathroom and exercised.

1925: Detainee used the latrine. Third shift started by asserting control over the detainee by making him exercise.

2020: Detainee refused food and water

2035: Detainee refused water

2040: Medical evaluation determined an enema was necessary.

2045: Detainee received an enema and had his first bowel movement in many days

2100: Detainee exercised.

2200: Detainee ate one complete MRE and drank 1/3 bottle of water

2300: Detainee used latrine

2345: 3<sup>rd</sup> Shift ended

**01 December 2002**



## SECRET ORCON

0400: Detainee awakened and sent to bathroom. Corpsman checked detainee's feet for swelling and wraps feet to avoid irritation from cuffs. Detainee exercised for 10 minutes.

0420: Detainee eats MRE and drinks water.

0445: Interrogator begins circumstantial evidence theme. Detainee made consistent eye contact, but did not speak.

0600: Detainee taken to bathroom and exercised. Detainee asked guards to pray when control left the room. Control told detainee that he could not ask anyone other than the interrogator for anything.

0630: Interrogator continues circumstantial evidence theme.

0745: Detainee stated that he is on strike from food and water again. Corpsman administers IV. Detainee's head is restrained by MP to prevent detainee from biting the IV.

0900: Detainee asked to have IV removed – denied. Detainee given one hour nap.

1000: Detainee taken to bathroom.

1101: Second shift began. Detainee taken to bathroom and exercised.

1115: Interrogation began. Detainee mostly unresponsive during discussion of 9-11 victims. Detainee asked for prayer and was denied since it wasn't time.

1200: Detainee taken to bathroom and exercised. Offered water and prayer time. Detainee drank one full bottle and prayed.

1240: Detainee ate one MRE and drank one half bottle of water.

1300: Detainee taken to bathroom and exercised. Doctor checked vitals – O.K.

1400: Detainee taken to bathroom and exercised.

1450: Detainee taken to bathroom and exercised.

1615: Detainee taken to bathroom and walked for 10 minutes.

1715: Detainee taken to bathroom and walked for 10 minutes. Detainee drank one bottle of water and prayed.

1800: Interrogation began. Detainee offered food and water, detainee refused. Detainee stated that his treatment was making him forget things. Detainee was questioned about his cover story and continued to deny knowing A. T.

1930: Detainee taken to latrine and exercised. Control started circumstantial evidence theme centering on the 9-11 hijackers. Detainee stated that if he had been with that group on that day, he would have been the pilot.

2115: Detainee taken to latrine and exercised. Control started talking about the Koran and the detainee became angry saying that the interrogator didn't know anything about the Koran.

2230: Detainee taken to latrine and exercised. Control compared the Manchester document to the teachings of the Koran. Detainee remained quiet.

2400: Third shift ended.

### **02 December 2002**

0400: First shift begins. Detainee taken to bathroom and exercised.

0425: Lead began session. Detainee complained that guards were not nice.

0530: Detainee offered water – refused. Lead continued with circumstantial evidence theme.



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- 0630: Detainee taken to bathroom and exercised. Control started session with Arabic lesson and explained how Saudis go to Bahrain for alcohol and prostitutes. Continues we are in control approach.
- 0800: Detainee taken to bathroom and offered water.
- 0900: Detainee woken up and offered MRE – refused.
- 0910: Lead cleaned detainee's face and combed hair and beard. Showed 9-11 video.
- 1000: Lead and control explained that detainee has no control.
- 1030: Control began "birthday party" and placed party hat on detainee. Detainee offered birthday cake - refused. Interrogators and guards sing "God bless America". Detainee became very angry.
- 1100: Second shift began. Detainee taken to bathroom and exercised for ten minutes.
- 1115: Control began talking to detainee to calm him.
- 1145: Lead enter booth and began talking to detainee. Detainee unresponsive.
- 1215: Detainee offered water and prayer. Detainee refused. Detainee taken to bathroom and exercised for ten minutes.
- 1230: Detainee offered food and declined, then reconsidered and asked to eat. Detainee ate one MRE after the interrogators decided to allow him to eat if he asked nicely.
- 1330: Detainee taken to bathroom and exercised ten minutes. Detainee unresponsive.
- 1500: Detainee taken to bathroom and exercised ten minutes. Lead runs approach about holes in cover story.
- 1600: Detainee taken to bathroom and exercised ten minutes. Lead continues approach and detainee tries to negotiate by saying that he will talk if he is returned to his brothers in Cuba.
- 1715: Detainee drank one bottle of water and prayed.
- 1730: Detainee taken to bathroom and exercised.
- 1800: Third Shift began interrogation with Al-Qaida Falling Apart theme. Detainee ate one Hostess Cupcake with interrogation team.
- 1845: SGT M began took over interrogation
- 1850: Detainee exercised
- 1940: Detainee ate one full MRE and drank \_ bottle of water
- 1950: SGT B employed Circumstantial Evidence theme.
- 2010: Detainee exercised
- 2015: SGT M took over interrogation
- 2035: Interrogation team took a break
- 2100: Detainee exercised
- 2115: Detainee finished exercising
- 2120: SGT B employed Manchester Document, focusing on the beating and killing of hostages.
- 2135: SGT M took over interrogation and employed Futility and Saudi Government Left him themes
- 2200: Detainee began to tell his cover story again after SGT M questioned asked him about his future and what it would be like living in jail for the rest of his life. Detainee had been silent all night; therefore he was allowed to retell certain parts of his story again. Detainee provided more general information about alleged contacts in Saudi Arabia. Detainee was evasive about his family and would only request that Saudi Government ministries be contacted to verify his story.



Detainee appeared nervous when asked if he had connections to Saudi royal family.

- 2300: SGT B questioned detainee extensively about his business plan. It became readily apparent that he knows very little about business and international trade.
- 2345: SGT M questioned detainee about his family. Detainee was very evasive and refused to provide anything other than his family's PO box. BSCT observation indicated that detainee was lying during entire exchange.
- 000: Detainee used latrine and went to bed.

### **03 December 2002**

- 0400: Lead woke detainee up and sent him to the bathroom. Detainee was exercised.
- 0425: Lead began session with circumstantial evidence theme and "you are a failure" approach.
- 0615: Detainee drank water and was sent to the bathroom and exercised.
- 0630: Control began session on circumstantial evidence theme with "you have no control" approach. Detainee was attentive but unresponsive.
- 0800: Detainee taken to bathroom. Refused meal stating that he is fasting.
- 0830: Lead and control started "tell the truth" approach using circumstantial evidence theme.
- 0930: Interrogators gave class to new MPs in view of detainee stating the resistance training, clouded thinking, series of mistakes, and attempts to gain control that the detainee has exhibited. Interrogators ran puppet show satirizing the detainee's involvement with Al Qaida.
- 1040: Detainee was given a nap.
- 1100: Detainee awakened, taken to the bathroom, and exercised 10 minutes.
- 1120: 2<sup>nd</sup> shift interrogation team entered booth, ENS C, (Lead), IS1 E (Control) and a female DOD linguist. Discussion was aimed at calming detainee down as he was upset. Detainee was mostly unresponsive.
- 1210: Detainee given head break and 10 minutes exercise.
- 1225: Detainee was offered water and refused. He was refused "Salat."
- 1235: Detainee offered lunch and refused.
- 1330: Detainee given head break and 10 minute exercise.
- 1440: Detainee given head break and 10 minute exercise.
- 1550: Detainee given head break and 10 minute exercise.
- 1600: Detainee placed down for nap.
- 1900: Detainee asked for bathroom break, granted.
- 2000: Phase 1B begins. Detainee awakened and told he is being taken back to Cuba, hooded, and loaded into ambulance. Ambulance drove a few feet and detainee was taken out and into a different interrogation booth. ENS S lead interrogator with a female DOD linguist. ENS S was in civilian clothes and ran an approach to plant seeds in the detainee's mind on how to end the interrogations. The approach centered around how Al Qaida had destroyed Islam and the detainee's life had been spared because it was now his jihad to tell the world about how 9-11 was wrong, and help rebuild Islam.



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- 2040: Detainee hooded and taken to new primary interrogation booth that was decorated with photos of 9-11 victims, the U.S. flag, flags of coalition forces in the global war on terrorism, and red lighting. Detainee was subject to loud music for 20 minutes.
- 2100: Hood was removed and U.S. National Anthem was played. CAPT W was lead interrogator with the same female DOD linguist.
- 2105: Detainee's head and beard were shaved with electric clippers. Detainee started resistance when beard was shaved and MPs had to restrain. Shaving was halted until detainee was once more compliant. LTC P supervised shaving. No problems occurred. Photos were taken of detainee when the shaving was finished.
- 2130: CAPT W began bad muslim theme. Detainee said CAPT W was oppressed.
- 2330: Corpsman checked detainee's vitals – O.K.
- 2345: Detainee hooded and walked for 10 minutes.
- 2400: Detainee taken to different interrogation booth where ENS S began asking questions about his mission to Orlando. Detainee unresponsive and did not make eye contact.

**04 December 2002**

- 0010: Detainee replied "I don't know" when asked the question "What is a normal life?"
- 0100: Detainee offered food and water – refused. Five minutes later detainee said he wanted to eat. Interrogator continued questioning, the told detainee he could now eat. Detainee ate one MRE and drank water.
- 0115: Interrogator resumed session by telling the detainee the "right" way to interrogate him.
- 0120: Detainee was told that Usama bin Laden needed bodyguards to protect him from Islam (interrogator was hinting about the Taqfir without using the word) and that detainee's family was also at risk. Detainee seemed either confused or concerned.
- 0130: Detainee was hooded and taken back to primary interrogation booth. Loud music was played and the "devil in the smoke" theme was run.
- 0200: SGT R (lead) and SGT L (control) enter booth. Detainee attempted to gain control by interrupting lead when the futility approach was started.
- 0300: Detainee offered food and water – refused. Detainee taken to bathroom and walked.
- 0320: Lead tells detainee Usama bin Laden is making a whore of Islam. Detainee told lead that he is "looking for trouble". "Arrogant Saudi" approach is run. Detainee was angered by approach.
- 0400: Cover story is thoroughly mocked. Detainee dislikes theme and states that he will not talk until he is interrogated the proper way.
- 0515: "Usama bin Laden as a politician" is discussed. Detainee complains about a picture of a 9-11 victim being taped to his trousers – received the "I control all" speech from interrogator.
- 0615: Detainee told that the truth would get him back to his brothers in Cuba.
- 0700: Detainee taken to bathroom and put to bed.
- 1100: Second shift began with IS1 E, SGT A , and a DOD linguist. Detainee was awakened in old interrogation booth by interrogators.



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- 1130: Detainee was taken to bathroom and walked for 10 minutes. Moved to primary interrogation booth. Detainee complained that the General had said he should be returned to Cuba.
- 1230: Detainee was offered food and ate one MRE and drank one bottle of water.
- 1300: Detainee was taken to bathroom and walked for 10 minutes – complained of dizziness when walking.
- 1315: Corpsman checked vitals – O.K. Christina Aguilera music played. Interrogators ridiculed detainee by developing creative stories to fill in gaps in detainee's cover story.
- 1410: Doctor checked vitals – O.K.
- 1415: Detainee taken to bathroom and walked 10 minutes.
- 1540: Detainee taken to bathroom and walked 10 minutes. Detainee was offered water – refused. Circumstantial evidence theme ran. Detainee was asked what would happen to the hijackers souls on judgement day. Detainee responded that all the people in the towers were infidels.
- 1710: Detainee taken to bathroom and walked 10 minutes.
- 1740: Doctor checked vitals and determined that detainee was becoming dehydrated. Drew blood to check kidney function. Lab results showed the detainee's kidney function was normal.
- 1800: Third shift began with SGT L and SGT M and a DOD linguist. The detainee was given two IVs by the medic. The detainee began to talk when questioned on why he was clean shaven in his passport, and his answer was that he was not a good Muslim at that time. The detainee was bothered by the presence and touch of a female. Detainee tried to get out of the seat and restraints. Rules have changed theme was used. No response.
- 1900: Detainee was offered food and water he refused.
- 1920: Medical representative removed the IV.
- 2003: Detainee went to the latrine and was walked, offered food and water refused.
- 2102: Detainee was taken to the latrine and was walked.
- 2200: Detainee had not said a word since 2000 hours.
- 2300: Detainee performed exercise to reduce swelling of hands and feet.
- 2330: Detainee was taken to the latrine and walked, and on return he began to talk, in response to him being told that his travel story was weak.

**05 December 2002**

- 0001: First shift began. SGT R (lead) and SGT L (control) enter booth with interpreter. Lead follows up with questioning about detainee's plane ticket.
- 0025: Control covers used car part of detainee's cover story. Detainee complains about being tired.
- 0051: Detainee is exercised and hands are strung loosely above head to reduce swelling from an earlier IV. Detainee is told to stand to improve circulation.
- 0100: Detainee is offered water – refused. "Al Qaida falling apart; captured; talking" theme is run. "Al Qaida used Islam" theme is run.
- 0300: Detainee is checked and cleared by corpsman. Sent to bathroom and walked.



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- 0330: "What we know" theme was run. Detainee asked to stand up. Was allowed to stand then told to sit down in order to maintain control.
- 0400: Detainee was told to stand and loud music was played to keep detainee awake. Was told he can go to sleep when he tells the truth.
- 0420: Detainee was given 30 minute nap since he was unable to stay awake during interrogation.
- 0450: Control covered detainee's cover story.
- 0600: Lead enter booth and told detainee to sit up straight. Detainee would not comply and MPs sat him upright. Detainee told lead that he would only answer questions on his cover story, but did not elaborate any further on the story. Lead begins reclaiming control of session. Detainee is made to stand up and face the American flag while the national anthem is played. Detainee resists MPs as they maintain control.
- 0700: Detainee asks to go to bathroom. Lead tells detainee he must say "please". Detainee complies and is taken to bathroom. Detainee asks for prayer – denied. Lead offers food and water – detainee states he is on strike. Detainee put to bed.
- 1020: Detainee woke up himself and requested to go to bathroom. Was taken to bathroom and walked 10 minutes.
- 1100: Detainee awakened by 2<sup>nd</sup> shift interrogation team. Ran "Arrogant Saudi" approach and "Al Qaida destroyed Islam" theme. Detainee unresponsive.
- 1215: Detainee sent to bathroom and walked for 10 minutes.
- 1240: Detainee offered food – ate one MRE and drank one bottle of water. A bottle of water was also left with the detainee for him to sip on during the shift. Interrogators began "bad muslim" theme. Ran "circumstantial evidence" theme.
- 1400: Detainee sent to bathroom and walked 10 minutes. Corpsman checked vitals and changed wraps on ankles. Detainee was O.K. Interrogator began reading from a book of Koranic prayers. Detainee became agitated and yelled for Allah. Detainee tried to kick interrogator and MPs held his legs and hands down. Interrogator began "lonely" theme and detainee lunged at interrogator. MPs regained control of detainee. Detainee stated that his emotions were making him behave badly, then started making odd faces. Interrogators told detainee that they had seen crazy people before and he was not crazy, so detainee stopped making faces.
- 1545: Detainee taken to bathroom and walked for 10 minutes.
- 1600: Medical checked vitals – O.K.
- 1630: Detainee told interrogators that he was in charge now and they would bring him food and water when he wanted and they would let him sleep when he wanted. Interrogators established control over detainee by having him alternately sit and stand. Detainee seemed near crying and was told not to cry on this shift.
- 1800: Detainee became irritated with the female invading his personal space. He made several attempts to push her away from him with his back because she was standing behind him. Detainee spit at SGT M and the DoD linguist because he was annoyed by the female behind him and they were seated directly in front of him. Detainee was offered water and food. He did not want water or food.
- 1900: Detainee was given a latrine break. After the latrine break detainee was exercised because he had swelling in his hands and feet. During the walking exercise the



- detainee attempted to injure two guards. Detainee used all of his body weight elbowing one guard and then elbowed the other guard. The guards quickly restrained and secured the detainee to his chair and the interrogation continued. Detainee was offered water but he quickly denied it. The interrogation continued with the theme that the Rules have changed.
- 1945: Detainee finally decided to eat. He did not drink the water that was given to him with his meal.
- 2016: Medical representative took vitals of the detainee. She stated that the detainee's vitals were normal. The interrogation continued with the theme being Saudi Government. The detainee was not responsive nor did he appear concerned with the Saudi Government.
- 2108: Detainee was taken to the Latrine. He was also offered water but he refused the water.
- 2225: Detainee became completely quiet, he would stare into space, and he would attempt to put his head down but when commanded to raise his head he would comply. The interrogation continued with the theme of the Manchester Document.
- 2320: Detainee was escorted to the latrine.

## **06 December 2002**

- 0001: 1<sup>st</sup> shift begins. Interrogator talked about Zacarius Mousaui and his capture. Detainee stated that since Mousaui would've been the 20<sup>th</sup> hijacker, he could not be. Detainee also stated that if he had been one of the hijackers, he would've gotten into the country. Circumstantial evidence was run. Detainee stated that he couldn't have applied for a visa in Riyadh three days after the Orlando incident because he was in the U.A.E.
- 0100: Detainee's vitals are checked – O.K. Interrogators tried to engage detainee in discussion of falconry. Detainee complained about being asked the same questions, asked to be taken back to Cuba.
- 0130: Detainee offered water – refused.
- 0140: Detainee confronted with evidence of another detainee identifying him at a safehouse in Kabul. Detainee accused of being a bodyguard.
- 0230: Detainee sent to bathroom, walked for 20 minutes. Detainee drank one and a half bottles of water. Corpsman checked vitals – O.K.
- 0300: Futility approach run. Detainee told this will never end and things will get worse.
- 0420: Detainee taken to bathroom.
- 0430: Discussed Saudi royal family and corruption in the middle east with detainee. Detainee states that corruption should be studied and stopped, can start out small and grow. Detainee uses analogy about someone smoking, then drinking, then moving on to drugs. Detainee will not discuss political corruption. Interrogator told him he must be very angry to do what he did. Detainee replied that he is a simple man and is not angry.
- 0530: Corpsman checks detainee's IV stint. Detainee was asked how he feels about Al Qaida and replied that he is displeased because they killed innocent people.
- 0630: Detainee allowed to pray.



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- 0700: Detainee taken to bathroom and put to bed.
- 1100: Detainee awakened, taken to bathroom, and walked 10 minutes.
- 1115: Interrogation team entered the booth. Loud music was played that included songs in Arabic. Detainee complained that it was a violation of Islam to listen to Arabic music.
- 1200: Detainee refused a bathroom break and was walked 10 minutes.
- 1210: Corpsman checked detainee's vitals – O.K.
- 1225: Detainee offered food – ate one MRE and drank one bottle of water. Started 9-11 theme. Detainee asked to pray when confronted with photos of child victims and was denied. Interrogators told detainee he was using religion as a tool to escape hard questions. "Al Qaida falling apart" theme was started. Detainee was told God was not with them because He had given detainee to us and helped us defeat Al Qaida and the Taliban. Detainee declared a hunger strike and said he would decide when to eat. Interrogators began "we control all" theme.
- 1400: Detainee taken to bathroom and walked 10 minutes. Corpsman replaced ankle bandages to prevent chafing from cuffs. Started "Al Qaida used Islam" and "bad muslim" themes. Detainee said "I will tell the truth" and told the interrogator to get out some paper. He also said "I am doing this to get out of here". Detainee began talking but would not give any information about people other than himself. Detainee talked about traveling to Afghanistan and meeting UBL who gave him money and sent him to America. Detainee also talked about his travel after he was turned away from Orlando.
- 1600: Detainee allowed to pray after promising to continue cooperating. Detainee asked for air conditioner to be turned off and asked for blanket – both were given.
- 1610: Detainee offered water and bathroom break – refused.
- 1715: Detainee allowed to pray.
- 1730: Detainee ate an apple. Refused water and bathroom break. Detainee's story began to get vague and had many holes where third party involvement should have happened. Interrogators eventually determined the detainee was veering away from the truth and closed their shift.
- 1930: Third shift interrogation team enters the booth. The approaches employed were Pride and Ego down, Fear Up Harsh, and Invasion of Space by a Female. The detainee became very violent and irate. Detainee attempted to liberate himself from the chair in order to get away from the female. He struggled for approximately forty minutes attempting to move out of the presence of the female.
- 2030: Detainee was exercised for approximately fifteen minutes. The Medical Representative checked the detainee's blood pressure and weight. She cleared the detainee for further interrogation. Detainee refused water and food. Interrogation continued with the theme of Al Qaeda falling apart. The approach that was used during this phase of the interrogation was pride and ego down with an occasional fear up harsh if necessary.
- 2100: Detainee was sent to latrine.
- 2115: Detainee was offered food and water once again and he refused.
- 2150: Detainee was given a latrine break. He was offered food and water and he refused.



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- 2230: Again detainee was offered food and water. He refused to eat or drink water.
- 2320: Detainee stated that he met M. K. in the United Arab Emirate during his travels. He stated that K. was a businessman, 5'10" tall, Afghani, and in his mid to late 30's. The interrogation team believed this was a lie and the detainee began to stare at the wall quietly as SGT M continued to interrogate detainee using the pride and ego up with a fear up harsh combination.
- 2340: Medical representative checked the detainee at the request of the Military Police.

**07 December 2002**

- 0001: First shift began. Detainee made to stand for the National Anthem. Interrogators began harsh pride & ego down by poking holes in the new cover story and outlining the rules he must live by now.
- 0100: Detainee taken to porch where he can see foraging banana rats and told that he chose this life with the rats. He is reminded of the good things in life that he chose to leave behind.
- 0120: Issues arise between MPs and dog handler. CAPT W talks with all parties and resolves issues.
- 0320: Detainee taken to bathroom and walked for 10 minutes. Corpsman checks vitals – O.K.
- 0345: Detainee offered food and water – refused. Detainee asked for music to be turned off. Detainee was asked if he can find the verse in the Koran the prohibits music.
- 0350: Corpsman checks vitals – detainee refuses Motrin and water. Corpsman asked detainee if he has dizziness or a headache – detainee says yes. Corpsman explains it is from lack of water. Vitals show dehydration is beginning. Corpsman calls doctor.
- 0415: Detainee admits story he told interrogators was false. Stated he told the story because he was under pressure. Detainee was told he chose to be here, and was given the list of decisions he made that brought him here and was told he needs to take responsibility for his actions. Detainee was given an IV by corpsman. Detainee was told that we would not allow him to die.
- 0515: Detainee offered food and eats peanut butter and crackers. Began "God's will" approach. Detainee told Al Qaida chose him because he was expendable. Interrogators asked detainee how he could stay in Afghanistan and not see any Taliban personnel. Detainee stated that Taliban people spoke good Arabic. Interrogators revisited falcon story.
- 0600: Interrogators revisited the new cover story and poked holes in it.
- 0700: Detainee taken to bathroom and put to bed.

**24 HOUR RECUPERATION STAND-DOWN BEGINS**

- 1100: Detainee awakened, taken to bathroom and walked for 10 minutes. Schedule is given to MPs to offer water every hour, take detainee to bathroom and walk every one and a half hours, offer food once per shift, and keep music playing to prevent detainee from sleeping during stand-down. MPs are instructed not to converse



with detainee except to issue commands. MPs are given log book to log all scheduled activities.

- 2000: Corpsman checks vitals and finds the detainee's pulse is unusually slow. Doctor arrives and decides to perform an EKG – leaves to get EKG machine.
- 2050: Doctor returns and performs EKG. Heartbeat is regular but very slow – 35 bpm. Doctor consults with another doctor.
- 2130: Decision is made to take detainee to GTMO hospital to perform a CT scan of the detainee's brain to see if there are any irregularities.
- 2215: Depart to hospital.
- 2230: Arrive at hospital and begin CT scan.
- 2330: Doctors review scan and do not find any conclusive evidence of any conditions, but request the detainee be kept overnight until a radiologist can be flown in to ensure there are no anomalies. Detainee is placed in isolation ward and hooked up to monitor heart rhythm.

#### **08 December 2002**

Detainee's electrolytes are checked and corrected. Potassium was slightly below normal due to not eating. Detainee's left leg was swollen and an ultrasound was performed to check for blood clots. No blood clots were detected and the detainee's swelling went down naturally. A radiologist was flown in from Roosevelt Roads and checked the detainee's CT scan - no anomalies were found. No unusual heart rhythms were recorded by the monitor during the detainee's stay and his heart rate returned to normal naturally. The detainee slept most of the day between meals.

#### **09 December 2002**

- 0800: Detainee's checks are all good. Plans are underway for release in the afternoon.
- 1800: Detainee is hooded, shackled and restrained in a litter for transport to Camp X-Ray. ENS C rides in the ambulance with the detainee and informs him that he has a choice to make; tell the whole truth and return to his brothers in Cuba or remain silent and return to X-Ray.
- 1830: Detainee arrives at Camp X-Ray and is returned to interrogation booth. ENS C enters booth with detainee and gives a last chance to tell the whole truth. Detainee is uncooperative and ENS C leaves. CAPT W enters booth and informs the detainee that he had been medically cleared and only he could make it stop, otherwise it would get worse.
- 1900: Detainee was exercised for good health. He was also offered food and water. He refused the food and water.
- 2000: Detainee was walked around for improving his circulation and exercise purposes. He was offered food and water but he refused. He was taken to the latrine but he refused to use it.
- 2030: The detainee's vitals were checked by the medical representative. She stated that they were normal. The interrogation continued.



- 2100: Detainee was taken to the latrine. He did not refuse to use it because he stated that he had to do number two. He refused water and food.
- 2145: Detainee replied to question that was posed by SGT M. Detainee had been shown several pictures of little old women that died in the 9/11 terrorist attack. SGT M asked the detainee what could these little old women do? Were they going to drop a bomb or fly a plane into the holy city of Mecca? The detainee shook his head and replied "no". Later, SGT M asked, do you think the people that are jumping from the burning building are going to go to heaven or hell. The detainee replied with I don't know.
- 2240: Detainee was exercised for improved circulation, reduction of swelling in feet and overall good health. Detainee refused water and food.
- 2340: Detainee was repulsed by the female invasion of his personal space. He made several attempts to stand up in order to prevent her from entering his personal space. He attempted to appeal to SGT M but that was not effective. SGT M continued with fear up harsh until the detainee would give new information but the detainee continued to give old information so, he was silenced (by the interrogation team). Detainee refused water. He was sent to the latrine.

#### **10 December 2002**

- 0000: Interrogation team entered the booth and played the national anthem. Detainee was made to stand and put his hand over his heart. Lead explained rules to detainee. Ran pride and ego down approach. Played loud music to keep detainee awake.
- 0230: Detainee taken to bathroom and walked. Corpsman checked vitals – O.K.
- 0300: Detainee offered food and water – eats crackers, peanut butter, and drinks water with koolaid.
- 0330: Detainee asked about relationships with women and what his mother would think of him. Detainee said the Saudi government knew he was innocent. Interrogators replied that the Saudi government knows he is guilty and that is why he is here.
- 0400: Lead established control over detainee by instructing him not to speak and enforcing by playing loud music and yelling. Detainee tried to regain control several times by starting to talk about his cover story. Detainee was not listened to.
- 0530: Detainee was taken to bathroom and walked for 20 minutes.
- 0600: Futility approach was run. Rules have change theme was run. It can get a lot worse theme was run. Detainee attempted to talk but was silenced by interrogator through yelling and loud music. Detainee cursed interrogator and pleaded his innocence. Circumstantial evidence theme was run. Interrogator turned on the music and left the booth for the last 20 minutes of the shift, detainee screamed for the interrogator to come back as he departed the booth.
- 0700: Detainee was put to bed.
- 1030: Detainee woke up on his own and requested to go to the bathroom. He was taken to the bathroom and walked for 10 minutes.



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- 1100: 2<sup>nd</sup> shift began by waking the detainee to music. Interrogators told detainee how happy they were that he was back. Detainee was mostly unresponsive. Reinforced the notion that the detainee would be here a long time.
- 1215: Detainee was taken to bathroom and walked 10 minutes. Food and water were offered and the detainee ate one MRE and drank a bottle of water. Interrogators engaged the detainee in conversation about marriage and dating. Detainee said that he had a chance to marry but refused. He said that he would like to marry someday. The detainee then stated that he was having emotional problems and needed to see a doctor for this. Detainee stated the Jinns had control of his emotions and only a trained doctor could help him. He stated that he would tell everything to a doctor in the same way that he had previously stated that he would tell all if he was taken back to Cuba. Detainee was told he would have to describe what was wrong before a doctor could be brought in. Detainee became unresponsive upon hearing this.
- 1400: Detainee was taken to bathroom and walked 10 minutes. Detainee offered water – refused. Interrogators covered the resistance techniques he had used and asked him to perform the “crazy Mohammed” facial expressions again. Detainee began to cry. Interrogators recounted the “emotional Mohammed” from earlier in the session and the detainee became stoic again.
- 1600: Detainee was taken to bathroom and walked 10 minutes.
- 1615: Offered water to detainee – refused. Loud music was played and the interrogators began yelling at the detainee. Pride and ego down approach was run. Al Qaida falling apart theme was used.
- 1715: Offered water to detainee – refused.
- 1800: Detainee taken to bathroom and exercised 10 minutes.
- 1830: Detainee became very annoyed with the female invading his personal space. He spit on her several times. He tried to push her away using his head. He attempted to move her chair by using his feet to push her chair away from him. Detainee was offered water but he refused to drink it.
- 1930: Detainee was offered water but he refused it. He was taken to the latrine. Medical Representative weighed detainee and logged detainee’s weight at 119 pounds. He was 123 pounds with the three piece suit.
- 2000: Detainee ate two cheese filled pretzels and when he was given his meal he accepted it and began to eat. He devoured all of his MRE.
- 2030: Detainee was exercised for good circulation and overall good health. He was also taken to the latrine. He was offered water but he refused.
- 2140: Detainee was offered water; he refused to take the water. He was taken to the latrine; he did not use it. He stood at the door and waited until we allowed him to return to the interrogation booth.
- 2230: Detainee was taken to bathroom. Detainee urinated on himself as he was being taken to the latrine. Detainee was allowed to clean himself while in the bathroom. He was offered water and refused.
- 2307: Detainee was exercised.
- 2339: Medical representative took detainee’s pulse rate and vital signs. She said they were all normal. Detainee was taken to the latrine. He refused water.



**11 December 2002**

- 0001: Detainee stood and faced the flag for the national anthem. He showed less resistance towards facing the flag than on previous days. Both interrogators began the "pride and ego down approach". This approach was utilized throughout the session. The lead (SGT R) gave detainee the rules for the session. 1) no talking 2) don't ask for anything 3) face forward 4) no sleeping.
- 0050: Detainee refused water
- 0100: Detainee began to cry during pride and ego down. Detainee was reminded that no one loved, cared or remembered him. He was reminded that he was less than human and that animals had more freedom and love than he does. He was taken outside to see a family of banana rats. The banana rats were moving around freely, playing, eating, showing concern for one another. Detainee was compared to the family of banana rats and reinforced that they had more love, freedom, and concern than he had. Detainee began to cry during this comparison.
- 0202: Detainee refused water. Detainee was walked for 10 minutes. Control (SSG M) continued "p&e" down approach. Detainee was unresponsive. He appeared to struggle controlling his anger.
- 0310: Detainee refused water. Walked for 10 minutes. Used bathroom. Vitals checked by medic and within normal limits.
- 0320: Detainee was agitated at music being played in his presence and attempted to voice his opinion. He was ignored and moved excessively during this time while seated in the chair with his hands clenched in a fist.
- 0418: Detainee was offered water; he refused the water. Detainee was offered food; He refused the food. Detainee was exercised by walking him around to prevent swelling in his feet. Bandages on legs were replaced with sterile bandages to prevent chafing.
- 0503: Detainee refused water. Control continued the "pride and ego down approach" using the circumstantial evidence as a theme
- 0600: Detainee refused water. Detainee was exercised to prevent swelling of his feet. Control and lead continued P&E down approach.
- 0700: Detainee vitals taken and are within normal limits. Detainee was sent to bathroom. Upon return, he began his four hours of rest.
- 1100: Detainee was awakened, taken to the bathroom and walked 10 minutes.
- 1115: Interrogation team enter the booth and started talking about how glad they were that he was back and that they would have a BBQ in his honor. When the detainee stated that he would not want any of that food, the interrogators told him that the BBQ wasn't for him, it was for everyone else. Interrogators talked about detainee's loss of freedom. Interrogators held an exorcism to purge the evil Jinns that he claimed were controlling his emotions. Detainee was more responsive after the exorcism.
- 1200: Detainee was taken to bathroom and walked 10 minutes. Detainee was offered food and water.
- 1230: Detainee ate one MRE and drank a bottle of water. Interrogators instructed detainee how to mix up the tea and coffee in the MRE. Detainee was drinking the coffee and started ignoring the interrogators, so the interrogators took away the



- detainee's coffee. The detainee asked for the coffee back several times in the next hour. The lead held the coffee in front of the detainee and when the detainee reached for the coffee, the interrogator poured the coffee on the floor. The detainee seemed to be mad at the interrogators for the remainder of the shift.
- 1400: Detainee taken to bathroom and walked for 10 minutes.
- 1530: Detainee taken to bathroom and walked for 10 minutes. The futility approach was run. The detainee was allowed to speak to the linguist for five minutes. The detainee tried to develop rapport with the linguist and the interrogators reentered the booth and ran the futility approach by telling the detainee the linguist was on their side. Control began talking in a low sympathetic tone of voice and spoke to him about his past, present, and possible future. Detainee began to cry. Detainee asked to sleep in a different room and only be interrogated in the present room. Control asked why the detainee would make such a request and detainee replied that control was human. The BSCT observed that the detainee was only trying to run an approach on the control and gain sympathy.
- 1700: Detainee taken to bathroom and walked for 10 minutes. The interrogators started the BBQ outside the interrogation booth and ate in the booth so the detainee could see them.
- 1800: Detainee refused water and food. He stared at the ground and wall while humming to himself. The futility approach was run for the entire shift.
- 1900: Detainee was taken to the latrine. Detainee refused water and food.
- 1930: An attempt was made to exercise detainee but detainee refused to walk on his own. He attempted to pray as the guards carried the detainee back to the interrogation booth. Detainee complained of feeling dizzy as he held his head in his hands. The medical representative took detainee's vital signs. They were normal. The medical representative told the detainee that he had to drink water or else he will continue to feel dizzy. The detainee was also told that the next step would be to give him an IV. Detainee still refused to drink water.
- 1955: Detainee still refuses to drink water or eat some food. Still complaining of being dizzy.
- 2000: Latrine break for the detainee. No new information was given by the detainee. Detainee was told not to talk because he is not giving any new information.
- 2100: Detainee refused water. Latrine break for the detainee was given.
- 2120: Medic took vitals and weight. All normal except it may be necessary to give the detainee several IVs because his vitals although normal at the moment continues to fall. Medic had warned the detainee that if he doesn't drink water that he will be given several IVs in order to replace the fluids that he has lost.
- 2200: Latrine break for the detainee. Still refusing to drink water.
- 2245: Detainee still refusing to drink water. Medical representative took the detainee's vital signs. They were not good so the detainee was being prepared to receive the needed IVs.
- 2312: Medical representative had begun to administer the first of three IVs. No new information was given by the detainee.

**12 December 2002**



- 0001: Detainee was subjected to white noise (music) waiting for his IV's to be completed.
- 0110: Detainee had his 3<sup>rd</sup> IV removed. He was exercised to improve the circulation to his legs. Detainee used restroom. Detainee had vitals checked, which were within normal limits. Detainee refused water.
- 0140: Detainee shown video of Taliban Bodies and Die Terrorist Die.
- 0150: Interrogators gave detainee rules for the evening. 1) No talking. 2) Face forward. 3) Don't ask for anything. Detainee almost immediately began to speak. The interrogators screamed at detainee until he stopped. Detainee was reminded of his worthlessness as a human being. He was reminded of the fact that his standard of living is less than a Banana rat. While running the Pride and Ego (P/E) down approach, SSG M showed the bottom of his boot to detainee. Detainee had one of the longest emotional outbursts seen yet. He went into a fit of rage yelling insults in English and Arabic to interrogators. He began to move his arms and legs in his chair as if to want to break away from the shackles and attack. He then began to make statements about his story. He was cut off and told to think about what he wanted to say. He was left in the booth for approximately 10 minutes to think about the statements he wanted to make.
- 0230: Interrogators returned to the booth and reminded detainee of what he was supposed to think about in order to go back to his brothers in Cuba. He began to talk and again introduced going to America, "the land of opportunity," (Orlando Florida) to conduct a car business. Detainee was cut off and told that we did not want to hear this story anymore. P/E down continued.
- 0300: Detainee was exercised for 10 minutes, used Bathroom and refused water.
- 0350: Detainee was unable to stay awake. Tried to stand him up to keep him awake but was unable to stay awake. Detainee was allowed to sleep for 1 hour 10 minutes.
- 0500: Detainee was woken up exercised for 10 minutes, taken to use bathroom and declined water and food.
- 0515: P/E Down continued. Detainee was asked if he could remember when he last he felt love? When he last laughed? Last felt Happy? When he last felt like he was worth something? Interrogators compared lifestyle difference between Camp Delta and Camp X-ray. Camp Delta – Could live in a cell and communicate with others; could read if he wants to, practice his religion if he wants to; could laugh with others, could write and receive letters, could sleep when he wants to; drink when he wants to; move around freely in his cell when he wants to; use the bathroom when he wants to and at least feel like a human being with normal emotions.

Camp X-ray- live in a wooden box with no communications and constantly reminded of his low level of self worth; unable to laugh and only be laughed at; unable to write or receive letters; unable to read; unable to choose when he sleeps, drinks or go to the bathroom; unable to move around freely; unable to practice his religion when he wants to; unable to feel like a human being; the only feeling he knows at camp x-ray is the hate he brought with him.

Interrogator told Detainee to think about what he could have at the camp with his brothers. Detainee listened to Arabic music for 15 minutes before start of rest period.



- 0700: Detainee begins 4 hour rest period.
- 1100: Detainee was awakened, taken to the bathroom, and walked 10 minutes. Coffee was offered and initially refused. Detainee later accepted coffee and drank one sip. He said he did not want any but took a sip to not be disrespectful. Covered rules have changed theme. Discussed prison life in America. Showed bits of the movie "The Green Mile". Detainee became unresponsive and the interrogators interjected that perhaps they needed to perform an exorcism. Detainee became more responsive.
- 1215: Detainee was taken to the bathroom and walked 10 minutes. Detainee became relatively unresponsive again. Interrogators discussed how they had been relatively nice to him.
- 1230: Detainee was offered food and ate one MRE and drank about 3 oz water. Interrogators decided to escalate detainee's emotions and began ridiculing him. Detainee became very angry and started to cry. Interrogators instructed the detainee not to cry.
- 1400: Detainee was taken to the bathroom and walked 10 minutes. Detainee was offered water – refused. Interrogators started playing music and asked the detainee if music offended him. He said it did and the interrogators told him if he could show them where the Koran said it was a sin to listen to music, they would turn it off. Detainee said he did not know where it was. Linguist said the Koran said nothing about listening to music. Detainee said it was in the Hadith, but could not specify where it was. Began Al Qaida falling apart and Taliban themes. Detainee was asked why Al Qaida and the Taliban had the resources to help starving women and children but had done nothing, violating one of the pillars of Islam.
- 1600: Detainee was taken to the bathroom and walked 10 minutes. Detainee was offered water – refused.
- 1615: Corpsman checked vitals – O.K. Bandages around ankles were replaced to prevent chafing. Detainee was offered water – refused. Interrogators told detainee that he was not respected because he did not answer questions. Interrogators asked if the detainee would not or could not answer and told him that they would respect him as long as his answer was truthful.
- 1700: Detainee was taken to the bathroom and walked 10 minutes.
- 1800: Detainee was awakened from a short nap by the interrogation team. Refused water and food. Latrine break for the detainee.
- 1830: SGT L started "invasion of personal space" approach. Detainee attempted to free himself from restraints. Detainee requested of SGT M to have SGT L removed from the interrogation booth.
- 1930: Latrine break for the detainee and exercised for circulation purposes. Medical representative weighed detainee. He weighed in at 119 pounds. He was offered food and water but he refused.
- 2000: The doctor arrived and spoke with the detainee concerning any pains. Detainee complained about having pains in his kidneys and the doctor explained that the reason he was experiencing these pains was due to the fact that he has not been drinking water. The doctor suggested to the detainee that he drink water but the detainee refused. The detainee was warned that he would eventually have to be



- given an enema if he continues to refuse water. Detainee did not appear to care about the doctor's advice.
- 2041: Latrine break for the detainee. Would not answer in complete sentences only in short phrases. He mentioned the name A as his contact once in Orlando but this was not new information, the detainee has given this name on another occasion. Up to this point the theme Circumstantial Evidence was being employed. The medical representative cleaned and re-wrapped left arm because the IV was still in place. Detainee refused water.
- 2140: Detainee refused water. Detainee says he is having pains in his kidneys. He continues to stare at the wall and floor without any reply.
- 2210: Al Qaeda Falling apart theme was employed and continued throughout the night. Latrine break and exercised. Detainee refused water.
- 2319: Detainee was shown all of the pictures from the Al Qaeda Falling binder and he stated that he did not know any of the men in this binder.

### 13 December 2002

- 0001: **Upon** entering the booth, lead played the call to prayer with a special alarm clock. Detainee was told, "this is no longer the call to prayer. You're not allowed to pray. This is the call to interrogation. So pay attention." Both lead and control participated in a "pride and ego down" approach. Control told detainee, "UBL has made a whore of Islam. Since you follow UBL, you also rape Islam." Control put a sign on detainee that had the Arabic word for coward written on it. Explained how the words liar, stupid, weak, and failure apply to detainee. Detainee showed very little emotion during the initial portion of the session, except for the occasional smug smile that was met with immediate taunts and ridicule from the interrogators.
- 0120: Lead ordered detainee to go to bathroom and walk for twenty minutes. Refused Water. Corpsman checked his vital signs and stated he was fine. Both interrogators continued with the "futility" and "pride and ego down" approaches. On occasion when the detainee began to drift off into sleep, lead dripped a couple of drops of water on detainees head to keep him awake. Detainee jerked violently in his chair each time.
- 0240: After a bathroom and walking break and detainees refusal of water, the interrogators continued the aforementioned approaches. Detainee showed little response during this session. Detainee became increasingly tired and incoherent.
- 0320: Detainee received walking and bathroom break. Refused water. He then slept for one hour, followed by one hour in his chair listening to white noise.
- 0530: Control showed detainee the banana rats and stated that they live better than he does. Lead asked detainee, "what do you think is going to happen to you? what would a judge do if he saw all the information that links you to Al-Qaida?" detainee stated, "I'm not associated with Al-Qaida." After that statement, control read all circumstantial evidence collected against detainee. Detainee attempted to hide his emotions, but was clearly frightened when asked if the judge had enough evidence to convict him.



- 0700: Detainee walked, refused water, and allowed to begin four hour rest period.
- 1100: Detainee awakened and offered coffee – refused.
- 1115: Detainee taken to bathroom and walked 10 minutes. Offered water – refused. Interrogators began telling detainee how ungrateful and grumpy he was. In order to escalate the detainee's emotions, a mask was made from an MRE box with a smiley face on it and placed on the detainee's head for a few moments. A latex glove was inflated and labeled the "sissy slap" glove. This glove was touched to the detainee's face periodically after explaining the terminology to him. The mask was placed back on the detainee's head. While wearing the mask, the team began dance instruction with the detainee. The detainee became agitated and began shouting. The mask was removed and detainee was allowed to sit. Detainee shouted and addressed lead as "the oldest Christian here" and wanted to know why lead allowed the detainee to be treated this way.
- 1300: Detainee taken to bathroom and walked 10 minutes.
- 1320: Detainee offered food and water – refused. Detainee was unresponsive for remainder of session. Afghanistan / Taliban themes run for remainder of session.
- 1430: Detainee taken to bathroom and walked 10 minutes.
- 1500: Detainee offered water – refused.
- 1510: Corpsman changed bandages on ankles, checked vitals – O.K.
- 1530: Detainee taken to bathroom and walked 10 minutes.
- 1600: Corpsman checks vitals and starts IV. Detainee given three bags of IV.
- 1745: Detainee taken to bathroom and walked 10 minutes.
- 1800: Detainee was unresponsive.
- 1833: Detainee was allowed to sleep.
- 1925: The detainee was awakened by interrogation team. He was offered food and water but he refused.
- 1945: The interrogation team and detainee watched the video "Operation Enduring Freedom".
- 2120: Detainee was sent to the latrine. Offered water but he refused.
- 2200: Detainee exercised for good health and circulation. Medical representative took detainee's vital signs and removed the IV housing unit from the detainee's arm. The detainee's pulse rate was low (38) and his blood pressure was high (144/90). Detainee complained of having a boil on his left leg, just below his knee. The medical representative looked at the his leg and phoned the doctor. The doctor instructed the corpsman to recheck the detainee's vitals in one hour.
- 2300: Detainee refused water and food. He was taken to the latrine and exercised in order to assist in improving the detainee's vital signs.
- 2345: The medical representative rechecked the detainee's vital signs. The detainee's blood pressure had improved but it was still high (138/80) and his pulse rate had improved but it remained low (42). The corpsman called the doctor to provide an update and the doctor said operations could continue since there had been no significant change. It was noted that historically the detainee's pulse sometimes drops into the 40's in the evenings.

**14 DECEMBER 2002**



SECRET ORCON

- 0001: Interrogation team was briefed on condition of the detainee's mental and physical state. Detainee's hands were cuffed at his sides to prevent him from conducting his prayer ritual.
- 0025: Lead begins berating detainee as coward and liar. Lead taped picture of 3 year old victim over detainees heart. Detainee is told he will never leave Cuba. Lead states that if he does not tell the truth, the interrogator will keep talking to him everyday until he does. Control orders detainee to sit up and pay attention. Control dripped a few drops of water on detainees head to keep him awake. Detainee struggles when water is dropped on his head. Detainee attempts to talk, but both control and lead scream over the detainee until he stops.
- 0120: Interrogators take a break and detainee listens to white noise. Detainee goes to bathroom and is exercised while hooded. Detainee returns to booth and continues to listen to white noise.
- 0140: Interrogators enter the booth and play cards while conducting a p/e down. Detainee is told that we get paid to mess with him so we might as well play cards, a leisure he cannot participate in. Detainee is told to shut up and stay awake. At times detainee began to fall asleep and water was dripped on his head as he was ridiculed. White noise was playing in the background.
- 0330: Detainee was exercised and taken to the bathroom. Corpsman checks vitals and offers detainee water and food. Vitals are within normal range and detainee refuses water and food. Detainee is returned to booth and p/e down is continued.
- 0500 Detainee is exercised and taken to the bathroom. Detainee refuses water. He is returned to the booth and listens to white noise until 0530 while interrogator continues p/e down. Interrogator begins to remind detainee of his low self worth, and his lack of love, laughter, religion, decision making. He was reminded of the difference of standard of living between camp x-ray and camp delta and is asked, do you want to return to your brothers in Cuba?" Detainee is non responsive. Interrogator begins to ask rhetorical questions of detainee such as do you think you will ever laugh again, love again, be loved again, know what joy is, practice your religion freely again, make decisions on your own again, communicate to others again, have friends again. Interrogator pulls out U.S. department of justice immigration and naturalization service record of deportable/ inadmissible aliens and is asked rhetorical questions about his travel to Orlando, Florida. During this rhetorical questioning he broke his silence and mentioned the names A and M. Intel officer related that A is a big fish and to exploit how he knew A.
- 0700: Detainee was allowed time to think about what he wanted to say regarding his travel to the US and would be given the opportunity to go to sleep. (fact is that intel officer was going to get a picture of A for interrogator to show detainee at a later time. Next shift should see if detainee can identify this as the A he mentioned.) Detainee was taken to restroom and asked if he wanted water. Detainee refused water. Detainee was then directed to go to sleep.
- 1100: Detainee awakened, taken to the bathroom and walked 10 minutes.
- 1115: Interrogation entered the booth. Offered water to detainee – refused. Detainee looked angry and stated he was on strike from interrogation. Detainee unresponsive. 9-11 theme was run with religious overtones.



## SECRET ORCON

- 1230: Detainee taken to bathroom and walked 10 minutes.
- 1245: Detainee offered food and water – ate one MRE and drank one bottle of water.
- 1330: Detainee taken to bathroom and walked 10 minutes. Topic of music was run with Koranic verses that support that music is not forbidden. Detainee was given an Koran to read along with the interrogators to see the verses for himself. It should be noted that the detainee had trouble finding verses in the Koran as if he had rarely read a Koran himself. He also read the Koran as any other book where devout Muslims will “sing” or chant the verses as they read. Detainee seemed self-conscious about his trouble with the Koran.
- 1500: Detainee taken to bathroom and walked 10 minutes. Continued music theme.
- 1630: Corpsman checks vitals – gives three bags of IV. Detainee was confronted with verses in Koran that state adding prohibitions not mentioned in the Koran is a sin. Detainee broke down crying and asking God for forgiveness, stating that he was with strangers. He still said that music was forbidden and stated that he could do nothing about the music that was played in the booth. Detainee was shown photo of Al Masri and did not recognize him. Detainee asked to pray and was denied by the interrogator. Interrogator stated that the detainee would have to regain his honor before he would be allowed to pray.
- 1700: Detainee taken to bathroom and walked 10 minutes.
- 1800: Interrogation began, 3<sup>rd</sup> IV began finished. Theme of being able to read cards Used, detainee stated that he did not believe in card readers but he paid close attention to the reading stating that all the innocent spirits will haunt him in this life and the next one to come.
- 1930: Detainee had a Latrine break and exercise.
- 2000: MD checked out a cyst on his right lower leg, and concluded that it was not infected and it would not be a problem. MD informed the detainee that he needs to drink water or else he might develop a kidney stone and it would be painful. Vitals checked 102/79 and a pulse of 49.
- 2115: Latrine break and exercise. Detainee ate a mre and consumed water. Pictures Al-Qaida members shown and the detainee said he did not know any one of them.
- 2300: Latrine break and exercised. Circumstantial evidence shown to detainee and he gave the same story.
- 2315: Medical check 110/72, and pulse of 59, 130 pounds.
- 2330: Detainee drank a full bottle.
- 2400: Interrogation ended.

### 15 DECEMBER 2002

- 2400: Lead entered booth and began P/E down. Detainee denies that he gave out names during same session a day ago.
- 0100: Detainee taken to bathroom and walked for 20 minutes. Lead instructed corpsman to ask detainee if he wanted food or water – refused water but wanted food. Detainee ate one MRE and drank \_ bottle of water. Detainee listened to music until 0230.
- 0230: Lead berated detainee for claiming to be on hunger strike, even though he eats regularly. Detainee became angry.



SECRET ORCON

- 0300: Corpsman checks vitals – O.K. Detainee offered water – refused.
- 0310: Lead incorporated circumstantial evidence into “rape of Islam” theme.
- 0400: Detainee given one hour nap.
- 0500: Detainee taken to bathroom and walked. Detainee offered water – refused. Lead started P/E down approach.
- 0700: Detainee allowed to begin four hour rest period.
- 1140: Detainee awakened with music, taken to bathroom, and walked 10 minutes. Detainee was taken to a shaded area between Camp X-Ray fence line and guard tower to see what he is missing (beautiful sky, grass, fresh air, etc.).
- 1305: Detainee taken to bathroom and walked 10 minutes. Detainee returned to booth.
- 1330: Detainee offered food and water – refused.
- 1340: Corpsman checks vitals and determines that IV is required. Doctor is called to confer. Detainee states that he does not like the IV. He was told that if he doesn’t like them, all he has to do is drink water regularly.
- 1400: Doctor directs three IV be given by corpsman.
- 1445: Detainee requests and is given one MRE which he eats. He was not given water because he was still receiving IV fluids and the corpsman said it would be too much fluids. Detainee complained about music being played. Detainee stated that interrogator was an intelligent, understanding man and should know that music was inappropriate. Music was stopped as long as detainee kept talking. Topic of right and wrong was brought up and detainee stated that if he were returned to Cuba or the brig, he could become a better man. Detainee started “used car” cover story again.
- 1610: Detainee taken to bathroom and walked 10 minutes. Detainee stalled while in bathroom claiming he was constipated. Interrogator told detainee we would open the door and continue the session with detainee in the bathroom. Detainee finished and commenced his walk. Detainee gave names of car dealership owners in Saudi Arabia that he said could confirm his story:
1. A
  2. M
  3. A
  4. A

He also gave names of people in the UAE he said had given him money for his falcon trip into Afghanistan:

1. M
2. Z

- 1740: Detainee taken to bathroom and walked 10 minutes.
- 1800: Detainee was being exercised for good circulation upon arrival of interrogator and DOD linguist. Detainee was given the opportunity to answer the following four questions: Who was his commander? Who was he going call upon arrival in Orlando? What was his mission? Who are the members of the Orlando Cell? Detainee did not answer the proposed questions. He attempted to stray off on a tangent but was prevented from going any further by the interrogator. He was



- given a latrine break. He was offered water and food but refused both of them. He claimed that he was on hunger strike.
- 1900: The theme for the night was Muslims in America. The approach used was the direct approach. The detainee was offered water. He was sent to the latrine and exercised for approximately 10 minutes for circulation purposes.
- 1955: The doctor came in to check on detainee. Detainee complained of pains in his left kidney. The doctor reminded the detainee that he needs to drink water in order to alleviate the kidney pains. The medic checked the detainee's vital signs. His blood pressure was normal (108/59) and so was his pulse rate (54).
- 2005: Detainee was offered water but he refused. He was taken to the latrine and exercised for circulation purposes for approximately 10 minutes. Detainee became very frustrated because he was not given the opportunity to explain himself to me. He wanted to explain who he was and I did not allow him to do so. I informed the detainee that the only things he could explain to me are the three questions that I posed to him at the onset of the interrogation. He attempted to tell me about himself anyway but I silenced him.
- 2132: Detainee drank approximately 2-3 ounces of water, taken to the latrine and exercised for approximately 10 minutes for circulation. He appeared to have gotten emotional as I continued with the theme of Muslims in American. I told him that because of his association with the Al Qaida organization that he was a part of the cause of attacks on Islam and Muslims in America.
- 2232: Detainee was offered water and he drank a couple of sips. He was given a latrine break and exercised for approximately 10 minutes. The detainee is still annoyed with the female invasion of space. When the female moves in close to him he attempts to move away. He was constantly reminded that if he was a "religious man" how could he have caused such devastation?
- 2312: Detainee was given food and water. He ate, was taken to the latrine and exercised for approximately 10 minutes.

## 16 December 2002

- 0001: White Noise was played to detainee.
- 0030: Admissions- "The area of Al-Shafa has many show rooms where one could go and buy and sell cars. I met M because I had a car. I sold it and he purchased it from me to sell it to someone else. Met with M on 8-10 occasions during the period of 1-1/2 months prior to my departure to the USA. Stated that person on picture he observed with previous interrogator (1100-1800 hour shift) was not the M he met him in the showroom. M description 6 foot, Egyptian, broad shoulders, 225-230 lbs, black hair, sometimes wears glasses to read and write. No mustache or beard, dark brown eyes, fair skin, spoke Arabic (Egyptian accent) looked educated and good in business. M was in import/export business. He was trading used American cars. Showroom was open for American cars as well. When asked what experience he had with the import and export of vehicles detainee stated that he could pick out good cars that were in good condition based on his previous experience. Detainee stated he used to have a garage to repair cars called "G" He stated that he was given a piece of land by the Saudi government.



Detainee built a garage on the land. He started this business 10 years prior to going to Orlando. He stated that he has a license with Saudi government under fathers name "M." He stated that he would stop conducting the business at times and would lease it to different people. Because he would raise the rate of the lease some of the people would not want to continue the lease and he would take over the business. After initially starting the business he worked 2 \_ years before leasing it to someone.

Started Circumstantial Evidence Theme to allow new translator to understand detainee's level of involvement with 09-11-01 attacks.

- 0150: Walked for 10 minutes, went to restroom. Offered water, he refused.
- 0220: Presented Al Qaida falling apart, who is captured, who is talking. Presented Saudi Arabia's support of U.S. and the Global War on Terrorism. During this approach detainee wanted to make comments at times but was shut down and forced to remain silent by drowning his voice through the interrogators screaming. Detainee began to fall asleep and water was used to assist him in maintaining his attention with interrogator.
- 0315: White noise. He was offered a drink of water and he refused.
- 0400: P/E down. Showed detainee banana rats standard of life vs his standard of life in his wooden booth. Compared his life in a wooden booth to the life he could have with his brothers in Cuba .
- 0430: Detainee was walked for 10 minutes. Detainee refused water.
- 0450: Detainee listened to white noise.
- 0530: Detainee required to sit and watch as interrogator and linguist played checkers. Laughed and mocked detainee throughout game. White noise present in background.
- 0630: 10 minute exercise period and used bathroom. Detainee refused water and stated that he was on a food/ water strike. However, he stated that he was not on an interrogation strike. Detainee reminded of his low self worth and that this life he has chosen here in this wooden box will not cease until he has come to terms that lying is not an option. Detainee was instructed to clean room. Interrogator told detainee that he will not be allowed to leave trash all around and live like the pig that he is. He picked up all the trash from the floor while hands were still cuffed in front of him and interrogator swept the trash towards him. He was told that it is his responsibility to make sure the room is kept clean and he would have to clean it daily.
- 0650: Corpsman drew detainee's blood.
- 0700: Detainee instructed to go to sleep.
- 1100: Detainee awakened by music, taken to bathroom and walked 10 minutes.
- 1115: Interrogation team entered the booth. SGT B replaced SGT A . Team began the "right path" approach with new theme material written in English and Arabic. SGT B stated that he was now the detainee's teacher and should be respected as a teacher. Quotes from leading Islamic clerics that denounced the 9-11 attacks were read and shown to the detainee. Detainee was responsive.
- 1230: Detainee taken to bathroom and walked 10 minutes.



- 1245: Detainee offered food and water – refused. Corpsman changed ankle bandages. Detainee was introduced to the circumstantial evidence theme in Arabic.
- 1400: Detainee taken to bathroom and walked 10 minutes. Detainee cried while on the break but regained composure by the time he returned to the booth. Interrogators told detainee that he would start writing letters to the families of the 9-11 victims asking for forgiveness, a few each day until he had written to them all. Detainee began to recount details about his father and brothers and how he had not finished school because he wanted to start making money. Detainee stated that his father had wanted him to finish school and that his brothers had done so. Detainee cried when asked if money was tight in his family.
- 1530: Detainee taken to bathroom and walked 10 minutes. Interrogators began to restate the facts presented throughout the day.
- 1600: Detainee offered water – refused.
- 1645: Detainee taken to bathroom and walked 10 minutes. Interrogators reinforced the “respect” approach saying that the detainee should show proper respect to the interrogators in order to be respected.
- 1800: Detainee was sent to the latrine and exercised for approximately 10 minutes. He was offered water but he refused to drink it. His vitals were normal.
- 1900: Detainee was sent to the latrine. He was offered water but he refused it.
- 2000: Detainee was sent to latrine and exercised for approximately 10 minutes. He was offered food and water. He ate all of his meal except the applesauce and drank water mixed with tea powder. The medic weighed the detainee. He weighed 116 pounds.
- 2100: Detainee offered water. He refused the water. He was taken to the latrine and exercised for approximately 10 minutes. He would discuss the Koran but nothing of value. He denies being involved with Al Qaeda.
- 2200: Detainee was exercised, sent to the latrine and offered water which he refused to drink. He has not offered any new information. He’s sticking to the same story. He came to the United States to buy used cars in order to sell them in Saudi Arabia or United Arab Emirates.
- 2330: Detainee was exercised, sent to the latrine and offered water which he has been refusing to drink all night.

## **17 DECEMBER 2002**

- 0001: Corpsman checks vitals – O.K. Lead states that the detainee called him a liar and berates the detainee for the lack of respect. Detainee replies that the lead is not a liar and the interrogators berate the detainee for changing his statement. Detainee is asked if being a liar is a sin. Detainee states he wants to eat before he goes on strike.
- 0040: Detainee offered food and water. Ate one MRE and took two sips of water.
- 0120: Interrogators continue P/E down approach. Control shows detainee photos from a fitness magazine of scantily clad women. Detainee called control an animal and stated that it was against his religion. Lead replied “You can kill people and lie, but we can’t show you pictures?” P/E down continues.



SECRET ORCON

- 0200: Detainee taken to bathroom and walked 10 minutes. Refused water. P/E down approach continued. Interrogators talked about detainee's family.
- 0300: Detainee taken to bathroom and walked 10 minutes. Refused water. Detainee drank \_ cup of coffee.
- 0400: Interrogators played cards and mocked the detainee.
- 0530: Detainee taken to bathroom and walked 10 minutes. Refused water.
- 0545: Lead compares Pearl Harbor to 9-11, asks detainee how bad he thinks the sessions will get. Detainee showed fear at this statement and was attentive for the remainder of the session.
- 0700: Detainee was put to bed.
- 1100: Detainee awakened with music, taken to the bathroom, and walked 10 minutes.
- 1115: Detainee checked by corpsman – O.K. Water offered to detainee – refused. Detainee wrote two letters to 9-11 victim families expressing condolences. Detainee initially resisted writing letters until he was told that he would not have to say who he was. It should be noted that the writing of letters was done with a felt tip marker to prevent the detainee from having anything that could be used as a weapon, and the letters will not be forwarded.
- 1215: Detainee taken to bathroom and walked 10 minutes.
- 1230: Corpsman checked vitals – detainee beginning to get dehydrated.
- 1245: Detainee offered food and water – ate one MRE and drank two bottles of water.
- 1400: Detainee taken to bathroom and walked 10 minutes. Detainee was shown numerous 9-11 tributes videos. Detainee was attentive to videos at first, but gradually began using resistance techniques to try to change the subject. Interrogators began increasing stress by recovering the respect theme.
- 1600: Detainee taken to bathroom and walked 10 minutes. Detainee sat and listened to music for remainder of session.
- 1800: A variety of musical selections was played to agitate the detainee.
- 1900: Detainee refused water and food. He was sent to the latrine and exercised for approximately 10 minutes. Detainee was questioned about his travel to the U.S. but did not provide any new information.
- 2000: Detainee was taken to the latrine and exercised for approximately 10 minutes. He refused food but he drank approximately six ounces of water. Detainee maintained he was not part of Al Qaida, directly contradicting statements made in the past.
- 2100: Detainee appeared to have been disturbed by the word homosexual. He did not appear to appreciate being called a homosexual. He denies being a homosexual. He also appeared to be very annoyed by the use of his mother and sister as examples of prostitutes and whores. Detainee was taken to the latrine and exercised for approximately 10 minutes. He refuses to drink water again.
- 2200: Detainee was take to the latrine and exercised. He did not desire water. He appeared disgusted by the photos of UBL and a variety of sexy females. Detainee would avoid looking at all of the photos shown to him.
- 2300: Detainee does not want water. He was taken to the latrine and exercised.
- 2330: Detainee stated that he was involved in the auto business but he did not know much about the basic functions of an automobile. He knew that the battery provides a car with electricity in order to get it started. He did not know that the



alternator recharges the battery after each time it is used to start the car. He would attempt to not understand the question in order to avoid answering the question about the alternator and other car parts. It should be noted that the detainee stated in an earlier session that he had run a car garage in Saudi Arabia for ten years.

## 18 DECEMBER 2002

- 0001: At midnight, the interrogators entered the booth and immediately established control of detainee. Detainee was berated harshly. Lead and control (SSG M) continued a "pride & ego down" approach. Detainee related to interrogators what do you want? This is my life, I will live in my room. Lead told detainee that his life was about to change soon and he would not expect what was to come next.
- 0100: Detainee was exercised taken to bathroom. He refused water.
- 0130: Control questioned detainee on route of travel from Riyadh, Saudi Arabia to Orlando, Florida. He was questioned on contacts and purpose of travel. Due to his vagueness, inconsistency and lies given detainee was berated by the control throughout the questioning session.
- 0250: Detainee was exercised, taken to bathroom. He refused water and food.
- 0310: Detainee was subjected to white noise.(music).
- 0330: Control began by berating the detainee and began to question detainee on route of travel from Orlando Florida to Afghanistan. He was questioned on contacts and purpose of travel. Detainee was berated when answers given were unbelievable, inconsistent and outright lies.
- 0530: Detainee was exercised and taken to the bathroom. He refused water/food.
- 0600: Detainee was asked if he was ever in Kabul. Detainee related that he had never been there and lead began to berate detainee.
- 0645: Detainee vitals taken, exercised, given bathroom break and transported by ambulance the 50 yards to his new home in cell block b6. Detainee was hooded during travel and upon arrival to his cell he was reminded of his statements earlier in the evening. He was told that there was more to come and he would regret not having told the truth when given the opportunity. He was then instructed to take his 4 hour rest period.
- 1100: Detainee awakened and removed from his sleeping cell at X-Ray. Detainee taken to bathroom and walked 10 minutes. Detainee checked by corpsman – O.K. Detainee was taken to interrogation booth and searched by MPs. Detainee became violent and had to be restrained by the MPs. Search was completed once the detainee was restrained by the MPs. Afghanistan theme was run – detainee was responsive but evasive. Interrogators decided to increase stress level for the remainder of the shift.
- 1215: Detainee was taken to bathroom and walked 10 minutes.
- 1230: Detainee offered food and water – ate one MRE and drank a bottle of water. Detainee was reminded of the lessons on respect and how the interrogators did not want to hear his lies anymore.
- 1400: Detainee taken to bathroom and walked 10 minutes.



- 1415: Detainee's head and beard were shaved with electric clippers. Detainee started to struggle when the beard was touched but quickly became compliant. There were no problems. Circumstantial evidence theme was run. Detainee continued to be evasive. Detainee was told few people would treat him well because he tried to manipulate everyone around him. Detainee stated that he was on strike from interrogation and the interrogators made a sign to hang on him that stated he was on strike. Interrogators ridiculed him for claiming to be on strike.
- 1600: Detainee taken to bathroom and only walked five minutes due to rain. Interrogators pointed out that the Koran states all agreements must be made in writing, contrary to the verbal agreement he stated he made to buy used cars and falcons. Detainee was also shown in the Koran where a father will be held responsible for the failure of his children. Detainee became angry.
- 1700: Detainee taken to bathroom and only walked three minutes due to rain. Interrogators returned to theme of "you'll be here forever". Detainee was non-compliant and reverted back to his cover story.
- 1800: Upon arrival of the interrogation team the detainee was writing a letter home.
- 1900: Detainee drank an entire bottle of water. He was sent to the latrine and exercised.
- 2000: Detainee was taken to the latrine and exercised. He maintains that he's not involved with Al Qaeda. Detainee executed a series of commands given by the interrogation team.
- 2100: Lt G walked into the room to observe. The detainee noticed Lt G entering the room and began to resist compliance with the orders given by the interrogation team.
- 2145: Detainee was taken to the latrine, exercised and given food. He ate the entire meal and drank the majority of the water given. His vitals were taken by the medic. Vitals indicated the detainee was beginning to get dehydrated. Detainee agreed to drink water.
- 2245: Refused water. Took to latrine and exercised. Nothing deviated from the original story.
- 2345: Detainee drank another bottle of water, sent to the latrine and exercised.

## **19 December 2002**

- 0000: Corpsman checked vitals – O.K. Interrogators began session with P/E down. Detainee was offered water – refused.
- 0100: Interrogators played cards in front of detainee and continued P/E down. Detainee offered water – refused.
- 0200: Detainee taken to bathroom and walked 15 minutes. While walking out, detainee pulled a picture of a model off (it had been fashioned into a sign to hang around his neck) and began to struggle with MPs. The MPs regained control and the interrogators asked the detainee what he thought he was doing. The detainee replied, "What do you think you are going to do to me?" Detainee was offered water – refused. Detainee was searched to ensure he had no items that could be used as a weapon.
- 0300: Detainee offered water – refused. Interrogators played cards in front of detainee. Interrogators had detainee look at pictures of women in bikinis and identify if the



- women were the same or different. Detainee refused to look at girls and began struggling. A few drops of water were sprinkled on his head to gain compliance. Detainee then looked at the photos and answered the question.
- 0400: Detainee taken to bathroom and walked 10 minutes. Detainee offered water – refused.
- 0500: Detainee taken to bathroom and walked 10 minutes. Detainee offered water – refused. Detainee was questioned about his passport and visa. Detainee stated that he took his new passport to a non-governmental office on Alea street, in Rhiyadh to get a U.S. visa. The visa cost 200 Rials. Detainee stated that he asked for a 1-month visa. He could not explain why he had a 2-year visa. Lead said, “Let’s assume your cover story is completely true. Why would you lie to the immigration agent if you’re innocent.” Detainee said, “I did not have a license to deal cars, so I told them I was a tourist.” Lead said, “So you lied to cover a lie. Mohammad, do you expect a judge to believe this?” Detainee said, “The judge won’t be fair.” Lead berated detainee harshly for this statement.
- 0600: Detainee taken to bathroom and walked 10 minutes. Detainee offered water – drank one full bottle. When given an MRE he demanded chicken or fish. Lead took MRE and water and told the detainee he could have nothing (this response was to reinforce control over the detainee). Control entered booth and told detainee to drink water. Control told detainee that he was in no position to make any requests of the type of food to eat and should apologize to the lead. Detainee apologized to lead and was given the MRE. Detainee ate one MRE and drank two bottles of water.
- 0700: Detainee returned to X-Ray cell for sleep period.
- 1100: Detainee awakened and taken to bathroom. Detainee was walked three times for 10 minutes each with a five minute rest period to improve circulation. Detainee offered water – refused. Detainee was returned to interrogation booth and ordered to sit and stand several times to reinforce control. Detainee was compliant. Detainee stated he was on strike from interrogation. Happy Mohammed mask was placed on detainee and he was yelled at when he tried to speak.
- 1230: Detainee was taken to bathroom and walked 10 minutes. Corpsman changed ankle bandages to prevent chafing.
- 1300: Detainee offered food and water – refused. Detainee was confronted about a bombing of a synagogue in Tunisia, and how Al Qaida members were cowards because they would only attack civilians. Statements from the Arab League were read to detainee condemning the terrorist attacks.
- 1400: Detainee taken to bathroom and walked 10 minutes. Control sat in silence and would randomly interject statements about the detainee’s family such as how they probably prayed for him often at first, but now have probably forgotten about him. Detainee began to cry but regained composure.
- 1500: Detainee offered water – refused.
- 1600: Detainee taken to bathroom and walked 10 minutes. Circumstantial evidence theme was run and the detainee was confronted with his guilt in the murder of one of the 9-11 victims when the detainee began to make complaints about the air conditioner. It was obvious the detainee was trying to deflect the interrogation



- and the interrogator berated the detainee for his black heart. Manchester Document theme was run.
- 1845: Detainee was exercised and brought over to the interrogation booth by the military police.
- 1940: Medical representative observed the detainee's vital signs. They were normal. The detainee was sent to the latrine and exercised. The interrogation continued. SGT M had shown the detainee a picture of Mecca, there were thousands of Muslims congregated in this photo. The detainee broke down and cried at the sight of this picture. A short while later the detainee was shown the picture again and this did not produce the same affect on the detainee. SGT M informed the detainee of the capture of several Al Qaeda members and their computers. The detainee was then asked, does he think we are going to find his address on this confiscated computers? The detainee then stated that his address may be on the Al Qaeda computers. He was asked, why is it possible that we would find his address on the Al Qaeda computers? He stated that we must have misunderstood him. His address would not be found on the Al Qaeda computers that were confiscated. Later, the detainee appeared bothered by the possibility of innocent people in Saudi Arabia being killed by Americans as a way of evening the score for the September 11<sup>th</sup> attack since the majority of the hijackers were Saudi citizens and the Saudi government secretly supports terrorists activities. He stated that we (Americans) would not do that, we (Americans) would not kill innocent people.
- 2040: Detainee stated that the Saudi government could prove that his passport was obtained legally. The detainee was sent to the latrine and exercised.
- 2100: Detainee's vital signs were checked by the medical representative. His vital signs were normal. The detainee was given a complete meal and bottled water to consume. He finished all of his meal and the entire bottle of water.
- 2130: Detainee would smirk as he attempted to explain how he knew UBL lived in Kabul. His smirk disappeared when he was accused of going to Afghanistan to regroup with other Al Qaeda members. He denied this by stating that he did not go to Afghanistan to regroup with Al Qaeda members. Detainee was taken to the latrine and exercised.
- 2215: When the detainee was shown a picture of K he became short of breath and began to take deeper breaths. He also would not look at SGT M. Throughout any of our interrogations the detainee had never had a problem with looking at SGT M except when he was shown this picture and told that he was going to meet with this guy, K.
- 2320: Detainee was taken to the latrine and exercised. He attempts to resist female contact. He would attempt to pray as she spoke into his ear about his continuous lies. Detainee was having a difficult time keeping his eyes open so he was taken outside for some fresh air and exercise. He was offered water but he refused.
- 0001: Detainee listened to white noise while interrogators added photos of fitness models to a binder. Once completed, the interrogators began showing the photos and asking the detainee detailed questions about the photos. Detainee initially was non-compliant, but started answering questions without looking at photos.



- Some water was sprinkled on the detainee's head and he began to look at the photos. Upon completion of this lesson the detainee drank a cup of coffee.
- 0200: Detainee taken to bathroom and walked. Detainee was searched upon return to booth. Offered food and water – refused.
- 0300: Detainee offered water – refused. Detainee states in English he is on strike from food and water. Detainee taken to bathroom and walked. Detainee was questioned about how he received his visa to the U.S. Detainee stated that he went to the Alia office, a privately owned visa and passport office, on 60<sup>th</sup> street in Rhyadh. The owner of the office, name unknown, was Saudi. The worker, which detainee talked to, was a Sudanese man named K. Lead asked detainee what kind of visa did he receive. Detainee said he asked for a tourist visa. When lead asked why he wanted a tourist visa, if he was going to the U.S. on business, detainee said, “why do you keep saying I’m going on business? I went as a tourist.” When lead questioned the car story, detainee said, “I was going for the cars, but I didn’t have a Saudi license to sell them. I asked for a tourist visa, so I wouldn’t have to explain my business. I told the agent at the airport about tourism to avoid getting my associates to get in trouble because of me.”
- 0430: Detainee taken to bathroom and walked. Offered water – refused.
- 0500: Detainee was confronted with Islam’s view of terrorism and al Qaida. Interrogators presented quotes from sheiks and scholars from around the world. Detainee was allowed to share his opinion and became comfortable with session. Detainee asked to pray. Interrogators told him he could pray after he wrote down the location and point of contact for where he got his visa. Detainee complied and was taken to another interrogation booth where a bin Laden shrine was constructed. Detainee was told he could now pray to his god – UBL. Detainee was apprehensive and started to walk out of booth. Detainee was not allowed to leave and interrogator played the call to prayer. Detainee began to pray and openly cried.
- 0645: Detainee taken to bathroom and walked 10 minutes.
- 0650: Corpsman checked detainee’s vitals – O.K. Detainee was taken to X-Ray cell and put to bed.
- 1100: Detainee awakened, taken to bathroom and walked in the interrogation booth due to rain. Corpsman checked vitals – O.K.
- 1115: Detainee offered water – refused. Corpsman changed ankle bandages to prevent chafing. Interrogator began by reminding the detainee about the lessons in respect and how the detainee had disrespected the interrogators. Told detainee that a dog is held in higher esteem because dogs know right from wrong and know to protect innocent people from bad people. Began teaching the detainee lessons such as stay, come, and bark to elevate his social status up to that of a dog. Detainee became very agitated.
- 1230: Detainee taken to bathroom and walked 30 minutes.
- 1300: Detainee offered food and water – refused. Dog tricks continued and detainee stated he should be treated like a man. Detainee was told he would have to learn who to defend and who to attack. Interrogator showed photos of 9-11 victims and told detainee he should bark happy for these people. Interrogator also showed photos of Al Qaida terrorists and told detainee he should growl at these people. A



- towel was placed on the detainee's head like a burka with his face exposed and the interrogator proceeded to give the detainee dance lessons. The detainee became agitated and tried to kick an MP. No retaliation was used for the kick and the dance lesson continued.
- 1400: Detainee taken to bathroom and exercised 30 minutes in booth. Detainee was asked about his trip to Orlando, who trained him, and who sent him several times but refused to answer.
- 1510: Detainee offered water – refused. The interrogator then began reducing stress by engaging detainee in conversation. Detainee was asked what he could do to return to the good graces of the interrogator. Detainee apologized and interrogator told him it had to be a specific apology. Detainee apologized for lying when he was told not to.
- 1600: Detainee taken to bathroom. Corpsman checked vitals – O.K. Conversation continued about topics such as music, dancing, history of the Koran, history of the Bible, and Arabian history. Detainee was ignorant of historical events outside of the geographic region of the Arabian Peninsula. Detainee gave names of Islamic scholars that said music was forbidden and the interrogator agreed to review their claims. Interrogator asked detainee about his travel to Europe. Detainee initially did not want to talk about the trip. Interrogator asked if it was because it was Al Qaida related. Detainee responded that it was not Al Qaida related. Detainee said that his only time in Europe was in the airport in London during his trip to Orlando.
- 1700: Detainee taken to bathroom.
- 1715: Detainee allowed to take a nap for one hour.
- 1830: Detainee was awoken from his nap. His vital signs were checked by the medical representative. His blood pressure (100/58) and pulse rate (62) were normal.
- 1930: Detainee was taken to the latrine. He was allowed to exercise. He was given a meal with an extra main meal inside. Detainee was also given a bottle of water. He completed his entire meal and the bottle of water.
- 2008: The doctor spoke with the detainee. He was given an 800mg motrin for chest pains.
- 2020: Lt G entered the interrogation booth and gave detainee an even shave. The detainee did not resist.
- 2030: The detainee was shown the video of UBL making the statement that some of the hijackers did not know what their missions were until they were on the plane. Detainee did not show any emotion toward the video.
- 2145: Detainee was taken to the latrine and exercised. His vitals were taken again. His blood pressure was normal but his pulse rate was high at 93. The medical representative will be monitoring the detainee's vitals closely until his pulse rate is lower.
- 2200: The detainee was stripped searched. Initially he was attempting to resist the guards. After approximately five minutes of nudity the detainee ceased to resist. He would only stare at the wall with GREAT focus. His eyes were squinted and stuck on one point on the wall directly in front of him. He later stated that he knew there was nothing he could do with so many guards around him, so why should he resist. He stated that he did not like the females viewing his naked



body while being searched and if felt he could have done something about it then he would have.

- 2331: Detainee's vital signs were taken again by the medical representative. All of his vital signs were normal. His blood pressure was 96/43 and his pulse rate was 61. He was taken to the latrine and exercised for approximately 10 minutes.

## 21 December 2002

- 0001: New interrogation shift enters the booth and begins "attention to detail" approach. Detainee looks at photos of fitness models and answers questions about the photos. Drops of water were sprinkled on detainee's head when he did not answer in previous sessions, but detainee is now viewing the photos and answering. Detainee rebuked interrogator under his breath several times.
- 0115: Detainee offered water – refused. Interrogators begin poking holes in detainee's cover story by covering work history, school history, and father's work history. Detainee states father has two wives and 10 children, all boys.
- 0215: Detainee taken to bathroom and walked 10 minutes. Detainee is offered water – refused.
- 0230: Control continues asking questions about detainee's father. Detainee states "I'll only answer questions about me." Interrogator berated detainee harshly. Detainee was asked about father's occupation: corrections officer for Medina Al Harij, rank: Nakeeb (4 stripes). When asked how the detainee's father could afford two wives, detainee stated "He just can". Detainee was asked what other source of income his father had and replied that he sold cars, then retracted the statement. Detainee denied that his father owned any property. When confronted about the statement he made days ago about the Saudi government giving land to him and his father for a garage, he stated "That was another interrogation". Detainee was berated and called a liar.
- 0400: Detainee was taken to bathroom and walked 10 minutes. Detainee was offered food and water – refused. Interrogators played cards in front of detainee and berated him. Detainee appeared sleepy so he was given a cup of coffee.
- 0500: Detainee offered water – refused. Interrogators questioned detainee about his plane arrival in Orlando and his seat location.
- 0600: Detainee taken to bathroom, walked 10 minutes, and corpsman checked vitals – O.K. Detainee was questioned about his brothers and gave the following (names removed)

Detainee stated that     and younger were in school. Interrogators point out the age of     and detainee first states Abdul was not in college, then states that he is in college. When asked why he changed his story, he replies that he did not change his story. When asked why he previously stated he only had two brothers, he stated the other interrogators only asked for older brothers. Detainee stated that lives on his own, but his father supports him. Detainee denied studying English at a school even though he understands English.

- 0700: Detainee taken to bathroom and put in his cell at X-Ray for sleep time. Phase II begins by introducing SGT A as a detainee in a sleep cell near Mohammed's cell.



## PHASE II BEGINS

- 1100: Detainee awakened, taken to the bathroom and walked 10 minutes. Detainee offered water – refused.
- 1120: Corpsman checked vitals – O.K. B.P 101/58, pulse 93, weight 119. Interrogation team entered the booth. Detainee appeared very stoic at first and claimed he was just tired, which is unusual for this shift. It is possible the detainee did not sleep much due to the introduction of the confederate detainee. Interrogator engaged detainee in light conversation and asked the detainee to name the topic. The detainee asked to know about recent news events and the interrogator stated that he did not want to talk about that. Detainee began to ask questions about Cuba such as; is there a mosque in Cuba, is Cuba part of the U.S., is Cuba in America, Europe, or Africa? The interrogator replied that Cuba was its own place and had an interesting history. Interrogator then shifted the conversation to things he had done before coming here, and asked the detainee if his parents knew what he was going to do when he left. The detainee replied “No”. The interrogator then asked if the detainee’s parents would have approved of him going on a jihad. The detainee replied “No.”
- 1230: Detainee taken to bathroom and walked 10 minutes.
- 1300: Detainee offered food and water – ate one MRE with beef and drank one bottle of water. Since the detainee had earlier stated that his father was with law enforcement, the interrogator told the detainee about how he was a law enforcement officer in the civilian world. When asked about the role the detainee’s father played in law enforcement, the detainee replied that his job was administrative. When asked if the detainee’s father talked much about his job, the detainee replied “No”. When asked about his dreams for getting out of this place, the detainee replied he would like to get a job but not with the Saudi government. The detainee then announced in clear English, “I would like to be a supervisor or foreman”. The interrogator complimented the detainee on his good english and the detainee proudly replied in English that he only spoke a little.
- 1400: Detainee given shower, brushed teeth, and given new uniform. The detainee was very shy and asked several times to cover himself with his trousers or a towel while in the shower. He also had to be told several times to use soap, but eventually complied.
- 1430: Detainee taken to bathroom and walked 10 minutes. Interrogator engaged detainee in conversation about his father’s law enforcement career. The detainee stated that his father had worked at a municipal police department but was now retired. The conversation shifted to Afghanistan and the law practiced by the Taliban.
- 1545: Detainee given one hour nap.
- 1645: Detainee awakened and corpsman checked vitals. B.P. 100/59, pulse 87. Detainee was confronted about his presence in Afghanistan and Levels of Guilt theme. Detainee reasserted innocence and interrogator ran Circumstantial evidence theme. Interrogator explained how courts will provide leniency if the guilty confesses and makes restitution, and also if the guilty helps to prevent other



- crimes. The detainee tried to explain away the circumstantial evidence and the interrogator said that there was more information against him. The detainee appeared deflated but moments later perked up and stated that he was innocent. Interrogator closed with the detainee's future on earth, punishment under the law, other innocent people being killed, and his status on judgment day.
- 1845: Detainee taken to bathroom and walked 10 minutes.
- 2103: Detainee was sent to the latrine and exercised. He refused to drink water. Detainee made the statement "I sick" after stating that he was on hunger strike and was not going to eat. He made the statement in English. During the questioning of the Al Qaeda document/Manchester document, the linguist intentionally changed the question in order to see if the detainee understood the question that was posed by the interrogator in English. The detainee answered the interrogators question that was stated in English and not the question that the linguist interpreted to the detainee in Arabic. The detainee understands English. Detainee became very emotional during the discussion of taking the right and wrong paths in life. As we discussed taking the wrong path the discussion lead into a discussion of consequences for taking the wrong path. This discussion of the consequences for taking the wrong path, lead to the discussion of torture, beating and killing according to the Manchester document. At this point of the discussion I was forehead to forehead with the detainee and he stated that he would rather be beaten with an electrical wire than to have me constantly in his personal space. Also, he stated that he would rather die at my hands than to be subjected to my invasion of his personal space. He stated that this is unbearable to him, my being in his personal space.
- 2223: Detainee was taken to the latrine and exercised. He refused to drink water. I sat the detainee on the floor and told him that he was considered to be beneath me and that he didn't deserve to be seated in a chair like civilized human beings. I told him constantly that he was a coward and a weak minded individual who killed innocent women and children that God created. The discussion of the Saudi government followed the conversation of being beneath me. As I began to inform the detainee of the changes the Saudi government has been making in order to support the efforts of peace and terror free world I began to engage closeness with the detainee. This really evoked strong emotions within the detainee. He attempted to move away from me by all means. He was laid out on the floor so I straddled him without putting my weight on him. He would then attempt to move me off of him by bending his legs in order to lift me off but this failed because the MPs were holding his legs down with their hands. The detainee began to pray loudly but this did not stop me from finishing informing the detainee about the Al Qaeda member, Qaed Salim Sinan al Harethi aka Abu Ali, that was killed by the CIA. When the linguist mentioned this killing she informed me that the detainee told her to get out of his face. She did not move she continued to interpret as usual.
- 2300: The detainee was taken to the latrine and exercised. Refused water. The Medic took the vital signs of the detainee while he was standing and later sitting. The vitals were all normal. Although the medic stated that the detainee's vitals were normal he still needed to drink water.



2345: The detainee ate a complete meal and drank an entire bottle of water at the order of the interrogator.

**22 December 2002**

- 0001: Lead interrogator gave detainee rules for the evening. Rules included “drink water or wear it” as a method of enforcing control and preventing the detainee from dehydrating. Detainee told lead he was on strike and interrogator berated detainee for the statement. Lead questioned detainee about his passport and detainee claimed he had lost it. Lead pointed out in Manchester document where Al Qaida were instructed not to allow their passport to be captured.
- 0015: Detainee taken to bathroom and exercised 15 minutes.
- 0030: Lead began the “attention to detail” theme with the fitness model photos. Detainee refused to look at photos claiming it was against his religion. Lead poured a 24 oz bottle of water over detainee’s head. Detainee then began to look at photos. Lead questioned again about passport and detainee stated he was in a cab when an Afghani stopped them and took his briefcase, leaving him with only \$800. Lead pointed out that this was a cover story and detainee responded that these things happen in war.
- 0300: Corpsman took detainee’s vitals – O.K. Detainee taken to bathroom and exercised.
- 0330: Lead questioned the detainee on his passport story again and the detainee provided a detailed story about how he lost his passport. Lead noticed there were several changes to the story verses what the detainee has told in the past. This indicates the cover story is indeed false.
- 0500: Lead offered detainee water and told him “drink water or wear it”. Detainee drank water. Detainee taken to bathroom and given one hour nap.
- 0630: Lead questioned detainee about his business in Saudi Arabia. Detainee stated that he had a contracting company (possibly referring to the construction company he mentioned in the past) for two years with a PK partner, T , and that their office was on Manfooha street in Ryhadh. Detainee stated he was just starting to see good money when all his trouble started.
- 0700: Detainee offered water which he drank, was taken to bathroom, and moved to his cell in X-Ray for four hours sleep.
- 1120: Detainee awakened, taken to the bathroom, and returned to the interrogation booth. Lead tells detainee that they will just talk. Lead shows detainee a card trick where the lead finds the card the detainee picked. Detainee appears confused about how the lead does this. Lead tells detainee that he can read minds and it is easy to read his. Lead started “condemnation” theme. Detainee unresponsive.
- 1230: Detainee offered food and water – refused. Condemnation theme continues with discussion on how Bin Laden used people as mindless puppets to do his evil work. Lead tells detainee that he doesn’t look right and asked corpsman to check detainee.
- 1320: Corpsman checks vitals – O.K. Lead told detainee that he had a strange feeling and that it was probably the evil trying to get out of the detainee, but it can’t



- because detainee is lying. Detainee appeared uncomfortable. Lead told detainee that it looked as if his left shoulder was sagging (a verse in the Koran states that good angels sit on the right shoulder and bad angels sit on the left shoulder).
- 1400: Detainee taken to bathroom and walked 10 minutes. Lead initiated peace process with detainee and told him not to interpret it as weakness. Lead turned down air conditioner, gave detainee a blanket, and told him that it was his duty to respond in kind to the interrogator. Detainee became teary-eyed and interrogator asked him who sent him to Orlando. Detainee appeared to struggle inwardly about answering the question but finally decided not to talk. The interrogator removed the blanket and turned the air conditioner back up.
- 1450: Detainee taken to bathroom and walked 10 minutes. Lead reminded detainee not to misinterpret the kindness shown him as weakness. Detainee was searched and told to sit down and not talk until he could tell the truth.
- 1545: Detainee taken to bathroom and walked 10 minutes. Detainee offered water.
- 1640: Detainee taken to bathroom and walked 10 minutes. Lead continued to make comments about the detainee's left shoulder sagging, which appeared to make the detainee uncomfortable.
- 1730: Detainee taken to bathroom and walked 10 minutes.
- 1800: Lead began interrogation with Taliban theme. Theme had no effect on detainee and he said that all Muslims are the same, including American Muslims. Detainee gave the names of three religious scholars that he admired; Saleh ((Heledan)), Abdullah ((Al Sheikh)), Abdullah ((Saleh)). Questioned the detainee about his father and why did he turn out the way he did (meaning the current situation). He stated that his father was no different than any other. He went to work at 0600 and returned around 1400, and sometimes would go to the mechanic shop he rented out. He gave the address only as Industrial Denom area, Denom being the city and the name as Qahtan warehouse for mechanic and general fixing, phone number as 0 .
- 1900: Detainee taken to bathroom and walked 10 minutes. The "Muslims in America" theme was run. Detainee stated that democracy was good and that all Muslims are good no matter where they are from. Detainee said Muslims in America have it good because they can speak their minds, unlike in Saudi Arabia. The detainee refused to speak about the Saudi royal family.
- 2000: Doctor checked detainee and said he was O.K. Doctor told detainee he needed to drink water. The Afghanistan theme was run but the detainee did not respond to it. He stated the Afghans have their own problems that only they can solve. When asked again about Al Qaida, he said he never knew anything about them until he arrived here, but during questioning about his time in Khost, he said that he heard that Al Qaida were in Jalalabad, AF. When confronted about this he said that was not what he meant. The detainee stated that the reason high ranking Al Qaida were talking was because they have information and he does not.
- 2100: Detainee was offered food and water – ate one MRE and drank a bottle of water. Detainee was taken to the bathroom and walked 10 minutes.
- 2215: Detainee taken to bathroom and walked 10 minutes.

**23 December 2002**



0001: Upon entering booth, lead changed white noise music and hung pictures of swimsuit models around his neck. Detainee was left in booth listening to white noise.

0030: Lead entered booth and observed that detainee appeared troubled. Lead asked detainee how he was doing. Detainee related that he had problems. When lead first asked him what the problems were he stated that they were between him and god. Lead then told detainee to tell interrogator his problems because they could not be solved unless they were addressed. Detainee then address the following problems to lead:

1. Being subjected to pictures of swimsuit models and questioning. – he began to cry quietly at this point.
2. Metal chair is too stiff and uncomfortable.
3. The overall treatment here. He cannot handle the treatment much longer. - when he made this statement he began to cry and sob out loud.

Lead asked him if he had any other problems and he stated that the other problems he could deal with on his own. Ie: physical pain, sleeping arrangement etc. What he could not deal with much longer were his being subjected to the pictures and the treatment day after day.

Lead then began to explain why he was being subjected to the following:

1. The pictures:
2. Metal chair:
3. Treatment:

Lead then began a futility approach on detainee and stated that he has chosen this lifestyle.

The “attention to detail” approach began. Lead pulled pictures of swimsuit models off detainee and told him the test of his ability to answer questions would begin. Detainee refused to answer and finally stated that he would after lead poured water over detainees head and was told he would be subjected to this treatment day after day. Detainee was told to think about his decision to answer questions. Lead would only ask questions if detainee fully cooperated with lead.

0130: lead returned to booth and asked detainee if he had thought about the answer he was to give. Detainee then related that he would answer questions regarding pictures of swimsuit models.

Detainee was asked 10 questions. First 3 answers were used for training and teach him how to provide all details related to the question. Of the following 7 questions he gave 2 correct answers with detail to substantiate his answer. He gave 2 incorrect answers due to his lack of attention to detail. He gave 3 vague answers without enough information to substantiate his answer. After the 2<sup>nd</sup>



- incorrect answer he was told that was enough for today since there was no reason to continue and this would continue tomorrow.
- 0230: Detainee drank 1 cup of coffee. Upon completion he was told to go exercise and go to the bathroom. Detainee then asked lead if he could ask a question. Lead told detainee to ask his question. Detainee requested that lead add wearing the towel over his head to the list of detainee problems. Detainee related that he already knows where he is, so why does he continue to wear a towel over his head. Lead then told detainee that he will continue to wear a towel over his and live this lifestyle until he has proven himself to be truthful, and provides answers to questions asked. He was reminded that he chooses when this treatment stops.
- 0300: Lead and translator played cards in front of detainee. Lead instructed detainee to drink 24 ounces of water. He was told that he needed to drink the 24 ounces by the time the next break approached. he was not finished the remainder If of the water would be spilled over his head. Detainee completed the 24 ounces of water.
- 0400: Detainee was exercised and taken to the bathroom. Mps told lead that detainee cried quietly under the towel while exercising. When he returned to the booth lead asked, what is bothering you? Detainee immediately began to cry and sob loudly and when he regained his composure he stated "i'm tired of my life here" and continued to cry. Lead reinforced that he, detainee knew what he had to do to go back to his brothers in cuba. Detainee then related, "i'm ready to tell my story." Lead told detainee that he has not proven himself to be able to answer questions in detail and truthfully, therefore lead did not want to hear his story at this time.
- 0500: Detainee was told to drink water and drank 16 ounces.
- 0600: Detainee was exercised and taken to the bathroom. Upon returning to booth he was told to clean his room. He picked up trash and swept floor. He was subjected to white noise and lead left room. Lead was then informed that detainee appeared to be crying and wished to see him. Lead returned to booth and asked what detainee wanted. Detainee asked if he could have food and water. Lead told detainee that he would give him food and water but if he mentioned going on strike from food and water as he has in the past lead would take it away. Detainee related that he would not mention going on food / water strike anymore to lead.
- 0700: Lead returned to booth and instructed detainee to go to sleep. He was reminded of his choices and lifestyle he could choose.
- 1100: Detainee awakened and taken to bathroom. Interrogator engaged detainee in conversation and asked the detainee why Muslims would consider the U.S. oppressive. Detainee was evasive and would not answer the question.
- 1115: Detainee was offered water and refused, so the interrogator poured some of the bottle over the detainee's head. Detainee began to answer the interrogator's question by stating the Muslims did not like the U.S. being in Saudi Arabia. Interrogator pointed out that the Saudi government had invited the U.S. into Saudi Arabia. Detainee responded that that was due to Iraq, and that they were no longer a threat so the U.S. had no reason to still be in Saudi. The detainee stated that this was not his opinion and that he did not see the U.S. presence as sinful, but others might see the 9-11 attacks as a warning to the U.S. to leave Saudi.



- 1215: Detainee taken to bathroom and walked 10 minutes. Control started a “drill instructor” approach and instructed the detainee to salute when the control entered the booth and to answer questions respectfully with “sir”. The control ran several drills asking questions and encouraging the detainee to answer quickly and loudly. After several questions the detainee was responding as desired, and the control slipped in a question about the detainee’s involvement with Al Qaida. The detainee appeared to start to give an answer but then caught himself and stated “Sir I wasn’t Al Qaida, sir”.
- 1245: Detainee offered food – refused. Detainee drank one bottle of water. DI approach continued with control outlining to detainee that the interrogators were the detainee’s only family now.
- 1515: Detainee taken to bathroom and walked 10 minutes. Lead entered the booth and asked the detainee what had been transpiring. Detainee told lead that control had been telling him the rules. Lead decided to engage in conversation and recommended the circumstantial evidence theme. Detainee stated that he did not like that topic. Lead asked the linguist what to talk about and the linguist suggested Al Qaida. Detainee stated that he did not like that topic either. The detainee finally stated that he would like to know about agriculture in the U.S. Lead started telling about crops grown in the U.S. and transitioned into the circumstantial evidence theme. The detainee was reminded that the people he was captured with were Al Qaida, and that even though some of the people he was captured with were talking about him, we would not divulge their names. Detainee was reminded that when he talked, his name would be protected as well. Detainee’s actions were compared to the Manchester Document.
- 1700: Detainee taken to bathroom and walked 10 minutes. Lead engaged detainee in conversation about his travel from Afghanistan to Pakistan. Detainee described trip in detail from the month-long stay with A in Khost up to his arrival in Cuba. Detainee stated that an Afghani named S lead the group on foot from Afghanistan to Pakistan. Detainee also stated that he stayed close to S and three Afghans during the journey. He described the Afghans in detail, but would not offer descriptions of the Arabs in the group. When asked why he did not associate with the other Arab speakers in the group, he stated he was afraid of them because he had been robbed (he stated that he had been robbed by an Afghani while riding in a taxi, so it doesn’t make any sense that he would want to avoid Arabs and stay close to Afgans.)
- 1830: Detainee taken to bathroom and walked 10 minutes. Detainee continued detailing his trip from Afghanistan to Cuba.
- 2000: Detainee given a nap.
- 2130: Detainee was awoken. The themes that were employed for the night were Taliban, Afghanistan and Al Qaeda falling apart. The detainee did not provide the interrogators with any new information.
- 2245: Detainee was taken to the latrine and exercised for approximately 10 minutes. Refused water. Female interrogator used invasion of personal space and detainee cried out to Allah several times.
- 2345: Detainee was taken to the latrine and exercised.



**24 December 2002**

- 0001: Control entered booth, changed music playing, and hung binder of fitness models around detainee's neck.
- 0020: Lead entered the booth and asked the detainee why he stated he respected the lead. Detainee stated that lead treated him better than the second shift. Lead asked detainee what he thought of lead. Detainee hesitated to answer and was berated. Detainee finally stated that the lead spoke injustices by confront him with the circumstantial evidence when the detainee told his story. Lead explained that this was done because the detainee is lying and we know he is lying because he keeps changing his story, but the truth will always stay the same. Rules have changed theme was covered.
- 0200: Control entered the booth and began the "attention to detail" lesson for the night. The detainee still would not accurately answer questions about the fitness models and control stated that the lesson would continue the next day. Detainee complained that the interrogator had said that today would be the last day of this lesson. Control replied that the lesson would continue until the detainee could accurately answer all questions asked of him during the lesson. Control left the booth with the detainee still complaining about the lessons.
- 0300: Detainee offered water – drank one bottle. Detainee taken to bathroom and walked 10 minutes, then allowed to take a nap.
- 0500: Detainee awakened, taken to bathroom, and walked 15 minutes.
- 0615: Detainee offered food and water – ate one MRE and drank one bottle of water. Rules have changed theme was used and detainee was reminded that he would remain here until he told the truth. Detainee was attentive during session.
- 0645: Detainee taken to bathroom and walked 10 minutes.
- 0700: Detainee taken to his sleeping cell in X-Ray for sleep time.
- 1100: Detainee awakened but left in X-Ray cell as part of a prearranged operation to allow more time for conversation between detainee and confederate. Detainee was rushed back into his cell just after being removed while walking to interrogation booth, and the guards appeared anxious that something was happening. Detainee trembled uncontrollably until confederate talked to him to calm him down. Confederate asked the detainee "what is your case" and detainee declared "it is big" and began to cry.
- 1130: Detainee taken to bathroom and walked 10 minutes.
- 1145: Corpsman checked vitals and changed ankle bandages to prevent chafing. Pulse was slightly elevated and corpsman elected to recheck a couple of hours later. Control started session with Drill Instructor approach and continued reinforcing the lessons of the previous day. Detainee remembered the lessons of previous day and saluted control when he entered the booth. Detainee initially refused water so control poured a little on detainee's head. Detainee then accepted the water and food.
- 1230: Detainee offered food and water – ate one MRE and drank two bottles of water. Control continued DI approach and instructed detainee to tell about his trip from Orlando to Afghanistan. Control wrote itinerary on a dry erase board with dates and time spans and showed the detainee that he would have arrived in Mazar e



Sharif Sep. 14, 2001, and would have been in Kandahar during the most intense bombing. Detainee was shown the stupidity of the cover story. Detainee began to become angry with the DI approach and control decided to end the session rather than have the detainee start resisting.

- 1400: Detainee taken to bathroom and walked 10 minutes.
- 1415: Corpsman checked vitals – O.K. Lead entered the booth and began to talk about Afghanistan and it's terrain. Lead then began to speak about the terrain in the U.S. When lead got to the terrain in Florida, the detainee asked if Orlando was close to Florida. Lead ridiculed detainee for not knowing that Orlando was a city in the state of Florida and launched into the circumstantial evidence theme with a futility approach. Lead told detainee that he was stupid and that is why no one will believe the stupid cover story he has used. Lead stated the evidence against the detainee was enough for lead to believe detainee was guilty, and detainee stated that that was the lead's opinion. Lead replied that everyone had the same opinion about detainee. Detainee stated that he hoped the other interrogators did not share this opinion. Detainee was told that his only hope of leniency was a change of heart and a desire to do good.
- 1600: Detainee taken to bathroom and walked 10 minutes.
- 1700: Detainee given a nap.
- 1800: Third shift began; detainee was woken from his nap. Interrogation began with SGT M and a DOD linguist. the interrogation began with what we know, mainly with the time line he had given in the previous shift, the detainee seemed disturbed and stated that the whole timeline was wrong and then tried to say that he was confused by the times he had gave. When asked "How long after you tried to enter America did you spend in UAE" the answer was about a month and half which is similar to the timeline in the previous shift. The detainee tried to act as if he had a mental problem, but when I jumped up and told him not to start faking that condition he regained his composure, it was the only time I've ever seen him do that but he has tried that tactic on other shifts.
- 1930: Detainee was taken to latrine and exercised.
- 2000: M.D. checked the detainee out every thing ok.
- 2030: Detainee ate an MRE and drank one and half bottles of water.
- 2100: Circumstantial evidence was the next theme used, the detainee was reminded that all the evidence shows that he is Al Qaida and that it is time to tell the truth, detainee sat there in silence for a about a minute and seemed as he was going to let it all out, but stuck to his story again. The detainee is thinking a lot more on the themes when presented to him, seems to be on the verge of breaking.
- 2230: Detainee was taken to the latrine and exercised.
- 2330: Detainee laid down for a 30 minute nap.
- 2400: Interrogation over.

## **25 DECEMBER 2002**

- 0030: Detainee taken to bathroom and walked 15 minutes.
- 0045: Interrogation began with interrogator speaking plainly to the detainee that his cover story was a lie and because he kept lying, he would not get a chance to



- return to Delta. Interrogator stated that a smart man would not do this. Interrogator asked detainee if he was stupid or afraid, and eventually concluded the detainee was just stupid because the detainee's past and continued actions were what brought and kept him here. Detainee became more and more angry with this line of reasoning and stated that he was on strike. Interrogator poured one half bottle of water over detainee's head and yelled that the detainee was not in control in the booth, that the interrogator decided everything that happened to him, but the detainee could take that power away by simply telling the truth. Detainee yelled back that the interrogator did this to him and the rest of the bottle was poured over the detainee's head to illustrate the point that the interrogator was in control.
- 0230: Detainee taken to bathroom and walked 30 minutes.
- 0300: Detainee offered water and refused. Interrogator poured some water on detainee's head and detainee decided to drink a half bottle of water. Interrogator began to play cards with MP to ignore the detainee due to a BSCT assessment that the interrogators may be becoming the family figures of the detainee, and the interrogator wanted to see if the detainee would try to seek attention. The detainee tried to interrupt the card game by saying "You choose to pour water on me, you do this to me," and "I don't understand why you pour water on me when I refuse to drink, I decide when I'm thirsty". The interrogator laughed at the detainee and replied that the interrogator controlled all in the booth, and the detainee chose to stay in the booth. Detainee started falling asleep so interrogator had detainee stand up for 30 minutes.
- 0430: Detainee given a nap.
- 0600: Detainee awakened from nap and interrogator again asked detainee what he hoped to gain by being here. Interrogator asked detainee why his hands were clenched and detainee replied that he was cold so interrogator wrapped blanket around detainee and continued the futility approach.
- 0645: Interrogator left detainee with linguist to ponder what he had been told. Linguist talked to detainee as arranged by the interrogator and reinforced the futility approach, telling him that AQ was destroyed and no one would be coming to help him. The linguist also told him not to be afraid of anyone if he told the truth because God would help him. The linguist suggested that the detainee give some bits of truth and see how his treatment improved.
- 0700: Interrogator and linguist entered the booth and reinforced the futility approach. Detainee asked for breakfast and the interrogator gave him an MRE which he ate.
- 0725: Detainee taken to sleeping cell.
- 1200: Detainee is woken up, and taken to the bathroom.
- 1220: The detainee is placed in the interrogation booth and he is checked out by medical personnel. The detainee is dehydrated and given the choice of drinking water or receiving IV's. The detainee refuses water and is given three IV's.
- 1339: Detainee is given a bathroom break and exercised. Medical check conducted.
- 1440: Interrogation resumes. Interrogator begins theme that all this will stop if the detainee simply tells the truth. The topic of respect was discussed and how his family must be disappointed with him.
- 1515: Detainee is given a bathroom break and exercised. Medical check conducted.



- 1535: Detainee is given MRE and he eats it and drinks 1 bottle of water.
- 1600: Interrogations resume. Detainee was told about leadership and detainee stated that he did not want to be a leader and did not want any responsibilities.
- 1715: Detainee is given a bathroom and exercise break. Medical check conducted.
- 1735: Interrogation resumes. Detainee was asked about his trip prior to Orlando and detainee stated that he went to UAE, Pakistan, then Afghanistan the summer of 2000, and the interrogator asked where he received his AQ training. Detainee stated he was not AQ and the interrogator asked him why he went to AF the summer of 2000. Detainee then stated that it was the summer of 2001 when he went.
- 1750: Interrogation ends. Detainee was offered water throughout the day and refused.
- 1810: Detainee refused water. He was sent to the latrine and exercised. The medic wrapped left arm because it contained the housing unit for an IV.
- 1929: Detainee refused water. He was exercised and sent to the latrine. Detainee spoke in English when the female interrogator invaded his personal space.
- 2022: Detainee was given a latrine break and exercised. He refused water. The interrogator was talking to the detainee about his inability to get into the US in Orlando, and the detainee stated that he would have gotten in if he had filled out the INS paper himself, he would have gotten into the country. The interrogator had the detainee write the word "business" five times on a piece of paper, but the detainee had to have coaching to write the word.
- 2208: Detainee continued to refuse to drink water. He was taken to the latrine and exercised.
- 2315: Detainee was given an exercise break. The medic checked his vitals and they were normal. His blood pressure was 117/74 and his pulse rate was 62 while standing. His blood pressure was 118/79 and his pulse rate was 53 while sitting.
- 2350: Detainee was given a complete meal ready to eat and a bottle of water. He did not refuse to eat or drink. He completed his meal to include the water.

## **26 DECEMBER 2002**

- 0001: Detainee was eating his food (given by the previous team). Lead walked into booth turned on white noise and put picture binder of swimsuit models over detainees neck.
- 0030: Lead entered the booth and began attention to detail approach. Detainee missed 3 of 10 questions. He has learned to provide more details and provides enough information to substantiate his answers. He still has a problem paying attention to detail and fabricates information not on pictures. Control berated the detainee about the fabrication he provided to questions of the pictures and compared this fabrication to the fabrication of story told regarding his travel to the US and Afghanistan. Lead then began the circumstantial evidence / futility approach. Lead covered circumstantial evidence in detail and told the detainee that the evidence does not lie.
- 0200: Detainee was exercised and taken to bathroom. Detainee refused water. When detainee returned to booth lead played cards and ignored detainee. Lead berated detainee throughout.



SECRET ORCON

- 0400: Detainee was exercised and taken to bathroom. Detainee refused water.
- 0430: Detainee was instructed to sleep.
- 0630: Detainee was woken up by lead. Lead used a futility approach describing standard of living here vs standard of living at delta with his brothers. Detainees vitals were taken. Detainee drank 2 bottles of water. Detainee was instructed to pray. After the prayer he was told that he could look forward to having prayers anytime he chooses at delta. Lead emphasized that detainee knows what he has to do to go back to his brothers in delta. He was told to think about it and instructed to go to his cell and eat then go to sleep.
- 0730: Detainee departed to his cell to eat and sleep.
- 1115: Detainee awakened and taken to the head. Detainee was then walked for 10 minutes.
- 1130: Interrogation team entered the booth, IS1 E , SGT B and a DOD Linguist. Futility and Circumstantial Evidence were covered.
- 1230: Detainee was offered and refused water.
- 1300: Head Break and 10 minute exercise.
- 1330: Detainee refused Meal and water. Detainee was instructed that jihadism and terrorism were different, but detainee shook his head "no" indicating that he thought they were the same.
- 1500: Head break and 10 minute exercise. Detainee was given the silent treatment during this next session. He did not attempt to speak to interrogators.
- 1630: Head break and 10 minute exercise.
- 1700: Detainee ate 1 MRE and drank 1 bottle of water. IS1 E continued engaging the detainee in conversation in an attempt to keep communication flowing and with long term intentions of limiting the topics until the detainee is driven to speak only of his Al Qaida associations.
- 1810: Detainee was exercised for circulation and taken to the latrine.
- 1930: Detainee was sent to the latrine and exercised. He did not want any water.
- 1945: The doctor checked the detainee. The doctor looked at the detainee's back to ensure there were no abrasions from sitting in the metal chair for long periods of time. The doctor said everything was good.
- 2030: Detainee stated that SGT L would be the cause of him committing suicide. He requested to write a will. His request was granted and he wrote a will with a crayon. Lead had will translated and it was a request that if he died here to have his body and passport sent back to his country quickly and to notify his mother. Lead entered booth with the detainee's will and told detainee that since he had allowed the detainee this opportunity, what would the detainee offer in return. The detainee said "thank you" and lead stated that was not enough. Lead told detainee that a single truth would be enough and asked the detainee "who recruited you into Al Qaida?" Detainee stated he was not Al Qaida and lead tore up the detainee's will in front of him.
- 2100: Detainee was taken to the latrine and exercised. He was given a meal ready to eat and a bottle of water. He ate all of the meal and drank all of the water.
- 2220: Detainee was given a latrine break and exercised for approximately 10 minutes. He does not desire water.
- 2330: Detainee was taken to the latrine and exercised.



**27 December 2002**

0001: Lead entered the booth and offered water to detainee – refused. Lead poured the water over the detainee's head and offered a second bottle of water – refused. Lead poured the second bottle over the detainee's head. Lead confronted detainee with the inconsistent stories he had given about his family members. Detainee stated that he was afraid for his family because he didn't trust us.

0100: Detainee was taken to bathroom and walked 10 minutes. The "attention to detail" theme was run with the fitness model photos. The detainee answered five questions correctly and was told that we would not run the attention to detail lesson again unless we felt that he was not giving details about the questions we asked him.

0200: Detainee taken to bathroom and walked 10 minutes. The detainee was told that since he could now provide detailed answers, he would review the location of the visa office where he had obtained his US visa. Maps were used and the detainee was questioned to see if he could properly estimate distance on the maps. The detainee was accurate in this line of questioning. The questioning provided the following information:

Name of visa office: M

Owner: K

Worker #1: K

Worker #2: F

Location: Shari Al Ulayya street approximately 2km n/o Shar A Mahar in the Al Ulayya district of Riyadh.

Grid coordinate: 7031

Map used: Saudi Arabia graphic

Map name: Ar Riyad

Scale: 1:25,000

Edition: 5-NIMA

Series: K9611

Sheet: 4

0400: Detainee taken to bathroom and walked 10 minutes. Detainee was offered water – refused. Detainee was told to go to sleep.

0600: Detainee awakened, taken to bathroom, and walked 10 minutes. Corpsman checked vitals – O.K. Detainee offered food and water – ate one MRE and drank two bottles of water.

0715: Detainee taken to sleep cell for sleep period.

1100: Detainee awakened, taken to bathroom, and exercised 10 minutes.

1120: Detainee offered water – refused. Lead began by asking the detainee why he wanted to write a will. Detainee was evasive and finally stated that he didn't want



- to answer that question. When asked if he was going to try to commit suicide, the detainee stated "no", but death had been entering his mind lately. The detainee was allowed to rewrite his will (it was essentially the same as that written the previous day). Control began discussing the condemnation of UBL by Islamic leaders.
- 1300: Detainee taken to bathroom and walked 10 minutes.
- 1315: Detainee offered food and water – refused. Control continued discussion about UBL, fatwas, and leading clerics.
- 1415: Detainee taken to bathroom and walked 10 minutes. Control continued theme and steered it towards levels of guilt and how AQ personnel were cooperating and reducing their levels of guilt by doing so. Control told detainee about witness protection program without making any offers of protection.
- 1530: Detainee taken to bathroom and walked 10 minutes. Lead entered the booth and began talking about detainee's youth.
- 1630: Detainee taken to bathroom and walked 10 minutes. Detainee offered water – refused. Lead continued by talking about how some people use religion to prey upon young people, and mislead them into doing things that are wrong. Lead told detainee that it appeared the detainee was having trouble asking God for forgiveness. Lead explained process in Christianity for asking forgiveness.
- 1800: Detainee taken to bathroom and walked 10 minutes.
- 1815: Corpsman took vitals – O.K.
- 1820: Interrogation began with circumstantial evidence by SGT M. Detainee was very resistant, possibly due to presence of LT G. Detainee gave descriptive information on the person at the car dealership in Riyadh and the person who was supposed to meet him in Orlando. The information given was in keeping with his cover story.
- 1910: Lt G began interrogation by talking about fear and trust, and how the truth is easy to recall but lies take effort, and someone who is tired will have trouble telling the same lies all the time. Detainee offered that he would tell the truth to LT because he felt he could trust the LT and gave his brother's and sister's names as well as his father's name and phone number. This list is nearly identical to a listing of siblings given by him on 9 APR 02, which tend to indicate this information is truthful. LT asked detainee why he gave different information to the other interrogators and detainee stated that he didn't trust the others. LT began explaining that since the detainee spent so much time in AF that he must have useful information about AQ. Detainee repeatedly stated that he didn't know anything about AQ and kept a severe frown on his face during this line of questioning.
- 2020: Detainee offered water – took one sip.
- 2025: Detainee taken to bathroom and walked 10 minutes.
- 2100: Detainee ate an MRE and drank a bottle of water.
- 2110: Circumstantial evidence theme was used by SGT M. The detainee seemed very responsive when told that not only the evidence was there but that a lot of the detainees are talking.
- 2200: Detainee exercised and given a latrine break. Detainee tripped stepping out of latrine. Corpsman looked detainee over and everything was O.K. Lt G



continued interrogation and reminded the detainee that there was only one way out. LT explained to detainee why the U.S. was doing the things it was due to being at war.

2308: Detainee offered water – took one sip.

2335: Detainee taken to bathroom and walked 15 minutes.

## **28 December 2002**

0001: Lead entered booth and gave detainee option to drink 1-1/2 bottles of water during the shift. Detainee related that he would rather take an IV and did not want to drink water at this time. Lead berated detainee on his choice and introduced circumstantial evidence of K's connection to a NGO which served as a front for Al Qaida. Lead berated detainee and left booth.

Control entered booth and told detainee to drink bottle of water. Control told detainee that he was walking out of booth and that by the time control returned detainee should have better have drank the water or else he would be wearing it. Control walked out for about 5 minutes and returned to booth. Detainee had drank the water.

0100: Detainee taken to bathroom and exercised 10 minutes. Detainee offered water – refused.

0200: Control entered the booth and began to question the detainee about personalities he knows in Riyadh, SA.

0400: Detainee was instructed to go to sleep.

0500: Detainee was woken up, taken to bathroom and exercised.

0530: Lead introduced circumstantial evidence and elaborated on how detainee's story did not coincide with his story.

0630: Control used a p/e down / futility approach on detainee and detailed his life here vs life in Cuba with his brothers. Detainee was told to pray and told that upon completing his prayers he would be walked to his cell where he would eat and drink water. Control left the room and was called back by MPs. MPs told control that detainee stated he was on strike from food and water. Control instructed detainee to get up from prayer and berated detainee about his remarks (fasting on food and water). Detainee was then instructed to go to his cell for sleep time.

1130: Detainee awakened, taken to bathroom, and walked 10 minutes. Detainee appeared tired and interrogator questioned him about this. Detainee finally stated that sometimes a person has something new come up, possibly referring to his conversations with the confederate detainee. The topic of Shia muslims was brought up and the detainee stated that Shia did not believe in the prophet Mohammed.

1145: Corpsman checked vitals. Vitals were O.K. but indicated that detainee was close to dehydration.

1230: Detainee offered food – ate one MRE. Detainee given three bags of IV.

1300: Detainee taken to bathroom and walked 10 minutes. Topic of animals was discussed with interrogator telling of the type of animals in the U.S. Detainee broke out in tears and cried for half an hour. Detainee talked about the wonderment of God and asked God for forgiveness several times. Detainee told



- interrogator a story about a young man from an evil city who found God by looking over creation from a hill, then returned to the city and fell back into sin, and finally returned to the hill and found the strength to sin no more.
- 1500: Detainee taken to bathroom and walked 10 minutes. Interrogator clarified the differences between Shia and Sunni muslims.
- 1545: Detainee given one hour nap.
- 1645: Detainee awakened, taken to bathroom and walked 10 minutes. Detainee asked interrogator about prayers in Christianity and eventually asked to pray. Interrogator told detainee that he was denied prayer because he had lied and disrespected the interrogators. Interrogator told detainee that his supervisor told him that prayer could be granted if the detainee gave something up first.
- 1800: Detainee was exercised, taken to the latrine, and the medic on shift checked his vitals everything was o.k. The interrogation began with SGT M as lead and a DOD linguist, levels of guilt theme was the first theme used as the detainee had been crying profusely in the previous shift about a story of Allah's forgiveness. SGT M asked the detainee the reason of why he had cried so much the detainee began telling the same story and was stopped, and told that I knew the story already just to tell me the real reason of why he was crying. The detainee went on to tell me that something tragic happened in his life today and he could not tell me. I kept on but the detainee would not give it up. The detainee went on to tell me that today he felt very spiritual and he could not keep the tears in. I told him "why today should he not feel this way every day", and he told me again that something tragic in his life had occurred and again he did not want to talk about it. I asked him if because of the story he had finally realized that his involvement with Al Qaeda was wrong and the mission to America was wrong. I told him that everyone makes mistakes, he stated "no according to Al Qaeda this situation is a headache", and I asked him to repeat, and then he realized what he had said, so he started on his treatment and that this is not the way to do an investigation, and I reminded him that this was not an investigation.
- 2000: The detainee was seen by the doctor and reminded that he needed to drink water. Latrine brake and exercised.
- 2100: Detainee ate an MRE and drank a bottle of water. The detainee was asked if he had ever talked to a Saudi official while he has been detained and the detainee replied yes, then he was asked if his living conditions were better then, and how long ago had it been since the officials had spoken to him. He replied that his living conditions were worse and it had been so long that he could not remember even what they looked like. I asked him if the Saudi government still wants him and he replied yes, then I asked him then why are you here and the detainee replied "because of the investigation". I once again reminded him that this is not an investigation and that his government does not care about him and that is the reason he now belongs to the United States of America. The detainee seemed very shocked by this as if he had never put much thought in to this subject.
- 2130: Detainee taken to the latrine and exercised. Medic check his vitals everything ok. The detainee was reminded that his involvement and actions taken by Al Qaeda have defaced Islam and that they are the reason that Muslims are not liked around the world. The detainee became extremely aggravated and started saying no that it



was our fault and caught himself and started again on his treatment I told him to humor me and tell me about interrogations, he told me to tell the guards to show there face and take him back to Cuba, so I laughed at him uncontrollably, and the detainee got quiet. Once again I reminded him that only his cooperation would get him out of this situation.

2345: Detainee taken to the latrine and exercised. Medic check his vitals everything ok.

2400: 3<sup>rd</sup> shift interrogation over.

## 29 December 2002

0000: Detainee taken to bathroom and walked 10 minutes.

0015: Interrogation began with p/e down, fear up, and futility. Whenever detainee tried to speak, lead instructed him to shut up. Whenever detainee appeared too comfortable, lead instructed him to stand up and sit down several times. Al Qaida falling apart and circumstantial evidence were themes used.

0200: Detainee offered water – refused, so lead poured it over detainee's head. Detainee taken to bathroom and walked 15 minutes. Interrogator continued same approach and detainee became very angry.

0330: Detainee offered water – refused, so lead poured \_ bottle over detainee's head.

0345: Detainee instructed to sleep.

0530: Detainee awakened and offered water – refused, so lead poured it over detainee's head. Approach continued.

0645: Detainee taken to bathroom, walked, and taken to sleep cell. Detainee was given MRE to eat while in sleep cell.

1130: Detainee awakened, taken to bathroom and walked.

1200: Detainee offered food and water – ate 2 MREs, banana, pears, and cookies, drank 2 bottles of water. Interrogator revisited the theme of high-level AQ talking and being protected in a witness protection program.

1335: Detainee taken to bathroom and walked.

1430: Detainee taken to bathroom and walked. Interrogator instructed MPs to unshackle the detainee except for his legs to let him feel what it was like and gave the detainee a chance to make a decision to talk. Detainee refused and was reshackled.

1535: Detainee taken to bathroom and walked. Interrogator continued discussions of heaven.

1630: Detainee taken to bathroom and walked. Interrogation continued with detainee becoming unresponsive.

1740: Detainee taken to bathroom and walked.

1800: Detainee refused food and water. Detainee said that he had thought about 2A0773 earlier during the day and was surprised him. It had been approximately one month since 2A0773 has interrogated detainee. Detainee thought that it was a good sign. Detainee seemed fairly talkative and relaxed. Discussion ensued about "God's will" and about why detainee was saved when the other 19 terrorists were killed.

1845: Detainee refused food and water. Futility and Al-Qaida falling apart were



- discussed. Detainee was relatively unresponsive and seemed relatively comfortable.
- 1930: Detainee refused food and water and did not need to use the latrine.
- 2030: Detainee seemed too comfortable. He was questioned about why he was unaffected by our discussion of the victims of 9/11. Detainee immediately sat up in his chair. BSCT observed that detainee does not like it when the interrogator points out his nonverbal responses. Detainee professed his innocence and interrogator laughed. At this point, detainee made a comment about the interrogators nonverbal responses to try to take control of the interrogation. Detainee stated, somewhat sarcastically, that he was very happy that the interrogator was laughing and enjoying himself. Detainee refused water.
- 2115: Detainee refused food and water.
- 2200: Discussion ensued about the why people join terrorist groups. Two quotes were read from the book What Makes a Terrorist and Why? The first quote asserted that people join terrorist groups for a sense of belonging, something that they are unable to find in normal social circumstances. The second quote pointed out that terrorist must dehumanize their victims and avoid thinking in terms of guilt and innocence. P&E down was also incorporated into the discussion and interrogator expressed understanding about why detainee would join a terrorist group after so many failures. Detainee seemed unresponsive. Detainee refused food, water, and restroom break.
- 2215: Detainee walked around the interrogation booth for approximately 10 minutes.
- 2230: Detainee refused water.
- 2320: Detainee refused food and water.
- 2330: Medical check – O.K. Detainee refused food and water. Detainee went to latrine and exercised for approximately 5 minutes.
- 2400: Second shift ended.

### **30 December 2002**

- 0001: After detainee was exercised and used the bathroom, lead entered the booth and subjected detainee to white noise. Waiting for linguist.
- 0100: Linguist arrives. Detainee drank \_ bottle of water. Lead began to question detainee on his contacts in Abu Dhabi, UAE.
- 0200: Detainee was exercised and taken to the bathroom. He drank \_ bottle of water. Upon returning to the booth questioning of known contacts in Abu Dhabi, UAE continued.
- 0330: Detainee was exercised for 10 minutes and taken to the bathroom. Detainee drank \_ bottle of water. Upon returning from booth questioning of known contacts in Abu Dhabi, UAE continued.

The following personalities were obtained from detainee regarding known contacts in Abu Dhabi, UAE and should be cross referenced with previous mfr's to identify new personalities and differences in known contacts(refer to MFR for further details on personalities):



SECRET ORCON

1. Z
2. M
3. A
4. A
5. M
6. H

- 0530: Detainee instructed to go to sleep in booth.
- 0630: Detainee was woken up and lead began a futility/ p/e down approach. Lead reminded detainee that he could have a better life in Cuba with his brothers but he chooses to remain here.
- 0645: Detainee was taken to his cell and told to eat and drink his water.
- 1100: Detainee awakened from x-ray, given a head break and 10 minutes exercise.
- 1215: Head break and 10 minutes exercise.
- 1230: 1 MRE and 1 bottle of water. Detainee asked for prayer time and was told that he would not get prayer time back until he demonstrated a genuine change of heart.
- 1340: Head break and 10 minutes exercise. Detainee was exploited on cover story and provided detail on timeline from Orlando to AF to PK. Interrogator matched all detainee movements to AQ movements during Northern Alliance offensive in AF.
- 1500: Head break and 10 minutes exercise. Detainee was exploited on personalities in cover story. All personalities were checked against know terrorists and all the names matched the names of known terrorists. The first name of his best friend (he stopped before he would tell the last name) matches the name of the pilot of the fourth hijacked airliner on 9-11.
- 1630: Head break and 10 minutes exercise. The detainee continued to provide information on his cover story and drew a strip map for the location of his father's home in Saudi Arabia.
- 1830: Head break and 10 minutes exercise.
- 1845: 1 MRE and 1 bottle of water.
- 2000: Head break and 10 minutes exercise.
- 2015: Nap.
- 2130: Detainee awakened, taken to bathroom and walked. Lead entered the booth and told detainee that they would continue the topic of the previous night about people the detainee knew. Detainee offered water – refused, so interrogator poured it over the detainee's head. Interrogator berated detainee for lack of compliance. Interrogator left the booth and MPs began checking detainee's restraints. Detainee raised his hands towards MPs in an aggressive manner and MPs restrained detainee.
- 2200: Detainee walked for one hour. Interrogators berated detainee during walk.
- 2300: Detainee returned to booth and was subject to instrumental music. Detainee began to cry and interrogators returned and yelled at detainee to prevent him from crying in order to prevent him having an emotional release.
- 2350: Detainee tried to cry again and was yelled at by interrogators. Detainee not allowed to speak by yelling of interrogators.

**31 December 2002**



SECRET ORCON

- 0015: Detainee taken to bathroom and walked. Interrogator played cards with MP in front of detainee.
- 0130: Detainee offered water – refused.
- 0230: Detainee taken to bathroom and walked. Detainee was told that his actions were the cause of his treatment.
- 0300: Detainee given 2 hour nap.
- 0500: Detainee was asked if he had ever been to Kabul and it was pointed out on a map that he would have to have gone through Kabul if he had driven from Mazar E Sharif to Kandahar as he related in his stories. Detainee stated that he must have been asleep during that part of the trip. Interrogator told detainee that others had identified him as being at a safe house in Kabul. Detainee stated that he did not know these brothers and became very angry.
- 0600: Detainee was subject to music for one hour.
- 0700: Detainee taken to sleeping cell.
- 1100: Detainee was escorted from cell. Detainee was exercised and given the chance to go to the restroom. Detainee was placed in interrogation booth.
- 1200: 2a0780 entered booth. Detainee was given an MRE, detainee looked at it as if he was going to decline it, but 2a0780 looked at detainee and said his name and then told him to take it. Detainee took MRE and a pear, detainee drank a bottle of water as well.

2a0780 started asking detainee about his travels. 2a0780 asked detainee to tell all of the people he had come in contact with in U.A.E.. Detainee gave the following names:

1. A
2. F
3. Z
4. M
5. H
6. A

For a more detailed report on the above listed names please reference 30 dec 02, 1<sup>st</sup> shift report. Detainee has provided these names before, with a physical description.

- 1400: Detainee was exercised and taken to the bathroom. He refused water. Upon returning to the booth control entered the booth and asked detainee how he was doing. Control explained to detainee how he had initiated the treatment he received during the 1<sup>st</sup> shift by his own actions. Control explained to detainee levels of cooperation to be released from this camp and that up to the point where he refused to take the water bottle he was slowly moving up. However, his poor judgment and actions caused him to drop on the level of cooperation. Control explained that as he drops in level of cooperation his treatment becomes worse. Control explained that the treatment he received during the 1<sup>st</sup> shift was not even the bottom of the scale and it could get worse. Detainee agreed that he had brought the treatment on himself by his actions.



SECRET ORCON

Control then began to ask detainee about business contacts he has in Abu Dhaby, UAE. Detainee provided the following names of business and the poc: (REFER O MFR FOR DETAILS)

1. M

2. M

1530: Detainee was exercised and taken to the bathroom.

Upon returning to the booth control began to question detainee about his contacts in dubai, uae and provided the following information: (refer to MFR for details)

1. M

2. While in Dubai detainee stayed at the Shalihut Dubai Montaza Alame A Tervi Resort.

3. After arriving in Dubai, detainee contacted M and M. He called M from a public phone in the Dubai market place. M told the detainee that he could return to the USA if he chose to and could travel with the following:

- M

- F

- S

Detainee also related that A conducts business with Sharikat Al Basri company that imports/ exports vehicles from the USA/Japan.

1630: Detainee was exercised and taken to the bathroom. He drank sips of his water.

Upon returning to the booth control began to question detainee about his finances. The detainee provided the following information about bank accounts he has used:

1. Abu Dhaby bank- located in Abu Dhaby, UAE.

2. Riyadh bank- located in Harj city on Shari Al Masanah street.

3. Al Rajhi bank- located in Al Harj city on Shari Al Masanah street.

Detainee related that the bank accounts were under his name (Mohammed Manah Al Qahtani) and his brothers name (I) and were open at the time he left for Afghanistan.

1830: Detainee was exercised and taken to the bathroom at 1830 hours. He drank \_ bottle of water.

1920: Corpsman checked the detainees vitals and were within normal limits. Detainee was instructed to sleep.

2100: Detainee awakened, head break and 15 minute walk.

2120: Interrogation team entered booth, IS1 E , SGT R and a DOD linguist.

Interrogators began with "Al Qaida falling apart" theme and gave detainee a history lesson on the Japanese attack of Pearl Harbor and the ultimate result of the war.

2315: Head break and 30 minute walk. Detainee returned to booth and started to fall asleep, but MPs woke him up. Detainee tried to pray, but interrogator berated detainee to make him stop.

**01 January 2003**

0000: Head break and 10 minute walk. Lead enter the booth and told detainee to pick a topic to talk about. Detainee asked lead to pick a topic and control said they



would talk about the detainee's trip from Mazar E Sharif to Kandahar and how he must have gone through Kabul. Detainee denied he was Kabul even though other detainees identified him as being at a safe house there.

- 0100: Detainee given cup of coffee. Detainee was told that he would not be respected as long as he refused to tell the truth, and that he would not go home or to Cuba until he told the truth. Detainee interrupted control during a fear up – p/e down approach so control poured a bottle of water over detainee's head. Lead entered booth alone and talked to detainee about horse riding and the detainee stated it was a religious duty to learn to ride a horse. Lead asked if the Koran said this and detainee stated a Hadith stated this, that a man should teach his sons how to ride a horse and use a sword. Lead stated that the verse really meant a father should teach his children everything they need to know in order to survive, and should not be taken literally.
- 0230: Head break and nap.
- 0345: Awakened, head break and 10 minute walk. Lead resumed conversation on horse riding verse and detainee agreed that it probably meant a father should teach his children the necessities of life. Lead steered conversation to topic of how UBL could convince 19 people to kill themselves and other innocents. Detainee was evasive on topic.
- 0500: Head break and 10 minute walk. Topic was changed to detainee's current situation and the futility of continued resistance. Lead asked detainee what he was thinking and he replied "I have a very difficult decision".
- 0700: Taken to cell in x-ray for sleep, given MRE.
- 0730: Detainee had thrown MRE out of cell, it was returned to him by control, detainee ate this and drank 1 bottle of water.

DETAINEE WAS GIVEN 12 HOURS IN HIS SLEEP CELL. MPs gave the detainee two MREs and water during the rest period.

- 1900: Detainee was escorted from cell. Detainee was exercised and given the chance to go to the restroom. Detainee was placed in interrogation booth.
- 1930: 2A0780 and control entered booth, 2A0780 asked detainee how he was feeling, detainee responded he was well. Detainee looked well rested. Detainee was given a MRE, detainee looked at it as if he was going to decline it, so 2A0780 took MRE away, detainee quickly changed his mind and took the MRE and an apple. Detainee also drank a bottle of water.
- 2000: 2A0780 and control started talking to detainee about trivial things, how he was feeling how things were going. 2A0780 drew a diagram on the white board of a bridge over a pit of fire, the bridge had little razors on it. Detainee was told that this was the "Sirat" or a diagram of "judgment day" detainee was told on judgment day everyone will be sorted out by beliefs. Control asked detainee what are some of your greatest sins, what do you feel sorry about, detainee stated not taking care of his parents, not finishing school, and not repaying his aunt. (detainee borrowed \$20,000 from his aunt) . 2A0780 told detainee that he was only looking out for detainee. This was all done to lead detainee in to the next line of questions.



- 2045: Detainee was exercised and taken to the bathroom. He drank water.
- 2130: Detainee returned to booth and related the following regarding his travel to Pakistan and people he contacted (refer to MFR):
1. M
  2. A
- 2245: Detainee was exercised and taken to the bathroom.
- 2300: Detainee returned to the booth. 2A0780 entered the booth and began talking to detainee about what the Quran says about justice for orphans. 2A0780 asked detainee what made 19 young Saudi Arabian men want to kill themselves, detainee stated he was unsure, but maybe they were tricked. 2A0780 asked how could one man, Bin Laden, convince 19 young men to kill themselves, (detainee was starting to fade he was going in and out of sleep.) The question was repeated, detainee stated that they were tricked, that he distorted the picture in front of them, 2A0780 asked detainee if this made him mad, detainee stated yes, (detainee did not realize that 2A0780 had now started putting detainee into the picture) 2A0780 asked detainee if he was mad that his friends had been tricked, detainee stated yes. 2A0780 asked detainee if his friends knew about the plan, detainee stated no, 2A0780 asked if detainee knew about the plan, detainee stated no, 2A0780 asked detainee if anyone knew about the plan, detainee stated yes. 2A0780 asked detainee if Mohammed Atta knew about the plan, detainee stated that he didn't know. 2A0780 asked detainee if it made him mad that he killed his friends, detainee stated yes. 2A0780 asked detainee if he was glad that he didn't die on the plane, detainee stated yes. 2A0780 asked detainee if his parents were happy that he didn't die detainee stated yes. 2A0780 stated "he killed your friends" detainee stated yes. 2A0780 asked detainee if his parents were happy that he wasn't on the plane, detainee stated yes. 2A0780 asked did you call your parents after you didn't get on the plane, detainee stated no. 2A0780 asked detainee you knew getting on the plane was wrong, detainee stated yes, 2A0780 then asked but you still wanted to fight, detainee stated yes. Detainee was having difficulty staying awake at this time. Detainee was becoming non responsive.
- 2359: Medics evaluated detainee and gave detainee IV.

## **02 January 2003**

- 0100: 2<sup>nd</sup> Shift interrogation team entered booth. IS1 E, SGT R and a DOD linguist. Detainee was receiving his 3 bags of IV. Interrogators offered detainee coffee and detainee refused. Interrogators told detainee that since he was being disrespectful, he would not be treated nicely this session. Detainee was shown the Bin Laden shrine and told that he could only pray to Bin Laden. Detainee was subject to loud music and yelling.
- 0315: Detainee offered and accepted 1 bottle of water.
- 0330: Detainee taken to head and given 30 minutes exercise. Detainee began yelling in rage but interrogators yelled louder to shut him up.
- 0530: Detainee given head break and 10 minutes exercise. Detainee was told that he could not use the words "car" or "falcon" and was then asked questions about his cover story.



SECRET ORCON

0700: Head break and 10 minutes exercise. Detainee taken to sleep cell.

0730: MRE and bottle of water given to detainee in sleep cell.

PSYOP TO REMOVE CONFEDERATE COMMENCES

0815: An ambulance arrives and confederate detainee is told that the information he gave last night checked out, so the interrogators will keep their promise to send him to a better place to be with his cousins. A linguist was used to interpret to the detainee could overhear and understand the exchange. The confederate was shackled at the ankles and allowed to carry the fruit and Koran with him. As the confederate entered the ambulance, he shouted to the detainee "God guide and direct you" in Arabic. The detainee shouted a reply that was not loud enough to hear, but the tone of voice indicated that it was a similar response.

1100: Detainee taken to bathroom and walked 10 minutes.

1130: Detainee instructed to clean the interrogation booth. Interrogator asked detainee how he felt. Detainee stated he was tired and had a bad night so he didn't sleep well. Detainee offered water – declined.

1200: Interrogator discussed the razor bridge over hell, recovering the topic from the previous day. Interrogator covered major sins and virtues of Islam.

1300: Detainee taken to bathroom and walked 10 minutes. Interrogator took the big brother approach and explained how he was trying to help the detainee. Detainee offered water and drank. Interrogator asked detainee about his joint account with his oldest brother. Interrogator exploited details about the detainee's construction company.

1500: Detainee subject to music. Interrogator reminded detainee that failure to provide details when answering would make him look like a liar.

1600: Detainee taken to bathroom and walked 10 minutes. Detainee drank a half bottle of water. Detainee was subject to music.

1800: Interrogator started big brother approach and reminded that he had done better the previous day and did not need to slip backwards. Interrogator asked what the detainee missed and the detainee stated that he missed his freedom.

1935: Detainee was taken to bathroom and walked 10 minutes.

2000: Lt G enter the booth for one hour and talked to detainee about the way to heaven in Christianity and Islam, and how they differed slightly, but ended up the same at the end. LT told detainee that the detainee had to help LT to help him (detainee). Detainee said he would tell the truth and let LT know if he had any information. LT asked the detainee about Al Qaida, detainee responded with general comments and stated that he was not a member of Al Qaida, and he knew only things that everyone else would know.

2110: Detainee taken to bathroom and walked 10 minutes. Detainee was reintroduced to the rules from the previous day and was tested to see if he maintained compliance. Detainee was questioned about his trip from Mazar E Sharif to Kandahar with the use of a map. Detainee had previously denied ever being in Kabul but it was pointed out that he must have gone through Kabul to get to Kandahar. Detainee said that he had been through Kabul and apologized to interrogator. Interrogator awarded the detainee a respect point.



- 2230: Head break and 10 minute exercise.  
2300: Medical check. Subj. appeared dehydrated, detainee drank 33 oz bottle of water. Interrogator began calming detainee by talking to him civilly, and started pointing out the resistance techniques the detainee was using as described in the Manchester Document.

**03 January 2003**

- 0030: Head break.  
0100: Nap  
0200: Awakened, given a head break and walked 10 minutes. Interrogator told detainee that it was not in his interest to deny involvement in AQ because there was already enough evidence against him to convict him. Interrogator gave several scenarios why the detainee would deny AQ involvement, and the detainee brought up the possibility that he was innocent, which drew a berating from the interrogator. Interrogator asked if he was afraid his family would be endangered – No; was he not being honest because he was still loyal to Bin Laden – No; was he not being honest because he thought it would be a sin – the detainee did not reply but furrowed his brow. Interrogator asked the question again and the detainee would only stare at the interrogator.  
0300: Head break and 10 minutes walk.  
0315: Offered water and MRE, refused.  
0400: Head break and 10 minutes walk.  
0530: Head break and 10 minutes walk. Interrogators began discussion on death and judgement. Detainee was asked if he was afraid of death – “No, death can be a great comfort”; asked if he feared the final judgement – “Yes”. Interrogators asked if he would have gone to Orlando if he had known the mission. Detainee replied “No”.  
0630: Medical check – O.K.  
0700: Taken to cell at x-ray and offered MRE and water – refused. Interrogators poured the bottle of water over his head and took his food away.  
  
1100: Detainee was escorted from cell. Detainee was exercised and given the chance to go to the restroom. Detainee was placed in interrogation booth and instructed to clean room. Detainee cleaned room and then ate 1 mre and drank 1 bottle of water.  
1200: Detainees vitals were taken by corpsman. Corpsman related that detainee needed to drink water. Detainee was then given 2 bottles of water which he needed to complete prior to the shift ending. 2a0780 and 2a0761 entered booth and began to exploit detainees travel to Kandahar, Afghanistan. Refer to MFR for details.

Detainee stated that while in Kandahar he only called the following:

1. His older brother I
2. M
3. A
4. His parent's home in Riyadh



5. Z (he did not disclose this information at this time but would later be forced to disclose it when he contradicted himself.)

While in Kandahar A introduced detainee to the following three people: (per detainee these are the only people he made contact with while in Kandahar)

1. S
2. Unknown name- works at Al Nuzha supermarket in the main market center. Detainee met with this person on 5 occasions while in Kandahar.
3. Unknown name- this person lives on a street near the airport. Detainee met with this person on at least 2 occasions.

Detainee also related that he visited a place near Kandahar where people from the gulf states would meet to hunt for falcons (contradiction as to wanting to meet other arabs). Detainee stated that he attended 3 meetings, but when he was asked who was present at these meeting detainee stated that he would show up and no one was there. When asked how he knew about this meeting location of gulf state personnel he stated that Z from UAE had told him about this meeting place and he should go there when in Kandahar.

- 1315: Detainee was exercised and taken to the bathroom.  
Detainee returned to the booth and was questioned further on the meeting place he had mentioned.
- 1515: Detainee was exercised and taken to the bathroom. Detainee drank \_ bottle of water.
- 1530: Detainee returned to booth and exposed to white noise. Interrogator covered how greedy and selfish the detainee was and talked about how the detainee had stated the he was more important than God or his family.
- 1815: Detainee taken to bathroom and walked 10 minutes. Interrogator discussed the theme of justice with detainee. Lights in the interrogation booth were turned off and candles were lit to provide subdued lighting, and relaxation/meditation music was played. Detainee became uncomfortable and asked for music to be turned off.
- 1900: Detainee taken to bathroom and walked 30 minutes.
- 1945: Detainee shown graphic victim photos. Detainee cried while viewing photos. Photos were spotlighted with a flashlight in subdued lighting while relaxation/meditation music was played.
- 2015: Interrogator returned and explained purpose of photos.
- 2120: Detainee given head break and 10 minute walk.
- 2135: Interrogation team entered booth, IS1 E , SGT R and a DOD linguist. Interrogators berated detainee for refusing food on previous day. Control covered the "rules for the day" approach. Control questioned detainee about why he had a German visa. Detainee stated he had never been to Germany. Interrogator told detainee that was not the question, and detainee stated that he didn't get a German visa, he got a European visa. Detainee stated that he wanted a US visa but got a European visa by mistake. Detainee became evasive about details of the transaction.



2330: Head break and 10 minute walk. Lead told detainee to pick a topic for discussion. Detainee first wanted to talk about what he would do if he got out, then retracted and said he wanted to talk about Christianity. Interrogators berated detainee for making the retraction. Detainee then told interrogators he would like to get a job and have a wife. Interrogators helped detainee plan his life by drawing a pathway on the board with a split, and told him that he was at the split now, and must be truthful or he would never be able to go down the path he wanted.

#### 04 January 2003

0130: Head break and 10 minute walk. Interrogators changed topic to Arabic history. Detainee exhibited ignorance of many significant Arabic events.

0200: drank 1 cup of coffee. Topic was changed to religious history. Detainee stated that half the detainees including himself did not become religious until they reached Cuba. Interrogators noted to detainee that religion did not seem to be what encouraged people to join AQ.

0300: Head break and 10 minute walk. Interrogators related that power and money might be motivators for people to join AQ. Interrogators asked detainee what his motivation was for joining AQ. Detainee did not answer and interrogator asked if it was too private a matter to discuss. Detainee answered "yes".

0330: 1 MRE and 1 Bottle of water.

0400: Head break and nap.

0500: Detainee awakened, given head break and 10 minute walk. Interrogator covered some Arabian history and pointed out similarities between the US constitution and the Koran. Interrogator began circumstantial evidence theme with levels of guilt. Detainee was asked how he felt about the evidence against him and he responded that he thinks about it a lot and tries to diffuse some things against him and disprove others. A timeline was created for the detainee showing his events leading up to Orlando. Detainee was visibly affected by this approach and appeared to be near the point of crying.

0520: Medical check, OK.

0700: Head break, taken to x-ray to sleep and given 1 bottle of water.

1100: Detainee awakened, exercised, taken to bathroom and taken to booth. White noise in background

1130: 2a0761 and 2a0780 entered the booth and instructed detainee to clean room. Detainee cleaned room and drank water. 2a0780 then asked detainee about people that he had previously mentioned. M, A, A. 2a0780 had detainee describe these persons. Detainee stated that they were not religious. Detainee stated that he was not religious at the time and only became religious once he was detained.

1230: Detainee was exercised and taken to the bathroom. Detainee drank 8 ounces of water.

1245: Detainee was returned to booth. 2a0761 entered booth and began to question detainee about his travel from Kandahar, AF to Khost, AF. Detainee provided the following information and people he came in contact with: (refer to mfr for details)

1. A- Detainee described him ...



- 1430: Detainee was exercised and taken to the bathroom. He was returned to the booth and exposed to white noise.
- 1530: Detainee was exercised and taken to the bathroom. Detainee was returned to booth where he drank 8 ounces of water.
- 1545: 2a0761 and 2a0780 entered the booth and covered detainee's timeline from Orlando, Florida, USA to Khost, Pakistan. Detainee was told that the information he has provided is inaccurate since it does not coincide with the war in Afghanistan.  
He fails to mention any combat in the area at the time he was there or seeing military forces.
- 1630: Detainee was exercised and taken to the bathroom. Detainee returned to booth and subjected to white noise.
- 1730: Corpsman checked detainees vitals which were within normal range.
- 1830: Detainee exercised and taken to the bathroom.
- 1845: 2a0761 entered the booth and continued to questions detainee about his stay in Kandahar. He provided the following details: (refer to MFR).

- Detainee was berated for not mentioning details about his passport/visa and money when his trip from Kandahar to Khost was covered. Detainee also stated that if his health had improved he intended on returning to Mazar-e-Sharif to meet with M with the falcons he had acquired. Detainee was berated and told that his story is inconsistent and a lie. 2a0761 then walked out of the room with disgust.
- 2010: Lt G entered the booth and reinforced that the detainee needed to tell the whole truth and to answer all questions quickly and with detail. LT told detainee that interrogators would ask the same questions several times in order to be complete and thorough. LT also told detainee that he should apologize the next time he saw 2A0761.
- 2045: Detainee was exercised and taken to the bathroom.
- 2130: Drank 1 cup of coffee. Interrogators talked to detainee about guilt, leniency, and cultural inhibitions to telling the truth.
- 2300: Head break, 20 minute exercise. Interrogators began theme that the detainee had no hope of being found innocent, and must begin telling the whole truth to minimize the punishment he would receive. Interrogators feigned anger at detainee and taught detainee the steps to apologize which included admitting what he did, asking forgiveness, and making reparations.

### **05 January 2003**

- 0100: Head break and 10 minute exercise.
- 0200: Source ate a cracker and drank a bottle of water he refused the rest of the MRE complaining of an upset stomach. Interrogators asked detainee if he thought he would be found innocent if he went to trial and the detainee stated "yes". Interrogators explained to detainee that his only hope should be to cooperate so he could get leniency.
- 0300: Head break and 20 minute exercise. Interrogator continued with leniency theme. Interrogator then left booth so linguist could speak to detainee alone. Linguist



- recommended the detainee should tell the truth and detainee replied that he couldn't. Detainee asked linguist "what will they do to me?". Linguist replied that 3000 people had been killed and we would not stop until we got the truth.
- 0500: Head break and 10 minute exercise. Interrogator started futility approach telling the detainee that his hope of being believed was false.
- 0700: Head break and taken to bed.
- 1100: Detainee taken to bathroom, walked and offered food – refused.
- 1130: Interrogator instructed detainee to clean the interrogation booth. Detainee drank water.
- 1200: 2A780 told detainee he is guilty, and the question is how guilty is he and how much leniency can he get.
- 1230: Interrogator exploits detainee's travel prior to going to Orlando.
- 1330: Detainee taken to bathroom and exercised.
- 1350: Detainee offered food – ate one MRE. White noise played in background.
- 1440: Corpsman checked vitals – O.K.
- 1450: Interrogator exploits detainee's work history.
- 1600: Detainee taken to bathroom and walked. Interrogator reminded detainee that it was important to give every detail when giving information because the questions would have to start all over again if he left anything out. Interrogator used love of family approach and asked detainee how his parents would feel if one of his brothers became a suicide bomber and died. Interrogator further said that if the detainee gave the name of the AQ recruiter in Saudi, we could stop this person before he had a chance to talk to the detainee's brother. Detainee appeared to think deeply about this topic.
- 1730: Corpsman checked detainee's vitals – O.K.
- 1800: Detainee listened to music for remainder of session.
- 2130: Head break and 10 minute exercise.
- 2140: Medical check. OK.
- 2145: Interrogation team entered the booth, IS1 E and a DOD linguist.
- 2200: Source drank 1 bottle of water. Interrogator told detainee that by lying, he was making his situation worse. IS-1 told detainee that if the cover story was used in a trial, the prosecutor would tear it apart.
- 2330: Head Break and 10 minute exercise. Topic changed to global issues to discredit UBL and identify the US point of view.

## **06 January 2003**

- 0100: Head Break and 10 minute exercise.
- 0230: Head break and 10 minute exercise. SGT began a discussion of the Palestinian/Israeli conflict.
- 0400: Head break and 15 minute exercise. SGT began futility approach using circumstantial evidence.
- 0530: Head break and 30 minute exercise. Detainee drank \_ bottle of water. Corpsman checked vitals – O.K. Circumstantial evidence and futility continued. Detainee's body language seems to indicate he is becoming more worried about this subject.
- 0700: Detainee taken to sleep cell.



## SECRET ORCON

- 1100: Detainee awakened, given shower and fresh clothes, taken to bathroom and exercised.
- 1130: Detainee taken to interrogation booth and drank water.
- 1200: Corpsman checked vitals – O.K.
- 1215: Interrogators instruct detainee to drink water and be respectful. Interrogators began questioning detainee about work history prior to the Orlando trip.
- 1325: Detainee taken to bathroom and exercised. Detainee drank water. Questioning continued.
- 1530: Detainee taken to bathroom and exercised.
- 1600: Corpsman checked vitals – O.K. Questioning continued
- 1730: Detainee taken to bathroom and exercised.
- 1830: Detainee ate one MRE and drank a bottle of water.
- 1930: Detainee taken to bathroom and exercised; drank water. Detainee subject to white noise the remainder of the shift.
- 2030: Detainee taken to bathroom and exercised.
- 2130: Head break and 10 minute exercise.
- 2140: Interrogation team entered booth, IS1 E , SGT R and a DOD linguist.
- 2200: Source drank 1 cup coffee.
- 2215: Medical check ok. Interrogators talked to detainee about the Saudi royal family and how they had not taken care of the Saudi people. Interrogators then gave detainee an American Government class where they explained the three branches of government and how it all worked. Interrogators explained how both AQ and the Saudi government blamed the US for all their problems, while the truth was that these organizations were the cause of the problems. Interrogators explained how both the US and Saudi had been under control of the British prior to independence. Interrogators explained how the US is obligated to protect its people in interests abroad.
- 2300: Head break and 10 minute exercise.
- 2330: Source drank 1 cup coffee. Interrogators explained to detainee that he was so ignorant of the world that he could not distinguish between truth and lies when someone told him something. Interrogators told detainee that he needed to improved his education about world history and sociology so that he would know when someone lied to him. Interrogators pointed out that AQ had used people like him and tricked them by lying to them.

### **7 January 2003**

- 0001: Medic gave source Tylenol and 1 cup water. Interrogators asked detainee what his reason for not telling the whole truth was. Interrogators asked if he thought it would be a sin if he did, he replied “no”; asked if he still had allegiance to AQ, he replied “no”, asked if he thought it was the best course of action for him, he replied “yes”.
- 0200: Nap
- 0340: Awakened, head break and 10 minute exercise.
- 0400: Offered food and water, refused. Interrogators resumed discussion about his holding out on telling the truth. Interrogators reiterated that the case against the



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detainee was strong and he had no hope of being found innocent. Detainee was asked what was wanted of him, he replied "If I help you, you will help me". Detainee appeared to begin to understand his situation and become distressed.

0500: Head break and 10 minute exercise. Interrogators continued futility approach.

0700: Head break and taken to x-ray for rest period.

1045: Detainee awoke on his own and urinated through the wire of his cell. When asked why he did this and did not request to go to the bathroom, detainee replied that he woke up and could not hold it and had to go immediately.

1100: Detainee woken up and exercised/ taken to the bathroom and moved to booth.

1130: 2a0780 entered booth and used an emotional futility p/e down approach on source.

1300: detainee exercised and taken to the bathroom. Drank water

1315: 2a0761 and 2a0780 entered the booth and continued to exploit detainees work history.

1445: detainee exercised and taken to the bathroom

1530: 2a0761 and 2a0780 continued to exploit detainees work history.

1700: detainee exercised and taken to the bathroom. Drank water.

1730: 2a0761 and 2a0780 continued to exploit sources work history and began to exploit sources car selling business associates.

1900: detainee exercised and taken to the bathroom. Drank water

1915: 2a0780 entered booth and went over maps of sources home, Al Kharj, SA.

2000: Detainee ate 1 MRE and drank water.

2100: Detainee exercised and taken to the bathroom.

Log reviewed to this point by JTF/SJA DMC 7 Jan 02

2115: Interrogation team entered booth, IS1 E , SGT M and a DOD Linguist. Futility approach was run as it was determined that the detainee was holding on to a hope that he would be found innocent. Interrogators explained that this was a false hope.

2230: Head break and 10 minute exercise.

2245: Medical check by corpsman, OK. Interrogator began questioning detainee about his time in AF.

**08 January 2003**

0030: Head break and 10 minute exercise. Detainee drank one bottle of water.

0230: Head break and 10 minute exercise.

0300: Source ate 1 MRE and drank 1 bottle of water. Interrogator resumed the futility approach and centered around why the detainee still refuses to tell the truth.

0400: Head break and 10 minute exercise. Interrogator began talking about other topics such as the true definition of martyr, and Islamic beliefs. Detainee asked interrogator to tell him about hunting, and interrogator turned the topic back to futility.

0630: Head break and taken for sleep period.

1100: Detainee moved from cell to booth. He is exercised and taken to the bathroom.



SECRET ORCON

1130: 2a0780 enters booth and begins questioning on family history.  
1300: Detainee was exercised and taken to the bathroom. Source drank water.  
1330: 2a0761 and 2a0780 entered booth and began to exploit sources car business contacts.  
1500: Detainee was exercised and taken to the bathroom  
1630: Detainee was exercised and taken to the bathroom. Drank water.  
1700: Detainee ate hot food instead of MRE.  
1730: 2a0780 exploited detainees family tree and car business associates who traveled to the US  
1830: Detainee was exercised and taken to the bathroom. Vitals checked by corpsman and within normal limits.  
1900: Detainee given nap.  
2200: Detainee woken from nap, exercised, and taken to latrine.  
2215: Interrogation began with questioning on the Arabs that where detained with the source.  
2330: Detainee taken to latrine and exercised.

**09 January 2003**

2400: Detainee ate one mre and drank a bottle of water.  
2425: Detainee taken to latrine and exercised.  
0030: Detainee stated that he was not stupid and answered that he was educated when questioned if he was a doctor, lawyer, or engineer, he said yes to being an engineer.  
0230: Detainee taken to the latrine and exercised.  
0300: Detainee was seen by the medic everything ok.  
0315: Sgt questioned the source on his income and why he did not provide his family any financial help.  
0330: Detainee was taken to the latrine and exercised.  
0345: SGT ran futlity approach life is hopeless. SGT asked the source to visualize his future source said he could then said your right at this point there is no hope, SGT commented that the only thing to do at this time is just confess and help him self, that he is only 30 years old and who knows maybe one day he might even be freed, SGT explained confessed al qaeda members know this and that is why there talking and not to screw him self out of an opportunity to may help his life because there is going to come a time when nothing is going to matter. SGT told the detainee it was time to go to sleep and to think about it, source was very thankful and said that he would consider it since his life right now has no value.  
0530: Interrogation ended and detainee was put to bed.  
1100: Detainee awakened, taken to bathroom, exercised, and taken to interrogation booth.  
1130: A0780 entered the booth and started small talk with detainee. Detainee stated he wanted to fast during the day, and this wish was respected.  
1200: A0761 entered the booth and began exploiting shipping companies used by dealerships in SA. Exploitation continued for entire shift.  
1300: Detainee taken to bathroom and exercised.



- 1500: Detainee taken to bathroom and exercised.
- 1700: Detainee taken to bathroom and exercised.
- 1900: Detainee taken to bathroom and exercised. Detainee drank 16 oz water
- 2130: Head break and 10 min exercise.
- 2145: Medical check. Interrogators reviewed topics of the previous few days. Futility was reinforced and interrogators stated there must be only two reasons for the detainee's continued resistance; either the detainee did not believe the interrogator, or the detainee was protecting terrorists still at large. Interrogator likened the detainee's story to swiss cheese, with holes surrounding information concerning terrorists.
- 2330: Head break and 10 min exercise. Interrogators allowed detainee to choose topic for discussion. Detainee asked if the interrogator liked to cook and clean because he (detainee) was a single man and liked to cook.

### **10 January 2003**

- 0100: 1 cup coffee.
- 0130: Head break and 10 min exercise. Futility approach was run and detainee said that he knew nothing about terrorists, but would be willing to go back to the Gulf states and infiltrate terrorist organizations for us to help us out. Futility continued to be run for the remainder of the night.
- 0200: 10 oz water and 1 cup of coffee.
- 0300: Head break and 10 min exercise.
- 0430: Head break and 10 min exercise.
- 0630: Head break and 10 min exercise.
- 0645: Medical check – O.K.
- 0650: Refused MRE and water.
- 0700: Transferred to x-ray for sleep period.
- 1100: Woken up/ exercised/ taken to the bathroom and transferred to the booth. Detainee offered food – refused. Interrogators questioned detainee about his work history with emphasis on automotive contacts and meeting places for the entire shift.
- 1300: Exercised and taken to the bathroom.
- 1330: Medical check, medic stated source needed to drink water. Source was told to drink water, source complied.
- 1500: Exercised and taken to bathroom. Source drank water.
- 1630: Source was asked if he needed a bathroom break, no.
- 1745: Source exercised and taken to bathroom. Source drank water.
- 1900: Source was given MRE with extra food inside.
- 1945: Source exercised and taken to bathroom.
- 2000: Source was allowed to sit in booth and rest.

Reviewed to this point by SJA, JTF GTMO, 10 January 2003, 1840 hours.

- 2100: Head break and 10 minute exercise.



- 2130: Interrogation team entered the booth, IS1 E and a DOD linguist. Interrogator covered previous night's topic of hopelessness unless the detainee cooperates fully so he can receive leniency. Detainee stated that the session this night was quieter and he liked that, and that he didn't like to talk about his case because the conversation would become harsh. Interrogator told detainee that conversations became harsh because the detainee lies. Detainee tried to deflect conversation when it turned to Al Qaida.
- 2245: Head break and 10 minute exercise. Interrogator allowed detainee to choose a topic to talk about. Detainee wanted to talk about dinosaurs. Interrogator gave history of dinosaurs and talked about the meteor that wiped them out, and equated this event with nuclear war. Detainee expresses great ignorance about dinosaurs and space, topics that are taught in U.S. grade schools. Detainee asked interrogator if the sun revolved around the earth.

### **11 January 2003**

- 0145: Head break and 10 minute exercise.
- 0200: Source ate 1 MRE and drank 1 bottle of water.
- 0230: Source received haircut. Detainee did not resist until the beard was cut. Detainee stated he would talk about anything if his beard was left alone. Interrogator asked detainee if he would be honest about himself. Detainee replied "if God wills". Beard was shaven. Detainee stated he was on strike from interrogation on all teams. A little water was poured over the detainee's head to reinforce control and wash the hair off. Interrogator continued futility approach. Detainee began to cry when talking.
- 0400: Head break and 10 minute walk.
- 0430: Nap
- 0545: Head break and 10 minute walk. Interrogator told detainee to choose a topic of discussion. Detainee asked to know about the rituals of Christianity. Interrogator told detainee to talk about the rituals of Islam first.
- 0650: Medical check, OK.
- 0700: Taken to x-ray for sleep period.



## Opinion 2.068 - Physician Participation in Interrogation

Interrogation is defined as questioning related to law enforcement or to military and national security intelligence gathering, designed to prevent harm or danger to individuals, the public, or national security. Interrogations are distinct from questioning used by physicians to assess the physical or mental condition of an individual. To be appropriate, interrogations must avoid the use of coercion--that is, threatening or causing harm through physical injury or mental suffering. In this Opinion, "detainee" is defined as a criminal suspect, prisoner of war, or any other individual who is being held involuntarily.

Physicians who engage in any activity that relies on their medical knowledge and skills must continue to uphold principles of medical ethics. Questions about the propriety of physician participation in interrogations and in the development of interrogation strategies may be addressed by balancing obligations to individuals with obligations to protect third parties and the public. The further removed the physician is from direct involvement with a detainee, the more justifiable is a role serving the public interest. Applying this general approach, physician involvement with interrogations during law enforcement or intelligence gathering should be guided by the following:

- (1) Physicians may perform physical and mental assessments of detainees to determine the need for and to provide medical care. When so doing, physicians must disclose to the detainee the extent to which others have access to information included in medical records. Treatment must never be conditional on a patient's participation in an interrogation.
- (2) Physicians must neither conduct nor directly participate in an interrogation, because a role as physician-interrogator undermines the physician's role as healer and thereby erodes trust in the individual physician-interrogator and in the medical profession.
- (3) Physicians must not monitor interrogations with the intention of intervening in the process, because this constitutes direct participation in interrogation.
- (4) Physicians may participate in developing effective interrogation strategies for general training purposes. These strategies must not threaten or cause physical injury or mental suffering and must be humane and respect the rights of individuals.
- (5) When physicians have reason to believe that interrogations are coercive, they must report their observations to the appropriate authorities. If authorities are aware of coercive interrogations but have not intervened, physicians are ethically obligated to report the offenses to independent authorities that have the power to investigate or adjudicate such allegations. (I, III, VII, VIII)

Issued November 2006 based on the report "[Physician Participation in Interrogation](#),"  adopted June 2006.



## Call for Comments

Download the PDF version (</ethics/code/call-comments.pdf>) (17.2K)

*Ethics Committee requests comments regarding Standard 1.02 of the Ethical Principles of Psychologists and Code of Conduct (2002) by March 1, 2009*

At the August 2005 Council of Representatives meeting, the Council of Representatives directed the Ethics Committee to, "review the discrepancy between the language of the Introduction and Applicability section of the *Ethical Principles of Psychologists and Code of Conduct* and Ethical Standard 1.02, and make a recommendation to the Board of Directors concerning adding the words 'in keeping with basic principles of human rights' to Ethical Standard 1.02." The reason for Council's action is that the language, "in keeping with basic principles of human rights," is found in the aspirational aspect of the Ethics Code, but not in the Code's enforceable ethical standard. (Please see texts at the end of this *Call for Comments*. Also at the end of this Call is a note on the meaning of the term "conflict" as it is used in Standard 1.02.)

In April of 2006, the Ethics Committee began a process of collaborating with consecutive chairs of the Divisions for Social Justice on this issue, and of eliciting feedback from APA governance groups. The Committee also continued to track the various Council resolutions with direct bearing on this issue to ascertain the degree to which new developments in APA policy might impact interpretation of the Ethics Code.

In September 2008, the Ethics Committee formally solicited responses from Boards and Committees for input regarding the felt need to modify Standard 1.02, and specific recommendations for language modifying the Standard if indicated.

The Ethics Committee is committed to a process for review and consideration of the discrepancy noted above and to making a formal recommendation to the Board of Directors in preparation for the August 2009 Council meeting. At its spring 2008 meeting, the Ethics Committee determined that several specific questions must be answered in order to respond effectively to the Council directive. These questions include:

1. Does the current discrepancy between the Introduction and Applicability section of the Ethics Code and Standard 1.02 constitute a problem that necessitates some corrective action?
2. Can psychologists provide specific examples of instances in which the current language of Standard 1.02 has proven inadequate or problematic?
3. If the discrepancy has or is very likely to lead to specific ethical or legal problems, what options exist for addressing the discrepancy?
4. If a modification to the current Ethics Code is the best option for addressing the discrepancy, how should the Code be modified?

Please provide responses to these questions by March 1, 2009.

Submit your comment regarding Ethical Standard 1.02 electronically.

Submit a comment in hardcopy to APA Ethics Office, attn: Standard 1.02; 750 First Street, NE; Washington, DC; 20002-4242.

**From the Introduction and Applicability section of the *Ethical Principles of Psychologists and Code of Conduct* (2002):**

... 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.

**Ethical Standard 1.02 of the *Ethical Principles of Psychologists and Code of Conduct* (2002):**

**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 may adhere to the requirements of the law, regulations, or other governing legal authority.

**A note on what constitutes a Standard 1.02 "conflict"**

Ethical Standard 1.02 address conflicts between ethics and law. To understand this standard, it is necessary to understand how the standard uses the term "conflict." A psychologist's legal and ethical obligations will sometimes differ. In certain instances, for example, the law will impose requirements that the Ethics Code does not; at other times, the Ethics Code may require more than law, regulation, or other governing legal authority will require of the psychologist. None of these instances will necessarily entail a conflict between ethics and law, as the term "conflict" is used in Standard 1.02. In short, a difference does not, in and of itself, constitute a Standard 1.02 conflict.

As used in Standard 1.02, the term "conflict" means a situation in which a psychologist's obligations under the law and the psychologist's obligations under the Ethics Code are mutually exclusive. Such conflicts arise in the exceedingly rare instances when fulfilling a psychologist's legal obligations will necessarily entail violating the psychologist's ethical obligations, and/or vice versa. In other words, following the law will *necessarily* entail violating the Ethics Code, and conversely, following the Ethics Code will necessarily violate the law. The psychologist is in the position of choosing which—the law or the Ethics Code—to violate. In the situation of a Standard 1.02 conflict, the psychologist cannot abide by both.

It will be important for psychologist to be clear about the meaning of "conflict" in Standard 1.02 in order to identify the situations in which a true conflict is likely to arise.

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**Find this article at:**

<http://www.apa.org/ethics/code/call-comments.aspx>





# Ethical Principles of Psychologists and Code of Conduct

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History and effective date.

Effective date December 1, 1992.

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APA's Ethics Code has been revised. (</ethics/code/index.aspx>)

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## Introduction

The American Psychological Association's (APA's) Ethical Principles of Psychologists and Code of Conduct (hereinafter referred to as the Ethics Code) consists of an Introduction, a Preamble, six General Principles (A - F), and specific Ethical Standards. The Introduction discusses the intent, organization, procedural considerations, and scope of application of the Ethics Code. The Preamble and General Principles are aspirational goals to guide psychologists toward the highest ideals of psychology. Although the Preamble and General Principles are not themselves enforceable rules, they should be considered by psychologists in arriving at an ethical course of action and may be considered by ethics bodies in interpreting the Ethical Standards. The Ethical Standards set forth enforceable rules for conduct as psychologists. Most of the Ethical Standards are written broadly, in order to apply to psychologists in varied roles, although the application of an Ethical Standard may vary depending on the context. The Ethical Standards are not exhaustive. The fact that a given conduct is not specifically addressed by the Ethics Code does not mean that it is necessarily either ethical or unethical.

Membership in the APA commits members to adhere to the APA Ethics Code and to the rules and procedures used to implement it. Psychologists and students, whether or not they are APA members, should be aware that the Ethics Code may be applied to them by state psychology boards, courts, or other public bodies.

This Ethics Code applies only to psychologists' work-related activities, that is, activities that are part of the psychologists' scientific and professional functions or that are psychological in nature. It includes the clinical or counseling practice of psychology, research, teaching, supervision of trainees, development of assessment instruments, conducting assessments, educational counseling, organizational consulting, social intervention, administration, and other activities as well. These work-related activities can be distinguished from the purely private conduct of a psychologist, which ordinarily is not within the purview of the Ethics Code.

The Ethics Code is intended to provide standards of professional conduct that can be applied by the APA and by other bodies that choose to adopt them. Whether or not a psychologist has violated the Ethics Code does not by itself determine whether he or she is legally liable in a court action, whether a contract is enforceable, or whether other legal consequences occur. These results are based on legal rather than ethical rules. However, compliance with or violation of the Ethics Code may be admissible as evidence in some legal proceedings, depending on the circumstances.

In the process of making decisions regarding their professional behavior, psychologists must consider this Ethics Code, in addition to applicable laws and psychology board regulations. If the Ethics Code establishes a higher standard of conduct than is required by law, psychologists must meet the higher ethical standard. If the Ethics Code standard appears to conflict with the requirements of law, then psychologists make known their commitment to the Ethics Code and take steps to resolve the conflict in a responsible manner. If neither law nor the Ethics Code resolves an issue, psychologists should consider other professional Footnote 1 (</Default.asp?URI=tcm:4-37260&CONTEXTURI=&FILTER=Data&ITEMTYPE=16&MODE=OpenModeEditWithFallback#Footnote>) and the dictates of their own conscience, as well as seek consultation with others within the field when this is practical.

The procedures for filing, investigating, and resolving complaints of unethical conduct are described in the current Rules and Procedures of the APA Ethics Committee. The actions that APA may take for violations of the Ethics Code include actions such as reprimand, censure, termination of APA membership, and referral of the matter to other bodies. Complainants who seek remedies such as monetary damages in alleging ethical violations by a psychologist must resort to private negotiation, administrative bodies, or the courts. Actions that violate the Ethics Code may lead to the imposition of sanctions on a psychologist by bodies other than APA, including state psychological associations, other professional



groups, psychology boards, other state or federal agencies, and payors for health services. In addition to actions for violation of the Ethics Code, the APA Bylaws provide that APA may take action against a member after his or her conviction of a felony, expulsion or suspension from an affiliated state psychological association, or suspension or loss of licensure.

## **Preamble**

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Psychologists work to develop a valid and reliable body of scientific knowledge based on research. They may apply that knowledge to human behavior in a variety of contexts. In doing so, they perform many roles, such as researcher, educator, diagnostician, therapist, supervisor, consultant, administrator, social interventionist, and expert witness. Their goal is to broaden knowledge of behavior and, where appropriate, to apply it pragmatically to improve the condition of both the individual and society. Psychologists respect the central importance of freedom of inquiry and expression in research, teaching, and publication. They also strive to help the public in developing informed judgments and choices concerning human behavior. This Ethics Code provides a common set of values upon which psychologists build their professional and scientific work.

This Code is intended to provide both the general principles and the decision rules to cover most situations encountered by psychologists. It has as its primary goal the welfare and protection of the individuals and groups with whom psychologists work. It is the individual responsibility of each psychologist to aspire to the highest possible standards of conduct. Psychologists respect and protect human and civil rights, and do not knowingly participate in or condone unfair discriminatory practices.

The development of a dynamic set of ethical standards for a psychologist's work-related conduct requires a personal commitment to a lifelong effort to act ethically; to encourage ethical behavior by students, supervisees, employees, and colleagues, as appropriate; and to consult with others, as needed, concerning ethical problems. Each psychologist supplements, but does not violate, the Ethics Code's values and rules on the basis of guidance drawn from personal values, culture, and experience.

## **General Principles**

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### **Principle A: Competence**

Psychologists strive to maintain high standards of competence in their work. They recognize the boundaries of their particular competencies and the limitations of their expertise. They provide only those services and use only those techniques for which they are qualified by education, training, or experience. Psychologists are cognizant of the fact that the competencies required in serving, teaching, and/or studying groups of people vary with the distinctive characteristics of those groups. In those areas in which recognized professional standards do not yet exist, psychologists exercise careful judgment and take appropriate precautions to protect the welfare of those with whom they work. They maintain knowledge of relevant scientific and professional information related to the services they render, and they recognize the need for ongoing education. Psychologists make appropriate use of scientific, professional, technical, and administrative resources.

### **Principle B: Integrity**

Psychologists seek to promote integrity in the science, teaching, and practice of psychology. In these activities psychologists are honest, fair, and respectful of others. In describing or reporting their qualifications, services, products, fees, research, or teaching, they do not make statements that are false, misleading, or deceptive. Psychologists strive to be aware of their own belief systems, values, needs, and limitations and the effect of these on their work. To the extent feasible, they attempt to clarify for relevant parties the roles they are performing and to function appropriately in accordance with those roles. Psychologists avoid improper and potentially harmful dual relationships.

### **Principle C: Professional and scientific responsibility**

Psychologists uphold professional standards of conduct, clarify their professional roles and obligations, accept appropriate responsibility for their behavior, and adapt their methods to the needs of different populations. Psychologists consult with, refer to, or cooperate with other professionals and institutions to the extent needed to serve the best interests of their patients, clients, or other recipients of their services. Psychologists' moral standards and conduct are personal matters to the same degree as is true for any other person, except as psychologists' conduct may compromise their professional responsibilities or reduce the public's trust in psychology and psychologists. Psychologists are concerned about the ethical compliance of their colleagues' scientific and professional conduct. When appropriate, they consult with colleagues in order to prevent or avoid unethical conduct.

### **Principle D: Respect for people's rights and dignity**



Psychologists accord appropriate respect to the fundamental rights, dignity, and worth of all people. They respect the rights of individuals to privacy, confidentiality, self-determination, and autonomy, mindful that legal and other obligations may lead to inconsistency and conflict with the exercise of these rights. Psychologists are aware of cultural, individual, and role differences, including those due to age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, language, and socioeconomic status. Psychologists try to eliminate the effect on their work of biases based on those factors, and they do not knowingly participate in or condone unfair discriminatory practices.

#### **Principle E: Concern for others' welfare**

Psychologists seek to contribute to the welfare of those with whom they interact professionally. In their professional actions, psychologists weigh the welfare and rights of their patients or clients, students, supervisees, human research participants, and other affected persons, and the welfare of animal subjects of research. When conflicts occur among psychologists' obligations or concerns, they attempt to resolve these conflicts and to perform their roles in a responsible fashion that avoids or minimizes harm. Psychologists are sensitive to real and ascribed differences in power between themselves and others, and they do not exploit or mislead other people during or after professional relationships.

#### **Principle F: Social responsibility**

Psychologists are aware of their professional and scientific responsibilities to the community and the society in which they work and live. They apply and make public their knowledge of psychology in order to contribute to human welfare. Psychologists are concerned about and work to mitigate the causes of human suffering. When undertaking research, they strive to advance human welfare and the science of psychology. Psychologists try to avoid misuse of their work. Psychologists comply with the law and encourage the development of law and social policy that serve the interests of their patients and clients and the public. They are encouraged to contribute a portion of their professional time for little or no personal advantage.

## **Ethical standards**

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### **1. General standards**

These General Standards are potentially applicable to the professional and scientific activities of all psychologists.

#### **1.01 Applicability of the ethics code**

The activity of a psychologist subject to the Ethics Code may be reviewed under these Ethical Standards only if the activity is part of his or her work-related functions or the activity is psychological in nature. Personal activities having no connection to or effect on psychological roles are not subject to the Ethics Code.

#### **1.02 Relationship of ethics and law**

If psychologists' ethical responsibilities conflict with law, psychologists make known their commitment to the Ethics Code and take steps to resolve the conflict in a responsible manner.

#### **1.03 Professional and scientific relationship**

Psychologists provide diagnostic, therapeutic, teaching, research, supervisory, consultative, or other psychological services only in the context of a defined professional or scientific relationship or role. (See also Standards 2.01, Evaluation, Diagnosis, and Interventions in Professional Context, and 7.02, Forensic Assessments.)

#### **1.04 Boundaries of competence**

(a) Psychologists provide services, teach, and conduct research only within the boundaries of their competence, based on their education, training, supervised experience, or appropriate professional experience.

(b) Psychologists provide services, teach, or conduct research in new areas or involving new techniques only after first undertaking appropriate study, training, supervision, and/or consultation from persons who are competent in those areas or techniques.

(c) In those emerging areas in which generally recognized standards for preparatory training do not yet exist,



psychologists nevertheless take reasonable steps to ensure the competence of their work and to protect patients, clients, students, research participants, and others from harm.

#### 1.05 Maintaining expertise

Psychologists who engage in assessment, therapy, teaching, research, organizational consulting, or other professional activities maintain a reasonable level of awareness of current scientific and professional information in their fields of activity, and undertake ongoing efforts to maintain competence in the skills they use.

#### 1.06 Basis for scientific and professional judgments

Psychologists rely on scientifically and professionally derived knowledge when making scientific or professional judgments or when engaging in scholarly or professional endeavors.

#### 1.07 Describing the nature and results of psychological services

(a) When psychologists provide assessment, evaluation, treatment, counseling, supervision, teaching, consultation, research, or other psychological services to an individual, a group, or an organization, they provide, using language that is reasonably understandable to the recipient of those services, appropriate information beforehand about the nature of such services and appropriate information later about results and conclusions. (See also Standard 2.09, Explaining Assessment Results.)

(b) If psychologists will be precluded by law or by organizational roles from providing such information to particular individuals or groups, they so inform those individuals or groups at the outset of the service.

#### 1.08 Human differences

Where differences of age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, language, or socioeconomic status significantly affect psychologists' work concerning particular individuals or groups, psychologists obtain the training, experience, consultation, or supervision necessary to ensure the competence of their services, or they make appropriate referrals.

#### 1.09 Respecting others

In their work-related activities, psychologists respect the rights of others to hold values, attitudes, and opinions that differ from their own.

1.10 Nondiscrimination. In their work-related activities, psychologists do not engage in unfair discrimination based on age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, socio-economic status, or any basis proscribed by law.

#### 1.11 Sexual harassment

(a) Psychologists do not engage in sexual harassment. Sexual harassment is sexual solicitation, physical advances, or verbal or nonverbal conduct that is sexual in nature, that occurs in connection with the psychologist's activities or roles as a psychologist, and that either: (1) is unwelcome, is offensive, or creates a hostile workplace environment, and the psychologist knows or is told this; or (2) is sufficiently severe or intense to be abusive to a reasonable person in the context. Sexual harassment can consist of a single intense or severe act or of multiple persistent or pervasive acts.

(b) Psychologists accord sexual-harassment complainants and respondents dignity and respect. Psychologists do not participate in denying a person academic admittance or advancement, employment, tenure, or promotion, based solely upon their having made, or their being the subject of, sexual harassment charges. This does not preclude taking action based upon the outcome of such proceedings or consideration of other appropriate information.

#### 1.12 Other harassment

Psychologists do not knowingly engage in behavior that is harassing or demeaning to persons with whom they interact in their work based on factors such as those persons' age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, language, or socioeconomic status.

#### 1.13 Personal problems and conflicts

(a) Psychologists recognize that their personal problems and conflicts may interfere with their effectiveness. Accordingly, they refrain from undertaking an activity when they know or should know that their personal problems are likely to lead to harm to a patient, client, colleague, student, research participant, or other person to



whom they may owe a professional or scientific obligation.

(b) In addition, psychologists have an obligation to be alert to signs of, and to obtain assistance for, their personal problems at an early stage, in order to prevent significantly impaired performance.

(c) When psychologists become aware of personal problems that may interfere with their performing work-related duties adequately, they take appropriate measures, such as obtaining professional consultation or assistance, and determine whether they should limit, suspend, or terminate their work-related duties.

#### 1.14 Avoiding harm

Psychologists take reasonable steps to avoid harming their patients or clients, research participants, students, and others with whom they work, and to minimize harm where it is foreseeable and unavoidable.

#### 1.15 Misuse of psychologists' influence

Because psychologists' scientific and professional judgments and actions may affect the lives of others, they are alert to and guard against personal, financial, social, organizational, or political factors that might lead to misuse of their influence.

#### 1.16 Misuse of psychologists' work

(a) Psychologists do not participate in activities in which it appears likely that their skills or data will be misused by others, unless corrective mechanisms are available. (See also Standard 7.04, Truthfulness and candor.)

(b) If psychologists learn of misuse or misrepresentation of their work, they take reasonable steps to correct or minimize the misuse or misrepresentation.

#### 1.17 Multiple relationships

(a) In many communities and situations, it may not be feasible or reasonable for psychologists to avoid social or other nonprofessional contacts with persons such as patients, clients, students, supervisees, or research participants. Psychologists must always be sensitive to the potential harmful effects of other contacts on their work and on those persons with whom they deal. A psychologist refrains from entering into or promising another personal, scientific, professional, financial, or other relationship with such persons if it appears likely that such a relationship reasonably might impair the psychologist's objectivity or otherwise interfere with the psychologist's effectively performing his or her functions as a psychologist, or might harm or exploit the other party.

(b) Likewise, whenever feasible, a psychologist refrains from taking on professional or scientific obligations when pre-existing relationships would create a risk of such harm.

(c) If a psychologist finds that, due to unforeseen factors, a potentially harmful multiple relationship has arisen, the psychologist attempts to resolve it with due regard for the best interests of the affected person and maximal compliance with the Ethics Code.

#### 1.18 Barter (with patients or clients)

Psychologists ordinarily refrain from accepting goods, services, or other nonmonetary remuneration from patients or clients in return for psychological services because such arrangements create inherent potential for conflicts, exploitation, and distortion of the professional relationship. A psychologist may participate in bartering only if (1) it is not clinically contraindicated, and (2) the relationship is not exploitative. (See also Standards 1.17, Multiple Relationships, and 1.25, Fees and Financial Arrangements.)

#### 1.19 Exploitative relationships

(a) Psychologists do not exploit persons over whom they have supervisory, evaluative, or other authority such as students, supervisees, employees, research participants, and clients or patients. (See also Standards 4.05 - 4.07 regarding sexual involvement with clients or patients.)

(b) Psychologists do not engage in sexual relationships with students or supervisees in training over whom the psychologist has evaluative or direct authority, because such relationships are so likely to impair judgment or be exploitative.

#### 1.20 Consultations and referrals

(a) Psychologists arrange for appropriate consultations and referrals based principally on the best interests of their patients or clients, with appropriate consent, and subject to other relevant considerations, including



applicable law and contractual obligations. (See also Standards 5.01, Discussing the Limits of Confidentiality, and 5.06, Consultations.)

(b) When indicated and professionally appropriate, psychologists cooperate with other professionals in order to serve their patients or clients effectively and appropriately.

(c) Psychologists' referral practices are consistent with law.

#### 1.21 Third-party requests for services

(a) When a psychologist agrees to provide services to a person or entity at the request of a third party, the psychologist clarifies to the extent feasible, at the outset of the service, the nature of the relationship with each party. This clarification includes the role of the psychologist (such as therapist, organizational consultant, diagnostician, or expert witness), the probable uses of the services provided or the information obtained, and the fact that there may be limits to confidentiality.

(b) If there is a foreseeable risk of the psychologist's being called upon to perform conflicting roles because of the involvement of a third party, the psychologist clarifies the nature and direction of his or her responsibilities, keeps all parties appropriately informed as matters develop, and resolves the situation in accordance with this Ethics Code.

#### 1.22 Delegation to and supervision of subordinates

(a) Psychologists delegate to their employees, supervisees, and research assistants only those responsibilities that such persons can reasonably be expected to perform competently, on the basis of their education, training, or experience, either independently or with the level of supervision being provided.

(b) Psychologists provide proper training and supervision to their employees or supervisees and take reasonable steps to see that such persons perform services responsibly, competently, and ethically.

(c) If institutional policies, procedures, or practices prevent fulfillment of this obligation, psychologists attempt to modify their role or to correct the situation to the extent feasible.

#### 1.23 Documentation of professional and scientific work

(a) Psychologists appropriately document their professional and scientific work in order to facilitate provision of services later by them or by other professionals, to ensure accountability, and to meet other requirements of institutions or the law.

(b) When psychologists have reason to believe that records of their professional services will be used in legal proceedings involving recipients of or participants in their work, they have a responsibility to create and maintain documentation in the kind of detail and quality that would be consistent with reasonable scrutiny in an adjudicative forum. (See also Standard 7.01, Professionalism, under forensic activities.)

#### 1.24 Records and data

Psychologists create, maintain, disseminate, store, retain, and dispose of records and data relating to their research, practice, and other work in accordance with law and in a manner that permits compliance with the requirements of this Ethics Code. (See also Standard 5.04, Maintenance of Records.)

#### 1.25 Fees and financial arrangements

(a) As early as is feasible in a professional or scientific relationship, the psychologist and the patient, client, or other appropriate recipient of psychological services reach an agreement specifying the compensation and the billing arrangements.

(b) Psychologists do not exploit recipients of services or payors with respect to fees.

(c) Psychologists' fee practices are consistent with law.

(d) Psychologists do not misrepresent their fees.

(e) If limitations to services can be anticipated because of limitations in financing, this is discussed with the patient, client, or other appropriate recipient of services as early as is feasible. (See also Standard 4.08, Interruption of services.)



(f) If the patient, client, or other recipient of services does not pay for services as agreed, and if the psychologist wishes to use collection agencies or legal measures to collect the fees, the psychologist first informs the person that such measures will be taken and provides that person an opportunity to make prompt payment. (See also Standard 5.11, Withholding Records for Nonpayment.)

#### 1.26 Accuracy in reports to payors and funding sources

In their reports to payors for services or sources of research funding, psychologists accurately state the nature of the research or service provided, the fees or charges, and where applicable, the identity of the provider, the findings, and the diagnosis. (See also Standard 5.05, Disclosures.)

#### 1.27 Referrals and fees

When a psychologist pays, receives payment from, or divides fees with another professional other than in an employer - employee relationship, the payment to each is based on the services (clinical, consultative, administrative, or other) provided and is not based on the referral itself.

## 2. Evaluation, assessment, OR intervention

#### 2.01 Evaluation, diagnosis, and interventions in professional context

(a) Psychologists perform evaluations, diagnostic services, or interventions only within the context of a defined professional relationship. (See also Standards 1.03, Professional and Scientific Relationship.)

(b) Psychologists' assessments, recommendations, reports, and psychological diagnostic or evaluative statements are based on information and techniques (including personal interviews of the individual when appropriate) sufficient to provide appropriate substantiation for their findings. (See also Standard 7.02, Forensic Assessments.)

#### 2.02 Competence and appropriate use of assessments and interventions

(a) Psychologists who develop, administer, score, interpret, or use psychological assessment techniques, interviews, tests, or instruments do so in a manner and for purposes that are appropriate in light of the research on or evidence of the usefulness and proper application of the techniques.

(b) Psychologists refrain from misuse of assessment techniques, interventions, results, and interpretations and take reasonable steps to prevent others from misusing the information these techniques provide. This includes refraining from releasing raw test results or raw data to persons, other than to patients or clients as appropriate, who are not qualified to use such information. (See also Standards 1.02, Relationship of Ethics and Law, and 1.04, Boundaries of Competence.)

#### 2.03 Test construction

Psychologists who develop and conduct research with tests and other assessment techniques use scientific procedures and current professional knowledge for test design, standardization, validation, reduction or elimination of bias, and recommendations for use.

#### 2.04 Use of assessment in general and with special populations

(a) Psychologists who perform interventions or administer, score, interpret, or use assessment techniques are familiar with the reliability, validation, and related standardization or outcome studies of, and proper applications and uses of, the techniques they use.

(b) Psychologists recognize limits to the certainty with which diagnoses, judgments, or predictions can be made about individuals.

(c) Psychologists attempt to identify situations in which particular interventions or assessment techniques or norms may not be applicable or may require adjustment in administration or interpretation because of factors such as individuals' gender, age, race, ethnicity, national origin, religion, sexual orientation, disability, language, or socioeconomic status.

#### 2.05 Interpreting assessment results

When interpreting assessment results, including automated interpretations, psychologists take into account the various test factors and characteristics of the person being assessed that might affect psychologists' judgments or reduce the accuracy of their interpretations. They indicate any significant reservations they have about the accuracy or limitations of their interpretations.



## 2.06 Unqualified persons

Psychologists do not promote the use of psychological assessment techniques by unqualified persons. (See also Standard 1.22, Delegation to and Supervision of Subordinates.)

## 2.07 Obsolete tests and outdated test results

(a) Psychologists do not base their assessment or intervention decisions or recommendations on data or test results that are outdated for the current purpose.

(b) Similarly, psychologists do not base such decisions or recommendations on tests and measures that are obsolete and not useful for the current purpose.

## 2.08 Test scoring and interpretation services

(a) Psychologists who offer assessment or scoring procedures to other professionals accurately describe the purpose, norms, validity, reliability, and applications of the procedures and any special qualifications applicable to their use.

(b) Psychologists select scoring and interpretation services (including automated services) on the basis of evidence of the validity of the program and procedures as well as on other appropriate considerations.

(c) Psychologists retain appropriate responsibility for the appropriate application, interpretation, and use of assessment instruments, whether they score and interpret such tests themselves or use automated or other services.

## 2.09 Explaining assessment results

Unless the nature of the relationship is clearly explained to the person being assessed in advance and precludes provision of an explanation of results (such as in some organizational consulting, pre-employment or security screenings, and forensic evaluations), psychologists ensure that an explanation of the results is provided using language that is reasonably understandable to the person assessed or to another legally authorized person on behalf of the client. Regardless of whether the scoring and interpretation are done by the psychologist, by assistants, or by automated or other outside services, psychologists take reasonable steps to ensure that appropriate explanations of results are given.

## 2.10 Maintaining test security

Psychologists make reasonable efforts to maintain the integrity and security of tests and other assessment techniques consistent with law, contractual obligations, and in a manner that permits compliance with the requirements of this Ethics Code. (See also Standard 1.02, Relationship of Ethics and Law.)

# 3. Advertising and other public statements

## 3.01 Definition of public statements

Psychologists comply with this Ethics Code in public statements relating to their professional services, products, or publications or to the field of psychology. Public statements include but are not limited to paid or unpaid advertising, brochures, printed matter, directory listings, personal resumes or curriculum vitae, interviews or comments for use in media, statements in legal proceedings, lectures and public oral presentations, and published materials.

## 3.02 Statements by others

(a) Psychologists who engage others to create or place public statements that promote their professional practice, products, or activities retain professional responsibility for such statements.

(b) In addition, psychologists make reasonable efforts to prevent others whom they do not control (such as employers, publishers, sponsors, organizational clients, and representatives of the print or broadcast media) from making deceptive statements concerning psychologists' practice or professional or scientific activities.

(c) If psychologists learn of deceptive statements about their work made by others, psychologists make reasonable efforts to correct such statements.

(d) Psychologists do not compensate employees of press, radio, television, or other communication media in return for publicity in a news item.



(e) A paid advertisement relating to the psychologist's activities must be identified as such, unless it is already apparent from the context.

### 3.03 Avoidance of false or deceptive statements

(a) Psychologists do not make public statements that are false, deceptive, misleading, or fraudulent, either because of what they state, convey, or suggest or because of what they omit, concerning their research, practice, or other work activities or those of persons or organizations with which they are affiliated. As examples (and not in limitation) of this standard, psychologists do not make false or deceptive statements concerning (1) their training, experience, or competence; (2) their academic degrees; (3) their credentials; (4) their institutional or association affiliations; (5) their services; (6) the scientific or clinical basis for, or results or degree of success of, their services; (7) their fees; or (8) their publications or research findings. (See also Standards 6.15, Deception in Research, and 6.18, Providing Participants With Information About the Study.)

(b) Psychologists claim as credentials for their psychological work, only degrees that (1) were earned from a regionally accredited educational institution or (2) were the basis for psychology licensure by the state in which they practice.

### 3.04 Media presentations

When psychologists provide advice or comment by means of public lectures, demonstrations, radio or television programs, prerecorded tapes, printed articles, mailed material, or other media, they take reasonable precautions to ensure that (1) the statements are based on appropriate psychological literature and practice, (2) the statements are otherwise consistent with this Ethics Code, and (3) the recipients of the information are not encouraged to infer that a relationship has been established with them personally.

### 3.05 Testimonials

Psychologists do not solicit testimonials from current psychotherapy clients or patients or other persons who because of their particular circumstances are vulnerable to undue influence.

### 3.06 In-person solicitation

Psychologists do not engage, directly or through agents, in uninvited in-person solicitation of business from actual or potential psychotherapy patients or clients or other persons who because of their particular circumstances are vulnerable to undue influence. However, this does not preclude attempting to implement appropriate collateral contacts with significant others for the purpose of benefiting an already engaged therapy patient.

## 4. Therapy

### 4.01 Structuring the relationship

(a) Psychologists discuss with clients or patients as early as is feasible in the therapeutic relationship appropriate issues, such as the nature and anticipated course of therapy, fees, and confidentiality. (See also Standards 1.25, Fees and financial arrangements, and 5.01, Discussing the limits of confidentiality.)

(b) When the psychologist's work with clients or patients will be supervised, the above discussion includes that fact, and the name of the supervisor, when the supervisor has legal responsibility for the case.

(c) When the therapist is a student intern, the client or patient is informed of that fact.

(d) Psychologists make reasonable efforts to answer patients' questions and to avoid apparent misunderstandings about therapy. Whenever possible, psychologists provide oral and/or written information, using language that is reasonably understandable to the patient or client.

### 4.02 Informed consent to therapy

(a) Psychologists obtain appropriate informed consent to therapy or related procedures, using language that is reasonably understandable to participants. The content of informed consent will vary depending on many circumstances; however, informed consent generally implies that the person (1) has the capacity to consent, (2) has been informed of significant information concerning the procedure, (3) has freely and without undue influence expressed consent, and (4) consent has been appropriately documented.

(b) When persons are legally incapable of giving informed consent, psychologists obtain informed permission from a legally authorized person, if such substitute consent is permitted by law.



(c) In addition, psychologists (1) inform those persons who are legally incapable of giving informed consent about the proposed interventions in a manner commensurate with the persons' psychological capacities, (2) seek their assent to those interventions, and (3) consider such persons' preferences and best interests.

#### 4.03 Couple and family relationships

(a) When a psychologist agrees to provide services to several persons who have a relationship (such as husband and wife or parents and children), the psychologist attempts to clarify at the outset (1) which of the individuals are patients or clients and (2) the relationship the psychologist will have with each person. This clarification includes the role of the psychologist and the probable uses of the services provided or the information obtained. (See also Standard 5.01, Discussing the limits of confidentiality.)

(b) As soon as it becomes apparent that the psychologist may be called on to perform potentially conflicting roles (such as marital counselor to husband and wife, and then witness for one party in a divorce proceeding), the psychologist attempts to clarify and adjust, or withdraw from, roles appropriately. (See also Standard 7.03, Clarification of role, under Forensic activities.)

#### 4.04 Providing mental health services to those served by others

In deciding whether to offer or provide services to those already receiving mental health services elsewhere, psychologists carefully consider the treatment issues and the potential patient's or client's welfare. The psychologist discusses these issues with the patient or client, or another legally authorized person on behalf of the client, in order to minimize the risk of confusion and conflict, consults with the other service providers when appropriate, and proceeds with caution and sensitivity to the therapeutic issues.

#### 4.05 Sexual intimacies With current patients or clients

Psychologists do not engage in sexual intimacies with current patients or clients.

#### 4.06 Therapy with former sexual partners

Psychologists do not accept as therapy patients or clients persons with whom they have engaged in sexual intimacies.

#### 4.07 Sexual intimacies with former therapy patients

(a) Psychologists do not engage in sexual intimacies with a former therapy patient or client for at least two years after cessation or termination of professional services.

(b) Because sexual intimacies with a former therapy patient or client are so frequently harmful to the patient or client, and because such intimacies undermine public confidence in the psychology profession and thereby deter the public's use of needed services, psychologists do not engage in sexual intimacies with former therapy patients and clients even after a two-year interval except in the most unusual circumstances. The psychologist who engages in such activity after the two years following cessation or termination of treatment bears the burden of demonstrating that there has been no exploitation, in light of all relevant factors, including (1) the amount of time that has passed since therapy terminated, (2) the nature and duration of the therapy, (3) the circumstances of termination, (4) the patient's or client's personal history, (5) the patient's or client's current mental status, (6) the likelihood of adverse impact on the patient or client and others, and (7) any statements or actions made by the therapist during the course of therapy suggesting or inviting the possibility of a post-termination sexual or romantic relationship with the patient or client. (See also Standard 1.17, Multiple relationships.)

#### 4.08 Interruption of services

(a) Psychologists make reasonable efforts to plan for facilitating care in the event that psychological services are interrupted by factors such as the psychologist's illness, death, unavailability, or relocation or by the client's relocation or financial limitations. (See also Standard 5.09, Preserving records and data.)

(b) When entering into employment or contractual relationships, psychologists provide for orderly and appropriate resolution of responsibility for patient or client care in the event that the employment or contractual relationship ends, with paramount consideration given to the welfare of the patient or client.

#### 4.09 Terminating the professional relationship

(a) Psychologists do not abandon patients or clients. (See also Standard 1.25e, under Fees and Financial Arrangements.)

(b) Psychologists terminate a professional relationship when it becomes reasonably clear that the patient or client



no longer needs the service, is not benefiting, or is being harmed by continued service.

(c) Prior to termination for whatever reason, except where precluded by the patient's or client's conduct, the psychologist discusses the patient's or client's views and needs, provides appropriate pretermination counseling, suggests alternative service providers as appropriate, and takes other reasonable steps to facilitate transfer of responsibility to another provider if the patient or client needs one immediately.

## **5. Privacy and confidentiality**

These Standards are potentially applicable to the professional and scientific activities of all psychologists.

### **5.01 Discussing the limits of confidentiality**

(a) Psychologists discuss with persons and organizations with whom they establish a scientific or professional relationship (including, to the extent feasible, minors and their legal representatives) (1) the relevant limitations on confidentiality, including limitations where applicable in group, marital, and family therapy or in organizational consulting, and (2) the foreseeable uses of the information generated through their services.

(b) Unless it is not feasible or is contraindicated, the discussion of confidentiality occurs at the outset of the relationship and thereafter as new circumstances may warrant.

(c) Permission for electronic recording of interviews is secured from clients and patients.

### **5.02 Maintaining confidentiality**

Psychologists have a primary obligation and take reasonable precautions to respect the confidentiality rights of those with whom they work or consult, recognizing that confidentiality may be established by law, institutional rules, or professional or scientific relationships. (See also Standard 6.26, Professional Reviewers.)

### **5.03 Minimizing intrusions on privacy**

(a) In order to minimize intrusions on privacy, psychologists include in written and oral reports, consultations, and the like, only information germane to the purpose for which the communication is made.

(b) Psychologists discuss confidential information obtained in clinical or consulting relationships, or evaluative data concerning patients, individual or organizational clients, students, research participants, supervisees, and employees, only for appropriate scientific or professional purposes and only with persons clearly concerned with such matters.

### **5.04 Maintenance of records**

Psychologists maintain appropriate confidentiality in creating, storing, accessing, transferring, and disposing of records under their control, whether these are written, automated, or in any other medium. Psychologists maintain and dispose of records in accordance with law and in a manner that permits compliance with the requirements of this Ethics Code.

### **5.05 Disclosures**

(a) Psychologists disclose confidential information without the consent of the individual only as mandated by law, or where permitted by law for a valid purpose, such as (1) to provide needed professional services to the patient or the individual or organizational client, (2) to obtain appropriate professional consultations, (3) to protect the patient or client or others from harm, or (4) to obtain payment for services, in which instance disclosure is limited to the minimum that is necessary to achieve the purpose.

(b) Psychologists also may disclose confidential information with the appropriate consent of the patient or the individual or organizational client (or of another legally authorized person on behalf of the patient or client), unless prohibited by law.

### **5.06 Consultations**

When consulting with colleagues, (1) psychologists do not share confidential information that reasonably could lead to the identification of a patient, client, research participant, or other person or organization with whom they have a confidential relationship unless they have obtained the prior consent of the person or organization or the disclosure cannot be avoided, and (2) they share information only to the extent necessary to achieve the purposes of the consultation. (See also Standard 5.02, Maintaining Confidentiality.)

### **5.07 Confidential information in databases**



(a) If confidential information concerning recipients of psychological services is to be entered into databases or systems of records available to persons whose access has not been consented to by the recipient, then psychologists use coding or other techniques to avoid the inclusion of personal identifiers.

(b) If a research protocol approved by an institutional review board or similar body requires the inclusion of personal identifiers, such identifiers are deleted before the information is made accessible to persons other than those of whom the subject was advised.

(c) If such deletion is not feasible, then before psychologists transfer such data to others or review such data collected by others, they take reasonable steps to determine that appropriate consent of personally identifiable individuals has been obtained.

#### 5.08 Use of confidential information for didactic or other purposes

(a) Psychologists do not disclose in their writings, lectures, or other public media, confidential, personally identifiable information concerning their patients, individual or organizational clients, students, research participants, or other recipients of their services that they obtained during the course of their work, unless the person or organization has consented in writing or unless there is other ethical or legal authorization for doing so.

(b) Ordinarily, in such scientific and professional presentations, psychologists disguise confidential information concerning such persons or organizations so that they are not individually identifiable to others and so that discussions do not cause harm to subjects who might identify themselves.

#### 5.09 Preserving records and data

A psychologist makes plans in advance so that confidentiality of records and data is protected in the event of the psychologist's death, incapacity, or withdrawal from the position or practice.

#### 5.10 Ownership of records and data

Recognizing that ownership of records and data is governed by legal principles, psychologists take reasonable and lawful steps so that records and data remain available to the extent needed to serve the best interests of patients, individual or organizational clients, research participants, or appropriate others.

#### 5.11 Withholding records for nonpayment

Psychologists may not withhold records under their control that are requested and imminently needed for a patient's or client's treatment solely because payment has not been received, except as otherwise provided by law.

### **6. Teaching, training supervision, research, and publishing**

#### 6.01 Design of education and training programs

Psychologists who are responsible for education and training programs seek to ensure that the programs are competently designed, provide the proper experiences, and meet the requirements for licensure, certification, or other goals for which claims are made by the program.

#### 6.02 Descriptions of education and training programs

(a) Psychologists responsible for education and training programs seek to ensure that there is a current and accurate description of the program content, training goals and objectives, and requirements that must be met for satisfactory completion of the program. This information must be made readily available to all interested parties.

(b) Psychologists seek to ensure that statements concerning their course outlines are accurate and not misleading, particularly regarding the subject matter to be covered, bases for evaluating progress, and the nature of course experiences. (See also Standard 3.03, Avoidance of false or deceptive statements.)

(c) To the degree to which they exercise control, psychologists responsible for announcements, catalogs, brochures, or advertisements describing workshops, seminars, or other non-degree-granting educational programs ensure that they accurately describe the audience for which the program is intended, the educational objectives, the presenters, and the fees involved.

#### 6.03 Accuracy and objectivity in teaching.

(a) When engaged in teaching or training, psychologists present psychological information accurately and with a reasonable degree of objectivity.



(b) When engaged in teaching or training, psychologists recognize the power they hold over students or supervisees and therefore make reasonable efforts to avoid engaging in conduct that is personally demeaning to students or supervisees. (See also Standards 1.09, Respecting others, and 1.12, Other harassment.)

#### 6.04 Limitation on teaching

Psychologists do not teach the use of techniques or procedures that require specialized training, licensure, or expertise, including but not limited to hypnosis, biofeedback, and projective techniques, to individuals who lack the prerequisite training, legal scope of practice, or expertise.

#### 6.05 Assessing student and supervisee performance

(a) In academic and supervisory relationships, psychologists establish an appropriate process for providing feedback to students and supervisees.

(b) Psychologists evaluate students and supervisees on the basis of their actual performance on relevant and established program requirements.

#### 6.06 Planning research

(a) Psychologists design, conduct, and report research in accordance with recognized standards of scientific competence and ethical research.

(b) Psychologists plan their research so as to minimize the possibility that results will be misleading.

(c) In planning research, psychologists consider its ethical acceptability under the Ethics Code. If an ethical issue is unclear, psychologists seek to resolve the issue through consultation with institutional review boards, animal care and use committees, peer consultations, or other proper mechanisms.

(d) Psychologists take reasonable steps to implement appropriate protections for the rights and welfare of human participants, other persons affected by the research, and the welfare of animal subjects.

#### 6.07 Responsibility

(a) Psychologists conduct research competently and with due concern for the dignity and welfare of the participants.

(b) Psychologists are responsible for the ethical conduct of research conducted by them or by others under their supervision or control.

(c) Researchers and assistants are permitted to perform only those tasks for which they are appropriately trained and prepared.

(d) As part of the process of development and implementation of research projects, psychologists consult those with expertise concerning any special population under investigation or most likely to be affected.

#### 6.08 Compliance with law and standards

Psychologists plan and conduct research in a manner consistent with federal and state law and regulations, as well as professional standards governing the conduct of research, and particularly those standards governing research with human participants and animal subjects.

#### 6.09 Institutional approval

Psychologists obtain from host institutions or organizations appropriate approval prior to conducting research, and they provide accurate information about their research proposals. They conduct the research in accordance with the approved research protocol.

#### 6.10 Research responsibilities

Prior to conducting research (except research involving only anonymous surveys, naturalistic observations, or similar research), psychologists enter into an agreement with participants that clarifies the nature of the research and the responsibilities of each party.

#### 6.11 Informed consent to research

(a) Psychologists use language that is reasonably understandable to research participants in obtaining their appropriate informed consent (except as provided in Standard 6.12, Dispensing with informed consent). Such



informed consent is appropriately documented.

(b) Using language that is reasonably understandable to participants, psychologists inform participants of the nature of the research; they inform participants that they are free to participate or to decline to participate or to withdraw from the research; they explain the foreseeable consequences of declining or withdrawing; they inform participants of significant factors that may be expected to influence their willingness to participate (such as risks, discomfort, adverse effects, or limitations on confidentiality, except as provided in Standard 6.15, Deception in research); and they explain other aspects about which the prospective participants inquire.

(c) When psychologists conduct research with individuals such as students or subordinates, psychologists take special care to protect the prospective participants from adverse consequences of declining or withdrawing from participation.

(d) When research participation is a course requirement or opportunity for extra credit, the prospective participant is given the choice of equitable alternative activities.

(e) For persons who are legally incapable of giving informed consent, psychologists nevertheless (1) provide an appropriate explanation, (2) obtain the participant's assent, and (3) obtain appropriate permission from a legally authorized person, if such substitute consent is permitted by law.

#### 6.12 Dispensing with informed consent

Before determining that planned research (such as research involving only anonymous questionnaires, naturalistic observations, or certain kinds of archival research) does not require the informed consent of research participants, psychologists consider applicable regulations and institutional review board requirements, and they consult with colleagues as appropriate.

#### 6.13 Informed consent in research filming or recording

Psychologists obtain informed consent from research participants prior to filming or recording them in any form, unless the research involves simply naturalistic observations in public places and it is not anticipated that the recording will be used in a manner that could cause personal identification or harm.

#### 6.14 Offering inducements for research participants

(a) In offering professional services as an inducement to obtain research participants, psychologists make clear the nature of the services, as well as the risks, obligations, and limitations. (See also Standard 1.18, Barter [with patients or clients].)

(b) Psychologists do not offer excessive or inappropriate financial or other inducements to obtain research participants, particularly when it might tend to coerce participation.

#### 6.15 Deception in research

(a) Psychologists do not conduct a study involving deception unless they have determined that the use of deceptive techniques is justified by the study's prospective scientific, educational, or applied value and that equally effective alternative procedures that do not use deception are not feasible.

(b) Psychologists never deceive research participants about significant aspects that would affect their willingness to participate, such as physical risks, discomfort, or unpleasant emotional experiences.

(c) Any other deception that is an integral feature of the design and conduct of an experiment must be explained to participants as early as is feasible, preferably at the conclusion of their participation, but no later than at the conclusion of the research. (See also Standard 6.18, Providing participants with information about the study.)

#### 6.16 Sharing and utilizing data

Psychologists inform research participants of their anticipated sharing or further use of personally identifiable research data and of the possibility of unanticipated future uses.

#### 6.17 Minimizing invasiveness

In conducting research, psychologists interfere with the participants or milieu from which data are collected only in a manner that is warranted by an appropriate research design and that is consistent with psychologists' roles as scientific investigators.

#### 6.18 Providing participants With information about the study



(a) Psychologists provide a prompt opportunity for participants to obtain appropriate information about the nature, results, and conclusions of the research, and psychologists attempt to correct any misconceptions that participants may have.

(b) If scientific or humane values justify delaying or withholding this information, psychologists take reasonable measures to reduce the risk of harm.

#### 6.19 Honoring commitments

Psychologists take reasonable measures to honor all commitments they have made to research participants.

#### 6.20 Care and use of animals in research

(a) Psychologists who conduct research involving animals treat them humanely.

(b) Psychologists acquire, care for, use, and dispose of animals in compliance with current federal, state, and local laws and regulations, and with professional standards.

(c) Psychologists trained in research methods and experienced in the care of laboratory animals supervise all procedures involving animals and are responsible for ensuring appropriate consideration of their comfort, health, and humane treatment.

(d) Psychologists ensure that all individuals using animals under their supervision have received instruction in research methods and in the care, maintenance, and handling of the species being used, to the extent appropriate to their role.

(e) Responsibilities and activities of individuals assisting in a research project are consistent with their respective competencies. (f) Psychologists make reasonable efforts to minimize the discomfort, infection, illness, and pain of animal subjects.

(g) A procedure subjecting animals to pain, stress, or privation is used only when an alternative procedure is unavailable and the goal is justified by its prospective scientific, educational, or applied value.

(h) Surgical procedures are performed under appropriate anesthesia; techniques to avoid infection and minimize pain are followed during and after surgery.

(i) When it is appropriate that the animal's life be terminated, it is done rapidly, with an effort to minimize pain, and in accordance with accepted procedures.

#### 6.21 Reporting of results

(a) Psychologists do not fabricate data or falsify results in their publications.

(b) If psychologists discover significant errors in their published data, they take reasonable steps to correct such errors in a correction, retraction, erratum, or other appropriate publication means.

#### 6.22 Plagiarism

Psychologists do not present substantial portions or elements of another's work or data as their own, even if the other work or data source is cited occasionally.

#### 6.23 Publication credit

(a) Psychologists take responsibility and credit, including authorship credit, only for work they have actually performed or to which they have contributed.

(b) Principal authorship and other publication credits accurately reflect the relative scientific or professional contributions of the individuals involved, regardless of their relative status. Mere possession of an institutional position, such as Department Chair, does not justify authorship credit. Minor contributions to the research or to the writing for publications are appropriately acknowledged, such as in footnotes or in an introductory statement.

(c) A student is usually listed as principal author on any multiple-authored article that is substantially based on the student's dissertation or thesis.

#### 6.24 Duplicate publication of data

Psychologists do not publish, as original data, data that have been previously published. This does not preclude republishing data when they are accompanied by proper acknowledgment.



## 6.25 Sharing data

After research results are published, psychologists do not withhold the data on which their conclusions are based from other competent professionals who seek to verify the substantive claims through reanalysis and who intend to use such data only for that purpose, provided that the confidentiality of the participants can be protected and unless legal rights concerning proprietary data preclude their release.

## 6.26 Professional reviewers.

Psychologists who review material submitted for publication, grant, or other research proposal review respect the confidentiality of and the proprietary rights in such information of those who submitted it.

# 7. Forensic activities

## 7.01 Professionalism

Psychologists who perform forensic functions, such as assessments, interviews, consultations, reports, or expert testimony, must comply with all other provisions of this Ethics Code to the extent that they apply to such activities. In addition, psychologists base their forensic work on appropriate knowledge of and competence in the areas underlying such work, including specialized knowledge concerning special populations. (See also Standards 1.06, Basis for scientific and professional judgments; 1.08, Human differences; 1.15, Misuse of psychologists' influence; and 1.23, Documentation of professional and scientific work.)

## 7.02 Forensic assessments

(a) Psychologists' forensic assessments, recommendations, and reports are based on information and techniques (including personal interviews of the individual, when appropriate) sufficient to provide appropriate substantiation for their findings. (See also Standards 1.03, Professional and scientific relationship; 1.23, Documentation of professional and scientific work; 2.01, Evaluation, diagnosis, and interventions in professional context; and 2.05, Interpreting assessment results.)

(b) Except as noted in (c), below, psychologists provide written or oral forensic reports or testimony of the psychological characteristics of an individual only after they have conducted an examination of the individual adequate to support their statements or conclusions.

(c) When, despite reasonable efforts, such an examination is not feasible, psychologists clarify the impact of their limited information on the reliability and validity of their reports and testimony, and they appropriately limit the nature and extent of their conclusions or recommendations.

## 7.03 Clarification of role

In most circumstances, psychologists avoid performing multiple and potentially conflicting roles in forensic matters. When psychologists may be called on to serve in more than one role in a legal proceeding — for example, as consultant or expert for one party or for the court and as a fact witness — they clarify role expectations and the extent of confidentiality in advance to the extent feasible, and thereafter as changes occur, in order to avoid compromising their professional judgment and objectivity and in order to avoid misleading others regarding their role.

## 7.04 Truthfulness and candor

(a) In forensic testimony and reports, psychologists testify truthfully, honestly, and candidly and, consistent with applicable legal procedures, describe fairly the bases for their testimony and conclusions. (b) Whenever necessary to avoid misleading, psychologists acknowledge the limits of their data or conclusions.

## 7.05 Prior relationships

A prior professional relationship with a party does not preclude psychologists from testifying as fact witnesses or from testifying to their services to the extent permitted by applicable law. Psychologists appropriately take into account ways in which the prior relationship might affect their professional objectivity or opinions and disclose the potential conflict to the relevant parties.

## 7.06 Compliance with law and rules

In performing forensic roles, psychologists are reasonably familiar with the rules governing their roles. Psychologists are aware of the occasionally competing demands placed upon them by these principles and the requirements of the court system, and attempt to resolve these conflicts by making known their commitment to this Ethics Code and taking steps to resolve the conflict in a responsible manner. (See also Standard 1.02,



## 8. Resolving ethical issues

### 8.01 Familiarity with ethics code

Psychologists have an obligation to be familiar with this Ethics Code, other applicable ethics codes, and their application to psychologists' work. Lack of awareness or misunderstanding of an ethical standard is not itself a defense to a charge of unethical conduct.

### 8.02 Confronting ethical issues

When a psychologist is uncertain whether a particular situation or course of action would violate this Ethics Code, the psychologist ordinarily consults with other psychologists knowledgeable about ethical issues, with state or national psychology ethics committees, or with other appropriate authorities in order to choose a proper response.

### 8.03 Conflicts between ethics and organizational demands

If the demands of an organization with which psychologists are affiliated conflict with this Ethics Code, psychologists clarify the nature of the conflict, make known their commitment to the Ethics Code, and to the extent feasible, seek to resolve the conflict in a way that permits the fullest adherence to the Ethics Code.

### 8.04 Informal resolution of ethical violations

When psychologists believe that there may have been an ethical violation by another psychologist, they attempt to resolve the issue by bringing it to the attention of that individual if an informal resolution appears appropriate and the intervention does not violate any confidentiality rights that may be involved.

### 8.05 Reporting ethical violations

If an apparent ethical violation is not appropriate for informal resolution under Standard 8.04 or is not resolved properly in that fashion, psychologists take further action appropriate to the situation, unless such action conflicts with confidentiality rights in ways that cannot be resolved. Such action might include referral to state or national committees on professional ethics or to state licensing boards.

### 8.06 Cooperating with ethics committees

Psychologists cooperate in ethics investigations, proceedings, and resulting requirements of the APA or any affiliated state psychological association to which they belong. In doing so, they make reasonable efforts to resolve any issues as to confidentiality. Failure to cooperate is itself an ethics violation.

### 8.07 Improper complaints

Psychologists do not file or encourage the filing of ethics complaints that are frivolous and are intended to harm the respondent rather than to protect the public.

## History and effective date

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This version of the APA Ethics Code was adopted by the American Psychological Association's Council of Representatives during its meeting, August 13 and 16, 1992, and is effective beginning December 1, 1992. Inquiries concerning the substance or interpretation of the APA Ethics Code should be addressed to the Director, Office of Ethics, American Psychological Association, 750 First Street, NE, Washington, DC 20002-4242.

This Code will be used to adjudicate complaints brought concerning alleged conduct occurring after the effective date. Complaints regarding conduct occurring prior to the effective date will be adjudicated on the basis of the version of the Code that was in effect at the time the conduct occurred, except that no provisions repealed in June 1989, will be enforced even if an earlier version contains the provision. The Ethics Code will undergo continuing review and study for future revisions; comments on the Code may be sent to the above address.

The APA has previously published its Ethical Standards as follows: American Psychological Association. (1953). Ethical standards of psychologists. Washington, DC: Author.  
American Psychological Association. (1958). Standards of ethical behavior for psychologists. *American Psychologist*, 13, 268-271.  
American Psychological Association. (1963). Ethical standards of psychologists. *American Psychologist*, 18, 56-60.  
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American Psychological Association. (1979). Ethical standards of psychologists. Washington, DC: Author.  
American Psychological Association. (1981). Ethical principles of psychologists. *American Psychologist*, 36, 633-638.  
American Psychological Association. (1990). Ethical principles of psychologists (Amended June 2, 1989). *American Psychologist*, 45, 390-395.

Request copies of the APA's Ethical Principles of Psychologists and Code of Conduct from the APA Order Department, 750 First Street, NE, Washington, DC 20002-4242, or phone (202) 336-5510.

### Footnote 1:

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Professional materials that are most helpful in this regard are guidelines and standards that have been adopted or endorsed by professional psychological organizations. Such guidelines and standards, whether adopted by the American Psychological Association (APA) or its Divisions, are not enforceable as such by this Ethics Code, but are of educative value to psychologists, courts, and professional bodies. Such materials include, but are not limited to, the APA's General Guidelines for Providers of Psychological Services (1987), Specialty Guidelines for the Delivery of Services by Clinical Psychologists, Counseling Psychologists, Industrial/Organizational Psychologists, and School Psychologists (1981), Guidelines for Computer Based Tests and Interpretations (1987), Standards for Educational and Psychological Testing (1985), Ethical Principles in the Conduct of Research With Human Participants (1982), Guidelines for Ethical Conduct in the Care and Use of Animals (1986), Guidelines for Providers of Psychological Services to Ethnic, Linguistic, and Culturally Diverse Populations (1990), and Publication Manual of the American Psychological Association (3rd ed., 1983). Materials not adopted by APA as a whole include the APA Division 41 (Forensic Psychology)/American Psychology-Law Society's Specialty Guidelines for Forensic Psychologists (1991).

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#### **Find this article at:**

<http://www.apa.org/ethics/code/code-1992.aspx>





# AMERICAN PSYCHOLOGICAL ASSOCIATION

## ETHICAL PRINCIPLES OF PSYCHOLOGISTS AND CODE OF CONDUCT [History and effective date.](#)

Effective date December 1, 1992.

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## **INTRODUCTION**

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The American Psychological Association's (APA's) Ethical Principles of Psychologists and Code of Conduct (hereinafter referred to as the Ethics Code) consists of an Introduction, a Preamble, six General Principles (A - F), and specific Ethical Standards. The Introduction discusses the intent, organization, procedural considerations, and scope of application of the Ethics Code. The Preamble and General Principles are *aspirational* goals to guide psychologists toward the highest ideals of psychology. Although the Preamble and General Principles are not themselves enforceable rules, they should be considered by psychologists in arriving at an ethical course of action and may be considered by ethics bodies in interpreting the Ethical Standards. The Ethical Standards set forth *enforceable* rules for conduct as psychologists. Most of the Ethical Standards are written broadly, in order to apply to psychologists in varied roles, although the application of an Ethical Standard may vary depending on the context. The Ethical Standards are not exhaustive. The fact that a given conduct is not specifically addressed by the Ethics Code does not mean that it is necessarily either ethical or unethical.

Membership in the APA commits members to adhere to the APA Ethics Code and to the rules and procedures used to implement it. Psychologists and students, whether or not they are APA members, should be aware that the Ethics Code may be applied to them by state psychology boards, courts, or other public bodies.

This Ethics Code applies only to psychologists' work-related activities, that is, activities that are part of the psychologists' scientific and professional functions or that are psychological in nature. It includes the clinical or counseling practice of psychology, research, teaching, supervision of trainees, development of assessment instruments, conducting assessments, educational counseling, organizational consulting, social intervention, administration, and other activities as well. These work-related activities can be distinguished from the purely private conduct of a psychologist, which ordinarily is not within the purview of the Ethics Code.

The Ethics Code is intended to provide standards of professional conduct that can be applied by the APA and by other bodies that choose to adopt them. Whether or not a psychologist has violated the Ethics Code does not by itself determine whether he or she is legally liable in a court action, whether a contract is enforceable, or whether other legal consequences occur. These results are based on legal rather than ethical rules. However, compliance with or violation of the Ethics Code may be admissible as evidence in some legal proceedings, depending on the circumstances.

In the process of making decisions regarding their professional behavior, psychologists must consider this Ethics Code, in addition to applicable laws and psychology board regulations. If the Ethics Code establishes a higher standard of conduct than is required by law, psychologists must meet the higher ethical standard. If the Ethics Code standard appears to conflict with the requirements of law, then psychologists make known their commitment to the Ethics Code and take steps to resolve the conflict in a responsible manner. If neither law nor the Ethics Code resolves an issue, psychologists should consider other professional materials [Footnote 1](#) and the dictates of their own conscience, as well as seek consultation with others within the field when this is practical.

The procedures for filing, investigating, and resolving complaints of unethical conduct are described in the current Rules and Procedures of the APA Ethics Committee. The actions that APA may take for violations of the Ethics Code include actions such as reprimand, censure, termination of APA membership, and referral of the matter to other bodies. Complainants who seek remedies such as monetary damages in alleging ethical violations by a psychologist must resort to private negotiation, administrative bodies, or the courts. Actions that violate the Ethics Code may lead to the imposition of sanctions on a psychologist by bodies



other than APA, including state psychological associations, other professional groups, psychology boards, other state or federal agencies, and payors for health services. In addition to actions for violation of the Ethics Code, the APA Bylaws provide that APA may take action against a member after his or her conviction of a felony, expulsion or suspension from an affiliated state psychological association, or suspension or loss of licensure.

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## **PREAMBLE**

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**P**psychologists work to develop a valid and reliable body of scientific knowledge based on research. They may apply that knowledge to human behavior in a variety of contexts. In doing so, they perform many roles, such as researcher, educator, diagnostician, therapist, supervisor, consultant, administrator, social interventionist, and expert witness. Their goal is to broaden knowledge of behavior and, where appropriate, to apply it pragmatically to improve the condition of both the individual and society. Psychologists respect the central importance of freedom of inquiry and expression in research, teaching, and publication. They also strive to help the public in developing informed judgments and choices concerning human behavior. This Ethics Code provides a common set of values upon which psychologists build their professional and scientific work.

This Code is intended to provide both the general principles and the decision rules to cover most situations encountered by psychologists. It has as its primary goal the welfare and protection of the individuals and groups with whom psychologists work. It is the individual responsibility of each psychologist to aspire to the highest possible standards of conduct. Psychologists respect and protect human and civil rights, and do not knowingly participate in or condone unfair discriminatory practices.

The development of a dynamic set of ethical standards for a psychologist's work-related conduct requires a personal commitment to a lifelong effort to act ethically; to encourage ethical behavior by students, supervisees, employees, and colleagues, as appropriate; and to consult with others, as needed, concerning ethical problems. Each psychologist supplements, but does not violate, the Ethics Code's values and rules on the basis of guidance drawn from personal values, culture, and experience.

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## **GENERAL PRINCIPLES**

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### **PRINCIPLE A: COMPETENCE**

Psychologists strive to maintain high standards of competence in their work. They recognize the boundaries of their particular competencies and the limitations of their expertise. They provide only those services and use only those techniques for which they are qualified by education, training, or experience. Psychologists are cognizant of the fact that the competencies required in serving, teaching, and/or studying groups of people vary with the distinctive characteristics of those groups. In those areas in which recognized professional standards do not yet exist, psychologists exercise careful judgment and take appropriate precautions to protect the welfare of those with whom they work. They maintain knowledge of relevant scientific and professional information related to the services they render, and they recognize the need for ongoing education. Psychologists make appropriate use of scientific, professional, technical, and administrative resources.



**PRINCIPLE B: INTEGRITY**

Psychologists seek to promote integrity in the science, teaching, and practice of psychology. In these activities psychologists are honest, fair, and respectful of others. In describing or reporting their qualifications, services, products, fees, research, or teaching, they do not make statements that are false, misleading, or deceptive. Psychologists strive to be aware of their own belief systems, values, needs, and limitations and the effect of these on their work. To the extent feasible, they attempt to clarify for relevant parties the roles they are performing and to function appropriately in accordance with those roles. Psychologists avoid improper and potentially harmful dual relationships.

**PRINCIPLE C: PROFESSIONAL AND SCIENTIFIC RESPONSIBILITY**

Psychologists uphold professional standards of conduct, clarify their professional roles and obligations, accept appropriate responsibility for their behavior, and adapt their methods to the needs of different populations. Psychologists consult with, refer to, or cooperate with other professionals and institutions to the extent needed to serve the best interests of their patients, clients, or other recipients of their services. Psychologists' moral standards and conduct are personal matters to the same degree as is true for any other person, except as psychologists' conduct may compromise their professional responsibilities or reduce the public's trust in psychology and psychologists. Psychologists are concerned about the ethical compliance of their colleagues' scientific and professional conduct. When appropriate, they consult with colleagues in order to prevent or avoid unethical conduct.

**PRINCIPLE D: RESPECT FOR PEOPLE'S RIGHTS AND DIGNITY**

Psychologists accord appropriate respect to the fundamental rights, dignity, and worth of all people. They respect the rights of individuals to privacy, confidentiality, self-determination, and autonomy, mindful that legal and other obligations may lead to inconsistency and conflict with the exercise of these rights. Psychologists are aware of cultural, individual, and role differences, including those due to age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, language, and socioeconomic status. Psychologists try to eliminate the effect on their work of biases based on those factors, and they do not knowingly participate in or condone unfair discriminatory practices.

**PRINCIPLE E: CONCERN FOR OTHERS' WELFARE**

Psychologists seek to contribute to the welfare of those with whom they interact professionally. In their professional actions, psychologists weigh the welfare and rights of their patients or clients, students, supervisees, human research participants, and other affected persons, and the welfare of animal subjects of research. When conflicts occur among psychologists' obligations or concerns, they attempt to resolve these conflicts and to perform their roles in a responsible fashion that avoids or minimizes harm. Psychologists are sensitive to real and ascribed differences in power between themselves and others, and they do not exploit or mislead other people during or after professional relationships.

**PRINCIPLE F: SOCIAL RESPONSIBILITY**

Psychologists are aware of their professional and scientific responsibilities to the community and the society in which they work and live. They apply and make public their knowledge of psychology in order to contribute to human welfare. Psychologists are concerned about and work to mitigate the causes of human



suffering. When undertaking research, they strive to advance human welfare and the science of psychology. Psychologists try to avoid misuse of their work. Psychologists comply with the law and encourage the development of law and social policy that serve the interests of their patients and clients and the public. They are encouraged to contribute a portion of their professional time for little or no personal advantage.

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## **ETHICAL STANDARDS**

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### **1. GENERAL STANDARDS**

These General Standards are potentially applicable to the professional and scientific activities of all psychologists.

#### **1.01 Applicability of the Ethics Code.**

The activity of a psychologist subject to the Ethics Code may be reviewed under these Ethical Standards only if the activity is part of his or her work-related functions or the activity is psychological in nature. Personal activities having no connection to or effect on psychological roles are not subject to the Ethics Code.

#### **1.02 Relationship of Ethics and Law.**

If psychologists' ethical responsibilities conflict with law, psychologists make known their commitment to the Ethics Code and take steps to resolve the conflict in a responsible manner.

#### **1.03 Professional and Scientific Relationship.**

Psychologists provide diagnostic, therapeutic, teaching, research, supervisory, consultative, or other psychological services only in the context of a defined professional or scientific relationship or role. (See also Standards 2.01, Evaluation, Diagnosis, and Interventions in Professional Context, and 7.02, Forensic Assessments.)

#### **1.04 Boundaries of Competence.**

(a) Psychologists provide services, teach, and conduct research only within the boundaries of their competence, based on their education, training, supervised experience, or appropriate professional experience.

(b) Psychologists provide services, teach, or conduct research in new areas or involving new techniques only after first undertaking appropriate study, training, supervision, and/or consultation from persons who are competent in those areas or techniques.

(c) In those emerging areas in which generally recognized standards for preparatory training do not yet exist, psychologists nevertheless take reasonable steps to ensure the competence of their work and to protect patients, clients, students, research participants, and others from harm.

#### **1.05 Maintaining Expertise.**

Psychologists who engage in assessment, therapy, teaching, research, organizational consulting, or other professional activities maintain a reasonable level of awareness of current scientific and professional information in their fields of activity, and undertake ongoing efforts to



maintain competence in the skills they use.

#### **1.06 Basis for Scientific and Professional Judgments.**

Psychologists rely on scientifically and professionally derived knowledge when making scientific or professional judgments or when engaging in scholarly or professional endeavors.

#### **1.07 Describing the Nature and Results of Psychological Services.**

(a) When psychologists provide assessment, evaluation, treatment, counseling, supervision, teaching, consultation, research, or other psychological services to an individual, a group, or an organization, they provide, using language that is reasonably understandable to the recipient of those services, appropriate information beforehand about the nature of such services and appropriate information later about results and conclusions. (See also Standard 2.09, Explaining Assessment Results.)

(b) If psychologists will be precluded by law or by organizational roles from providing such information to particular individuals or groups, they so inform those individuals or groups at the outset of the service.

#### **1.08 Human Differences.**

Where differences of age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, language, or socioeconomic status significantly affect psychologists' work concerning particular individuals or groups, psychologists obtain the training, experience, consultation, or supervision necessary to ensure the competence of their services, or they make appropriate referrals.

#### **1.09 Respecting Others.**

In their work-related activities, psychologists respect the rights of others to hold values, attitudes, and opinions that differ from their own.

**1.10 Nondiscrimination.** In their work-related activities, psychologists do not engage in unfair discrimination based on age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, socioeconomic status, or any basis proscribed by law.

#### **1.11 Sexual Harassment.**

(a) Psychologists do not engage in sexual harassment. Sexual harassment is sexual solicitation, physical advances, or verbal or nonverbal conduct that is sexual in nature, that occurs in connection with the psychologist's activities or roles as a psychologist, and that either: (1) is unwelcome, is offensive, or creates a hostile workplace environment, and the psychologist knows or is told this; or (2) is sufficiently severe or intense to be abusive to a reasonable person in the context. Sexual harassment can consist of a single intense or severe act or of multiple persistent or pervasive acts.

(b) Psychologists accord sexual-harassment complainants and respondents dignity and respect. Psychologists do not participate in denying a person academic admittance or advancement, employment, tenure, or promotion, based solely upon their having made, or their being the subject of, sexual harassment charges. This does not preclude taking action based upon the outcome of such proceedings or consideration of other appropriate information.

#### **1.12 Other Harassment.**



Psychologists do not knowingly engage in behavior that is harassing or demeaning to persons with whom they interact in their work based on factors such as those persons' age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, language, or socioeconomic status.

#### 1.13 Personal Problems and Conflicts.

(a) Psychologists recognize that their personal problems and conflicts may interfere with their effectiveness. Accordingly, they refrain from undertaking an activity when they know or should know that their personal problems are likely to lead to harm to a patient, client, colleague, student, research participant, or other person to whom they may owe a professional or scientific obligation.

(b) In addition, psychologists have an obligation to be alert to signs of, and to obtain assistance for, their personal problems at an early stage, in order to prevent significantly impaired performance.

(c) When psychologists become aware of personal problems that may interfere with their performing work-related duties adequately, they take appropriate measures, such as obtaining professional consultation or assistance, and determine whether they should limit, suspend, or terminate their work-related duties.

#### 1.14 Avoiding Harm.

Psychologists take reasonable steps to avoid harming their patients or clients, research participants, students, and others with whom they work, and to minimize harm where it is foreseeable and unavoidable.

#### 1.15 Misuse of Psychologists' Influence.

Because psychologists' scientific and professional judgments and actions may affect the lives of others, they are alert to and guard against personal, financial, social, organizational, or political factors that might lead to misuse of their influence.

#### 1.16 Misuse of Psychologists' Work.

(a) Psychologists do not participate in activities in which it appears likely that their skills or data will be misused by others, unless corrective mechanisms are available. (See also Standard 7.04, Truthfulness and Candor.)

(b) If psychologists learn of misuse or misrepresentation of their work, they take reasonable steps to correct or minimize the misuse or misrepresentation.

#### 1.17 Multiple Relationships.

(a) In many communities and situations, it may not be feasible or reasonable for psychologists to avoid social or other nonprofessional contacts with persons such as patients, clients, students, supervisees, or research participants. Psychologists must always be sensitive to the potential harmful effects of other contacts on their work and on those persons with whom they deal. A psychologist refrains from entering into or promising another personal, scientific, professional, financial, or other relationship with such persons if it appears likely that such a relationship reasonably might impair the psychologist's objectivity or otherwise interfere with the psychologist's effectively performing his or her functions as a psychologist, or might harm or exploit the other party.



(b) Likewise, whenever feasible, a psychologist refrains from taking on professional or scientific obligations when pre-existing relationships would create a risk of such harm.

(c) If a psychologist finds that, due to unforeseen factors, a potentially harmful multiple relationship has arisen, the psychologist attempts to resolve it with due regard for the best interests of the affected person and maximal compliance with the Ethics Code.

#### **1.18 Barter (With Patients or Clients).**

Psychologists ordinarily refrain from accepting goods, services, or other nonmonetary remuneration from patients or clients in return for psychological services because such arrangements create inherent potential for conflicts, exploitation, and distortion of the professional relationship. A psychologist may participate in bartering only if (1) it is not clinically contraindicated, and (2) the relationship is not exploitative. (See also Standards 1.17, Multiple Relationships, and 1.25, Fees and Financial Arrangements.)

#### **1.19 Exploitative Relationships.**

(a) Psychologists do not exploit persons over whom they have supervisory, evaluative, or other authority such as students, supervisees, employees, research participants, and clients or patients. (See also Standards 4.05 - 4.07 regarding sexual involvement with clients or patients.)

(b) Psychologists do not engage in sexual relationships with students or supervisees in training over whom the psychologist has evaluative or direct authority, because such relationships are so likely to impair judgment or be exploitative.

#### **1.20 Consultations and Referrals.**

(a) Psychologists arrange for appropriate consultations and referrals based principally on the best interests of their patients or clients, with appropriate consent, and subject to other relevant considerations, including applicable law and contractual obligations. (See also Standards 5.01, Discussing the Limits of Confidentiality, and 5.06, Consultations.)

(b) When indicated and professionally appropriate, psychologists cooperate with other professionals in order to serve their patients or clients effectively and appropriately.

(c) Psychologists' referral practices are consistent with law.

#### **1.21 Third-Party Requests for Services.**

(a) When a psychologist agrees to provide services to a person or entity at the request of a third party, the psychologist clarifies to the extent feasible, at the outset of the service, the nature of the relationship with each party. This clarification includes the role of the psychologist (such as therapist, organizational consultant, diagnostician, or expert witness), the probable uses of the services provided or the information obtained, and the fact that there may be limits to confidentiality.

(b) If there is a foreseeable risk of the psychologist's being called upon to perform conflicting roles because of the involvement of a third party, the psychologist clarifies the nature and direction of his or her responsibilities, keeps all parties appropriately informed as matters develop, and resolves the situation in accordance with this Ethics Code.



## **1.22 Delegation to and Supervision of Subordinates.**

- (a) Psychologists delegate to their employees, supervisees, and research assistants only those responsibilities that such persons can reasonably be expected to perform competently, on the basis of their education, training, or experience, either independently or with the level of supervision being provided.**
- (b) Psychologists provide proper training and supervision to their employees or supervisees and take reasonable steps to see that such persons perform services responsibly, competently, and ethically.**
- (c) If institutional policies, procedures, or practices prevent fulfillment of this obligation, psychologists attempt to modify their role or to correct the situation to the extent feasible.**

## **1.23 Documentation of Professional and Scientific Work.**

- (a) Psychologists appropriately document their professional and scientific work in order to facilitate provision of services later by them or by other professionals, to ensure accountability, and to meet other requirements of institutions or the law.**
- (b) When psychologists have reason to believe that records of their professional services will be used in legal proceedings involving recipients of or participants in their work, they have a responsibility to create and maintain documentation in the kind of detail and quality that would be consistent with reasonable scrutiny in an adjudicative forum. (See also Standard 7.01, Professionalism, under Forensic Activities.)**

## **1.24 Records and Data.**

**Psychologists create, maintain, disseminate, store, retain, and dispose of records and data relating to their research, practice, and other work in accordance with law and in a manner that permits compliance with the requirements of this Ethics Code. (See also Standard 5.04, Maintenance of Records.)**

## **1.25 Fees and Financial Arrangements.**

- (a) As early as is feasible in a professional or scientific relationship, the psychologist and the patient, client, or other appropriate recipient of psychological services reach an agreement specifying the compensation and the billing arrangements.**
- (b) Psychologists do not exploit recipients of services or payors with respect to fees.**
- (c) Psychologists' fee practices are consistent with law.**
- (d) Psychologists do not misrepresent their fees.**
- (e) If limitations to services can be anticipated because of limitations in financing, this is discussed with the patient, client, or other appropriate recipient of services as early as is feasible. (See also Standard 4.08, Interruption of Services.)**
- (f) If the patient, client, or other recipient of services does not pay for services as agreed, and if the psychologist wishes to use collection agencies or legal measures to collect the fees, the psychologist first informs the person that**



such measures will be taken and provides that person an opportunity to make prompt payment. (See also Standard 5.11, Withholding Records for Nonpayment.)

#### **1.26 Accuracy in Reports to Payors and Funding Sources.**

In their reports to payors for services or sources of research funding, psychologists accurately state the nature of the research or service provided, the fees or charges, and where applicable, the identity of the provider, the findings, and the diagnosis. (See also Standard 5.05, Disclosures.)

#### **1.27 Referrals and Fees.**

When a psychologist pays, receives payment from, or divides fees with another professional other than in an employer - employee relationship, the payment to each is based on the services (clinical, consultative, administrative, or other) provided and is not based on the referral itself.

### **2. EVALUATION, ASSESSMENT, OR INTERVENTION**

#### **2.01 Evaluation, Diagnosis, and Interventions in Professional Context.**

(a) Psychologists perform evaluations, diagnostic services, or interventions only within the context of a defined professional relationship. (See also Standards 1.03, Professional and Scientific Relationship.)

(b) Psychologists' assessments, recommendations, reports, and psychological diagnostic or evaluative statements are based on information and techniques (including personal interviews of the individual when appropriate) sufficient to provide appropriate substantiation for their findings. (See also Standard 7.02, Forensic Assessments.)

#### **2.02 Competence and Appropriate Use of Assessments and Interventions.**

(a) Psychologists who develop, administer, score, interpret, or use psychological assessment techniques, interviews, tests, or instruments do so in a manner and for purposes that are appropriate in light of the research on or evidence of the usefulness and proper application of the techniques.

(b) Psychologists refrain from misuse of assessment techniques, interventions, results, and interpretations and take reasonable steps to prevent others from misusing the information these techniques provide. This includes refraining from releasing raw test results or raw data to persons, other than to patients or clients as appropriate, who are not qualified to use such information. (See also Standards 1.02, Relationship of Ethics and Law, and 1.04, Boundaries of Competence.)

#### **2.03 Test Construction.**

Psychologists who develop and conduct research with tests and other assessment techniques use scientific procedures and current professional knowledge for test design, standardization, validation, reduction or elimination of bias, and recommendations for use.

#### **2.04 Use of Assessment in General and With Special Populations.**

(a) Psychologists who perform interventions or administer, score, interpret, or use assessment techniques are familiar with the reliability, validation, and related standardization or outcome studies of, and proper applications and uses of, the techniques they use.



(b) Psychologists recognize limits to the certainty with which diagnoses, judgments, or predictions can be made about individuals.

(c) Psychologists attempt to identify situations in which particular interventions or assessment techniques or norms may not be applicable or may require adjustment in administration or interpretation because of factors such as individuals' gender, age, race, ethnicity, national origin, religion, sexual orientation, disability, language, or socioeconomic status.

#### 2.05 Interpreting Assessment Results.

When interpreting assessment results, including automated interpretations, psychologists take into account the various test factors and characteristics of the person being assessed that might affect psychologists' judgments or reduce the accuracy of their interpretations. They indicate any significant reservations they have about the accuracy or limitations of their interpretations.

#### 2.06 Unqualified Persons.

Psychologists do not promote the use of psychological assessment techniques by unqualified persons. (See also Standard 1.22, Delegation to and Supervision of Subordinates.)

#### 2.07 Obsolete Tests and Outdated Test Results.

(a) Psychologists do not base their assessment or intervention decisions or recommendations on data or test results that are outdated for the current purpose.

(b) Similarly, psychologists do not base such decisions or recommendations on tests and measures that are obsolete and not useful for the current purpose.

#### 2.08 Test Scoring and Interpretation Services.

(a) Psychologists who offer assessment or scoring procedures to other professionals accurately describe the purpose, norms, validity, reliability, and applications of the procedures and any special qualifications applicable to their use.

(b) Psychologists select scoring and interpretation services (including automated services) on the basis of evidence of the validity of the program and procedures as well as on other appropriate considerations.

(c) Psychologists retain appropriate responsibility for the appropriate application, interpretation, and use of assessment instruments, whether they score and interpret such tests themselves or use automated or other services.

#### 2.09 Explaining Assessment Results.

Unless the nature of the relationship is clearly explained to the person being assessed in advance and precludes provision of an explanation of results (such as in some organizational consulting, pre-employment or security screenings, and forensic evaluations), psychologists ensure that an explanation of the results is provided using language that is reasonably understandable to the person assessed or to another legally authorized person on behalf of the client. Regardless of whether the scoring and interpretation are done by the psychologist, by assistants, or by automated or other outside services, psychologists take reasonable steps to ensure that



appropriate explanations of results are given.

## 2.10 Maintaining Test Security.

Psychologists make reasonable efforts to maintain the integrity and security of tests and other assessment techniques consistent with law, contractual obligations, and in a manner that permits compliance with the requirements of this Ethics Code. (See also Standard 1.02, Relationship of Ethics and Law.)

## 3. ADVERTISING AND OTHER PUBLIC STATEMENTS

### 3.01 Definition of Public Statements.

Psychologists comply with this Ethics Code in public statements relating to their professional services, products, or publications or to the field of psychology. Public statements include but are not limited to paid or unpaid advertising, brochures, printed matter, directory listings, personal resumes or curriculum vitae, interviews or comments for use in media, statements in legal proceedings, lectures and public oral presentations, and published materials.

### 3.02 Statements by Others.

(a) Psychologists who engage others to create or place public statements that promote their professional practice, products, or activities retain professional responsibility for such statements.

(b) In addition, psychologists make reasonable efforts to prevent others whom they do not control (such as employers, publishers, sponsors, organizational clients, and representatives of the print or broadcast media) from making deceptive statements concerning psychologists' practice or professional or scientific activities.

(c) If psychologists learn of deceptive statements about their work made by others, psychologists make reasonable efforts to correct such statements.

(d) Psychologists do not compensate employees of press, radio, television, or other communication media in return for publicity in a news item.

(e) A paid advertisement relating to the psychologist's activities must be identified as such, unless it is already apparent from the context.

### 3.03 Avoidance of False or Deceptive Statements.

(a) Psychologists do not make public statements that are false, deceptive, misleading, or fraudulent, either because of what they state, convey, or suggest or because of what they omit, concerning their research, practice, or other work activities or those of persons or organizations with which they are affiliated. As examples (and not in limitation) of this standard, psychologists do not make false or deceptive statements concerning (1) their training, experience, or competence; (2) their academic degrees; (3) their credentials; (4) their institutional or association affiliations; (5) their services; (6) the scientific or clinical basis for, or results or degree of success of, their services; (7) their fees; or (8) their publications or research findings. (See also Standards 6.15, Deception in Research, and 6.18, Providing Participants With Information About the Study.)

(b) Psychologists claim as credentials for their psychological work, only degrees that (1) were earned from a regionally accredited educational institution or (2) were the basis for psychology licensure by the state in which they practice.



### 3.04 Media Presentations.

When psychologists provide advice or comment by means of public lectures, demonstrations, radio or television programs, prerecorded tapes, printed articles, mailed material, or other media, they take reasonable precautions to ensure that (1) the statements are based on appropriate psychological literature and practice, (2) the statements are otherwise consistent with this Ethics Code, and (3) the recipients of the information are not encouraged to infer that a relationship has been established with them personally.

### 3.05 Testimonials.

Psychologists do not solicit testimonials from current psychotherapy clients or patients or other persons who because of their particular circumstances are vulnerable to undue influence.

### 3.06 In-Person Solicitation.

Psychologists do not engage, directly or through agents, in uninvited in-person solicitation of business from actual or potential psychotherapy patients or clients or other persons who because of their particular circumstances are vulnerable to undue influence. However, this does not preclude attempting to implement appropriate collateral contacts with significant others for the purpose of benefiting an already engaged therapy patient.

## 4. THERAPY

### 4.01 Structuring the Relationship.

(a) Psychologists discuss with clients or patients as early as is feasible in the therapeutic relationship appropriate issues, such as the nature and anticipated course of therapy, fees, and confidentiality. (See also Standards 1.25, Fees and Financial Arrangements, and 5.01, Discussing the Limits of Confidentiality.)

(b) When the psychologist's work with clients or patients will be supervised, the above discussion includes that fact, and the name of the supervisor, when the supervisor has legal responsibility for the case.

(c) When the therapist is a student intern, the client or patient is informed of that fact.

(d) Psychologists make reasonable efforts to answer patients' questions and to avoid apparent misunderstandings about therapy. Whenever possible, psychologists provide oral and/or written information, using language that is reasonably understandable to the patient or client.

### 4.02 Informed Consent to Therapy.

(a) Psychologists obtain appropriate informed consent to therapy or related procedures, using language that is reasonably understandable to participants. The content of informed consent will vary depending on many circumstances; however, informed consent generally implies that the person (1) has the capacity to consent, (2) has been informed of significant information concerning the procedure, (3) has freely and without undue influence expressed consent, and (4) consent has been appropriately documented.

(b) When persons are legally incapable of giving informed consent,



psychologists obtain informed permission from a legally authorized person, if such substitute consent is permitted by law.

(c) In addition, psychologists (1) inform those persons who are legally incapable of giving informed consent about the proposed interventions in a manner commensurate with the persons' psychological capacities, (2) seek their assent to those interventions, and (3) consider such persons' preferences and best interests.

#### 4.03 Couple and Family Relationships.

(a) When a psychologist agrees to provide services to several persons who have a relationship (such as husband and wife or parents and children), the psychologist attempts to clarify at the outset (1) which of the individuals are patients or clients and (2) the relationship the psychologist will have with each person. This clarification includes the role of the psychologist and the probable uses of the services provided or the information obtained. (See also Standard 5.01, Discussing the Limits of Confidentiality.)

(b) As soon as it becomes apparent that the psychologist may be called on to perform potentially conflicting roles (such as marital counselor to husband and wife, and then witness for one party in a divorce proceeding), the psychologist attempts to clarify and adjust, or withdraw from, roles appropriately. (See also Standard 7.03, Clarification of Role, under Forensic Activities.)

#### 4.04 Providing Mental Health Services to Those Served by Others.

In deciding whether to offer or provide services to those already receiving mental health services elsewhere, psychologists carefully consider the treatment issues and the potential patient's or client's welfare. The psychologist discusses these issues with the patient or client, or another legally authorized person on behalf of the client, in order to minimize the risk of confusion and conflict, consults with the other service providers when appropriate, and proceeds with caution and sensitivity to the therapeutic issues.

#### 4.05 Sexual Intimacies With Current Patients or Clients.

Psychologists do not engage in sexual intimacies with current patients or clients.

#### 4.06 Therapy With Former Sexual Partners.

Psychologists do not accept as therapy patients or clients persons with whom they have engaged in sexual intimacies.

#### 4.07 Sexual Intimacies With Former Therapy Patients.

(a) Psychologists do not engage in sexual intimacies with a former therapy patient or client for at least two years after cessation or termination of professional services.

(b) Because sexual intimacies with a former therapy patient or client are so frequently harmful to the patient or client, and because such intimacies undermine public confidence in the psychology profession and thereby deter the public's use of needed services, psychologists do not engage in sexual intimacies with former therapy patients and clients even after a two-year interval except in the most unusual



circumstances. The psychologist who engages in such activity after the two years following cessation or termination of treatment bears the burden of demonstrating that there has been no exploitation, in light of all relevant factors, including (1) the amount of time that has passed since therapy terminated, (2) the nature and duration of the therapy, (3) the circumstances of termination, (4) the patient's or client's personal history, (5) the patient's or client's current mental status, (6) the likelihood of adverse impact on the patient or client and others, and (7) any statements or actions made by the therapist during the course of therapy suggesting or inviting the possibility of a post-termination sexual or romantic relationship with the patient or client. (See also Standard 1.17, Multiple Relationships.)

#### 4.08 Interruption of Services.

(a) Psychologists make reasonable efforts to plan for facilitating care in the event that psychological services are interrupted by factors such as the psychologist's illness, death, unavailability, or relocation or by the client's relocation or financial limitations. (See also Standard 5.09, Preserving Records and Data.)

(b) When entering into employment or contractual relationships, psychologists provide for orderly and appropriate resolution of responsibility for patient or client care in the event that the employment or contractual relationship ends, with paramount consideration given to the welfare of the patient or client.

#### 4.09 Terminating the Professional Relationship.

(a) Psychologists do not abandon patients or clients. (See also Standard 1.25e, under Fees and Financial Arrangements.)

(b) Psychologists terminate a professional relationship when it becomes reasonably clear that the patient or client no longer needs the service, is not benefiting, or is being harmed by continued service.

(c) Prior to termination for whatever reason, except where precluded by the patient's or client's conduct, the psychologist discusses the patient's or client's views and needs, provides appropriate pretermination counseling, suggests alternative service providers as appropriate, and takes other reasonable steps to facilitate transfer of responsibility to another provider if the patient or client needs one immediately.

### 5. PRIVACY AND CONFIDENTIALITY

These Standards are potentially applicable to the professional and scientific activities of all psychologists.

#### 5.01 Discussing the Limits of Confidentiality.

(a) Psychologists discuss with persons and organizations with whom they establish a scientific or professional relationship (including, to the extent feasible, minors and their legal representatives) (1) the relevant limitations on confidentiality, including limitations where applicable in group, marital, and family therapy or in organizational consulting, and (2) the foreseeable uses of the information generated through their services.

(b) Unless it is not feasible or is contraindicated, the discussion of confidentiality occurs at the outset of the relationship and thereafter as



new circumstances may warrant.

(c) Permission for electronic recording of interviews is secured from clients and patients.

#### **>5.02 Maintaining Confidentiality.**

Psychologists have a primary obligation and take reasonable precautions to respect the confidentiality rights of those with whom they work or consult, recognizing that confidentiality may be established by law, institutional rules, or professional or scientific relationships. (See also Standard 6.26, Professional Reviewers.)

#### **>5.03 Minimizing Intrusions on Privacy.**

(a) In order to minimize intrusions on privacy, psychologists include in written and oral reports, consultations, and the like, only information germane to the purpose for which the communication is made.

(b) Psychologists discuss confidential information obtained in clinical or consulting relationships, or evaluative data concerning patients, individual or organizational clients, students, research participants, supervisees, and employees, only for appropriate scientific or professional purposes and only with persons clearly concerned with such matters.

#### **>5.04 Maintenance of Records.**

Psychologists maintain appropriate confidentiality in creating, storing, accessing, transferring, and disposing of records under their control, whether these are written, automated, or in any other medium. Psychologists maintain and dispose of records in accordance with law and in a manner that permits compliance with the requirements of this Ethics Code.

#### **>5.05 Disclosures.**

(a) Psychologists disclose confidential information without the consent of the individual only as mandated by law, or where permitted by law for a valid purpose, such as (1) to provide needed professional services to the patient or the individual or organizational client, (2) to obtain appropriate professional consultations, (3) to protect the patient or client or others from harm, or (4) to obtain payment for services, in which instance disclosure is limited to the minimum that is necessary to achieve the purpose.

(b) Psychologists also may disclose confidential information with the appropriate consent of the patient or the individual or organizational client (or of another legally authorized person on behalf of the patient or client), unless prohibited by law.

#### **>5.06 Consultations.**

When consulting with colleagues, (1) psychologists do not share confidential information that reasonably could lead to the identification of a patient, client, research participant, or other person or organization with whom they have a confidential relationship unless they have obtained the prior consent of the person or organization or the disclosure cannot be avoided, and (2) they share information only to the extent necessary to achieve the purposes of the consultation. (See also



**>5.07 Confidential Information in Databases.**

(a) If confidential information concerning recipients of psychological services is to be entered into databases or systems of records available to persons whose access has not been consented to by the recipient, then psychologists use coding or other techniques to avoid the inclusion of personal identifiers.

(b) If a research protocol approved by an institutional review board or similar body requires the inclusion of personal identifiers, such identifiers are deleted before the information is made accessible to persons other than those of whom the subject was advised.

(c) If such deletion is not feasible, then before psychologists transfer such data to others or review such data collected by others, they take reasonable steps to determine that appropriate consent of personally identifiable individuals has been obtained.

**>5.08 Use of Confidential Information for Didactic or Other Purposes.**

(a) Psychologists do not disclose in their writings, lectures, or other public media, confidential, personally identifiable information concerning their patients, individual or organizational clients, students, research participants, or other recipients of their services that they obtained during the course of their work, unless the person or organization has consented in writing or unless there is other ethical or legal authorization for doing so.

(b) Ordinarily, in such scientific and professional presentations, psychologists disguise confidential information concerning such persons or organizations so that they are not individually identifiable to others and so that discussions do not cause harm to subjects who might identify themselves.

**>5.09 Preserving Records and Data.**

A psychologist makes plans in advance so that confidentiality of records and data is protected in the event of the psychologist's death, incapacity, or withdrawal from the position or practice.

**> 5.10 Ownership of Records and Data.**

Recognizing that ownership of records and data is governed by legal principles, psychologists take reasonable and lawful steps so that records and data remain available to the extent needed to serve the best interests of patients, individual or organizational clients, research participants, or appropriate others.

**>5.11 Withholding Records for Nonpayment.**

Psychologists may not withhold records under their control that are requested and imminently needed for a patient's or client's treatment solely because payment has not been received, except as otherwise provided by law.

**6. TEACHING, TRAINING SUPERVISION, RESEARCH, AND PUBLISHING**

**>6.01 Design of Education and Training Programs.**



Psychologists who are responsible for education and training programs seek to ensure that the programs are competently designed, provide the proper experiences, and meet the requirements for licensure, certification, or other goals for which claims are made by the program.

#### 6.02 Descriptions of Education and Training Programs.

(a) Psychologists responsible for education and training programs seek to ensure that there is a current and accurate description of the program content, training goals and objectives, and requirements that must be met for satisfactory completion of the program. This information must be made readily available to all interested parties.

(b) Psychologists seek to ensure that statements concerning their course outlines are accurate and not misleading, particularly regarding the subject matter to be covered, bases for evaluating progress, and the nature of course experiences. (See also Standard 3.03, Avoidance of False or Deceptive Statements.)

(c) To the degree to which they exercise control, psychologists responsible for announcements, catalogs, brochures, or advertisements describing workshops, seminars, or other non-degree-granting educational programs ensure that they accurately describe the audience for which the program is intended, the educational objectives, the presenters, and the fees involved.

#### 6.03 Accuracy and Objectivity in Teaching.

(a) When engaged in teaching or training, psychologists present psychological information accurately and with a reasonable degree of objectivity.

(b) When engaged in teaching or training, psychologists recognize the power they hold over students or supervisees and therefore make reasonable efforts to avoid engaging in conduct that is personally demeaning to students or supervisees. (See also Standards 1.09, Respecting Others, and 1.12, Other Harassment.)

#### 6.04 Limitation on Teaching.

Psychologists do not teach the use of techniques or procedures that require specialized training, licensure, or expertise, including but not limited to hypnosis, biofeedback, and projective techniques, to individuals who lack the prerequisite training, legal scope of practice, or expertise.

#### 6.05 Assessing Student and Supervisee Performance.

(a) In academic and supervisory relationships, psychologists establish an appropriate process for providing feedback to students and supervisees.

(b) Psychologists evaluate students and supervisees on the basis of their actual performance on relevant and established program requirements.

#### 6.06 Planning Research.

(a) Psychologists design, conduct, and report research in accordance with recognized standards of scientific competence and ethical research.



(b) Psychologists plan their research so as to minimize the possibility that results will be misleading.

(c) In planning research, psychologists consider its ethical acceptability under the Ethics Code. If an ethical issue is unclear, psychologists seek to resolve the issue through consultation with institutional review boards, animal care and use committees, peer consultations, or other proper mechanisms.

(d) Psychologists take reasonable steps to implement appropriate protections for the rights and welfare of human participants, other persons affected by the research, and the welfare of animal subjects.

#### **6.07 Responsibility.**

(a) Psychologists conduct research competently and with due concern for the dignity and welfare of the participants.

(b) Psychologists are responsible for the ethical conduct of research conducted by them or by others under their supervision or control.

(c) Researchers and assistants are permitted to perform only those tasks for which they are appropriately trained and prepared.

(d) As part of the process of development and implementation of research projects, psychologists consult those with expertise concerning any special population under investigation or most likely to be affected.

#### **6.08 Compliance With Law and Standards.**

Psychologists plan and conduct research in a manner consistent with federal and state law and regulations, as well as professional standards governing the conduct of research, and particularly those standards governing research with human participants and animal subjects.

#### **6.09 Institutional Approval.**

Psychologists obtain from host institutions or organizations appropriate approval prior to conducting research, and they provide accurate information about their research proposals. They conduct the research in accordance with the approved research protocol.

#### **6.10 Research Responsibilities.**

Prior to conducting research (except research involving only anonymous surveys, naturalistic observations, or similar research), psychologists enter into an agreement with participants that clarifies the nature of the research and the responsibilities of each party.

#### **6.11 Informed Consent to Research.**

(a) Psychologists use language that is reasonably understandable to research participants in obtaining their appropriate informed consent (except as provided in Standard 6.12, Dispensing with Informed Consent). Such informed consent is appropriately documented.

(b) Using language that is reasonably understandable to participants, psychologists inform participants of the nature of the research; they inform participants that they are free to participate or to decline to



participate or to withdraw from the research; they explain the foreseeable consequences of declining or withdrawing; they inform participants of significant factors that may be expected to influence their willingness to participate (such as risks, discomfort, adverse effects, or limitations on confidentiality, except as provided in Standard 6.15, Deception in Research); and they explain other aspects about which the prospective participants inquire.

(c) When psychologists conduct research with individuals such as students or subordinates, psychologists take special care to protect the prospective participants from adverse consequences of declining or withdrawing from participation.

(d) When research participation is a course requirement or opportunity for extra credit, the prospective participant is given the choice of equitable alternative activities.

(e) For persons who are legally incapable of giving informed consent, psychologists nevertheless (1) provide an appropriate explanation, (2) obtain the participant's assent, and (3) obtain appropriate permission from a legally authorized person, if such substitute consent is permitted by law.

#### 6.12 Dispensing With Informed Consent.

Before determining that planned research (such as research involving only anonymous questionnaires, naturalistic observations, or certain kinds of archival research) does not require the informed consent of research participants, psychologists consider applicable regulations and institutional review board requirements, and they consult with colleagues as appropriate.

#### 6.13 Informed Consent in Research Filming or Recording.

Psychologists obtain informed consent from research participants prior to filming or recording them in any form, unless the research involves simply naturalistic observations in public places and it is not anticipated that the recording will be used in a manner that could cause personal identification or harm.

#### 6.14 Offering Inducements for Research Participants.

(a) In offering professional services as an inducement to obtain research participants, psychologists make clear the nature of the services, as well as the risks, obligations, and limitations. (See also Standard 1.18, Barter [With Patients or Clients].)

(b) Psychologists do not offer excessive or inappropriate financial or other inducements to obtain research participants, particularly when it might tend to coerce participation.

#### 6.15 Deception in Research.

(a) Psychologists do not conduct a study involving deception unless they have determined that the use of deceptive techniques is justified by the study's prospective scientific, educational, or applied value and that equally effective alternative procedures that do not use deception are not feasible.

(b) Psychologists never deceive research participants about significant



aspects that would affect their willingness to participate, such as physical risks, discomfort, or unpleasant emotional experiences.

(c) Any other deception that is an integral feature of the design and conduct of an experiment must be explained to participants as early as is feasible, preferably at the conclusion of their participation, but no later than at the conclusion of the research. (See also Standard 6.18, Providing Participants With Information About the Study.)

#### **6.16 Sharing and Utilizing Data.**

Psychologists inform research participants of their anticipated sharing or further use of personally identifiable research data and of the possibility of unanticipated future uses.

#### **6.17 Minimizing Invasiveness.**

In conducting research, psychologists interfere with the participants or milieu from which data are collected only in a manner that is warranted by an appropriate research design and that is consistent with psychologists' roles as scientific investigators.

#### **6.18 Providing Participants With Information About the Study.**

(a) Psychologists provide a prompt opportunity for participants to obtain appropriate information about the nature, results, and conclusions of the research, and psychologists attempt to correct any misconceptions that participants may have.

(b) If scientific or humane values justify delaying or withholding this information, psychologists take reasonable measures to reduce the risk of harm.

#### **6.19 Honoring Commitments.**

Psychologists take reasonable measures to honor all commitments they have made to research participants.

#### **6.20 Care and Use of Animals in Research.**

(a) Psychologists who conduct research involving animals treat them humanely.

(b) Psychologists acquire, care for, use, and dispose of animals in compliance with current federal, state, and local laws and regulations, and with professional standards.

(c) Psychologists trained in research methods and experienced in the care of laboratory animals supervise all procedures involving animals and are responsible for ensuring appropriate consideration of their comfort, health, and humane treatment.

(d) Psychologists ensure that all individuals using animals under their supervision have received instruction in research methods and in the care, maintenance, and handling of the species being used, to the extent appropriate to their role.

(e) Responsibilities and activities of individuals assisting in a research project are consistent with their respective competencies. (f) Psychologists make reasonable efforts to minimize the discomfort, infection, illness, and pain of animal subjects.



(g) A procedure subjecting animals to pain, stress, or privation is used only when an alternative procedure is unavailable and the goal is justified by its prospective scientific, educational, or applied value.

(h) Surgical procedures are performed under appropriate anesthesia; techniques to avoid infection and minimize pain are followed during and after surgery.

(i) When it is appropriate that the animal's life be terminated, it is done rapidly, with an effort to minimize pain, and in accordance with accepted procedures.

#### 6.21 Reporting of Results.

(a) Psychologists do not fabricate data or falsify results in their publications.

(b) If psychologists discover significant errors in their published data, they take reasonable steps to correct such errors in a correction, retraction, erratum, or other appropriate publication means.

#### 6.22 Plagiarism.

Psychologists do not present substantial portions or elements of another's work or data as their own, even if the other work or data source is cited occasionally.

#### 6.23 Publication Credit.

(a) Psychologists take responsibility and credit, including authorship credit, only for work they have actually performed or to which they have contributed.

(b) Principal authorship and other publication credits accurately reflect the relative scientific or professional contributions of the individuals involved, regardless of their relative status. Mere possession of an institutional position, such as Department Chair, does not justify authorship credit. Minor contributions to the research or to the writing for publications are appropriately acknowledged, such as in footnotes or in an introductory statement.

(c) A student is usually listed as principal author on any multiple-authored article that is substantially based on the student's dissertation or thesis.

#### 6.24 Duplicate Publication of Data.

Psychologists do not publish, as original data, data that have been previously published. This does not preclude republishing data when they are accompanied by proper acknowledgment.

#### 6.25 Sharing Data.

After research results are published, psychologists do not withhold the data on which their conclusions are based from other competent professionals who seek to verify the substantive claims through reanalysis and who intend to use such data only for that purpose, provided that the confidentiality of the participants can be protected and unless legal rights concerning proprietary data preclude their release.

#### 6.26 Professional Reviewers. Psychologists who review material



submitted for publication, grant, or other research proposal review respect the confidentiality of and the proprietary rights in such information of those who submitted it.

## **7. FORENSIC ACTIVITIES**

### **7.01 Professionalism.**

Psychologists who perform forensic functions, such as assessments, interviews, consultations, reports, or expert testimony, must comply with all other provisions of this Ethics Code to the extent that they apply to such activities. In addition, psychologists base their forensic work on appropriate knowledge of and competence in the areas underlying such work, including specialized knowledge concerning special populations. (See also Standards 1.06, Basis for Scientific and Professional Judgments; 1.08, Human Differences; 1.15, Misuse of Psychologists' Influence; and 1.23, Documentation of Professional and Scientific Work.)

### **7.02 Forensic Assessments.**

(a) Psychologists' forensic assessments, recommendations, and reports are based on information and techniques (including personal interviews of the individual, when appropriate) sufficient to provide appropriate substantiation for their findings. (See also Standards 1.03, Professional and Scientific Relationship; 1.23, Documentation of Professional and Scientific Work; 2.01, Evaluation, Diagnosis, and Interventions in Professional Context; and 2.05, Interpreting Assessment Results.)

(b) Except as noted in (c), below, psychologists provide written or oral forensic reports or testimony of the psychological characteristics of an individual only after they have conducted an examination of the individual adequate to support their statements or conclusions.

(c) When, despite reasonable efforts, such an examination is not feasible, psychologists clarify the impact of their limited information on the reliability and validity of their reports and testimony, and they appropriately limit the nature and extent of their conclusions or recommendations.

### **7.03 Clarification of Role.**

In most circumstances, psychologists avoid performing multiple and potentially conflicting roles in forensic matters. When psychologists may be called on to serve in more than one role in a legal proceeding - for example, as consultant or expert for one party or for the court and as a fact witness - they clarify role expectations and the extent of confidentiality in advance to the extent feasible, and thereafter as changes occur, in order to avoid compromising their professional judgment and objectivity and in order to avoid misleading others regarding their role.

**7.04 Truthfulness and Candor.** (a) In forensic testimony and reports, psychologists testify truthfully, honestly, and candidly and, consistent with applicable legal procedures, describe fairly the bases for their testimony and conclusions. (b) Whenever necessary to avoid misleading, psychologists acknowledge the limits of their data or conclusions.

### **7.05 Prior Relationships.**



A prior professional relationship with a party does not preclude psychologists from testifying as fact witnesses or from testifying to their services to the extent permitted by applicable law. Psychologists appropriately take into account ways in which the prior relationship might affect their professional objectivity or opinions and disclose the potential conflict to the relevant parties.

#### 7.06 Compliance With Law and Rules.

In performing forensic roles, psychologists are reasonably familiar with the rules governing their roles. Psychologists are aware of the occasionally competing demands placed upon them by these principles and the requirements of the court system, and attempt to resolve these conflicts by making known their commitment to this Ethics Code and taking steps to resolve the conflict in a responsible manner. (See also Standard 1.02, Relationship of Ethics and Law.)

### 8. RESOLVING ETHICAL ISSUES

#### 8.01 Familiarity With Ethics Code.

Psychologists have an obligation to be familiar with this Ethics Code, other applicable ethics codes, and their application to psychologists' work. Lack of awareness or misunderstanding of an ethical standard is not itself a defense to a charge of unethical conduct.

#### 8.02 Confronting Ethical Issues.

When a psychologist is uncertain whether a particular situation or course of action would violate this Ethics Code, the psychologist ordinarily consults with other psychologists knowledgeable about ethical issues, with state or national psychology ethics committees, or with other appropriate authorities in order to choose a proper response.

#### 8.03 Conflicts Between Ethics and Organizational Demands.

If the demands of an organization with which psychologists are affiliated conflict with this Ethics Code, psychologists clarify the nature of the conflict, make known their commitment to the Ethics Code, and to the extent feasible, seek to resolve the conflict in a way that permits the fullest adherence to the Ethics Code.

#### 8.04 Informal Resolution of Ethical Violations.

When psychologists believe that there may have been an ethical violation by another psychologist, they attempt to resolve the issue by bringing it to the attention of that individual if an informal resolution appears appropriate and the intervention does not violate any confidentiality rights that may be involved.

#### 8.05 Reporting Ethical Violations.

If an apparent ethical violation is not appropriate for informal resolution under Standard 8.04 or is not resolved properly in that fashion, psychologists take further action appropriate to the situation, unless such action conflicts with confidentiality rights in ways that cannot be resolved. Such action might include referral to state or national committees on professional ethics or to state licensing boards.

#### 8.06 Cooperating With Ethics Committees.



Psychologists cooperate in ethics investigations, proceedings, and resulting requirements of the APA or any affiliated state psychological association to which they belong. In doing so, they make reasonable efforts to resolve any issues as to confidentiality. Failure to cooperate is itself an ethics violation.

#### 8.07 Improper Complaints.

Psychologists do not file or encourage the filing of ethics complaints that are frivolous and are intended to harm the respondent rather than to protect the public.

## History and effective date.

This version of the APA Ethics Code was adopted by the American Psychological Association's Council of Representatives during its meeting, August 13 and 16, 1992, and is effective beginning December 1, 1992. Inquiries concerning the substance or interpretation of the APA Ethics Code should be addressed to the Director, Office of Ethics, American Psychological Association, 750 First Street, NE, Washington, DC 20002-4242.

This Code will be used to adjudicate complaints brought concerning alleged conduct occurring after the effective date. Complaints regarding conduct occurring prior to the effective date will be adjudicated on the basis of the version of the Code that was in effect at the time the conduct occurred, except that no provisions repealed in June 1989, will be enforced even if an earlier version contains the provision. The Ethics Code will undergo continuing review and study for future revisions; comments on the Code may be sent to the above address.

The APA has previously published its Ethical Standards as follows:  
American Psychological Association. (1953). Ethical standards of psychologists. Washington, DC: Author.  
American Psychological Association. (1958). Standards of ethical behavior for psychologists. *American Psychologist*, 13, 268-271.  
American Psychological Association. (1963). Ethical standards of psychologists. *American Psychologist*, 18, 56-60.  
American Psychological Association. (1968). Ethical standards of psychologists. *American Psychologist*, 23, 357-361.  
American Psychological Association. (1977, March). Ethical standards of psychologists. *APA Monitor*, 22-23.  
American Psychological Association. (1979). Ethical standards of psychologists. Washington, DC: Author.  
American Psychological Association. (1981). Ethical principles of psychologists. *American Psychologist*, 36, 633-638.  
American Psychological Association. (1990). Ethical principles of psychologists (Amended June 2, 1989). *American Psychologist*, 45, 390-395.

Request copies of the APA's Ethical Principles of Psychologists and Code of Conduct from the APA Order Department, 750 First Street, NE, Washington, DC 20002-4242, or phone (202) 336-5510.

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## Footnote 1:

Professional materials that are most helpful in this regard are guidelines and standards that have been adopted or endorsed by professional psychological organizations. Such guidelines and standards, whether adopted by the American Psychological Association (APA) or its Divisions, are not enforceable as such by this Ethics Code, but are of educative value to psychologists, courts, and professional bodies. Such materials include, but are not limited to, the APA's General Guidelines for Providers of Psychological Services (1987), Specialty Guidelines for the Delivery of Services by Clinical Psychologists, Counseling Psychologists, Industrial/Organizational Psychologists, and School Psychologists (1981), Guidelines for Computer Based Tests and Interpretations (1987), Standards for Educational and Psychological Testing (1985), Ethical Principles in the Conduct of Research With Human Participants (1982), Guidelines for Ethical Conduct in the Care and Use of Animals (1986), Guidelines for Providers of Psychological Services to Ethnic, Linguistic, and Culturally Diverse Populations (1990), and Publication Manual of the American Psychological Association (3rd ed., 1983). Materials not adopted by APA as a whole include the APA Division 41 (Forensic Psychology)/American Psychology-Law Society's Specialty Guidelines for Forensic Psychologists (1991).

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# Ethical Principles of Psychologists and Code Of Conduct 2002

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## INTRODUCTION AND APPLICABILITY

The American Psychological Association's (APA's) Ethical Principles of Psychologists and Code of Conduct (hereinafter referred to as the Ethics Code) consists of an Introduction, a Preamble, five General Principles (A – E), and specific Ethical Standards. The Introduction discusses the intent, organization, procedural considerations, and scope of application of the Ethics Code. The Preamble and General Principles are aspirational goals to guide psychologists toward the highest ideals of psychology. Although the Preamble and General Principles are not themselves enforceable rules, they should be considered by psychologists in arriving at an ethical course of action. The Ethical Standards set forth enforceable rules for conduct as psychologists. Most of the Ethical Standards are written broadly, in order to apply to psychologists in varied roles, although the application of an Ethical Standard may vary depending on the context. The Ethical Standards are not exhaustive. The fact that a given conduct is not specifically addressed by an Ethical Standard does not mean that it is necessarily either ethical or unethical.

This Ethics Code applies only to psychologists' activities that are part of their scientific, educational, or professional roles as psychologists. Areas covered include but are not limited to the clinical, counseling, and school practice of psychology; research; teaching; supervision of trainees; public service; policy development; social intervention; development of assessment instruments; conducting assessments; educational counseling; organizational consulting; forensic activities; program design and evaluation; and administration. This Ethics Code applies to these activities across a variety of contexts, such as in person, postal, telephone, internet, and other electronic transmissions. These activities shall be distinguished from the purely private conduct of psychologists, which is not within the purview of the Ethics Code.

Membership in the APA commits members and student affiliates to comply with the standards of the APA Ethics Code and to the rules and procedures used to enforce them. Lack of awareness or misunderstanding of an Ethical Standard is not itself a defense to a charge of unethical conduct.

The procedures for filing, investigating, and resolving complaints of unethical conduct are described in the current Rules and Procedures of the APA Ethics Committee. APA may impose sanctions on its members for violations of the standards of the Ethics Code, including termination of APA membership, and may notify other bodies and individuals of its actions. Actions that violate the standards of the Ethics Code may also lead to the imposition of sanctions on psychologists or students whether or not they are APA members by bodies other than APA, including state psychological associations, other professional groups, psychology boards, other state or federal agencies, and payors for health services. In addition, APA may take action against a member after his or her conviction of a felony, expulsion or suspension from an affiliated state psychological association, or suspension or loss of licensure. When the sanction to be imposed by APA is less than expulsion, the 2001 Rules and Procedures do not guarantee an opportunity for an in-person hearing, but generally provide that complaints will be resolved only on the basis of a submitted record.

The Ethics Code is intended to provide guidance for psychologists and standards of professional conduct that can be applied by the APA and by other bodies that choose to adopt them. The Ethics Code is not intended to be a basis of civil liability. Whether a psychologist has violated the Ethics Code standards does not by itself determine whether the psychologist is legally liable in a court action, whether a contract is enforceable, or whether other legal consequences occur.

The modifiers used in some of the standards of this Ethics Code (e.g., *reasonably*, *appropriate*, *potentially*) are included in the standards when they would (1) allow professional judgment on the part of psychologists, (2) eliminate injustice or inequality that would occur without the modifier, (3) ensure applicability across the broad range of activities conducted by psychologists, or (4) guard against a set of rigid rules that might be quickly outdated. As used in this Ethics Code, the term *reasonable* means the prevailing professional judgment of psychologists engaged in similar activities in similar circumstances, given the knowledge the psychologist had or should have had at the time.

In the process of making decisions regarding their professional behavior, psychologists must consider this Ethics Code in addition to applicable laws and psychology board regulations. In applying the Ethics Code to their professional work, psychologists may consider other materials and guidelines that have been adopted or endorsed by scientific and professional psychological organizations and the dictates of their own conscience, as well as consult with others within the field. If this Ethics Code establishes a higher standard of conduct than is required by law, psychologists must meet the higher ethical standard. 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.



**PREAMBLE**

Psychologists are committed to increasing scientific and professional knowledge of behavior and people's understanding of themselves and others and to the use of such knowledge to improve the condition of individuals, organizations, and society. Psychologists respect and protect civil and human rights and the central importance of freedom of inquiry and expression in research, teaching, and publication. They strive to help the public in developing informed judgments and choices concerning human behavior. In doing so, they perform many roles, such as researcher, educator, diagnostician, therapist, supervisor, consultant, administrator, social interventionist, and expert witness. This Ethics Code provides a common set of principles and standards upon which psychologists build their professional and scientific work.

This Ethics Code is intended to provide specific standards to cover most situations encountered by psychologists. It has as its goals the welfare and protection of the individuals and groups with whom psychologists work and the education of members, students, and the public regarding ethical standards of the discipline.

The development of a dynamic set of ethical standards for psychologists' work-related conduct requires a personal commitment and lifelong effort to act ethically; to encourage ethical behavior by students, supervisees, employees, and colleagues; and to consult with others concerning ethical problems.

**GENERAL PRINCIPLES**

This section consists of General Principles. General Principles, as opposed to Ethical Standards, are aspirational in nature. Their intent is to guide and inspire psychologists toward the very highest ethical ideals of the profession. General Principles, in contrast to Ethical Standards, do not represent obligations and should not form the basis for imposing sanctions. Relying upon General Principles for either of these reasons distorts both their meaning and purpose.

**Principle A: Beneficence and Nonmaleficence**

Psychologists strive to benefit those with whom they work and take care to do no harm. In their professional actions, psychologists seek to safeguard the welfare and rights of those with whom they interact professionally and other affected persons, and the welfare of animal subjects of research. When conflicts occur among psychologists' obligations or concerns, they attempt to resolve these conflicts in a responsible fashion that avoids or minimizes harm. Because psychologists' scientific and professional judgments and actions may affect the lives of others, they are alert to and guard against personal, financial, social, organizational, or political factors that might lead to misuse of their influence. Psychologists strive to be aware of the possible effect of their own physical and mental health on their ability to help those with whom they work.

**Principle B: Fidelity and Responsibility**

Psychologists establish relationships of trust with those with whom they work. They are aware of their professional and scientific responsibilities to society and to the specific communities in which they work. Psychologists uphold professional standards of conduct, clarify their professional roles and obligations, accept appropriate responsibility for their behavior, and seek to manage conflicts of interest that could lead to exploitation or harm. Psychologists consult with, refer to, or cooperate with other professionals and institutions to the extent needed to serve the best interests of those with whom they work. They are concerned about the ethical compliance of their colleagues' scientific and professional conduct. Psychologists strive to contribute a portion of their professional time for little or no compensation or personal advantage.

**Principle C: Integrity**

Psychologists seek to promote accuracy, honesty, and truthfulness in the science, teaching, and practice of psychology. In these activities psychologists do not steal, cheat, or engage in fraud, subterfuge, or intentional misrepresentation of fact. Psychologists strive to keep their promises and to avoid unwise or unclear commitments. In situations in which deception may be ethically justifiable to maximize benefits and minimize harm, psychologists have a serious obligation to consider the need for, the possible consequences of, and their responsibility to correct any resulting mistrust or other harmful effects that arise from the use of such techniques.

**Principle D: Justice**

Psychologists recognize that fairness and justice entitle all persons to access to and benefit from the contributions of psychology and to equal quality in the processes, procedures, and services being conducted by psychologists. Psychologists exercise reasonable judgment and take precautions to ensure that their potential biases, the boundaries of their competence, and the limitations of their expertise do not lead to or condone unjust practices.



**Principle E: Respect for People's Rights and Dignity**

Psychologists respect the dignity and worth of all people, and the rights of individuals to privacy, confidentiality, and self-determination. Psychologists are aware that special safeguards may be necessary to protect the rights and welfare of persons or communities whose vulnerabilities impair autonomous decision making. Psychologists are aware of and respect cultural, individual, and role differences, including those based on age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, and socioeconomic status and consider these factors when working with members of such groups. Psychologists try to eliminate the effect on their work of biases based on those factors, and they do not knowingly participate in or condone activities of others based upon such prejudices.

**ETHICAL STANDARDS****1. Resolving Ethical Issues****1.01 Misuse of Psychologists' Work**

If psychologists learn of misuse or misrepresentation of their work, they take reasonable steps to correct or minimize the misuse or misrepresentation.

**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 may adhere to the requirements of the law, regulations, or other governing legal authority.

**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 to the extent feasible, resolve the conflict in a way that permits adherence to the Ethics Code.

**1.04 Informal Resolution of Ethical Violations**

When psychologists believe that there may have been an ethical violation by another psychologist, they attempt to resolve the issue by bringing it to the attention of that individual, if an informal resolution appears appropriate and the intervention does not violate any confidentiality rights that may be involved. (See also Standards 1.02, Conflicts Between Ethics and Law, Regulations, or Other Governing Legal Authority, and 1.03, Conflicts Between Ethics and Organizational Demands.)

**1.05 Reporting Ethical Violations**

If an apparent ethical violation has substantially harmed or is likely to substantially harm a person or organization and is not appropriate for informal resolution under Standard 1.04, Informal Resolution of Ethical Violations, or is not resolved properly in that fashion, psychologists take further action appropriate to the situation. Such action might include referral to state or national committees on professional ethics, to state licensing boards, or to the appropriate institutional authorities. This standard does not apply when an intervention would violate confidentiality rights or when psychologists have been retained to review the work of another psychologist whose professional conduct is in question. (See also Standard 1.02, Conflicts Between Ethics and Law, Regulations, or Other Governing Legal Authority.)

**1.06 Cooperating With Ethics Committees**

Psychologists cooperate in ethics investigations, proceedings, and resulting requirements of the APA or any affiliated state psychological association to which they belong. In doing so, they address any confidentiality issues. Failure to cooperate is itself an ethics violation. However, making a request for deferment of adjudication of an ethics complaint pending the outcome of litigation does not alone constitute noncooperation.

**1.07 Improper Complaints**

Psychologists do not file or encourage the filing of ethics complaints that are made with reckless disregard for or willful ignorance of facts that would disprove the allegation.

**1.08 Unfair Discrimination Against Complainants and Respondents**

Psychologists do not deny persons employment, advancement, admissions to academic or other programs, tenure, or promotion, based solely upon their having made or their being the subject of an ethics complaint. This does not preclude taking action based upon the outcome of such proceedings or considering other appropriate information.

**2. Competence****2.01 Boundaries of Competence**

(a) Psychologists provide services, teach, and conduct research with populations and in areas only within the boundaries of their competence, based on their education, training, supervised experience, consultation, study, or professional experience.



(b) Where scientific or professional knowledge in the discipline of psychology establishes that an understanding of factors associated with age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, or socioeconomic status is essential for effective implementation of their services or research, psychologists have or obtain the training, experience, consultation, or supervision necessary to ensure the competence of their services, or they make appropriate referrals, except as provided in Standard 2.02, Providing Services in Emergencies.

(c) Psychologists planning to provide services, teach, or conduct research involving populations, areas, techniques, or technologies new to them undertake relevant education, training, supervised experience, consultation, or study.

(d) When psychologists are asked to provide services to individuals for whom appropriate mental health services are not available and for which psychologists have not obtained the competence necessary, psychologists with closely related prior training or experience may provide such services in order to ensure that services are not denied if they make a reasonable effort to obtain the competence required by using relevant research, training, consultation, or study.

(e) In those emerging areas in which generally recognized standards for preparatory training do not yet exist, psychologists nevertheless take reasonable steps to ensure the competence of their work and to protect clients/patients, students, supervisees, research participants, organizational clients, and others from harm.

(f) When assuming forensic roles, psychologists are or become reasonably familiar with the judicial or administrative rules governing their roles.

## **2.02 Providing Services in Emergencies**

In emergencies, when psychologists provide services to individuals for whom other mental health services are not available and for which psychologists have not obtained the necessary training, psychologists may provide such services in order to ensure that services are not denied. The services are discontinued as soon as the emergency has ended or appropriate services are available.

## **2.03 Maintaining Competence**

Psychologists undertake ongoing efforts to develop and maintain their competence.

## **2.04 Bases for Scientific and Professional Judgments**

Psychologists' work is based upon established scientific and professional knowledge of the discipline. (See also Standards 2.01e, Boundaries of Competence, and 10.01b, Informed Consent to Therapy.)

## **2.05 Delegation of Work to Others**

Psychologists who delegate work to employees, supervisees, or research or teaching assistants or who use the services of others, such as interpreters, take reasonable steps to (1) avoid delegating such work to persons who have a multiple relationship with those being served that would likely lead to exploitation or loss of objectivity; (2) authorize only those responsibilities that such persons can be expected to perform competently on the basis of their education, training, or experience, either independently or with the level of supervision being provided; and (3) see that such persons perform these services competently. (See also Standards 2.02, Providing Services in Emergencies; 3.05, Multiple Relationships; 4.01, Maintaining Confidentiality; 9.01, Bases for Assessments; 9.02, Use of Assessments; 9.03, Informed Consent in Assessments; and 9.07, Assessment by Unqualified Persons.)

## **2.06 Personal Problems and Conflicts**

(a) Psychologists refrain from initiating an activity when they know or should know that there is a substantial likelihood that their personal problems will prevent them from performing their work-related activities in a competent manner.

(b) When psychologists become aware of personal problems that may interfere with their performing work-related duties adequately, they take appropriate measures, such as obtaining professional consultation or assistance, and determine whether they should limit, suspend, or terminate their work-related duties. (See also Standard 10.10, Terminating Therapy.)

# **3. Human Relations**

## **3.01 Unfair Discrimination**

In their work-related activities, psychologists do not engage in unfair discrimination based on age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, socioeconomic status, or any basis proscribed by law.

## **3.02 Sexual Harassment**

Psychologists do not engage in sexual harassment. Sexual harassment is sexual solicitation, physical advances, or verbal or nonverbal conduct that is sexual in nature, that occurs in connection with the psychologist's activities or roles as a psychologist, and that either (1) is unwelcome, is offensive, or creates a hostile workplace or educational environment, and the psychologist knows or is told this or (2) is sufficiently severe or intense to be abusive to a reasonable person in



the context. Sexual harassment can consist of a single intense or severe act or of multiple persistent or pervasive acts. (See also Standard 1.08, Unfair Discrimination Against Complainants and Respondents.)

### **3.03 Other Harassment**

Psychologists do not knowingly engage in behavior that is harassing or demeaning to persons with whom they interact in their work based on factors such as those persons' age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, or socioeconomic status.

### **3.04 Avoiding Harm**

Psychologists take reasonable steps to avoid harming their clients/patients, students, supervisees, research participants, organizational clients, and others with whom they work, and to minimize harm where it is foreseeable and unavoidable.

### **3.05 Multiple Relationships**

(a) A multiple relationship occurs when a psychologist is in a professional role with a person and (1) at the same time is in another role with the same person, (2) at the same time is in a relationship with a person closely associated with or related to the person with whom the psychologist has the professional relationship, or (3) promises to enter into another relationship in the future with the person or a person closely associated with or related to the person.

A psychologist refrains from entering into a multiple relationship if the multiple relationship could reasonably be expected to impair the psychologist's objectivity, competence, or effectiveness in performing his or her functions as a psychologist, or otherwise risks exploitation or harm to the person with whom the professional relationship exists.

Multiple relationships that would not reasonably be expected to cause impairment or risk exploitation or harm are not unethical.

(b) If a psychologist finds that, due to unforeseen factors, a potentially harmful multiple relationship has arisen, the psychologist takes reasonable steps to resolve it with due regard for the best interests of the affected person and maximal compliance with the Ethics Code.

(c) When psychologists are required by law, institutional policy, or extraordinary circumstances to serve in more than one role in judicial or administrative proceedings, at the outset they clarify role expectations and the extent of confidentiality and thereafter as changes occur. (See also Standards 3.04, Avoiding Harm, and 3.07, Third-Party Requests for Services.)

### **3.06 Conflict of Interest**

Psychologists refrain from taking on a professional role when personal, scientific, professional, legal, financial, or other interests or relationships could reasonably be expected to (1) impair their objectivity, competence, or effectiveness in performing their functions as psychologists or (2) expose the person or organization with whom the professional relationship exists to harm or exploitation.

### **3.07 Third-Party Requests for Services**

When psychologists agree to provide services to a person or entity at the request of a third party, psychologists attempt to clarify at the outset of the service the nature of the relationship with all individuals or organizations involved. This clarification includes the role of the psychologist (e.g., therapist, consultant, diagnostician, or expert witness), an identification of who is the client, the probable uses of the services provided or the information obtained, and the fact that there may be limits to confidentiality. (See also Standards 3.05, Multiple Relationships, and 4.02, Discussing the Limits of Confidentiality.)

### **3.08 Exploitative Relationships**

Psychologists do not exploit persons over whom they have supervisory, evaluative, or other authority such as clients/patients, students, supervisees, research participants, and employees. (See also Standards 3.05, Multiple Relationships; 6.04, Fees and Financial Arrangements; 6.05, Barter With Clients/Patients; 7.07, Sexual Relationships With Students and Supervisees; 10.05, Sexual Intimacies With Current Therapy Clients/Patients; 10.06, Sexual Intimacies With Relatives or Significant Others of Current Therapy Clients/Patients; 10.07, Therapy With Former Sexual Partners; and 10.08, Sexual Intimacies With Former Therapy Clients/Patients.)

### **3.09 Cooperation With Other Professionals**

When indicated and professionally appropriate, psychologists cooperate with other professionals in order to serve their clients/patients effectively and appropriately. (See also Standard 4.05, Disclosures.)

### **3.10 Informed Consent**

(a) When psychologists conduct research or provide assessment, therapy, counseling, or consulting services in person or via electronic transmission or other forms of communication, they obtain the informed consent of the individual or individuals using language that is reasonably understandable to that person or persons except when conducting such activities without consent is mandated by law or governmental regulation or as otherwise provided in this Ethics Code.



(See also Standards 8.02, Informed Consent to Research; 9.03, Informed Consent in Assessments; and 10.01, Informed Consent to Therapy.)

(b) For persons who are legally incapable of giving informed consent, psychologists nevertheless (1) provide an appropriate explanation, (2) seek the individual's assent, (3) consider such persons' preferences and best interests, and (4) obtain appropriate permission from a legally authorized person, if such substitute consent is permitted or required by law. When consent by a legally authorized person is not permitted or required by law, psychologists take reasonable steps to protect the individual's rights and welfare.

(c) When psychological services are court ordered or otherwise mandated, psychologists inform the individual of the nature of the anticipated services, including whether the services are court ordered or mandated and any limits of confidentiality, before proceeding.

(d) Psychologists appropriately document written or oral consent, permission, and assent. (See also Standards 8.02, Informed Consent to Research; 9.03, Informed Consent in Assessments; and 10.01, Informed Consent to Therapy.)

### **3.11 Psychological Services Delivered To or Through Organizations**

(a) Psychologists delivering services to or through organizations provide information beforehand to clients and when appropriate those directly affected by the services about (1) the nature and objectives of the services, (2) the intended recipients, (3) which of the individuals are clients, (4) the relationship the psychologist will have with each person and the organization, (5) the probable uses of services provided and information obtained, (6) who will have access to the information, and (7) limits of confidentiality. As soon as feasible, they provide information about the results and conclusions of such services to appropriate persons.

(b) If psychologists will be precluded by law or by organizational roles from providing such information to particular individuals or groups, they so inform those individuals or groups at the outset of the service.

### **3.12 Interruption of Psychological Services**

Unless otherwise covered by contract, psychologists make reasonable efforts to plan for facilitating services in the event that psychological services are interrupted by factors such as the psychologist's illness, death, unavailability, relocation, or retirement or by the client's/patient's relocation or financial limitations. (See also Standard 6.02c, Maintenance, Dissemination, and Disposal of Confidential Records of Professional and Scientific Work.)

## **4. Privacy And Confidentiality**

### **4.01 Maintaining Confidentiality**

Psychologists have a primary obligation and take reasonable precautions to protect confidential information obtained through or stored in any medium, recognizing that the extent and limits of confidentiality may be regulated by law or established by institutional rules or professional or scientific relationship. (See also Standard 2.05, Delegation of Work to Others.)

### **4.02 Discussing the Limits of Confidentiality**

(a) Psychologists discuss with persons (including, to the extent feasible, persons who are legally incapable of giving informed consent and their legal representatives) and organizations with whom they establish a scientific or professional relationship (1) the relevant limits of confidentiality and (2) the foreseeable uses of the information generated through their psychological activities. (See also Standard 3.10, Informed Consent.)

(b) Unless it is not feasible or is contraindicated, the discussion of confidentiality occurs at the outset of the relationship and thereafter as new circumstances may warrant.

(c) Psychologists who offer services, products, or information via electronic transmission inform clients/patients of the risks to privacy and limits of confidentiality.

### **4.03 Recording**

Before recording the voices or images of individuals to whom they provide services, psychologists obtain permission from all such persons or their legal representatives. (See also Standards 8.03, Informed Consent for Recording Voices and Images in Research; 8.05, Dispensing With Informed Consent for Research; and 8.07, Deception in Research.)

### **4.04 Minimizing Intrusions on Privacy**

(a) Psychologists include in written and oral reports and consultations, only information germane to the purpose for which the communication is made.

(b) Psychologists discuss confidential information obtained in their work only for appropriate scientific or professional purposes and only with persons clearly concerned with such matters.



**4.05 Disclosures**

(a) Psychologists may disclose confidential information with the appropriate consent of the organizational client, the individual client/patient, or another legally authorized person on behalf of the client/patient unless prohibited by law.

(b) Psychologists disclose confidential information without the consent of the individual only as mandated by law, or where permitted by law for a valid purpose such as to (1) provide needed professional services; (2) obtain appropriate professional consultations; (3) protect the client/patient, psychologist, or others from harm; or (4) obtain payment for services from a client/patient, in which instance disclosure is limited to the minimum that is necessary to achieve the purpose. (See also Standard 6.04e, Fees and Financial Arrangements.)

**4.06 Consultations**

When consulting with colleagues, (1) psychologists do not disclose confidential information that reasonably could lead to the identification of a client/patient, research participant, or other person or organization with whom they have a confidential relationship unless they have obtained the prior consent of the person or organization or the disclosure cannot be avoided, and (2) they disclose information only to the extent necessary to achieve the purposes of the consultation. (See also Standard 4.01, Maintaining Confidentiality.)

**4.07 Use of Confidential Information for Didactic or Other Purposes**

Psychologists do not disclose in their writings, lectures, or other public media, confidential, personally identifiable information concerning their clients/patients, students, research participants, organizational clients, or other recipients of their services that they obtained during the course of their work, unless (1) they take reasonable steps to disguise the person or organization, (2) the person or organization has consented in writing, or (3) there is legal authorization for doing so.

**5. Advertising and Other Public Statements****5.01 Avoidance of False or Deceptive Statements**

(a) Public statements include but are not limited to paid or unpaid advertising, product endorsements, grant applications, licensing applications, other credentialing applications, brochures, printed matter, directory listings, personal resumes or curricula vitae, or comments for use in media such as print or electronic transmission, statements in legal proceedings, lectures and public oral presentations, and published materials. Psychologists do not knowingly make public statements that are false, deceptive, or fraudulent concerning their research, practice, or other work activities or those of persons or organizations with which they are affiliated.

(b) Psychologists do not make false, deceptive, or fraudulent statements concerning (1) their training, experience, or competence; (2) their academic degrees; (3) their credentials; (4) their institutional or association affiliations; (5) their services; (6) the scientific or clinical basis for, or results or degree of success of, their services; (7) their fees; or (8) their publications or research findings.

(c) Psychologists claim degrees as credentials for their health services only if those degrees (1) were earned from a regionally accredited educational institution or (2) were the basis for psychology licensure by the state in which they practice.

**5.02 Statements by Others**

(a) Psychologists who engage others to create or place public statements that promote their professional practice, products, or activities retain professional responsibility for such statements.

(b) Psychologists do not compensate employees of press, radio, television, or other communication media in return for publicity in a news item. (See also Standard 1.01, Misuse of Psychologists' Work.)

(c) A paid advertisement relating to psychologists' activities must be identified or clearly recognizable as such.

**5.03 Descriptions of Workshops and Non-Degree-Granting Educational Programs**

To the degree to which they exercise control, psychologists responsible for announcements, catalogs, brochures, or advertisements describing workshops, seminars, or other non-degree-granting educational programs ensure that they accurately describe the audience for which the program is intended, the educational objectives, the presenters, and the fees involved.

**5.04 Media Presentations**

When psychologists provide public advice or comment via print, internet, or other electronic transmission, they take precautions to ensure that statements (1) are based on their professional knowledge, training, or experience in accord with appropriate psychological literature and practice; (2) are otherwise consistent with this Ethics Code; and (3) do not indicate that a professional relationship has been established with the recipient. (See also Standard 2.04, Bases for Scientific and Professional Judgments.)



**5.05 Testimonials**

Psychologists do not solicit testimonials from current therapy clients/patients or other persons who because of their particular circumstances are vulnerable to undue influence.

**5.06 In-Person Solicitation**

Psychologists do not engage, directly or through agents, in uninvited in-person solicitation of business from actual or potential therapy clients/patients or other persons who because of their particular circumstances are vulnerable to undue influence. However, this prohibition does not preclude (1) attempting to implement appropriate collateral contacts for the purpose of benefiting an already engaged therapy client/patient or (2) providing disaster or community outreach services.

**6. Record Keeping and Fees****6.01 Documentation of Professional and Scientific Work and Maintenance of Records**

Psychologists create, and to the extent the records are under their control, maintain, disseminate, store, retain, and dispose of records and data relating to their professional and scientific work in order to (1) facilitate provision of services later by them or by other professionals, (2) allow for replication of research design and analyses, (3) meet institutional requirements, (4) ensure accuracy of billing and payments, and (5) ensure compliance with law. (See also Standard 4.01, Maintaining Confidentiality.)

**6.02 Maintenance, Dissemination, and Disposal of Confidential Records of Professional and Scientific Work**

(a) Psychologists maintain confidentiality in creating, storing, accessing, transferring, and disposing of records under their control, whether these are written, automated, or in any other medium. (See also Standards 4.01, Maintaining Confidentiality, and 6.01, Documentation of Professional and Scientific Work and Maintenance of Records.)

(b) If confidential information concerning recipients of psychological services is entered into databases or systems of records available to persons whose access has not been consented to by the recipient, psychologists use coding or other techniques to avoid the inclusion of personal identifiers.

(c) Psychologists make plans in advance to facilitate the appropriate transfer and to protect the confidentiality of records and data in the event of psychologists' withdrawal from positions or practice. (See also Standards 3.12, Interruption of Psychological Services, and 10.09, Interruption of Therapy.)

**6.03 Withholding Records for Nonpayment**

Psychologists may not withhold records under their control that are requested and needed for a client's/patient's emergency treatment solely because payment has not been received.

**6.04 Fees and Financial Arrangements**

(a) As early as is feasible in a professional or scientific relationship, psychologists and recipients of psychological services reach an agreement specifying compensation and billing arrangements.

(b) Psychologists' fee practices are consistent with law.

(c) Psychologists do not misrepresent their fees.

(d) If limitations to services can be anticipated because of limitations in financing, this is discussed with the recipient of services as early as is feasible. (See also Standards 10.09, Interruption of Therapy, and 10.10, Terminating Therapy.)

(e) If the recipient of services does not pay for services as agreed, and if psychologists intend to use collection agencies or legal measures to collect the fees, psychologists first inform the person that such measures will be taken and provide that person an opportunity to make prompt payment. (See also Standards 4.05, Disclosures; 6.03, Withholding Records for Nonpayment; and 10.01, Informed Consent to Therapy.)

**6.05 Barter With Clients/Patients**

Barter is the acceptance of goods, services, or other nonmonetary remuneration from clients/patients in return for psychological services. Psychologists may barter only if (1) it is not clinically contraindicated, and (2) the resulting arrangement is not exploitative. (See also Standards 3.05, Multiple Relationships, and 6.04, Fees and Financial Arrangements.)

**6.06 Accuracy in Reports to Payors and Funding Sources**

In their reports to payors for services or sources of research funding, psychologists take reasonable steps to ensure the accurate reporting of the nature of the service provided or research conducted, the fees, charges, or payments, and where applicable, the identity of the provider, the findings, and the diagnosis. (See also Standards 4.01, Maintaining Confidentiality; 4.04, Minimizing Intrusions on Privacy; and 4.05, Disclosures.)



**6.07 Referrals and Fees**

When psychologists pay, receive payment from, or divide fees with another professional, other than in an employer-employee relationship, the payment to each is based on the services provided (clinical, consultative, administrative, or other) and is not based on the referral itself. (See also Standard 3.09, Cooperation With Other Professionals.)

**7. Education and Training****7.01 Design of Education and Training Programs**

Psychologists responsible for education and training programs take reasonable steps to ensure that the programs are designed to provide the appropriate knowledge and proper experiences, and to meet the requirements for licensure, certification, or other goals for which claims are made by the program. (See also Standard 5.03, Descriptions of Workshops and Non-Degree-Granting Educational Programs.)

**7.02 Descriptions of Education and Training Programs**

Psychologists responsible for education and training programs take reasonable steps to ensure that there is a current and accurate description of the program content (including participation in required course- or program-related counseling, psychotherapy, experiential groups, consulting projects, or community service), training goals and objectives, stipends and benefits, and requirements that must be met for satisfactory completion of the program. This information must be made readily available to all interested parties.

**7.03 Accuracy in Teaching**

(a) Psychologists take reasonable steps to ensure that course syllabi are accurate regarding the subject matter to be covered, bases for evaluating progress, and the nature of course experiences. This standard does not preclude an instructor from modifying course content or requirements when the instructor considers it pedagogically necessary or desirable, so long as students are made aware of these modifications in a manner that enables them to fulfill course requirements. (See also Standard 5.01, Avoidance of False or Deceptive Statements.)

(b) When engaged in teaching or training, psychologists present psychological information accurately. (See also Standard 2.03, Maintaining Competence.)

**7.04 Student Disclosure of Personal Information**

Psychologists do not require students or supervisees to disclose personal information in course- or program-related activities, either orally or in writing, regarding sexual history, history of abuse and neglect, psychological treatment, and relationships with parents, peers, and spouses or significant others except if (1) the program or training facility has clearly identified this requirement in its admissions and program materials or (2) the information is necessary to evaluate or obtain assistance for students whose personal problems could reasonably be judged to be preventing them from performing their training- or professionally related activities in a competent manner or posing a threat to the students or others.

**7.05 Mandatory Individual or Group Therapy**

(a) When individual or group therapy is a program or course requirement, psychologists responsible for that program allow students in undergraduate and graduate programs the option of selecting such therapy from practitioners unaffiliated with the program. (See also Standard 7.02, Descriptions of Education and Training Programs.)

(b) Faculty who are or are likely to be responsible for evaluating students' academic performance do not themselves provide that therapy. (See also Standard 3.05, Multiple Relationships.)

**7.06 Assessing Student and Supervisee Performance**

(a) In academic and supervisory relationships, psychologists establish a timely and specific process for providing feedback to students and supervisees. Information regarding the process is provided to the student at the beginning of supervision.

(b) Psychologists evaluate students and supervisees on the basis of their actual performance on relevant and established program requirements.

**7.07 Sexual Relationships With Students and Supervisees**

Psychologists do not engage in sexual relationships with students or supervisees who are in their department, agency, or training center or over whom psychologists have or are likely to have evaluative authority. (See also Standard 3.05, Multiple Relationships.)



## **8. Research and Publication**

### **8.01 Institutional Approval**

When institutional approval is required, psychologists provide accurate information about their research proposals and obtain approval prior to conducting the research. They conduct the research in accordance with the approved research protocol.

### **8.02 Informed Consent to Research**

(a) When obtaining informed consent as required in Standard 3.10, Informed Consent, psychologists inform participants about (1) the purpose of the research, expected duration, and procedures; (2) their right to decline to participate and to withdraw from the research once participation has begun; (3) the foreseeable consequences of declining or withdrawing; (4) reasonably foreseeable factors that may be expected to influence their willingness to participate such as potential risks, discomfort, or adverse effects; (5) any prospective research benefits; (6) limits of confidentiality; (7) incentives for participation; and (8) whom to contact for questions about the research and research participants' rights. They provide opportunity for the prospective participants to ask questions and receive answers. (See also Standards 8.03, Informed Consent for Recording Voices and Images in Research; 8.05, Dispensing With Informed Consent for Research; and 8.07, Deception in Research.)

(b) Psychologists conducting intervention research involving the use of experimental treatments clarify to participants at the outset of the research (1) the experimental nature of the treatment; (2) the services that will or will not be available to the control group(s) if appropriate; (3) the means by which assignment to treatment and control groups will be made; (4) available treatment alternatives if an individual does not wish to participate in the research or wishes to withdraw once a study has begun; and (5) compensation for or monetary costs of participating including, if appropriate, whether reimbursement from the participant or a third-party payor will be sought. (See also Standard 8.02a, Informed Consent to Research.)

### **8.03 Informed Consent for Recording Voices and Images in Research**

Psychologists obtain informed consent from research participants prior to recording their voices or images for data collection unless (1) the research consists solely of naturalistic observations in public places, and it is not anticipated that the recording will be used in a manner that could cause personal identification or harm, or (2) the research design includes deception, and consent for the use of the recording is obtained during debriefing. (See also Standard 8.07, Deception in Research.)

### **8.04 Client/Patient, Student, and Subordinate Research Participants**

(a) When psychologists conduct research with clients/patients, students, or subordinates as participants, psychologists take steps to protect the prospective participants from adverse consequences of declining or withdrawing from participation.

(b) When research participation is a course requirement or an opportunity for extra credit, the prospective participant is given the choice of equitable alternative activities.

### **8.05 Dispensing With Informed Consent for Research**

Psychologists may dispense with informed consent only (1) where research would not reasonably be assumed to create distress or harm and involves (a) the study of normal educational practices, curricula, or classroom management methods conducted in educational settings; (b) only anonymous questionnaires, naturalistic observations, or archival research for which disclosure of responses would not place participants at risk of criminal or civil liability or damage their financial standing, employability, or reputation, and confidentiality is protected; or (c) the study of factors related to job or organization effectiveness conducted in organizational settings for which there is no risk to participants' employability, and confidentiality is protected or (2) where otherwise permitted by law or federal or institutional regulations.

### **8.06 Offering Inducements for Research Participation**

(a) Psychologists make reasonable efforts to avoid offering excessive or inappropriate financial or other inducements for research participation when such inducements are likely to coerce participation.

(b) When offering professional services as an inducement for research participation, psychologists clarify the nature of the services, as well as the risks, obligations, and limitations. (See also Standard 6.05, Barter With Clients/Patients.)

### **8.07 Deception in Research**

(a) Psychologists do not conduct a study involving deception unless they have determined that the use of deceptive techniques is justified by the study's significant prospective scientific, educational, or applied value and that effective nondeceptive alternative procedures are not feasible.

(b) Psychologists do not deceive prospective participants about research that is reasonably expected to cause physical pain or severe emotional distress.



(c) Psychologists explain any deception that is an integral feature of the design and conduct of an experiment to participants as early as is feasible, preferably at the conclusion of their participation, but no later than at the conclusion of the data collection, and permit participants to withdraw their data. (See also Standard 8.08, Debriefing.)

### **8.08 Debriefing**

(a) Psychologists provide a prompt opportunity for participants to obtain appropriate information about the nature, results, and conclusions of the research, and they take reasonable steps to correct any misconceptions that participants may have of which the psychologists are aware.

(b) If scientific or humane values justify delaying or withholding this information, psychologists take reasonable measures to reduce the risk of harm.

(c) When psychologists become aware that research procedures have harmed a participant, they take reasonable steps to minimize the harm.

### **8.09 Humane Care and Use of Animals in Research**

(a) Psychologists acquire, care for, use, and dispose of animals in compliance with current federal, state, and local laws and regulations, and with professional standards.

(b) Psychologists trained in research methods and experienced in the care of laboratory animals supervise all procedures involving animals and are responsible for ensuring appropriate consideration of their comfort, health, and humane treatment.

(c) Psychologists ensure that all individuals under their supervision who are using animals have received instruction in research methods and in the care, maintenance, and handling of the species being used, to the extent appropriate to their role. (See also Standard 2.05, Delegation of Work to Others.)

(d) Psychologists make reasonable efforts to minimize the discomfort, infection, illness, and pain of animal subjects.

(e) Psychologists use a procedure subjecting animals to pain, stress, or privation only when an alternative procedure is unavailable and the goal is justified by its prospective scientific, educational, or applied value.

(f) Psychologists perform surgical procedures under appropriate anesthesia and follow techniques to avoid infection and minimize pain during and after surgery.

(g) When it is appropriate that an animal's life be terminated, psychologists proceed rapidly, with an effort to minimize pain and in accordance with accepted procedures.

### **8.10 Reporting Research Results**

(a) Psychologists do not fabricate data. (See also Standard 5.01a, Avoidance of False or Deceptive Statements.)

(b) If psychologists discover significant errors in their published data, they take reasonable steps to correct such errors in a correction, retraction, erratum, or other appropriate publication means.

### **8.11 Plagiarism**

Psychologists do not present portions of another's work or data as their own, even if the other work or data source is cited occasionally.

### **8.12 Publication Credit**

(a) Psychologists take responsibility and credit, including authorship credit, only for work they have actually performed or to which they have substantially contributed. (See also Standard 8.12b, Publication Credit.)

(b) Principal authorship and other publication credits accurately reflect the relative scientific or professional contributions of the individuals involved, regardless of their relative status. Mere possession of an institutional position, such as department chair, does not justify authorship credit. Minor contributions to the research or to the writing for publications are acknowledged appropriately, such as in footnotes or in an introductory statement.

(c) Except under exceptional circumstances, a student is listed as principal author on any multiple-authored article that is substantially based on the student's doctoral dissertation. Faculty advisors discuss publication credit with students as early as feasible and throughout the research and publication process as appropriate. (See also Standard 8.12b, Publication Credit.)

### **8.13 Duplicate Publication of Data**

Psychologists do not publish, as original data, data that have been previously published. This does not preclude republishing data when they are accompanied by proper acknowledgment.



**8.14 Sharing Research Data for Verification**

(a) After research results are published, psychologists do not withhold the data on which their conclusions are based from other competent professionals who seek to verify the substantive claims through reanalysis and who intend to use such data only for that purpose, provided that the confidentiality of the participants can be protected and unless legal rights concerning proprietary data preclude their release. This does not preclude psychologists from requiring that such individuals or groups be responsible for costs associated with the provision of such information.

(b) Psychologists who request data from other psychologists to verify the substantive claims through reanalysis may use shared data only for the declared purpose. Requesting psychologists obtain prior written agreement for all other uses of the data.

**8.15 Reviewers**

Psychologists who review material submitted for presentation, publication, grant, or research proposal review respect the confidentiality of and the proprietary rights in such information of those who submitted it.

**9. Assessment****9.01 Bases for Assessments**

(a) Psychologists base the opinions contained in their recommendations, reports, and diagnostic or evaluative statements, including forensic testimony, on information and techniques sufficient to substantiate their findings. (See also Standard 2.04, Bases for Scientific and Professional Judgments.)

(b) Except as noted in 9.01c, psychologists provide opinions of the psychological characteristics of individuals only after they have conducted an examination of the individuals adequate to support their statements or conclusions. When, despite reasonable efforts, such an examination is not practical, psychologists document the efforts they made and the result of those efforts, clarify the probable impact of their limited information on the reliability and validity of their opinions, and appropriately limit the nature and extent of their conclusions or recommendations. (See also Standards 2.01, Boundaries of Competence, and 9.06, Interpreting Assessment Results.)

(c) When psychologists conduct a record review or provide consultation or supervision and an individual examination is not warranted or necessary for the opinion, psychologists explain this and the sources of information on which they based their conclusions and recommendations.

**9.02 Use of Assessments**

(a) Psychologists administer, adapt, score, interpret, or use assessment techniques, interviews, tests, or instruments in a manner and for purposes that are appropriate in light of the research on or evidence of the usefulness and proper application of the techniques.

(b) Psychologists use assessment instruments whose validity and reliability have been established for use with members of the population tested. When such validity or reliability has not been established, psychologists describe the strengths and limitations of test results and interpretation.

(c) Psychologists use assessment methods that are appropriate to an individual's language preference and competence, unless the use of an alternative language is relevant to the assessment issues.

**9.03 Informed Consent in Assessments**

(a) Psychologists obtain informed consent for assessments, evaluations, or diagnostic services, as described in Standard 3.10, Informed Consent, except when (1) testing is mandated by law or governmental regulations; (2) informed consent is implied because testing is conducted as a routine educational, institutional, or organizational activity (e.g., when participants voluntarily agree to assessment when applying for a job); or (3) one purpose of the testing is to evaluate decisional capacity. Informed consent includes an explanation of the nature and purpose of the assessment, fees, involvement of third parties, and limits of confidentiality and sufficient opportunity for the client/patient to ask questions and receive answers.

(b) Psychologists inform persons with questionable capacity to consent or for whom testing is mandated by law or governmental regulations about the nature and purpose of the proposed assessment services, using language that is reasonably understandable to the person being assessed.

(c) Psychologists using the services of an interpreter obtain informed consent from the client/patient to use that interpreter, ensure that confidentiality of test results and test security are maintained, and include in their recommendations, reports, and diagnostic or evaluative statements, including forensic testimony, discussion of any limitations on the data obtained. (See also Standards 2.05, Delegation of Work to Others; 4.01, Maintaining Confidentiality; 9.01, Bases for Assessments; 9.06, Interpreting Assessment Results; and 9.07, Assessment by Unqualified Persons.)



**9.04 Release of Test Data**

(a) The term *test data* refers to raw and scaled scores, client/patient responses to test questions or stimuli, and psychologists' notes and recordings concerning client/patient statements and behavior during an examination. Those portions of test materials that include client/patient responses are included in the definition of *test data*. Pursuant to a client/patient release, psychologists provide test data to the client/patient or other persons identified in the release. Psychologists may refrain from releasing test data to protect a client/patient or others from substantial harm or misuse or misrepresentation of the data or the test, recognizing that in many instances release of confidential information under these circumstances is regulated by law. (See also Standard 9.11, Maintaining Test Security.)

(b) In the absence of a client/patient release, psychologists provide test data only as required by law or court order.

**9.05 Test Construction**

Psychologists who develop tests and other assessment techniques use appropriate psychometric procedures and current scientific or professional knowledge for test design, standardization, validation, reduction or elimination of bias, and recommendations for use.

**9.06 Interpreting Assessment Results**

When interpreting assessment results, including automated interpretations, psychologists take into account the purpose of the assessment as well as the various test factors, test-taking abilities, and other characteristics of the person being assessed, such as situational, personal, linguistic, and cultural differences, that might affect psychologists' judgments or reduce the accuracy of their interpretations. They indicate any significant limitations of their interpretations. (See also Standards 2.01b and c, Boundaries of Competence, and 3.01, Unfair Discrimination.)

**9.07 Assessment by Unqualified Persons**

Psychologists do not promote the use of psychological assessment techniques by unqualified persons, except when such use is conducted for training purposes with appropriate supervision. (See also Standard 2.05, Delegation of Work to Others.)

**9.08 Obsolete Tests and Outdated Test Results**

(a) Psychologists do not base their assessment or intervention decisions or recommendations on data or test results that are outdated for the current purpose.

(b) Psychologists do not base such decisions or recommendations on tests and measures that are obsolete and not useful for the current purpose.

**9.09 Test Scoring and Interpretation Services**

(a) Psychologists who offer assessment or scoring services to other professionals accurately describe the purpose, norms, validity, reliability, and applications of the procedures and any special qualifications applicable to their use.

(b) Psychologists select scoring and interpretation services (including automated services) on the basis of evidence of the validity of the program and procedures as well as on other appropriate considerations. (See also Standard 2.01b and c, Boundaries of Competence.)

(c) Psychologists retain responsibility for the appropriate application, interpretation, and use of assessment instruments, whether they score and interpret such tests themselves or use automated or other services.

**9.10 Explaining Assessment Results**

Regardless of whether the scoring and interpretation are done by psychologists, by employees or assistants, or by automated or other outside services, psychologists take reasonable steps to ensure that explanations of results are given to the individual or designated representative unless the nature of the relationship precludes provision of an explanation of results (such as in some organizational consulting, preemployment or security screenings, and forensic evaluations), and this fact has been clearly explained to the person being assessed in advance.

**9.11. Maintaining Test Security**

The term *test materials* refers to manuals, instruments, protocols, and test questions or stimuli and does not include *test data* as defined in Standard 9.04, Release of Test Data. Psychologists make reasonable efforts to maintain the integrity and security of test materials and other assessment techniques consistent with law and contractual obligations, and in a manner that permits adherence to this Ethics Code.

**10. Therapy****10.01 Informed Consent to Therapy**

(a) When obtaining informed consent to therapy as required in Standard 3.10, Informed Consent, psychologists inform clients/patients as early as is feasible in the therapeutic relationship about the nature and anticipated course of therapy, fees, involvement of third parties, and limits of confidentiality and provide sufficient opportunity for the client/patient to ask



questions and receive answers. (See also Standards 4.02, Discussing the Limits of Confidentiality, and 6.04, Fees and Financial Arrangements.)

(b) When obtaining informed consent for treatment for which generally recognized techniques and procedures have not been established, psychologists inform their clients/patients of the developing nature of the treatment, the potential risks involved, alternative treatments that may be available, and the voluntary nature of their participation. (See also Standards 2.01e, Boundaries of Competence, and 3.10, Informed Consent.)

(c) When the therapist is a trainee and the legal responsibility for the treatment provided resides with the supervisor, the client/patient, as part of the informed consent procedure, is informed that the therapist is in training and is being supervised and is given the name of the supervisor.

### **10.02 Therapy Involving Couples or Families**

(a) When psychologists agree to provide services to several persons who have a relationship (such as spouses, significant others, or parents and children), they take reasonable steps to clarify at the outset (1) which of the individuals are clients/patients and (2) the relationship the psychologist will have with each person. This clarification includes the psychologist's role and the probable uses of the services provided or the information obtained. (See also Standard 4.02, Discussing the Limits of Confidentiality.)

(b) If it becomes apparent that psychologists may be called on to perform potentially conflicting roles (such as family therapist and then witness for one party in divorce proceedings), psychologists take reasonable steps to clarify and modify, or withdraw from, roles appropriately. (See also Standard 3.05c, Multiple Relationships.)

### **10.03 Group Therapy**

When psychologists provide services to several persons in a group setting, they describe at the outset the roles and responsibilities of all parties and the limits of confidentiality.

### **10.04 Providing Therapy to Those Served by Others**

In deciding whether to offer or provide services to those already receiving mental health services elsewhere, psychologists carefully consider the treatment issues and the potential client's/patient's welfare. Psychologists discuss these issues with the client/patient or another legally authorized person on behalf of the client/patient in order to minimize the risk of confusion and conflict, consult with the other service providers when appropriate, and proceed with caution and sensitivity to the therapeutic issues.

### **10.05 Sexual Intimacies With Current Therapy Clients/Patients**

Psychologists do not engage in sexual intimacies with current therapy clients/patients.

### **10.06 Sexual Intimacies With Relatives or Significant Others of Current Therapy Clients/Patients**

Psychologists do not engage in sexual intimacies with individuals they know to be close relatives, guardians, or significant others of current clients/patients. Psychologists do not terminate therapy to circumvent this standard.

### **10.07 Therapy With Former Sexual Partners**

Psychologists do not accept as therapy clients/patients persons with whom they have engaged in sexual intimacies.

### **10.08 Sexual Intimacies With Former Therapy Clients/Patients**

(a) Psychologists do not engage in sexual intimacies with former clients/patients for at least two years after cessation or termination of therapy.

(b) Psychologists do not engage in sexual intimacies with former clients/patients even after a two-year interval except in the most unusual circumstances. Psychologists who engage in such activity after the two years following cessation or termination of therapy and of having no sexual contact with the former client/patient bear the burden of demonstrating that there has been no exploitation, in light of all relevant factors, including (1) the amount of time that has passed since therapy terminated; (2) the nature, duration, and intensity of the therapy; (3) the circumstances of termination; (4) the client's/patient's personal history; (5) the client's/patient's current mental status; (6) the likelihood of adverse impact on the client/patient; and (7) any statements or actions made by the therapist during the course of therapy suggesting or inviting the possibility of a posttermination sexual or romantic relationship with the client/patient. (See also Standard 3.05, Multiple Relationships.)

### **10.09 Interruption of Therapy**

When entering into employment or contractual relationships, psychologists make reasonable efforts to provide for orderly and appropriate resolution of responsibility for client/patient care in the event that the employment or contractual relationship ends, with paramount consideration given to the welfare of the client/patient. (See also Standard 3.12, Interruption of Psychological Services.)



**10.10 Terminating Therapy**

- (a) Psychologists terminate therapy when it becomes reasonably clear that the client/patient no longer needs the service, is not likely to benefit, or is being harmed by continued service.
- (b) Psychologists may terminate therapy when threatened or otherwise endangered by the client/patient or another person with whom the client/patient has a relationship.
- (c) Except where precluded by the actions of clients/patients or third-party payors, prior to termination psychologists provide pretermination counseling and suggest alternative service providers as appropriate.

**History and Effective Date Footnote**

This version of the APA Ethics Code was adopted by the American Psychological Association's Council of Representatives during its meeting, August 21, 2002, and is effective beginning June 1, 2003. Inquiries concerning the substance or interpretation of the APA Ethics Code should be addressed to the Director, Office of Ethics, American Psychological Association, 750 First Street, NE, Washington, DC 20002-4242. The Ethics Code and information regarding the Code can be found on the APA web site, <http://www.apa.org/ethics>. The standards in this Ethics Code will be used to adjudicate complaints brought concerning alleged conduct occurring on or after the effective date. Complaints regarding conduct occurring prior to the effective date will be adjudicated on the basis of the version of the Ethics Code that was in effect at the time the conduct occurred.

The APA has previously published its Ethics Code as follows:

- American Psychological Association. (1953). Ethical standards of psychologists. Washington, DC: Author.
- American Psychological Association. (1959). Ethical standards of psychologists. *American Psychologist*, 14, 279-282.
- American Psychological Association. (1963). Ethical standards of psychologists. *American Psychologist*, 18, 56-60.
- American Psychological Association. (1968). Ethical standards of psychologists. *American Psychologist*, 23, 357-361.
- American Psychological Association. (1977, March). Ethical standards of psychologists. *APA Monitor*, 22-23.
- American Psychological Association. (1979). Ethical standards of psychologists. Washington, DC: Author.
- American Psychological Association. (1981). Ethical principles of psychologists. *American Psychologist*, 36, 633-638.
- American Psychological Association. (1990). Ethical principles of psychologists (Amended June 2, 1989). *American Psychologist*, 45, 390-395.
- American Psychological Association. (1992). Ethical principles of psychologists and code of conduct. *American Psychologist*, 47, 1597-1611.

Request copies of the APA's Ethical Principles of Psychologists and Code of Conduct from the APA Order Department, 750 First Street, NE, Washington, DC 20002-4242, or phone (202) 336-5510.



April 2007

## Confidential Working Draft, Ethics Code Revision, October 2001

The following are working comments that are subject to future reevaluation by the evaluators and discussion by the ECTF. The left column is Draft 6, October 2001. The middle column provides revisions for ECTF consideration based upon suggestions received from or questions raised by commentators on Draft 6. The right column highlights relevant comments or Celia's questions and concerns.

<i>Draft 6, October 21, 2001</i>	<i>CBF Proposal with Redline</i>	<i>CBF Rationale</i>
ETHICAL PRINCIPLES OF PSYCHOLOGISTS AND CODE OF CONDUCT		
TABLE OF CONTENTS [To be added in final.]		
INTRODUCTION AND APPLICABILITY		
<p>The American Psychological Association's (APA's) Ethical Principles of Psychologists and Code of Conduct (hereinafter referred to as the Ethics Code) consists of an Introduction, a Preamble, five General Principles (A – E), and specific Ethical Standards. The Introduction discusses the intent, organization, procedural considerations, and scope of application of the Ethics Code. The Preamble and General Principles are aspirational goals to guide psychologists toward the highest ideals of psychology. Although the Preamble and General Principles are not themselves enforceable rules, they should be considered by psychologists in arriving at an ethical course of action. The Ethical Standards set forth enforceable rules for conduct as psychologists. Most of the Ethical Standards are written broadly, in order to apply to psychologists in varied roles, although the application of an Ethical Standard may vary depending on the context. The Ethical Standards are not exhaustive. The fact that a given conduct is not specifically addressed by the <u>Ethics Code</u> does not mean that it is necessarily either ethical or unethical.</p>	<p>The fact that a given conduct is not specifically addressed by <u>an ethical standard</u> the <u>Ethics Code</u> does not mean that it is necessarily either ethical or unethical.</p>	<p>Div 42 raised question of whether we clearly distinguish between the principles and standards in the introductory text. I believe for the most part we do. However, I have underlined places where we use the term "CODE" when I think we may need to clarify if we are referring to the entire Code or to just the standards.</p> <p>Do we mean standards or Code here?</p>
This Ethics Code applies only to psychologists' activities that are part of their scientific, educational,		



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<p>or professional roles as psychologists. Areas covered include but are not limited to the clinical, counseling, and school practice of psychology; research; teaching; supervision of trainees; public service; policy development; social intervention; development of assessment instruments; conducting assessments; educational counseling; organizational consulting; forensic activities; program design and evaluation; and administration. This Ethics Code applies to these activities across a variety of contexts, such as in person, postal, telephone, internet, and other electronic transmissions. These activities shall be distinguished from the purely private conduct of psychologists, which is not within the purview of the Ethics Code.</p>		
<p>Membership in the APA commits members and student affiliates to comply with the APA Ethics <u>Code</u> and to the rules and procedures used to enforce it. Lack of awareness or misunderstanding of an ethical standard is not itself a defense to a charge of unethical conduct.</p>		<p>Do we mean compliance with principles and standards or just standards?</p>
<p>The procedures for filing, investigating, and resolving complaints of unethical conduct are described in the current Rules and Procedures of the APA Ethics Committee. APA may impose sanctions on its members for violations of the Ethics <u>Code</u>, including termination of APA membership, and may notify other bodies and individuals of its actions. Actions that violate the Ethics <u>Code</u> may also lead to the imposition of sanctions on psychologists or students whether or not they are APA members by bodies other than APA, including state psychological associations, other professional groups, psychology boards, other state or federal agencies, and payors for health services. In addition, APA may take action against a member after his or her conviction of a felony, expulsion or suspension from an affiliated state psychological association, or suspension or loss of licensure.</p>		<p>Since APA cannot impose sanctions for violations of the Principles, is using the term "Code" here correct? Do we mean Code or standards here?</p> <p>Stan: If the "Code" defines a violation as transgression of a Standard, then violation of the Code is violation of a standard and violation of a standard IS violation of the Code.</p> <p>As a matter of the style of implementing the Code, letters have always referred to violation of specific elements of the document and to the version (e.g. violation of Standard 1.14 of the 1992 Ethics Code).</p> <p>The substantive concern in this section by Div 42 should be whether anything APA says (in this paragraph) makes it any more or less likely that another group can make more than the standards a basis for sanction.</p>



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<p>endorsed by scientific and professional psychological organizations; they may also consider the dictates of their own conscience, as well as consult with others within the field.</p>	<p><del>unresolvable</del><del>irresolvable</del> 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. <del>If neither law nor this Ethics Code resolves an issue,</del> psychologists may consider other materials and guidelines that have been adopted or endorsed by scientific and professional psychological organizations; they may also consider the dictates of their own conscience, as well as consult with others within the field.</p>	<p>My spell check said unresolvable was not a word?</p>
<p>The ECTF has not completed revision of the section immediately below on History and Effective date. The section of these 34 lines (number of section lines as published in the APA Monitor) will be revised and updated upon presentation of a final draft to Council for approval.] History and effective date. This version of the APA Ethics Code was adopted by the American Psychological Association's Council of Representatives during its meeting, _____, and is effective beginning _____. Inquiries concerning the substance or interpretation of the APA Ethics Code should be addressed to the Director, Office of Ethics, American Psychological Association, 750 First Street, NE, Washington, DC 20002-4242. This Ethics Code will be used to adjudicate complaints brought concerning alleged conduct occurring on or after the effective date. Complaints regarding conduct occurring prior to the effective date will be adjudicated on the basis of the version of the Ethics Code that was in effect at the time the conduct occurred, except that no provisions repealed in June 1989, will be enforced even if an earlier version contains the provision. <u>The Ethics Code will undergo continuing review and study for future revisions; comments on the Ethics Code may be sent to the above address.</u> The APA has previously published its Ethical Standards as follows: American Psychological</p>	<p><u>The standards in t</u><del>t</del><u>his</u> Ethics Code will be used to adjudicate complaints brought concerning alleged conduct occurring on or after the effective date.</p>	<p>Is Code appropriate here? The Principles serve as a framework for the standards, but is it correct to say that the principles will be used to adjudicate complaints?</p> <p>Do we know if it is APA policy to have a continuing review and study for future revisions? The continuing review was I believe a reaction to the 22 outstanding amendments from the 1992 Code. I do not think there is a continuing policy (either does Stan). In fact, the ECTF recommended to and the EC agreed that there would be no more review of comments calling for "urgent" revision. Without any policy I think this sentence should be deleted?</p>



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<p>Psychologists are committed to increasing scientific and <b>professional knowledge</b> of behavior and people's understanding of themselves and others and to the use of such knowledge to improve the condition of individuals, organizations, and society. Psychologists respect and protect civil and human rights and the central importance of freedom of inquiry and expression in research, teaching, and publication. They also strive to help the public in developing informed judgments and choices concerning human behavior. In doing so, they perform many roles, such as researcher, educator, diagnostician, therapist, supervisor, consultant, administrator, social interventionist, and expert witness. This Ethics Code provides a common set of values upon which psychologists build their professional and scientific work.</p>	<p>Psychologists are committed to increasing scientific and professional knowledge of behavior and people's understanding of themselves and others and to the use of such knowledge to improve the condition of individuals, organizations, and society. Psychologists respect and protect civil and human rights and the central importance of freedom of inquiry and expression in research, teaching, and publication. They also strive to help the public in developing informed judgments and choices concerning human behavior. In doing so, they perform many roles, such as researcher, educator, diagnostician, therapist, supervisor, consultant, administrator, social interventionist, and expert witness. This Ethics Code provides a common set of values <u>and decision rules</u> upon which psychologists build their professional and scientific work.</p>	<p>Is "also" necessary?</p> <p>Does the term "values" sufficiently include the standards?</p>
<p>This Ethics Code is intended to provide specific standards to cover most situations encountered by psychologists. It has as its goals the welfare and protection of the individuals and groups with whom psychologists work and the education of members, students, and the public regarding ethical standards of the discipline.</p>		
<p>The development of a dynamic set of ethical standards for psychologists' work-related conduct requires a personal commitment to a lifelong effort to act ethically; to encourage ethical behavior by students, supervisees, employees, and colleagues; and to consult with others concerning ethical problems. Psychologists supplement, but do not violate, the Ethics Code's values and rules on the basis of guidance drawn from personal values, culture, and experience.</p>	<p>The development of a dynamic set of ethical standards for psychologists' work-related conduct requires a personal commitment <del>to</del> <u>and</u> lifelong effort to act ethically; to encourage ethical behavior by students, supervisees, employees, and colleagues; and to consult with others concerning ethical problems. <u>Psychologists supplement, but do not violate, the Ethics Code's values and rules on the basis of guidance drawn from personal values, culture, and experience.</u></p>	<p>Clarity?</p> <p>Is this sentence necessary? Informative? What does "supplement" mean? If we maintain sentence, does "culture" add or detract? E.g., we do not mean cultural relativism, personal values are shaped by culture.</p>
<p>GENERAL PRINCIPLES</p>		
<p>This section consists of General Principles. General Principles, as opposed to Ethical Standards, are aspirational in nature. Their intent is to guide and inspire psychologists toward the very highest ethical</p>		



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<p>ideals of the profession. General Principles, in contrast to Ethical Standards, do not represent obligations and should not form the basis for imposing sanctions. Relying upon General Principles for either of these reasons distorts both their meaning and purpose.</p>		
<p><b>PRINCIPLE A: BENEFICENCE AND NON-MALEFICENCE</b>          Psychologists strive to benefit those with whom they work, and take care to do no harm. In their professional actions, psychologists seek to safeguard the welfare and rights of those with whom they interact professionally and other affected persons, and the welfare of animal subjects of research. When conflicts occur among psychologists' obligations or concerns, they attempt to resolve these conflicts in a responsible fashion that avoids or minimizes harm. Because psychologists' scientific and professional judgments and actions may affect the lives of others, they are alert to and guard against personal, financial, social, organizational, or political factors that might lead to misuse of their influence. Psychologists strive to be sensitive to the possible negative consequences of personal impairment that might harm those with whom they work.</p>	<p><b>PRINCIPLE A: BENEFICENCE AND NON-MALEFICENCE</b>          Psychologists strive to benefit those with whom they work, and take care to do no harm. In their professional actions, psychologists seek to safeguard the welfare and rights of those with whom they interact professionally and other affected persons, and the welfare of animal subjects of research. When conflicts occur among psychologists' obligations or concerns, they attempt to resolve these conflicts in a responsible fashion that avoids or minimizes harm. Because psychologists' scientific and professional judgments and actions may affect the lives of others, they are alert to and guard against personal, financial, social, organizational, or political factors that might lead to misuse of their influence. Psychologists strive to be sensitive to the possible <u>effect of their own physical and mental health on the their ability to help</u> <del>negative consequences of personal impairment that might harm those with whom they work.</del></p>	<p>Comment #479 Council rep for Penn psychologists was concerned about the negative wording of the last sentence. He suggested "Psychologists strive to be sensitive to the necessity to take care of their personal needs in a way that will optimize their ability to help others." Below I try to provide language that is positive but that does not intrude on the "purely private conduct of psychologists" that the Introduction to the Code says the Code does not address.</p> <p>Another less wordy option: Psychologists strive to care for their personal needs to the extent that their fitness affects their work.</p>
<p><b>PRINCIPLE B: FIDELITY AND RESPONSIBILITY</b>          Psychologists establish relationships of trust with those with whom they work. In the course of their work, psychologists are aware of their professional and scientific responsibilities to society and to the specific communities in which they work. Psychologists uphold professional standards of conduct, clarify their professional roles and obligations, accept appropriate responsibility for their behavior, and seek to manage conflicts of interest that could lead to exploitation or harm. Psychologists consult with, refer to, or cooperate with other professionals and institutions to the extent needed to serve the best interests of those</p>	<p><b>PRINCIPLE B: FIDELITY AND RESPONSIBILITY</b>          Psychologists establish relationships of trust with those with whom they work. In the course of their work, psychologists are aware of their professional and scientific responsibilities to society and to the specific communities in which they work. Psychologists uphold professional standards of conduct, clarify their professional roles and obligations, accept appropriate responsibility for their behavior, and seek to manage conflicts of interest that could lead to exploitation or harm. Psychologists consult with, refer to, or cooperate with other professionals and institutions to the extent needed to serve the best interests of those</p>	<p>#605 &amp; 468 RECOMMEND PRO BONO</p>



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with whom they work. Psychologists are concerned about the ethical compliance of their colleagues' scientific and professional conduct.	with whom they work. Psychologists <del>They are</del> concerned about the ethical compliance of their colleagues' scientific and professional conduct. <u>Psychologists strive to contribute a portion of their professional time for little or no compensation or personal advantage.</u>	
<b>PRINCIPLE C: INTEGRITY</b> Psychologists seek to promote accuracy, honesty, and truthfulness in the science, teaching, and practice of psychology. In these activities psychologists do not steal, cheat, or engage in fraud, subterfuge, or intentional misrepresentation of fact.. Psychologists strive to keep their promises and to avoid unwise or unclear commitments. In situations in which deception may be ethically justifiable to maximize benefits and minimize harm, psychologists have a serious obligation to consider the need for, the possible consequences of, and their responsibility to correct any resulting mistrust or other harmful effects that arise from the use of such techniques.		
<b>PRINCIPLE D: JUSTICE</b> Psychologists recognize that fairness and justice entitle all persons to access to and benefit from the contributions of psychology and to equal quality in the processes, procedures, and services being conducted by psychologists. Psychologists exercise reasonable judgment and take precautions to ensure that their potential biases, the boundaries of their competence, and the limitations of their expertise do not lead to or condone unjust practices.		
<b>PRINCIPLE E: RESPECT FOR PEOPLE'S RIGHTS AND DIGNITY</b> Psychologists respect the dignity and worth of all people, and t the rights of individuals to privacy, confidentiality, self-determination, and autonomy. Psychologists are aware that special safeguards may be necessary to protect the rights and welfare of persons or communities whose vulnerabilities impair autonomous decision-making. Psychologists	<b>PRINCIPLE E: RESPECT FOR PEOPLE'S RIGHTS AND DIGNITY</b> Psychologists respect the dignity and worth of all people, and t the rights of individuals to privacy, confidentiality, <u>and</u> self-determination, <del>and</del> autonomy. Psychologists are aware that special safeguards may be necessary to protect the rights and welfare of persons or communities whose vulnerabilities impair autonomous decision-making.	SK Self determination is redundant to autonomy



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<p>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 may adhere to the requirements of the law, regulations, or other governing legal authority.</p>	<p>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 <del>unresolvable</del><u>irresolvable</u> via such means, psychologists may adhere to the requirements of the law, regulations, or other governing legal authority.</p>	<p>"regulations?"</p> <p>My spell checker said unresolvable is not a word</p> <p>COLI recommends  <u>"remove the last sentence because the words "may adhere" seem to imply that psychologists may disregard the law."</u></p> <p><i>I think that the last sentence is informative and helpful to psychologists.</i></p>
<p>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 to the extent feasible, resolve the conflict in a way that permits adherence to the Ethics Code.</p>		<p>COLI rationale <i>Standard 1.03 was amended to provide psychologists with greater flexibility when resolving conflicts between the Ethics Code and their work-related activities. For example, such a situation may apply in the context of a psychologist employed with a private adoption organization that does not place children in families of different ethnic origin or with same sex parents. If the adoption agency is private and not government funded, it may be difficult for the psychologist to comply both with the rules of the agency and "fully adhere" to the Ethics Code (i.e., Ethical Standard 3.01: "Unfair Discrimination").</i></p> <p>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 <u>[to the extent feasible,] resolve the conflict in a [way that permits the fullest adherence to the Ethics Code] responsible manner.</u></p> <p>I think the COLI recommendation makes the standard meaningless, since "responsible manner" can mean anything</p>



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	substantially harm a person or organization and is not appropriate for or resolved by informal resolution under Standard 1.04, psychologists take reasonable steps to refer the situation to state or national committees on professional ethics, to state licensing boards, or to other appropriate institutional authorities if the intervention does not violate confidentiality or other legal rights or obligations or when psychologists have been retained to review the work of another psychologist whose professional conduct is in question.	
<p>1.06 Cooperating With Ethics Committees. Psychologists cooperate in ethics investigations, proceedings, and resulting requirements of the APA or any affiliated state psychological association to which they belong. In doing so, they make reasonable efforts to resolve any issues as to confidentiality. Failure to cooperate is itself an ethics violation.</p>	<p>1.06 Cooperating With Ethics Committees. Psychologists cooperate in ethics investigations, proceedings, and resulting requirements of the APA or any affiliated state psychological association to which they belong. In doing so, they <u>do not violate</u> <del>make reasonable efforts to resolve any issues as to</del> confidentiality. Failure to cooperate is itself an ethics violation.</p>	<p>Div 42 wants to add "Asserting a right to a postponement of ethics committee action until any legal proceedings are resolved shall not in itself be considered a failure to cooperate."</p> <p>By including "reasonable efforts" were we inadvertently or intentionally condoning violation of confidentiality</p> <p>The EC has found this standard in the 1992 Code useful. According to EC a psychologist's reasonable request to postpone resolution of an ethics complaint may be taken into account and is not ruled out by the last sentence. With the Div 42 recommendation, a psychologist could ask for an indefinite postponement depending on the number and extent of legal activity and would severely tie the hands of the EC.</p>
<p>1.07 Improper Complaints. Psychologists do not file or encourage the filing of ethics complaints that are made with reckless disregard for or willful ignorance of facts that would disprove the allegation.</p>		
<p>1.08 Unfair Discrimination Against Complainants and Respondents. Psychologists do not deny persons employment, advancement, admissions to academic or other programs, tenure, or promotion, based solely upon their having made, or their being the subject of an ethics complaint. This does not preclude taking</p>		<p>Is the term "Unfair" necessary in the title?, since according to the text any discrimination prior to a finding or other appropriate information is discriminatory?</p>



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action based upon the outcome of such proceedings or consideration of other appropriate information.		
2. COMPETENCE		
2.01 Boundaries of Competence. (a) Psychologists provide services, teach, and conduct research with populations and in areas only within the boundaries of their competence, based on their education, training, supervised experience, consultation, study, or professional experience.		
(b) Where scientific or <b>professional knowledge</b> in the discipline of psychology establishes that an understanding of age, gender, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, or socioeconomic status is essential for effective implementation of services or research, psychologists have or obtain the training, experience, consultation, or supervision necessary to ensure the competence of their services, or they make appropriate referrals, except as provided in Standard 2.02, Providing Services in Extraordinary Circumstances.	(b) Where scientific or <b>professional knowledge</b> in the discipline of psychology establishes that an understanding of <u>factors associated with</u> age, gender, <u>gender identity and expression</u> , race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, or socioeconomic status is essential for effective implementation of <u>their services</u> or research, psychologists have or obtain the training, experience, consultation, or supervision necessary to ensure the competence of their services, or they make appropriate referrals, except as provided in Standard 2.02, Providing Services in Extraordinary Circumstances.	Div 42 CLGBC Is every one of these necessary?  To refer to the activities of the particular psychologist
(c) Psychologists planning to provide services, teach, or conduct research involving populations, areas, techniques, or technologies new to them undertake relevant education, training, supervised experience, consultation, or study.		
(d) In those emerging areas in which generally recognized standards for preparatory training do not yet exist, psychologists protect clients/patients, students, supervisees, research participants, organizational clients, and others from harm.		Do we need this standard? We decided to eliminate the wording from the 92 Code because we decided that if the area is emerging psychologists could not "nevertheless take reasonable steps to ensure the competence of their work." We already have a standard about harm and standard 2.04 requires that any activities must be based in scientific or professional knowledge of the discipline. What is and is not an "emerging area?" What would be lost if this standard was eliminated? How might the way we have now changed the wording of this standard support the work of charlatans?
(e) When assuming forensic roles, psychologists		



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are or become reasonably familiar with the judicial or administrative rules governing their roles.		
<p>2.02 Providing Services in Extraordinary Circumstances.</p> <p>(a) In emergencies, when psychologists are asked to provide services to individuals for whom appropriate mental health services are not available and for which psychologists have not obtained the competence necessary, psychologists may provide such services in order to ensure that services are not denied.</p>	<p>2.02 Providing Services in Extraordinary Circumstances.</p> <p>(a) In emergencies, when psychologists are asked to provide services to individuals for whom <u>other appropriate</u> mental health services are not available and for which psychologists have not obtained the <u>competence necessary training</u>, psychologists may provide such services in order to ensure that services are not denied.</p> <p><i>Division 42 also had comments regarding (b). I would like to suggest that the ECTF consider the following wording for a standard 2.02 that would cover both (a) and (b)</i></p> <p><u>In emergencies or other situations in which psychologists are asked to provide services to individuals for whom other mental health services are not available and for which psychologists have not obtained the necessary training, psychologists may provide such services if they make a reasonable effort to obtain the competence required by consulting relevant research, securing additional training or consultation, or engaging in further training or study.</u></p>	<p><u>Div 42. I have used some of the Division 42 language. Div 42 also recommended "May use their best judgment and provide such services until a consultation can be obtained"</u> The ECTF has previously rejected language referring to the psychologist's best judgment.</p> <p>#621 recommended giving examples, e.g., underserved populations and locations, however I do not think this is what we meant in the final version of this standard, since even well-served populations might need greater assistance in emergencies and we did not want to suggest that anyone could provide services to underserved ethnic minority populations.</p> <p>Div 14 this standard is too vague</p> <p>Also note Div 14's concern about limiting this to mental health services.</p>
<p>(b) When psychologists are asked to provide services to individuals for whom appropriate mental health services are not available and for which psychologists have not obtained the competence necessary, psychologists with closely related prior training or experience may provide such services in order to ensure that services are not denied if psychologists make a reasonable effort to obtain the competence required by using relevant research, training, consultation, or study.</p>		<p>Is (b) necessary if we make changes above?</p> <p>Div 14, why are we limiting this to mental health services, it is also true for coaching and assessment</p>
<p>2.03 Maintaining Expertise.</p> <p>Psychologists undertake ongoing efforts to maintain competence in the skills they use.</p>	<p>2.03 Maintaining Expertise.</p> <p>Psychologists undertake ongoing efforts to maintain competence in the <u>knowledge and skills</u> they use.</p>	<p><u>Div 42</u></p>
<p>2.04 Bases for Scientific and Professional</p>		



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	<p><u>In oral or written communications regarding their work-related activities, psychologists do not knowingly make false statements or fail to disclose material information regarding the bases for their activities, findings, or recommendations, except under circumstances where the welfare of a client or the safety of the psychologist or others would justify doing so, or except when the false statements are provided in research covered by Standard 8.07 Deception in Research..</u></p> <p><i>If we include this standard all the numbering in this section would have to be changed. We could place it last, although it seems to belong at the beginning??</i></p>	<p>unambiguous standard promoting honesty." They recommended the wording below. I thought their examples were too specific and under-inclusive and thus changed some of the wording. In addition, I don't think that in all circumstances "remedying" the deception would be appropriate. Does "the welfare of the client" capture paradoxical therapy? <i>Here is the EC's wording:</i> <u>In oral and written communications regarding their work-related activities, psychologists do not knowingly make false statements or fail to disclose material information regarding the bases for their activities, findings or recommendations. Psychologists who do so bear the burden of demonstrating unusual circumstances that would justify so doing, such as: (a) the need to withhold information to manage an emergency situation; (b) an overriding legal duty or other imperative; or (c) the scientific merit of a research project. Psychologists bear the burden of demonstrating that they have taken appropriate steps to remedy the deception at the first practicable opportunity to do so.</u></p>
<p>3.01 Unfair Discrimination. In their work-related activities, psychologists do not engage in unfair discrimination based on age, gender, race, ethnicity, culture, national origin, religion, sexual orientation, disability, socioeconomic status, or any basis proscribed by law.</p>	<p>3.01 Unfair Discrimination. In their work-related activities, psychologists do not engage in unfair discrimination based on age, gender, <u>gender identity and expression</u>, race, ethnicity, culture, national origin, religion, sexual orientation, disability, socioeconomic status, or any basis proscribed by law.</p>	CLGBC
<p>3.02 Sexual Harassment. Psychologists do not engage in sexual harassment. Sexual harassment is sexual solicitation, physical advances, or verbal or nonverbal conduct that is sexual in nature, that occurs in connection with the psychologist's activities or roles as a psychologist, and that either (1) is unwelcome, is offensive, or creates a hostile workplace or educational environment, and the psychologist knows or is told this or (2) is sufficiently severe or intense to be</p>		



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abusive to a reasonable person in the context. Sexual harassment can consist of a single intense or severe act or of multiple persistent or pervasive acts. (See also Standard 1.08, Unfair Discrimination Against Complainants and Respondents.)		
<p>3.03 Other Harassment.</p> <p>Psychologists do not knowingly engage in behavior that is harassing or demeaning to persons with whom they interact in their work based on factors such as those persons' age, gender, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, or socioeconomic status.</p>	<p>3.03 Other Harassment.</p> <p>Psychologists do not knowingly engage in behavior that is harassing or demeaning to persons with whom they <del>interact in their work</del> based on factors such as those persons' age, gender, <u>gender identity and expression</u>, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, or socioeconomic status.</p>	<p>CLGBC</p> <p>SK eliminate "interact in their"</p> <p>EC noted that cases in which the psychologist's behavior had been harassing or demeaning regarding factors other than those listed could not be pursued under this standard. The EC recommended adding the phrase "including but not limited to..."</p> <p>The ECTF discussed this issue at previous meetings. It was of concern that in some circumstances, especially in teaching settings and perhaps some assessment and practice settings, what feels harassing or demeaning to a student or client may in fact be an honest statement of shortcomings. Thus a wide-open standard would place an undue burden on psychologists.</p>
<p>3.04 Avoiding Harm.</p> <p>Psychologists take reasonable steps to avoid harming their clients/patients, students, supervisees, research participants, organizational clients, and others with whom they work, and to minimize harm where it is foreseeable and unavoidable.</p>		
<p>3.05 Multiple Relationships.</p> <p>(a) A multiple relationship occurs when a psychologist is in a professional role with a person and (1) at the same time is in another role with the same person, (2) at the same time is in a relationship with a person closely associated with or related to the person with whom they have the professional relationship, or (3) promises to enter into another relationship in the future with the person or a person closely associated with or related to the person.</p> <p>A psychologist refrains from entering into a multiple relationship if the multiple relationship could</p>		<p>Div 42 is concerned that the term "reasonably" is not clear enough to protect the psychologist. I think in this case "reasonably" protects the psychologist and raises the threshold for violation.</p>



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<p>reasonably be expected to impair the psychologist's objectivity, competence, or effectiveness in performing his or her functions as a psychologist, or otherwise risks exploitation or harm to the person with whom the professional relationship exists.</p> <p>Multiple relationships that would not reasonably be expected to cause impairment or risk exploitation or harm are not unethical.</p>		
<p>(b) If a psychologist finds that, due to unforeseen factors, a potentially harmful multiple relationship has arisen, the psychologist attempts to resolve it with due regard for the best interests of the affected person and maximal compliance with the Ethics Code.</p>	<p>(b) If a psychologist finds that, due to unforeseen factors, a potentially harmful multiple relationship has arisen, the psychologist <u>attempts takes reasonable steps</u> to resolve it with due regard for the best interests of the affected person and maximal compliance with the Ethics Code.</p>	<p>The EC indicated that "attempt" is too low a standard and would hamper the ability of the EC to pursue valid charges against a psychologist.</p>
<p>(c) When psychologists are required by law, institutional policy, or extraordinary circumstances to serve in more than one role in judicial or administrative proceedings, at the outset they clarify role expectations and the extent of confidentiality and thereafter as changes occur (See also Standards 3.04, Avoiding Harm, and 3.07, Third-Party Requests for Services.)</p>		<p>What is an example of an "extraordinary circumstance that would not be covered by law or institutional policy?"</p>
<p><b>3.06 Conflict of Interest.</b> Psychologists refrain from taking on a professional role when personal, scientific, professional, legal, financial, or other interests or relationships could reasonably be expected (1) to impair their objectivity, competence, or effectiveness in performing their functions as psychologists or (2) to expose the person or organization with whom the professional relationship exists to harm or exploitation.</p>		
<p><b>3.07 Third-Party Requests for Services.</b> When psychologists agree to provide services to a person or entity at the request of a third party, psychologists attempt to clarify at the outset of the service the nature of the relationship with each party (i.e., individuals or organizations). This clarification includes the role of the psychologist (such as therapist, consultant, diagnostician, or expert witness), the probable uses of the services provided</p>	<p><b>3.07 Third-Party Requests for Services.</b> When psychologists agree to provide services to a person or entity at the request of a third party, psychologists <u>attempt take reasonable steps</u> to clarify at the outset of the service the nature of the relationship with each party (i.e., individuals or organizations). This clarification includes the role of the psychologist (such as therapist, consultant, diagnostician, or expert witness), <u>an identification of</u></p>	<p><i>The following standards use either the phrase "limits to" or "limits of." Does the ECTF want to change these to be consistent? 3.07, 3.10a,c, 3.11a, 4.02, 10.03.</i></p> <p>EC recommended "take reasonable steps" for rationale given above.</p> <p>EC thought it important that an individual receiving</p>



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<p>in the activity that reasonably might affect his or her willingness to participate including <b>limits of confidentiality</b> and monetary or other costs or reimbursements, (3) is aware of the voluntary nature of participation and has freely and without undue influence expressed consent, and (4) has had the opportunity to ask questions and receive answers regarding the activities. (See also Standards 8.02, Informed Consent to Research; 9.03, Informed Consent in Assessments; and 10.01, Informed Consent to Therapy.)</p>	<p><i>capacity to consent, (2) has been provided information concerning participation in the activity that reasonably might affect his or her willingness to participate including <u>the nature and purpose of the activity, known or reasonably foreseeable risks and benefits or participation, limits of confidentiality and monetary or other costs or reimbursements</u>, (3) is aware of the voluntary nature of participation and has freely and without undue influence expressed consent, and (4) has had the opportunity to ask questions and receive answers regarding the activities. (See also Standards 8.02, Informed Consent to Research; 9.03, Informed Consent in Assessments; and 10.01, Informed Consent to Therapy.)</i></p>	<p>capacity to consent." I am not sure those statements can be adjudicated. In addition in 3.10b we address the issue of when someone is legally incapable of giving consent. Furthermore, the listing of information that needs to be in informed consent is redundant to the special section informed consents. For me, the EC comments about adding more information underscores the fact that the details of what should be in informed consent may be better left for the special sections.</p> <p>If we do decide to keep this part then see EC comments below.</p> <p>The EC recommended that we include the following: <u>(3) has been provided information regarding the nature and purposes of the proposed treatment or research, the known or reasonably foreseeable risks and benefits of the proposed treatment or research, reasonable alternatives to the proposed treatment or research, and the prognosis with and without treatment;</u></p> <p>I think that reasonable alternatives and the language of treatment and research is too specific for this standard and this language does appear in the informed consent standard for intervention research 8.02b. I recommend we discuss informing clients about alternative treatments and the prognosis in psychotherapy when we discuss Standard 10.01.</p>
<p>(b) For persons who are legally incapable of giving informed consent, psychologists nevertheless (1) provide an appropriate explanation, (2) seek the individual's assent, (3) consider such persons' preferences and best interests, and (4) obtain appropriate permission from a legally authorized person, if such substitute consent is permitted or required by law. When consent by a legally authorized person is not permitted or required by law, psychologists take reasonable steps to protect the individual's rights and welfare.</p>		



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(c) When psychological services are court ordered or otherwise mandated, psychologists inform the individual of the nature of the anticipated services, including whether the services are court ordered or mandated and any <b>limits of confidentiality</b> , before proceeding.		
(d) Psychologists appropriately document written or oral consent, permission, and assent. (See also Standards 8.02, Informed Consent to Research; 9.03, Informed Consent in Assessments; and 10.01, Informed Consent to Therapy.)		
<p>3.11 Psychological Services Delivered To or Through Organizations.</p> <p>(a) Psychologists delivering services to or through organizations provide to clients and when appropriate those directly affected by the services, information beforehand about (1) the nature and objectives of the services, (2) the intended recipients, (3) which of the individuals are clients, (4) the relationship the psychologist will have with each person and the organization, (5) the probable uses of services provided and information obtained, (6) who will have access to the information, and (7) <b>limits to confidentiality</b>. As soon as feasible, they provide information about the results and conclusions of such services to appropriate persons.</p>		<p>Look for Draft 5 wording (div 14). Dierdre mentioned it was simpler, but I believe she was also saying that its simplicity might be over or under interpreted?</p> <p>This was the Draft 5 version. I think D5 version confuses group with individual services and skirts the issue of what information needs to be provided.</p> <p>3.11 Describing the Nature and Results of Psychological Services.</p> <p>(a) When psychologists provide program evaluation, supervision, consultation, or scientific or other psychological services to an individual, a group, or an organization, they provide, using language that is reasonably understandable to the recipients of those services, information beforehand about the nature of such services and information later about results and conclusions. (See also Standard 9.10, Explaining Assessment Results.)</p>
(b) If psychologists will be precluded by law or by organizational roles from providing such information to particular individuals or groups, they so inform those individuals or groups at the outset of the service.		
<p>3.12 Interruption of Psychological Services.</p> <p>Unless otherwise covered by contract, psychologists make reasonable efforts to plan for facilitating services in the event that psychological services are interrupted by factors such as the</p>		



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psychologist's illness, death, unavailability, or relocation or by the client's/patient's relocation or financial limitations. (See also Standard 6.02c, Maintenance, Dissemination, and Disposal of Confidential Records of Professional and Scientific Work.)		
<b>4. PRIVACY AND CONFIDENTIALITY</b>		
<p>4.01 Maintaining Confidentiality. Psychologists have a primary obligation and take reasonable precautions to protect confidentiality rights, recognizing that they may be established by law, institutional rules, or professional or scientific relationship. (See also Standard 2.05, Delegation of Work to Others and Use of Interpreters.)</p>	<p>4.01 Maintaining Confidentiality. Psychologists have a primary obligation and take reasonable precautions to protect confidentiality information obtained through or stored in any media rights, recognizing that they extent and limits of confidentiality may be established by law, institutional rules, or the professional or scientific relationship. (See also Standard 2.05, Delegation of Work to Others and Use of Interpreters.)</p> <p><u>(b) Psychologists obtain consent to use and disclose confidential information in accordance with the requirements of law (See also Standards 3.10, Informed Consent; 8.02, Informed Consent to Research; 9.03, Informed Consent in Assessments; and 10.01, Informed Consent to Therapy.)</u></p> <p>If we accept (b) the first paragraph will become (a)</p>	<p>As indicated in my notes below I was concerned that without a reference to electronic media in 4.01, 4.02c might not sufficiently alert psychologists to their responsibility to take specific steps to protect the confidentiality of internet, fax, etc information</p> <p>HIPAA normally requires consent or authorization for the use and disclosure of confidential information. There was some concern that the standards on informed consent might lead psychologists to ignore some of the more detailed and specific HIPAA regulations on consent that we would not want to include in the Code itself if this standard was not included. I am still getting feedback on this issue and will have more information at the meeting.</p>
<p>4.02 Discussing the <b>Limits of Confidentiality</b>. (a) Psychologists discuss with persons (including, to the extent feasible, persons who are legally incapable of giving informed consent and their legal representatives) and organizations with whom they establish a scientific or professional relationship (1) the relevant limitations on confidentiality and (2) the foreseeable uses of the information generated through their psychological activities. (See also Standard 3.10, Informed Consent.)</p>		
(b) Unless it is not feasible or is contraindicated, the discussion of confidentiality occurs at the outset of the relationship and thereafter as new circumstances may warrant.		
(c) Psychologists who offer services, products, or information via electronic transmission inform		See 4.01 above. Does this inadvertently suggest that psychologists are not responsible for taking



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clients/patients of the risks to privacy and limitations on confidentiality.		precautions when using electronic media and that all they need do is warn about limitations? 4.01 does not mention different media.
4.03 Recording. Psychologists obtain permission before recording the voice or image of individuals to whom they provide services. (See also Standards 8.03, Informed Consent for Recording Voice and Images in Research; 8.05, Dispensing with Informed Consent for Research; and 8.07, Deception in Research.)	4.03 Recording. <del>Psychologists obtain permission before</del> recording the voice or image of individuals to whom they provide services, <u>psychologists obtain permission from all such persons or their legal representatives.</u> (See also Standards 8.03, Informed Consent for Recording Voice and Images in Research; 8.05, Dispensing with Informed Consent for Research; and 8.07, Deception in Research.)	#625
4.04 Minimizing Intrusions on Privacy. (a) Psychologists include in written and oral reports and consultations, only information germane to the purpose for which the communication is made.		
	(b) Psychologists discuss confidential information obtained in their work only for appropriate scientific or professional purposes, <del>and only with persons clearly concerned with such matters, and as permitted by law.</del> (See also Standard 4.05)	What does this standard refer to that is different from 4.05a? Can a psychologist discuss confidential information for these purposes without the consent of the client or for any situations described in 4.05b? Is this standard for office personnel?
4.05 Disclosures. (a) Psychologists may disclose confidential information with the appropriate consent of the organizational client, the individual client/patient, or of another legally authorized person on behalf of the client/patient unless prohibited by law.	4.05 Disclosures (a) Psychologists <del>may</del> disclose confidential information with the appropriate consent of the organizational client, the individual client/patient, or of another legally authorized person on behalf of the client/patient unless prohibited by law.	Including the "may" might lead psychologists to violate HIPAA laws that may require disclosure in these instances. However, if we delete the "may" we make this mandatory. Do we want this standard?
(b) Psychologists disclose confidential information without the consent of the individual only as mandated by law, or where permitted by law or for a valid purpose such as to (1) provide needed professional services, (2) obtain appropriate professional consultations, (3) protect the client/patient, psychologist, or others from harm, or (4) obtain payment for services from a client/patient, in which instance disclosure is limited to the minimum that is necessary to achieve the purpose. (See also Standard 6.04c, Fees and Financial Arrangements.)	(b) Psychologists disclose confidential information without the consent of the individual only as mandated by law, or where permitted by law <del>or</del> <u>and</u> for a valid purpose such as to (1) provide needed professional services, (2) obtain appropriate professional consultations, (3) protect the client/patient, psychologist, or others from harm, or (4) obtain payment for services from a client/patient, in which instance disclosure is limited to the minimum that is necessary to achieve the purpose. (See also Standard 6.04c, Fees and Financial Arrangements.)	A "valid purpose" is not sufficient for a disclosure unless the disclosure is also permitted by law.
4.06 Consultations. When consulting with colleagues, (1) psychologists		



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do not disclose confidential information that reasonably could lead to the identification of a client/patient, research participant, or other person or organization with whom they have a confidential relationship unless they have obtained the prior consent of the person or organization or the disclosure cannot be avoided, and (2) they disclose information only to the extent necessary to achieve the purposes of the consultation. (See also Standard 4.01, Maintaining Confidentiality.)		
<p>4.07 Use of Confidential Information for Didactic or Other Purposes.</p> <p>Psychologists do not disclose in their writings, lectures, or other public media, confidential, personally identifiable information concerning their clients/patients, students, research participants, organizational clients, or other recipients of their services that they obtained during the course of their work, unless (1) they take reasonable steps to disguise the person or organization; (2) the person or organization has consented in writing; or (3) there is other ethical or legal authorization for doing so.</p>	<p>4.07 Use of Confidential Information for Didactic or Other Purposes.</p> <p>Psychologists do not disclose in their writings, lectures, or other public media, confidential, personally identifiable information concerning their clients/patients, students, research participants, organizational clients, or other recipients of their services that they obtained during the course of their work, unless (1) they take reasonable steps to disguise the person or organization; (2) the person or organization has consented in writing; or (3) there is <del>other ethical or</del> legal authorization for doing so.</p>	<p>Separate the listed items by commas rather than semicolons because there is no internal punctuation?</p> <p>Does "ethical" add anything?</p>
<p><b>5. ADVERTISING AND OTHER PUBLIC STATEMENTS</b></p>		
<p>5.01 Avoidance of False or Deceptive Statements.</p> <p>(a) Public statements include but are not limited to paid or unpaid advertising, product endorsements, grant and credentialing applications, brochures, printed matter, directory listings, personal resumes or curriculum vitae, or comments for use in media such as print or electronic transmission, statements in legal proceedings, lectures and public oral presentations, and published materials.</p> <p>Psychologists do not knowingly make public statements that are false, deceptive, or fraudulent, concerning their research, practice, or other work activities or those of persons or organizations with which they are affiliated.</p>		<p>EC suggested highlighting for members that this standard includes "licensing applications." I think this is redundant to 'credentialing.'</p>
<p>(b) Psychologists do not make false, deceptive, or fraudulent statements concerning (1) their training, experience, or competence; (2) their academic</p>		



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degrees; (3) their credentials; (4) their institutional or association affiliations; (5) their services; (6) the scientific or clinical basis for, or results or degree of success of, their services; (7) their fees; or (8) their publications or research findings.		
(c) Psychologists claim degrees as credentials for their mental health services only if those degrees (1) were earned from a regionally accredited educational institution or (2) were the basis for psychology licensure by the state in which they practice.		
5.02 Statements by Others. (a) Psychologists who engage others to create or place public statements that promote their professional practice, products, or activities retain professional responsibility for such statements.		
(b) Psychologists do not compensate employees of press, radio, television, or other communication media in return for publicity in a news item. (See also Standard 1.01, Misuse of Psychologists' Work.)		
(c) A paid advertisement relating to psychologists' activities must be identified or clearly recognizable as such.		
5.03 Descriptions of Workshops and Non-Degree-Granting Educational Programs. To the degree to which they exercise control, psychologists responsible for announcements, catalogs, brochures, or advertisements describing workshops, seminars, or other non-degree-granting educational programs ensure that they accurately describe the audience for which the program is intended, the educational objectives, the presenters, and the fees involved.		
5.04 Media Presentations. When psychologists provide public advice or comment via print, internet, or other electronic transmission, they take precautions to ensure that (1) the statements are based on their <b>professional knowledge</b> , training, or experience in accord with appropriate psychological literature and practice, (2) the statements are otherwise consistent with this	5.04 Media Presentations. When psychologists provide public advice or comment via print, internet, or other electronic transmission, they take precautions to ensure that <u>statements</u> (1) <del>the statements</del> are based on their <b>professional knowledge</b> , training, or experience in accord with appropriate psychological literature and practice, (2) <del>the statements</del> are otherwise	<i>Separate the listed items by semicolons rather than commas because there is internal punctuation.</i>  SK changes eliminates redundancy



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Ethics Code, and (3) the statements do not indicate that a professional relationship has been established with the recipient. (See also Standard 2.04, Bases for Scientific and Professional Judgments.)	consistent with this Ethics Code, and (3) the statements do not indicate that a professional relationship has been established with the recipient. (See also Standard 2.04, Bases for Scientific and Professional Judgments.)	
5.05 Testimonials. Psychologists do not solicit testimonials from current therapy clients/patients or other persons who because of their particular circumstances are vulnerable to undue influence.		
5.06 In-Person Solicitation. Psychologists do not engage, directly or through agents, in uninvited in-person solicitation of business from actual or potential therapy clients/patients or other persons who because of their particular circumstances are vulnerable to undue influence. However, this prohibition does not preclude (1) attempting to implement appropriate collateral contacts for the purpose of benefiting an already engaged therapy client/patient or (2) providing disaster or community outreach services.		
<b>6. RECORD KEEPING AND FEES</b>		
6.01 Documentation of Professional and Scientific Work and Maintenance of Records. Psychologists create, and to the extent the records are under their control, maintain, disseminate, store, retain, and dispose of records and data relating to their professional and scientific work in order to (1) facilitate provision of services later by them or by other professionals, (2) allow for replication of research design and analyses, (3) meet institutional requirements, (4) ensure accuracy of billing and payments, and (5) ensure compliance with law. (See also Standard 4.01, Maintaining Confidentiality.)		
6.02 Maintenance, Dissemination, and Disposal of Confidential Records of Professional and Scientific Work. (a) Psychologists maintain confidentiality in creating, storing, accessing, transferring, and disposing of records under their control, whether	6.02 Maintenance, Dissemination, and Disposal of Confidential Records of Professional and Scientific Work. (a) Psychologists maintain confidentiality in creating, storing, accessing, transferring, and disposing of records under their control, whether	



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these are written, automated, or in any other medium. (See also Standard 6.01, Documentation of Professional and Scientific Work and Maintenance of Records.)	these are written, automated, or in any other medium. (See also <u>Standards 4.01 Maintaining Confidentiality and 6.01, Documentation of Professional and Scientific Work and Maintenance of Records.</u> )	
(b) If confidential information concerning recipients of psychological services is entered into databases or systems of records available to persons whose access has not been consented to by the recipient, psychologists use coding or other techniques to avoid the inclusion of personal identifiers.		
(c) Psychologists make plans in advance to facilitate the appropriate transfer and to protect the confidentiality of records and data in the event of psychologists' withdrawal from positions or practice.	(c) Psychologists make plans in advance to facilitate the appropriate transfer and to protect the confidentiality of records and data in the event of psychologists' withdrawal from positions or practice., <u>recognizing that such procedures may be established by law or institutional rules. (See also Standard 3. Interruption of Services.)</u>	
6.03 Withholding Records for Nonpayment. Psychologists may not withhold records under their control that are requested and needed for a client's/patient's emergency treatment solely because payment has not been received.	6.03 Withholding Records for Nonpayment. Psychologists may not withhold records under their control that are requested and needed for a client's/patient's emergency treatment solely because payment has not been received, <u>recognizing that rules governing withholding of records may be established by law.</u>	Withholding of records for non-payment allowed by HIPAA? Is prohibited. Also MA law requires release of records. Does this pertain to neuropsychology or other types of assessments? Do we want this standard to include adhering to the law?
6.04 Fees and Financial Arrangements. (a) As early as is feasible in a professional or scientific relationship, psychologists and the client/patient or other recipient of psychological services reach an agreement specifying the compensation and the billing arrangements.	6.04 Fees and Financial Arrangements. (a) As early as is feasible in a professional or scientific relationship, psychologists and <del>the client/patient or other recipients of psychological services</del> reach an agreement specifying the compensation and <del>the</del> billing arrangements.	Eliminate redundancy?
(b) Psychologists' fee practices are consistent with law.		
(c) Psychologists do not misrepresent their fees.		
(d) If limitations to services can be anticipated because of limitations in financing, this is discussed with the client/patient or other recipient of services as early as is feasible. (See also Standards 10.09, Interruption of Services, and 10.10, Terminating Therapy.)	(d) If limitations to services can be anticipated because of limitations in financing, this is discussed with the <del>client/patient or other</del> recipient of services as early as is feasible. (See also Standards 10.09, Interruption of Services, and 10.10, Terminating Therapy.)	Redundancy?
(e) If the client/patient or other recipient of services	(e) If the <del>client/patient or other</del> recipient of services	Redundancy?



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does not pay for services as agreed, and if psychologists intend to use collection agencies or legal measures to collect the fees, psychologists first inform the person that such measures will be taken and provide that person an opportunity to make prompt payment. (See also Standards 4.05, Disclosures; 6.03, Withholding Records for Nonpayment; and 10.01, Informed Consent to Therapy.)	does not pay for services as agreed, and if psychologists intend to use collection agencies or legal measures to collect the fees, psychologists first inform the person that such measures will be taken and provide that person an opportunity to make prompt payment. (See also Standards 4.05, Disclosures; 6.03, Withholding Records for Nonpayment; and 10.01, Informed Consent to Therapy.)	
6.05 Barter With Clients/Patients. Barter is the acceptance of goods, services, or other nonmonetary remuneration from clients/patients in return for psychological services. Psychologists may barter only if (1) it is not clinically contraindicated, and (2) the resulting arrangement is not exploitative. (See also Standards 3.05, Multiple Relationships, and 6.04, Fees and Financial Arrangements.)		
6.06 Accuracy in Reports to Payors and Funding Sources. In their reports to payors for services or sources of research funding, psychologists take reasonable steps to ensure the accurate reporting of the nature of the service provided or research conducted, the fees, charges, or payments, and where applicable, the identity of the provider, the findings, and the diagnosis. (See also Standards 4.01, Maintaining Confidentiality; 4.04, Minimizing Intrusions on Privacy; and 4.05, Disclosures.)		
6.07 Referrals and Fees. When psychologists pay, receive payment from, or divide fees with another professional, other than in an employer-employee relationship, the payment to each is based on the services provided (clinical, consultative, administrative, or other) and is not based on the referral itself. (See also Standard 3.09, Cooperation with Other Professionals.)		
7. EDUCATION AND TRAINING		
7.01 Design of Education and Training Programs. Psychologists responsible for education and training programs take reasonable steps to ensure that the		



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<p>programs are designed to provide the appropriate knowledge and proper experiences, and to meet the requirements for licensure, certification, or other goals for which claims are made by the program. (See also Standard 5.03, Descriptions of Workshops and Non-Degree-Granting Educational Programs.)</p>		
<p>7.02 Descriptions of Education and Training Programs. Psychologists responsible for education and training programs take reasonable steps to ensure that there is a current and accurate description of the program content (including participation in required course- or program-related counseling, psychotherapy, experiential groups, consulting projects, or community service), training goals and objectives, stipends and benefits, and requirements that must be met for satisfactory completion of the program. This information must be made readily available to all interested parties.</p>		
<p>7.03 Accuracy in Teaching (a) Psychologists take reasonable steps to ensure that course syllabi are accurate regarding the subject matter to be covered, bases for evaluating progress, and the nature of course experiences. This standard does not preclude an instructor from modifying course content or requirements when the instructor considers it pedagogically necessary or desirable, so long as students are made aware of these modifications in a manner that enables them to fulfill course requirements. (See also Standard 5.01, Avoidance of False or Deceptive Statements.)</p>		
<p>(b) When engaged in teaching or training, psychologists present psychological information accurately. (See also Standard 2.03, Maintaining Expertise.)</p>		
<p>7.04 Student Disclosure of Personal Information. Psychologists do not require students or supervisees to disclose personal information, either orally or in writing, regarding sexual history, history of abuse and neglect, psychological treatment, and</p>		



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relationships with parents, peers, and spouses or significant others except if (1) the program or training facility has clearly identified this requirement in its admissions and program materials or (2) the information is necessary to evaluate or obtain assistance for students whose personal problems could reasonably be judged to be preventing them from performing their work-related activities in a competent manner or posing a threat to the students or others.		
7.05 Mandatory Individual or Group Therapy or Experiential Activities.		
(a) When individual or group therapy is a program or course requirement, psychologists responsible for that program allow students in undergraduate and graduate programs the option of selecting such therapy outside the program. (See also Standard 7.02, Descriptions of Education and Training Programs.)		What does "outside" the program mean? Can we be more specific? Do we mean from service providers unaffiliated with the program? Non-faculty? Is the program allowed to approve the therapist?
(b) Faculty who are or are likely to be responsible for evaluating students' academic performance do not themselves provide that therapy. (See also Standard 3.05, Multiple Relationships.)		
7.06 Assessing Student and Supervisee Performance. (a) In academic and supervisory relationships, psychologists establish a timely and specific process for providing feedback to students and supervisees. Information regarding the process is provided to the student at the beginning of supervision.		
(b) Psychologists evaluate students and supervisees on the basis of their actual performance on relevant and established program requirements.		
7.07 Sexual Relationships with Students and Supervisees. Psychologists do not engage in sexual relationships with students or supervisees who are in their department, agency, or training center or over whom psychologists have or are likely to have		



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evaluative authority. (See also Standard 3.05, Multiple Relationships.)		
<b>8. RESEARCH AND PUBLICATION</b>		
<p>8.01 Institutional Approval.</p> <p>Psychologists obtain from host institutions, or organizations approval prior to conducting research, and they provide accurate information about their research proposals. They conduct the research in accordance with the approved research protocol.</p>	<p>8.01 Institutional Approval.</p> <p><u>When institutional approval is required,</u>  <del>Psychologists provide accurate information about their research proposals and obtain approval from host relevant institutions, or organizations approval prior to conducting research, and they provide accurate information about their research proposals.</del>        They conduct the research in accordance with the approved research protocol.</p>	<p>At Council, a member was concerned that draft 6 wording of 8.01 would require institutional approval for undergraduate experimental course lab assignments. Since institutions may vary in requirements regarding course work and since it would be cumbersome to write language that would distinguish between which courses should (e.g., masters and Ph.D. experiments) and should not have institutional approval. I thought this language might address the issue. The 92 Code used the term "appropriate approval" which the ECTF took out, I believe in an effort not to use qualifiers when possible. I substituted the word "relevant" for "host" because psychologists may need to seek approval from both their home institution and the site at which data is collected. Does "host" cover both?</p>
<p>8.02 Informed Consent to Research.</p> <p>(a) When obtaining informed consent as required in Standard 3.10, Informed Consent, psychologists inform participants about (1) the purpose of the research, expected duration, and procedures; (2) their right to decline to participate and to withdraw from the research once participation has begun; (3) the foreseeable consequences of declining or withdrawing; (4) reasonably foreseeable factors that may be expected to influence their willingness to participate such as potential risks, discomfort, or adverse effects; (5) any prospective research benefits; (6) limitations on confidentiality; (7) incentives for participation; and (8) whom to contact for questions about the research and research participants' rights. (See Standards 8.05, Dispensing with Informed Consent for Research, and 8.07, Deception in Research.)</p>	<p>8.02 Informed Consent to Research.</p> <p>(a) When obtaining informed consent as required in Standard 3.10, Informed Consent, psychologists inform participants about (1) the purpose of the research, expected duration, and procedures; (2) their right to decline to participate and to withdraw from the research once participation has begun; (3) the foreseeable consequences of declining or withdrawing; (4) reasonably foreseeable factors that may be expected to influence their willingness to participate such as potential risks, discomfort, or adverse effects; (5) any prospective research benefits; (6) limitations on confidentiality; (7) <del>incentives</del> <u>compensation</u> for participation; and (8) whom to contact for questions about the research and research participants' rights. <u>They provide opportunity for the prospective participant to ask questions and receive answers.</u> (See Standards 8.05, Dispensing with Informed Consent for Research, and 8.07, Deception in Research.)</p>	<p>As you can see, 8.02 is highly redundant as well as more expansive to the elements of 3.10. I added the last sentence in case we decide to eliminate that section of 3.10.</p> <p><u>Please note that in several sections of the draft we use the term "limits of confidentiality" here we use "limitations on confidentiality" which does the ECTF prefer for consistency?</u></p> <p>Compensation is the preferred term.</p>



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(b) Psychologists conducting intervention research involving the use of experimental treatments, clarify to participants at the outset of the research the experimental nature of the treatment, the services that will or will not be available to the control group(s) if appropriate, the means by which assignment to treatment and control groups will be made, and available treatment alternatives if an individual does not wish to participate in the research or wishes to withdraw once a study has begun.	b) Psychologists conducting intervention research involving the use of experimental treatments, clarify to participants at the outset of the research <u>(1) the experimental nature of the treatment;</u> <u>(2) the services that will or will not be available to the control group(s) if appropriate;</u> <u>(3) the means by which assignment to treatment and control groups will be made;</u> and <u>(4) available treatment alternatives if an individual does not wish to participate in the research or wishes to withdraw once a study has begun;</u> <u>(5) compensation or monetary costs of participating including if appropriate, whether reimbursement from the participant or a third party payor will be sought; and</u> <u>(6) the extent of the participants' right of access to their research records.</u> (see also Standard 8.02a.)	
8.03 Informed Consent for Recording Voice and Images in Research. Psychologists obtain informed consent from research participants prior to recording their voice or image unless (1) the research consists solely of naturalistic observations in public places and it is not anticipated that the recording will be used in a manner that could cause personal identification or harm or (2) the research design includes deception and consent is obtained during debriefing. (See also Standard 8.07, Deception in Research.)	8.03 Informed Consent for Recording Voices and Images in Research. Psychologists obtain informed consent from research participants prior to recording their voices or images <u>for data collection</u> unless (1) the research consists solely of naturalistic observations in public places and it is not anticipated that the recording will be used in a manner that could cause personal identification or harm or (2) the research design <u>does not involve treatment,</u> includes deception, and consent is obtained during debriefing. (See also Standard 8.07, Deception in Research.)	<i>Change the word "Voice" to plural in title and make appropriate changes in text.</i>  Div 14. Some researchers record the consent and then cease taping if the individual refuses. Is there a way we can address this.
8.04 Client/Patient, Student, and Subordinate Research Participants. (a) When psychologists conduct research with clients/patients, students, or subordinates as participants, psychologists take steps to protect the prospective participants from adverse consequences of declining or withdrawing from participation.		
(b) When research participation is a course requirement or opportunity for extra credit, the prospective participant is given the choice of equitable alternative activities.		
8.05 Dispensing With Informed Consent for	8.05 Dispensing With Informed Consent for	This seemed so long and unreadable, I tried to



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<p>Research. Psychologists may dispense with informed consent only where permitted by law, applicable federal or institutional regulations or where research (1) is conducted in commonly accepted educational settings and involves the study of normal educational practices, instructional strategies, or effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods and that would not reasonably be assumed to create distress or harm; (2) involves only anonymous questionnaires, naturalistic observations, or certain kinds of archival research for which participants' confidentiality is protected and for which disclosure of the participants' responses would not place them at risk of criminal or civil liability or be damaging to the participants' financial standing, employability, or reputation or that would not reasonably be assumed to create distress or harm; or (3) is conducted in organizational settings and concerns factors related to job or organization effectiveness for which there is no risk to participants' employability or future academic progress, and confidentiality is protected.</p>	<p>Research. Psychologists may dispense with informed consent only where permitted by law, applicable federal or institutional regulations, or where research <u>would not reasonably be assumed to create distress or harm and involves</u> (1) <u>is conducted in commonly accepted educational settings and involves the study of normal educational practices, instructional strategies, or effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods conducted in educational settings</u> and that <u>would not reasonably be assumed to create distress or harm</u>; (2) involves only anonymous questionnaires, naturalistic observations, or certain kinds of archival research for which participants' confidentiality is protected and for which disclosure of the participants' responses would not place them <u>participants</u> at risk of criminal or civil liability or be damaging to their <u>participants'</u> financial standing, employability, or reputation, and confidentiality is protected or that <u>would not reasonably be assumed to create distress or harm</u>; or (3) <u>is conducted in organizational settings and concerns the study of factors related to job or organization effectiveness conducted in organizational settings</u> for which there is no risk to participants' employability or future academic progress, and confidentiality is protected.</p>	<p><u>eliminate redundancies</u></p> <p><i>Below is what the adjacent changes would look like</i></p> <p>Psychologists may dispense with informed consent only where permitted by law, federal or institutional regulations, or where research would not reasonably be assumed to create distress or harm and involves (1) the study of normal educational practices, curricula, or classroom management methods conducted in educational settings; (2) only anonymous questionnaires, naturalistic observations, or archival research for which disclosure of responses would not place participants at risk of criminal or civil liability or damage their financial standing, employability, or reputation, and confidentiality is protected; or (3) the study of factors related to job or organization effectiveness conducted in organizational settings for which there is no risk to participants' employability, and confidentiality is protected.</p> <p>Div 14 "future academic process does not make sense</p>
<p>8.06 Offering Inducements for Research Participants. (a) When offering professional services as an inducement to obtain research participants, psychologists make clear the nature of the services, as well as the risks, obligations, and limitations. (See also Standard 6.05, Barter With Clients/Patients.)</p>	<p>8.06 Offering Inducements <u>Compensation</u> for Research Participants. (a) When offering professional services as <u>an inducement compensation</u> to obtain for research participants, psychologists make clear the nature of the services, as well as the risks, obligations, and limitations. (See also Standard 6.05, Barter With Clients/Patients.)</p>	<p>There has been recent debate at NIH/NIMH to avoid the terms incentives and inducements as implying "coercion"</p>
<p>(b) Psychologists make reasonable efforts to avoid offering excessive or inappropriate financial or other inducements to obtain research participants when such inducements are likely to coerce participation.</p>		



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<b>8.07 Deception in Research.</b> (a) Psychologists do not conduct a study involving deception unless they have determined that the use of deceptive techniques is justified by the study's significant prospective scientific, educational, or applied value and that effective nondeceptive alternative procedures are not feasible.		
(b) Psychologists do not deceive prospective participants about research that is reasonably expected to cause physical pain or severe emotional distress.		
(c) Psychologists explain any deception that is an integral feature of the design and conduct of an experiment to participants as early as is feasible, preferably at the conclusion of their participation, but no later than at the conclusion of the data collection, and permit participants to withdraw their data. (See also Standard 8.08, Debriefing.)		
<b>8.08 Debriefing.</b> (a) Psychologists provide a prompt opportunity for participants to obtain appropriate information about the nature, results, and conclusions of the research, and psychologists take reasonable steps to correct any misconceptions that participants may have of which the psychologists are aware.		
(b) If scientific or humane values justify delaying or withholding this information, psychologists take reasonable measures to reduce the risk of harm.		
(c) When psychologists become aware that research procedures have harmed a participant, they take reasonable steps to minimize the harm.		
<b>8.09 Humane Care and Use of Animals in Research.</b> (a) Psychologists acquire, care for, use, and dispose of animals in compliance with current federal, state, and local laws and regulations, and with professional standards.		
(b) Psychologists trained in research methods and experienced in the care of laboratory animals supervise all procedures involving animals and are responsible for ensuring appropriate consideration		



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of their comfort, health, and humane treatment.		
(c) Psychologists ensure that all individuals under their supervision who are using animals have received instruction in research methods and in the care, maintenance, and handling of the species being used, to the extent appropriate to their role. (See also Standard 2.05, Delegation of Work to Others and Use of Interpreters.)		
(d) Psychologists make reasonable efforts to minimize the discomfort, infection, illness, and pain of animal subjects.		
(e) Psychologists use a procedure subjecting animals to pain, stress, or privation only when an alternative procedure is unavailable and the goal is justified by its prospective scientific, educational, or applied value.		
(f) Psychologists perform surgical procedures under appropriate anesthesia and follow techniques to avoid infection and minimize pain during and after surgery.		
(g) When it is appropriate that an animal's life be terminated, psychologists proceed rapidly, with an effort to minimize pain and in accordance with accepted procedures.		
8.10 Reporting Research Results.		
(a) Psychologists do not fabricate data. (See also Standard 5.01a, Avoidance of False or Deceptive Statements.)		
(b) If psychologists discover significant errors in their published data, they take reasonable steps to correct such errors in a correction, retraction, erratum, or other appropriate publication means.		



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<p>8.11 Plagiarism. Psychologists do not present portions of another's work or data as their own, even if the other work or data source is cited occasionally.</p>		<p>The EC suggested that there be a general category of plagiarism. The ECTF discussed this in great detail at its last meeting. Below is an explanation of our rationale for not having a general plagiarism standard that was sent to another commenter.</p> <p>The task force very carefully considered the issue of compartmentalization for every standard in the code. Where certain types of requirements were similar across different sections of the code, standards were written in language that could reflect the contexts in which the behavior would occur. The ECTF spent considerable time discussing how best to address situations in which a psychologist might inappropriately present the work of others as his or her own in non-research/publication settings. It was recognized that in some settings it is appropriate to summarize the status of the field without making specific references to the work of others when the psychologists is not declaring that the body of work is his or her own. After extensive deliberation the ECTF concluded that Standards 5.01 (a) and (b) in draft 6 adequately covers the types of behaviors that would be unethical in these settings.</p>
<p>8.12 Publication Credit. (a) Psychologists take responsibility and credit, including authorship credit, only for work they have actually performed or to which they have substantially contributed.</p>		
<p>(b) Principal authorship and other publication credits accurately reflect the relative scientific or professional contributions of the individuals involved, regardless of their relative status. Mere possession of an institutional position, such as department chair, does not justify authorship credit. Minor contributions to the research or to the writing for publications are acknowledged appropriately, such as in footnotes or in an introductory statement.</p>		
<p>(c) Except under exceptional circumstances, a student is listed as principal author on any multiple-authored article that is substantially based on the</p>		



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student's doctoral dissertation. Faculty advisors discuss publication credit with students as early as feasible and throughout the research and publication process as appropriate.		
8.13 Duplicate Publication of Data. Psychologists do not publish, as original data, data that have been previously published. This does not preclude republishing data when they are accompanied by proper acknowledgment.		
8.14 Sharing Research Data for Verification. (a) After research results are published, psychologists do not withhold the data on which their conclusions are based from other competent professionals who seek to verify the substantive claims through reanalysis and who intend to use such data only for that purpose, provided that the confidentiality of the participants can be protected and unless legal rights concerning proprietary data preclude their release. This does not preclude psychologists from requiring that such individuals or groups be responsible for costs associated with the provision of such information.		
(b) Psychologists who request data from other psychologists to verify the substantive claims through reanalysis may use shared data only for that purpose. Psychologists obtain prior agreement for other uses of the data.	(b) Psychologists who request data from other psychologists to verify the substantive claims through reanalysis may use shared data only for that purpose. <u>The requesting Ppsychologists obtains</u> prior agreement for other uses of the data.	Div 14
8.15 Professional Reviewers. Psychologists who review material submitted for publication, grant, or other research proposal review respect the confidentiality of and the proprietary rights in such information of those who submitted it.		
9. ASSESSMENT		
9.01 Bases for Assessments. (a) Psychologists base their assessments, recommendations, reports, opinions, and diagnostic or evaluative statements on information and techniques sufficient to substantiate their findings. (See also Standard 2.04, Bases for Scientific and Professional Judgments.)		
(b) Except as noted in 9.01 (c) and (d),		Stan: Just a flag here as I was looking back from



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psychologists provide opinions of the psychological characteristics of individuals only after they have conducted an examination of the individuals adequate to support their statements or conclusions.		your comment on d. Is there an unintended effect of applying this to all assessment (not just forensic). It is common, is it not, for therapists to give opinions about clients before they have data to truly support the opinions? While the context generally makes it clear that the "opinion" is a hypothesis, this rule could be a problem.
(c) When, despite reasonable efforts, such an examination is not practical, psychologists document the efforts they made and the result of those efforts, clarify the probable impact of their limited information on the reliability and validity of their opinions, and appropriately limit the nature and extent of their conclusions or recommendations. (See also Standards 2.01, Boundaries of Competence, and 9.06, Interpreting Assessment Results.)		
(d) When psychologists conduct a record review and an individual examination is not warranted or necessary for the opinion, psychologists explain this and the bases upon which they arrived at this opinion in their conclusions and recommendations.		<p>The EC gave the rationale below for wanting the following inclusions. I am not sure that their concerns are relevant to the term "record review" which I believe has a special meaning and would be appropriate even if it were possible for a psychologist to see a client. I think there concerns are adequately addressed in (b) and (c) above. I would recommend our original language</p> <p>(d) When psychologists conduct a record review and an individual examination is <u>not possible or is not warranted or necessary for the opinion</u>, psychologists explain this and the bases upon which they arrived at this opinion in their conclusions and recommendations. <u>Psychologists explain any relevant limitations of their relying solely upon record review and limit their findings, recommendations, and opinions accordingly.</u></p> <p>Here is the EC rationale There are circumstances in which an individual examination is not possible (e.g, the person is dead or refusing to speak with the psychologist). The additional language covers this situation. The</p>



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except when (1) testing is mandated by law or governmental regulation; (2) informed consent is implied because testing is conducted as a routine educational, institutional, or organizational activity (e.g., when participants voluntarily agree to assessment when applying for a job); or (3) one purpose of the testing is to evaluate decisional capacity.	except when (1) testing is mandated by law or governmental regulation; (2) informed consent is implied because testing is conducted as a routine educational, institutional, or organizational activity (e.g., when participants voluntarily agree to assessment when applying for a job); or (3) one purpose of the testing is to evaluate decisional capacity. <u>Informed consent includes an explanation of the nature and purpose of the assessment, fees, involvement of third parties, and limits of confidentiality and sufficient opportunity for the client/patient to ask questions and receive answers.</u>	<p>CPTA "The standard is unclear. If the intention of exception (3) is to exclude situations in which the client is too impaired to grant informed consent, then (3) should be phrased in terms of capacity rather than in terms of the purpose of testing. "</p> <p><i>I believe the intention of #3 was to address Division 40's concern that neuropsychologists are conducting an assessment to evaluate an individual's competence such that the consent capacity is unknown at the time of testing.</i></p>
(b) Psychologists inform persons with questionable capacity to consent or for whom testing is mandated by law or governmental regulations about the nature and purpose of the proposed assessment services, using language that is reasonably understandable to the person being assessed.		
(c) Psychologists using the services of an interpreter obtain informed consent from the client/patient to use that interpreter, ensure that confidentiality of test results and test security are maintained, and discuss any limitations on the data obtained. (See also Standards 2.05, Delegation of Work to Others and Use of Interpreters; 4.01, Maintaining Confidentiality; 9.01, Bases for Assessments; and 9.07, Assessment by Unqualified Persons.)		



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<p>9.04 Release of Test Data.</p> <p>Test data refer to the test protocols, record forms, scores and notes regarding an individual's responses to test items in any media. Psychologists may release test data to other psychologists or other qualified professionals based on a client/patient release. Psychologists refrain from releasing test data to persons who are not qualified to use such information, except (1) as required by law or court order, (2) to an attorney or court based on a client/patient release or (3) to the client/patient as appropriate. Psychologists may refrain from releasing test data to protect a client/patient from harm or to protect test security. (See also Standards 1.02, Conflict Between Ethics and Law, Regulations, or Other Governing Legal Authority, and 2.01, Boundaries of Competence.)</p>	<p><u>9.04 Release of Raw <del>Test</del> Data</u> -- replace entire Draft 6 proposed text with the following --COLI</p> <p>(a) The term "raw data" refers to client/patient responses to psychological test questions or stimuli, and to a psychologist's contemporaneous notes concerning client/patient statements and behavior during an examination. Psychological test materials are not considered "raw data." (See Standard 9.11)</p> <p>(b) Pursuant to a client/patient release, psychologists provide raw data to: (1) the client/patient; (2) another licensed or certified mental health professional; and/or (3) any other person or party as permitted by law.</p> <p>(c) In the absence of a client/patient release, psychologists provide raw data only upon court order designating the materials to be released and the parties to whom the materials are to be released.</p> <p>If the provision of raw data would risk substantial harm to a patient/client or others, psychologists may take steps as permitted by law to refrain from doing so.</p>	<p><i>Grammatical Correction &amp; commas.</i></p> <p>COLI recommendation supported by CPTA &amp; Div 12.</p> <p>COLI rationale is this column under 9.11</p> <p>"scores" not included.</p> <p>(a) The enhanced definition of notes is a good idea since it avoids any confusion of the term "notes" with "psychotherapy notes" which receive more protection by HIPAA and assessment notes which are not.</p> <p>The COLI recommendations for 9.04 and 9.11 do not give guidance and may cause confusion regarding instances where raw data and test materials are intricately entwined (e.g., Rorschach)</p> <p>Regarding COLI (b) do we want to require a client/patient release before a psychologist releases data to a client/patient?</p> <p>(b)(2) COLI thought that including the term Licensed or certified mental health professional would end dispute over "qualification" by requiring the psychologist to get a license number or calling the state. Is one option more burdensome or impractical than the other? The ECTF in the past has discussed the fact that in some instances it may be appropriate to provide health practitioners with raw data.</p> <p>HPAA mandates release of data (except psychotherapy notes) to client upon their release. Psychologists could technically refuse to release it to a second party who is not a personal representative. However, COLI b3 opens the door to release of raw data to attorneys and anyone the client signs a release for as long as "test materials." are not included and it actually broadens the people who can receive the raw data.</p>



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		<p>HIPAA allows a client to appeal if a health provider withholds PHI and the standard for supporting the health provider is "serious and imminent harm" (so mental health of patient not suffice) thus HIPAA has a higher threshold even than "<u>Psychologists may refrain from releasing test data to protect a client/patient</u>" in current Draft 6.04 . HIPAA will not recognize test security as a reason to withhold PHI and therefore is misleading. Therefore COLI (d) is a more accurate reflection of what psychologists can or cannot do.</p> <p>Div 41 also notes that some states have laws prohibiting the release of test protocols</p> <p>When the Ethics Code permits (but does not require) a psychologist to do something and a state law prohibits something, no conflict exists for the psychologist. He/She can follow state law and also not violate the ethics code. There is no conflict between the Ethics Code and law, because the Ethics Code is not requiring the psychologist to do something that is prohibited under state law.</p> <p>HIPAA requires that a psychologist release protected health information (i.e. raw data) to a patient upon request in virtually all instances. If a state law is contrary to HIPAA and gives FEWER rights to the patient than HIPAA (for example, prohibits release of protected health information to a patient when HIPAA requires such release), the most likely outcome is that the state law will be preempted by HIPAA. In the rare situation where the psychologist is not dealing with PHI (as, for example, when he/she is an I/O psychologist and is therefore not dealing with PHI covered by HIPAA) and the Ethics Code required release, but the state law did not permit release, the Ethics Code has the standard that instructs the psychologist to follow the state law.</p>



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		<p>Under HIPAA, if the test protocol has individually identifiable information on it (like the psychologist's notes on the assessment or the patient's responses), then it would be PHI and would need to be released. If the test protocol is "clean", it would not. (COLI, for example, sees this issue as one of educating psychologists not to write on the test protocols so that the protocols do not have to be turned over.)</p> <p>In addition to the rationale that COLI provided to us I would like to add a few comments on Draft 6 of 9.04</p> <p>In Draft 6 2<sup>nd</sup> sentence of draft 6 is redundant to 3<sup>d</sup> sentence and in some ways with 4.05a.</p> <p>The ECTF might also wish to consider what the goal of this standard is in light of and in relationship to other standards. Test security is addressed in 9.11. Confidentiality &amp; Disclosures are addressed in section 4. In the 92 Code the standard was presented as protecting the <u>misuse</u> of assessments by others: <i>2.02 Competence and Appropriate Use of Assessments and Interventions.</i>  <i>(b) Psychologists refrain from misuse of assessment techniques, interventions, results, and interpretations and take reasonable steps to prevent others from misusing the information these techniques provide. This includes refraining from releasing raw test results or raw data to persons, other than to patients or clients as appropriate, who are not qualified to use such information. (See also Standards 1.02, Relationship of Ethics and Law, and 1.04, Boundaries of Competence.)</i></p> <p><u>I don't see how Boundaries of competence relates to 9.04 which is now limited to release to others.</u></p>



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<p>9.05 Test Construction. Psychologists who develop and conduct research with tests and other assessment techniques use appropriate psychometric procedures and current scientific or <b>professional knowledge</b> for test design, standardization, validation, reduction or elimination of bias, and recommendations for use.</p>	<p>9.05 Test Construction. Psychologists who develop and <del>conduct research</del> <del>with tests</del> and other assessment techniques use appropriate psychometric procedures and current scientific or <b>professional knowledge</b> for test design, standardization, validation, reduction or elimination of bias, and recommendations for use.</p>	<p>Isn't this standard only addressed to test construction?</p>
<p>9.06 Interpreting Assessment Results. When interpreting assessment results, including automated interpretations, psychologists take into account the purpose of the assessment as well as the various test factors, test taking abilities, and other characteristics of the person being assessed, such as situational, personal, linguistic, and cultural differences, that might affect psychologists' judgments or reduce the accuracy of their interpretations. They indicate any significant reservations they have about the accuracy or limitations of their interpretations. (See also Standards 2.01 b and c, Boundaries of Competence, and 3.01, Unfair Discrimination.)</p>		
<p>9.07 Assessment by Unqualified Persons. Psychologists do not promote the use of psychological assessment techniques by unqualified persons, except when such use is conducted for training purposes with appropriate supervision. (See also Standard 2.05, Delegation of Work to Others and Use of Interpreters.)</p>		
<p>9.08 Obsolete Tests and Outdated Test Results. (a) Psychologists do not base their assessment or intervention decisions or recommendations on data or test results that are outdated for the current purpose.</p>	<p>9.08 Obsolete Tests and Outdated Test Results. (a) Psychologists do not base their assessment or intervention decisions or recommendations on <u>tests, measures, data,</u> or test results that are outdated for the current purpose.</p>	<p>Does this adequately combine the points in (a) and (b)?</p>
<p>(b) Similarly, psychologists do not base such decisions or recommendations on tests and measures that are obsolete and not useful for the current purpose.</p>	<p>(b) <del>Similarly, p</del>Psychologists do not base such decisions or recommendations on tests and measures that are obsolete and not useful for the current purpose.</p>	<p>SK Eliminate (b) if above works</p>
<p>9.09 Test Scoring and Interpretation Services. (a) Psychologists who offer assessment or scoring services to other professionals accurately describe the purpose, norms, validity, reliability, and</p>		



<i>Draft 6, October 21, 2001</i>	<i>CBF Proposal with Redline</i>	<i>CBF Rationale</i>
applications of the procedures and any special qualifications applicable to their use.		
(b) Psychologists select scoring and interpretation services (including automated services) on the basis of evidence of the validity of the program and procedures as well as on other appropriate considerations. (See also Standard 2.01 b and c, Boundaries of Competence.)		
(c) Psychologists retain responsibility for the appropriate application, interpretation, and use of assessment instruments, whether they score and interpret such tests themselves or use automated or other services.		
9.10 Explaining Assessment Results. Regardless of whether the scoring and interpretation are done by psychologists, by employees or assistants, or by automated or other outside services, psychologists take reasonable steps to ensure that explanations of results are given to the individual or designated representative unless the nature of the relationship precludes provision of an explanation of results (such as in some organizational consulting, pre-employment or security screenings, and forensic evaluations), and this fact has been clearly explained to the person being assessed in advance.		
9.11 Maintaining Test Security. Psychologists make reasonable efforts to maintain the integrity and security of tests and other assessment techniques consistent with law, contractual obligations, and in a manner that permits adherence to this Ethics Code. (See also Standards 1.02, Conflict Between Ethics and Law, Regulations, and Other Governing Legal Authority, and 9.04, Release of Test Data.)	<p><u>9.11 Release of Test Materials <del>(Maintaining Test Security)</del>-- replace entire Draft 6 proposed text with the following --COLI</u></p> <p><u>"Test Materials" include instruments, protocols, psychological test questions or stimuli, not including "raw data" as defined in Standard 9.04.</u></p> <p><u>Unless compelled by court order, psychologists provide test materials only to another licensed or certified mental health professional.</u></p> <p><u>Prior to or after receiving a court order directing release of test materials to persons other than licensed or certified mental health professionals,</u></p>	<p>COLI recommendation</p> <p><u>COLI Rationales for Amendments to Standards 9.04 and 9.11</u></p> <p><u>COLI drafted new versions of Standards 9.04 and 9.11 in an attempt to maintain test security to the greatest extent possible while also recognizing that HIPAA has changed the legal landscape.</u></p> <p>COLI's recommendation is restricted issues related to 9.04 whereas I believe 9.11 was intended to be broader (e.g., don't coach patients on tests). I am not sure about the relevance of (b) outside of a client/patient's test scores? (c) although permissive, may still create a burden on psychologists who may see themselves at legal risk by test companies if</p>



<b>Draft 6, October 21, 2001</b>	<b>CBF Proposal with Redline</b>	<b>CBF Rationale</b>
	<u>psychologists may first seek a protective order or other legal relief in order to protect test security.</u>	they do not seek a protective order or other legal relief.
10. THERAPY		DIV 42 RECOMMENDED THE TERM "PSYCHOTHERAPY" HOWEVER IN PREVIOUS DISCUSSIONS THE ECTF AND RUSS NEWMAN FELT THAT WOULD BE TOO LIMITING
10.01 Informed Consent to Therapy. (a) When obtaining informed consent to therapy as required in Standard 3.10, Informed Consent, psychologists inform clients/patients as early as is feasible in the therapeutic relationship about appropriate information, including the nature and anticipated course of therapy, fees, involvement of third parties, and confidentiality. (See also Standards 4.02, Discussing the Limits of Confidentiality, and 6.04, Fees and Financial Arrangements.)	10.01 Informed Consent to Therapy. (a) When obtaining informed consent to therapy as required in Standard 3.10, Informed Consent, psychologists inform clients/patients as early as is feasible in the therapeutic relationship about <del>appropriate information, including the nature and anticipated course of therapy, fees, involvement of third parties, and</del> <u>limits of confidentiality and provides sufficient opportunity for the client/patient to ask questions and receive answers.</u> (See also Standards 4.02, Discussing the Limits of Confidentiality, and 6.04, Fees and Financial Arrangements.)	Is "appropriate information" informative? Does it create an undue burden? I included part about questions and answers assuming that we eliminate it from 3.10.  EC suggested that in the 3.10 informed consent include requirement to inform individual of (a) known and reasonably foreseeable risks and benefits, (b) alternatives to treatment and (c) prognosis without treatment. We do require discussion of alternatives in 3.01b where treatment in an evolving are is used. I am not sure the EC requirements would be universally appropriate.
(b) When obtaining informed consent for treatment involving emerging areas in which generally recognized techniques and procedures have not been established, psychologists inform their clients/patients of the developmental nature of the treatment, the potential risks involved, alternative treatments that may be available, and the voluntary nature of their participation. (See also Standards 2.01d, Boundaries of Competence, and 3.10, Informed Consent.)		Is it obvious in (b) that the psychologist also has to do everything in (a)?
(c) When the therapist is a trainee and the legal responsibility for the treatment provided resides with the supervisor, the client/patient, as part of the informed consent procedure, is informed that the therapist is in training and is being supervised and is given the name of the supervisor.		
10.02 Therapy Involving Couples or Families. (a) When psychologists agree to provide services to several persons who have a relationship (such as spouses, significant others, or parents and	10.02 Therapy Involving Couples or Families. (a) When psychologists agree to provide services to several persons who have a relationship (such as spouses, significant others, or parents and	SK "they"  EC recommendation based upon earlier rationale



<b>Draft 6, October 21, 2001</b>	<b>CBF Proposal with Redline</b>	<b>CBF Rationale</b>
children), psychologists attempt to clarify at the outset (1) which of the individuals are clients/patients and (2) the relationship the psychologist will have with each person. This clarification includes the psychologist's role and the probable uses of the services provided or the information obtained. (See also Standard 4.02, Discussing the Limits of Confidentiality.)	children), psychologists <u>they attempt take reasonable steps</u> to clarify at the outset (1) which of the individuals are clients/patients and (2) the relationship the psychologist will have with each person. This clarification includes the psychologist's role and the probable uses of the services provided or the information obtained. (See also Standard 4.02, Discussing the Limits of Confidentiality.)	
(b) If it becomes apparent that psychologists may be called on to perform potentially conflicting roles (such as family therapist and then witness for one party in divorce proceedings), psychologists attempt to clarify and modify, or withdraw from, roles appropriately. (See also Standard 3.05c, Multiple Relationships.)	(b) If it becomes apparent that psychologists may be called on to perform potentially conflicting roles (such as family therapist and then witness for one party in divorce proceedings), psychologists <u>attempt take reasonable steps</u> to clarify and modify, or withdraw from, roles appropriately. (See also Standard 3.05c, Multiple Relationships.)	EC recommendation based upon earlier rationale
10.03 Group Therapy When psychologists provide services to several persons in a group setting, psychologists describe at the outset the roles and responsibilities of all parties and the <b>limits of confidentiality</b> .	10.03 Group Therapy When psychologists provide services to several persons in a group setting, psychologists <u>they</u> describe at the outset the roles and responsibilities of all parties and the <b>limits of confidentiality</b> .	SK
10.04 Providing Therapy to Those Served by Others. In deciding whether to offer or provide services to those already receiving mental health services elsewhere, psychologists carefully consider the treatment issues and the potential client's/patient's welfare. Psychologists discuss these issues with the client/patient, or another legally authorized person on behalf of the client/patient, in order to minimize the risk of confusion and conflict, consult with the other service providers when appropriate, and proceed with caution and sensitivity to the therapeutic issues.		
10.05 Sexual Intimacies With Current Therapy Clients/Patients. Psychologists do not engage in sexual intimacies with current therapy clients/patients.		
10.06 Sexual Intimacies with Relatives or Significant Others of Current Therapy Clients/Patients. Psychologists do not engage in sexual intimacies	10.06 Sexual Intimacies with Relatives or Significant Others of Current Therapy Clients/Patients. Psychologists do not engage in sexual intimacies	<u>Div 42</u>



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with individuals they know to be the parents, guardians, spouses, significant others, children, or siblings of current clients/patients. Psychologists do not terminate therapy to circumvent this standard.	with individuals they know to be the <u>close relatives</u> <del>parents, guardians, spouses, or</del> significant others, <del>children, or siblings of current clients/patients.</del> Psychologists do not terminate therapy to circumvent this standard.	
10.07 Therapy With Former Sexual Partners. Psychologists do not accept as therapy clients/patients persons with whom they have engaged in sexual intimacies.		
10.08 Sexual Intimacies With Former Therapy Clients/Patients. (a) Psychologists do not engage in sexual intimacies with a former client/patient for at least two years after cessation or termination of therapy.	10.08 Sexual Intimacies With Former Therapy Clients/Patients. (a) Psychologists do not engage in sexual intimacies with <del>a former</del> clients/patients for at least two years after cessation or termination of therapy.	<i>Change client/patient to plural for consistency with (b).</i>
(b) Psychologists do not engage in sexual intimacies with former clients/patients even after a two-year interval except in the most unusual circumstances. Psychologists who engage in such activity after the two years following cessation or termination of therapy and of having no sexual contact with the former client/patient bear the burden of demonstrating that there has been no exploitation, in light of all relevant factors, including (1) the amount of time that has passed since therapy terminated, (2) the nature, duration, and intensity of the therapy, (3) the circumstances of termination, (4) the client's/patient's personal history, (5) the client's/patient's current mental status, (6) the likelihood of adverse impact on the client/patient, and (7) any statements or actions made by the therapist during the course of therapy suggesting or inviting the possibility of a post-termination sexual or romantic relationship with the client/patient. (See also Standard 3.05, Multiple Relationships.)		
10.09 Interruption of Therapy. When entering into employment or contractual relationships, psychologists make reasonable efforts to provide for orderly and appropriate resolution of responsibility for client/patient care in the event that the employment or contractual		



<b><i>Draft 6, October 21, 2001</i></b>	<b><i>CBF Proposal with Redline</i></b>	<b><i>CBF Rationale</i></b>
relationship ends, with paramount consideration given to the welfare of the client/patient. (See also Standard 3.12, Interruption of Psychological Services.)		
10.10 Terminating Therapy . (a) Psychologists must terminate therapy when it becomes reasonably clear that the client/patient no longer needs the service, is not likely to benefit, or is being harmed by continued service.	10.10 Terminating Therapy . (a) Psychologists <del>must</del> terminate therapy when it becomes reasonably clear that the client/patient no longer needs the service, is not likely to benefit, or is being harmed by continued service.	The EC was not clear why the ECTF used the word "must" in this standard when it has not used such obligatory or imperative language in other standards.
(b) Psychologists may terminate therapy when threatened or otherwise endangered by the client/patient or another person with whom the client/patient has a relationship.		
(c) Except where precluded by the actions of clients/patients or third party payors, prior to termination psychologists provide pretermination counseling and suggest alternative service providers as appropriate.		



The following are working comments that are subject to future reevaluation by the evaluators and discussion by the ECTF. The left column is the original Draft 3 standard with grammatical suggestions indicated in bold type. The middle column are revisions for ECTF consideration based upon suggestions received from or questions raised by commentors on Draft 3. The right column highlights relevant comments or CBF's questions and concerns.

1. RESOLVING ETHICAL ISSUES		
<b>1.01 Misuse of Psychologists' Influence.</b> Because psychologists' scientific and professional judgments and actions may affect the lives of others, they are alert to and guard against personal, financial, social, organizational, or political factors that might lead to misuse of their influence.	<i>interest</i> <b>1.01 Avoiding Conflicts of Interest</b> (a) Psychologists do not engage in activities in which their professional obligations are in conflict with personal, financial, social, organizational, or political factors that might reasonably be expected to lead to misuse of their influence. <i>guard against</i> <i>disclosure -</i>	Comment # 299 (Div 42): Is this aspirational?. I am concerned that we can not operationalize "alert" and "guard." I would suggest this goes under Beneficence & Nonmaleficence in aspirational principle section. Can we create a genuine conflict of interest standard?
	(b) If a psychologist becomes aware that a potentially harmful conflict of interest has arisen, the psychologist attempts to resolve it.	<i>makes a reasonable effort</i>
<b>1.02 Misuse of Psychologists' Work</b> (a) Psychologists do not participate in activities in which it appears likely that their skills or data will be misused or misrepresented by others, unless corrective mechanisms are available. (See also Standard 11.07, Truthfulness and Candor.)	<b>1.02 Misuse of Psychologists' Work.</b> (a) Psychologists do not participate in activities in which it appears likely that their skills or data will be misused or misrepresented by others, unless corrective mechanisms are available <u>such as those provided in legal proceedings</u> . (See also Standard 11.07, Truthfulness and Candor.)	Comment # 299 (Div 42) noted that it is not clear what corrective mechanisms are. In deliberations last time the ECTF did note that that corrective mechanisms applied to legal proceedings. Are there any other specific venues that we could mention to be more directive to psychologists? <i>See Kovacs version</i>
(b) If psychologists learn of misuse or misrepresentation of their work, they take reasonable steps to correct or minimize the misuse or misrepresentation. <i>conflict between</i>	No change.	<i>Should term "materially" be injected?</i>
<b>1.03 Relationship of Ethics and Law.</b> If psychologists' ethical responsibilities conflict with law, psychologists make known their commitment to the Ethics Code and take steps to resolve the conflict in a responsible manner.	No change. <i>law, regulations, or other legal authority</i>	Div. 18
<b>1.04 Conflicts Between Ethics and Organizational Demands.</b> If the demands of an organization with which psychologists are affiliated conflict with this Ethics Code, psychologists clarify the nature of the conflict, make known their commitment to the Ethics Code, and to the extent feasible, seek to resolve the conflict in a way that permits the fullest adherence to the Ethics Code.	No change.	<i>organization or work setting</i>
<b>1.05 Informal Resolution of Ethical Violations.</b>	No change.	



When psychologists believe that there has been an ethical violation by another psychologist, they attempt to resolve the issue by bringing it to the attention of that individual if an informal resolution <u>appears</u> appropriate and the intervention does not violate any <u>confidentiality</u> rights that may be involved.		
1.06 Reporting Ethical Violations. If an apparent ethical violation is not appropriate for informal resolution under Standard 1.05 or is not resolved properly in that fashion, psychologists <del>take</del> <i>shall</i> further action appropriate to the situation, unless such action conflicts with confidentiality rights in ways that cannot be resolved. Such action might include referral to state or national committees on professional ethics, to state licensing boards, or to the appropriate institutional authorities.	No change.	
1.07 Cooperating With Ethics Committees. Psychologists cooperate in ethics investigations, proceedings, and resulting requirements of the APA or any affiliated state psychological association to which they belong. In doing so, they make reasonable efforts to resolve any issues as to confidentiality. Failure to cooperate is itself an ethics violation.	Remove <i>should</i>	Comment # 299 (Div 42): Is this constitutional? Is this an ethical issue or should it be in the Association's By-Laws rather than in the Ethics Code or Ethics Committee Rules & Procedures. Is it already in the bylaws? <i>Probably not.</i>
1.08 Improper Complaints. Psychologists <del>do not file</del> or encourage the filing of ethics complaints that are frivolous and are intended to harm the respondent rather than address an ethical violation.	No change. <i>shall</i>	
1.09 Unfair Discrimination Against Complainants and Respondents Psychologists do not deny persons employment, advancement, admissions to academic or other programs, tenure, or promotion, based solely upon their having made, <u>or their being the subject of an ethics complaint</u> . This does not preclude taking action based upon the outcome of such proceedings or consideration of other appropriate information.	<i>shall</i>	Is term "outcome" clear? Should we add "adverse" outcome? SJ



## APA DIVISION 42 RESPONSE<sup>1 2</sup>

APA Ethics Code, Revision Draft 4

November 8, 2000

### INTRODUCTION AND APPLICABILITY

The American Psychological Association's (APA's) Ethical Principles of Psychologists and Code of Conduct (hereinafter referred to as the Ethics Code) consists of an Introduction, a Preamble, five General Principles (A - E), and specific Ethical Standards. The Introduction discusses the intent, organization, procedural considerations, and scope of application of the Ethics Code. The Preamble and General Principles are aspirational goals to guide psychologists toward the highest ideals of psychology. Although the Preamble and General Principles are not themselves enforceable rules, they should be considered by psychologists in arriving at an ethical course of action. ~~—and may be considered by ethics bodies in interpreting the Ethical Standards.~~<sup>1</sup> The Ethical Standards set forth enforceable rules for conduct as psychologists. Most of the Ethical Standards are written broadly, in order to apply to psychologists in varied roles, although the application of an Ethical Standard may vary depending on the context. The

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<sup>1</sup> The following comments were made about the Fourth Draft of the Proposed Revision of the APA Ethics Code by APA Division 42 Committee on Ethics on Friday, March 30, 2001 at a meeting in Costa Mesa, California. The following members were present: Arthur Kovacs, Christie Morehead, David Shapiro, Martin Williams, Mae Billet Ziskin (partial) and Lenore E. Walker, Chair. Attorney, Brandt Caudill was also present and Division 42 Board Members Stanley Moldawsky and Elaine Rodino. Richard Saunders, a member of the committee participated in the preparation of this final document. All members of the committee have agreed that this document is our final product and is submitted to the Executive Committee of Division 42 for consideration and further submission to the Division 42 Board of Directors. We hope that this document will be sent on to the APA Task Force on the Revision of the Ethics Code as the Division 42 response and requested changes.

<sup>2</sup> The comments made by the Division 42 Ethics Task Force will appear directly on this document. Items to be deleted are indicated with a line through them to strike them out. Items to be added appear in bold and usually in



Ethical Standards are not exhaustive. The fact that a given conduct is not specifically addressed by the Ethics Code does not mean that it is necessarily either ethical or unethical.

This Ethics Code applies only to psychologists' activities that are part of their scientific, educational, or professional roles as psychologists. Areas covered include but are not limited to the clinical, counseling, and school practice of psychology; research; teaching; supervision of trainees; development of assessment instruments; conducting assessments; educational counseling; organizational consulting; forensic activities; social intervention (**need definition as unclear**); and administration. This Ethics Code applies to these activities across a variety of contexts, such as in person, postal, telephone, internet, and other electronic transmissions. These activities shall be distinguished from the purely private conduct of psychologists, which is not within the purview of the Ethics Code.

Membership in the APA commits members to comply with the APA Ethics Code and to the rules and procedures used to enforce it. (**Add the following here:**<sup>11</sup>

**Notwithstanding this acceptance, however, APA members retain all due process rights and all their other constitutional rights, including but not limited to the presumption of innocence, freedom of speech and assembly, freedom from self-incrimination, and the right to see evidence and confront witnesses against them, not only in courts of law but in any proceeding in which fellow psychologists or others judge the behavior of other psychologists.**

**Psychologists who are called upon to serve on Ethics Committees or other bodies that judge the professional behavior of psychologists should have substantial training in impartial adjudication, beyond that which most psychologists encounter in the course of their professional activities.**

**Adherence to these Ethical Principles should not be construed as imposing or creating a legal duty for psychologists. The overarching purpose of promulgating these Ethical Principles is to serve as a set of guiding**

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another font for emphasis. Where an explanation might be helpful, it is included in an end note that appears at the end of the document in order to preserve the integrity of the document itself.



principles to educate the members of the discipline about standards of conduct and to facilitate disposition, if necessary, of cases involving the professional practice of psychology. Any other use of the Ethical Principles, such as their use to create an implied legal duty, would necessarily distort their intent and lead to adverse results.

The procedures for filing, investigating, and resolving complaints of unethical conduct are described in the current Rules and Procedures of the APA Ethics Committee. APA may impose sanctions on its members for violations of the Ethics Code, including termination of APA membership, and may notify other bodies and individuals of its actions. Actions that violate the Ethics Code may also lead to the imposition of sanctions on psychologists or students whether or not they are APA members by bodies other than APA, including state psychological associations, other professional groups, psychology boards, other state or federal agencies, and payors for health services. In addition, APA may take action against a member after his or her conviction of a felony, expulsion or suspension from an affiliated state psychological association, or suspension or loss of licensure.

The Ethics Code is intended to provide guidance for psychologists and standards of professional conduct that can be applied by the APA and by other bodies that choose to adopt them. The Ethics Code is not intended to be a basis of civil liability (**add here: "and does not represent a legal standard in such cases"**). Whether or not a psychologist has violated the Ethics Code does not by itself determine whether he or she is legally liable in a court action, whether a contract is enforceable, or whether other legal consequences occur. ~~However, compliance with or violation of the Ethics Code may be admissible as evidence in some legal proceedings, depending on the circumstances.~~<sup>iii</sup>

The modifiers used in some of the standards of this Ethics Code (e.g. reasonably, appropriate, potentially, usually) are included in the standards when they would (1) allow professional judgment on the part of the psychologist, (2) eliminate injustice or inequality that would occur without the modifier, (3) ensure applicability across the broad range of activities conducted by psychologists, (4) guard against a set of rigid rules that might be quickly outdated, ~~or (5) allow opportunities for moral growth in the field.~~<sup>iv</sup>

**-(Add here: "The reasonable judgment of the psychologist involved should be the standard used unless there is clear and convincing**



evidence that the psychologist had engaged in intentional or reckless misconduct. When there are allegations of such misconduct, judgment should be based on the custom and practice of psychologists who are similarly trained" v

(Add here:

"The practice of activities in professional psychology involves art as well as science. Methods evolve and practitioners may disagree regarding the best approach to a given problem or a given person. When the practice of professional psychology is adjudicated by an ethics committee, court, licensing board, or other entity, special care must be taken to ensure that practitioners are held to appropriate standards. A practitioner who provides treatment consistent with a method recognized by a community of peers shall be considered to have acted appropriately unless clear and convincing evidence is provided that intentional, reckless, or negligent acts have occurred. A negative outcome shall not in and of itself constitute clear and convincing evidence that negligence occurred. Psychologists shall not be held to the standards of intervention methods to which they and their community of peers do not subscribe." vi

In the process of making decisions regarding their professional behavior, psychologists must consider this Ethics Code in addition to applicable laws and psychology board regulations. If the Ethics Code establishes a higher standard of conduct than is required by law, psychologists must meet the higher ethical standard. 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 in a responsible manner. If the conflict is unresolvable via such means, the psychologist may adhere to the requirements of the law, regulations, or other governing authority. If neither law nor the Ethics Code resolves an issue, psychologists should consider other professional materials<sup>1 vii</sup> and the dictates of their own conscience, as well as seek consultation with others within the field.



\* History and Effective Date.

This version of the APA Ethics Code was adopted by the American Psychological Association's Council of Representatives during its meeting, \_\_\_\_\_, and is effective beginning \_\_\_\_\_. Inquiries concerning the substance or interpretation of the APA Ethics Code should be addressed to the Director, Office of Ethics, American Psychological Association, 750 First Street, NE, Washington, DC 20002-4242. This Code will be used to adjudicate complaints brought concerning alleged conduct occurring on or after the effective date. Complaints regarding conduct occurring prior to the effective date will be adjudicated on the basis of the version of the Code that was in effect at the time the conduct occurred, except that no provisions repealed in June 1989, will be enforced even if an earlier version contains the provision. The Ethics Code will undergo continuing review and study for future revisions; comments on the Code may be sent to the above address.

The APA has previously published its Ethical Standards as follows: American Psychological Association. (1953). Ethical standards of psychologists. Washington, DC: Author.

American Psychological Association. (1959). Ethical standards of psychologists. American Psychologist, 14, 279-282.

American Psychological Association. (1963). Ethical standards of psychologists. American Psychologist, 18, 56-60.

American Psychological Association. (1968). Ethical standards of psychologists. American Psychologist, 23, 357-361.

American Psychological Association. (1977, March). Ethical standards of psychologists. APA Monitor, 22-23.

American Psychological Association. (1979). Ethical standards of psychologists. Washington, DC: Author.

American Psychological Association. (1981). Ethical principles of psychologists. American Psychologist, 36, 633-638.

American Psychological Association. (1990). Ethical principles of psychologists (Amended June 2, 1989). American Psychologist, 45, 390-395.



American Psychological Association. (1992). Ethical principles of psychologists and code of conduct. *American Psychologist*, 47, 1597-1611.

Request copies of the APA's Ethical Principles of Psychologists and Code of Conduct from the APA Order Department, 750 First Street, NE, Washington, DC 20002-4242, or phone (202) 336-5510.

**Footnote 1 (As noted in vii, these guidelines are evolving so citing them here may be premature)**

Professional materials that are most helpful in this regard are guidelines and standards that have been adopted or endorsed by professional psychological organizations. Such guidelines and standards, whether adopted by the American Psychological Association (APA) or its Divisions, are not enforceable as such by this Ethics Code, ~~but are of educative value to psychologists, courts, and professional bodies.~~ Such materials include, but are not limited to, the APA's General Guidelines for Providers of Psychological Services (1987), Guidelines for Providers of Psychological Services to Ethnic, Linguistic, and Culturally Diverse Populations (1990), Record Keeping Guidelines (1993), Guidelines for Child Custody Evaluations in Divorce Proceedings (1994), Guidelines for Ethical Conduct in the Care and Use of Animals (1996), Guidelines for the Evaluation of Dementia and Age-Related Cognitive Decline (1998), Guidelines for Psychological Evaluations in Child Protection Matters (1998), Standards for Educational and Psychological Testing (1999), Guidelines for Psychotherapy with Lesbian, Gay, and Bisexual Clients (2000), Publication Manual of the American Psychological Association (4th ed., 1994), and the APA Division 41 (Forensic Psychology/American Psychology-Law Society) Specialty Guidelines for Forensic Psychologists (1991).



## PREAMBLE

Psychologists are committed to increasing knowledge of behavior and people's understanding of themselves and others and to the use of such knowledge to improve the condition of individuals, organizations, and society. Psychologists respect and protect civil and human rights and the central importance of freedom of inquiry and expression in research, teaching, and publication. They also strive to help the public in developing informed judgments and choices concerning human behavior. In doing so, they perform many roles, such as researcher, educator, diagnostician, therapist, supervisor, consultant, administrator, social interventionist, and expert witness. This Ethics Code provides a common set of values upon which psychologists build their professional and scientific work.

This Code is intended to provide both the general principles and the decision rules to cover most situations encountered by psychologists. It has as its goals the welfare and protection of the individuals and groups with whom psychologists work and the education of members, students, and the public regarding ethical standards of the discipline.

The development of a dynamic set of ethical standards for a psychologist's work-related conduct requires a personal commitment to a lifelong effort to act ethically; to encourage ethical behavior by students, supervisees, employees, and colleagues; and to consult with others concerning ethical problems. Each psychologist supplements, but does not violate, the Ethics Code's values and rules on the basis of guidance drawn from personal values, culture, and experience.

## PRINCIPLE A: BENEFICIENCE AND NON-MALEFICENCE

Psychologists strive to have a positive effect on those with whom they work, while taking care to do no harm. By thoughtful and prudent conduct, psychologists aspire to maximize the benefits of their work and to prevent or minimize harm to others through acts of commission or omission in their professional behavior. In their professional actions, psychologists (**add here: "attempt to"**) weigh the welfare and rights of their patients or clients, students, supervisees, human research participants, and other affected persons, and the welfare of animal subjects of research. When conflicts occur among psychologists' obligations or concerns, they attempt to resolve these conflicts and to perform their roles in a responsible fashion that avoids or minimizes harm. Because psychologists' scientific and professional



judgments and actions may affect the lives of others, they are alert to and **(add here: "make efforts to")** guard against personal, financial, social, organizational, or political factors that might lead to misuse of their influence. ~~Given that psychologists are better able to care for others when they care for themselves, psychologists take measures to promote and maintain their own physical and mental health.~~<sup>viii</sup>

#### PRINCIPLE B: FIDELITY AND SOCIAL RESPONSIBILITY

Psychologists **(add here, "strive to ..."**<sup>ix</sup> establish relationships of loyalty and trust with those with whom they work. In the course of their work, psychologists ~~are~~ **("seek to be")** aware of their professional and scientific responsibilities to the community and society. Psychologists **("attempt to")** uphold professional standards of conduct, clarify their professional roles and obligations, accept appropriate responsibility for their behavior, and avoid conflicts of interests. **(Add here: "If in the opinion of the psychologist, some collaboration is judged to be helpful, the psychologist may")** Psychologists consult with, refer to, or cooperate with other professionals and institutions ~~to the extent~~ **"as may be"** needed to serve the best interests of their students, research participants, patients, clients, or other recipients of their services. Psychologists' moral standards and conduct are personal matters to the same degree as is true for any other person, except as psychologists' conduct may compromise their professional responsibilities. ~~or reduce the public's trust in psychology and psychologists.~~ Psychologists ~~are~~ **(add here: "share a")** concerned about the ethical compliance of their colleagues' scientific and professional conduct.

#### PRINCIPLE C: INTEGRITY

Psychologists seek to promote accuracy, honesty, and truthfulness in the science, teaching, and practice of psychology. In these activities psychologists do not steal, cheat, or engage in fraud, subterfuge, or intentional misrepresentation of fact. In relationships involving legitimate expectations of trust, psychologists ~~are~~ **(add here: "attempt to be")** candid and forthright. In their work, psychologists strive to keep their promises and to avoid bad-faith excuses, unwise or unclear commitments, and conflicts of interest. In situations in which deception may be ethically justifiable to maximize benefits and minimize harm, psychologists have a serious obligation to consider the need for, the possible



consequences of, and their responsibility to correct any resulting mistrust or other harmful effects that arise from the use of such techniques.

#### PRINCIPLE D: JUSTICE

Psychologists strive to conduct their work in a fair manner, taking into account issues of equality, impartiality, and proportionality. They recognize that fairness and justice require that all persons are entitled to access to and benefit from the contributions of psychology and to equal quality in the processes, procedures, and services being conducted by psychologists. Psychologists exercise ~~careful~~ **reasonable** judgment and take ~~appropriate~~ precautions to ensure that their potential biases, the boundaries of their competence, and the **"potential"** limitations of their expertise do not lead to or condone unjust or discriminatory practices.

#### PRINCIPLE E: RESPECT FOR PEOPLE'S RIGHTS AND DIGNITY

Psychologists (**"strive to"**) accord appropriate respect to the fundamental rights, dignity, and worth of all people. They accept as fundamental the belief that each person should be treated as an end in him/herself, not as an object or a means to an end. They respect the rights of individuals to privacy, confidentiality, self-determination, and autonomy, cognizant of the fact that special safeguards may (**add here: "sometimes"**) be necessary to protect the rights and welfare of persons or communities whose vulnerabilities impair autonomous decision-making. Psychologists are (**add here: "attempt to be"**) aware of and respect cultural, individual, and role differences, including those based on age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, language, and socioeconomic status and take **"consider"** these factors ~~into account~~ when working with members of such groups. Psychologists try to eliminate the effect on their work of biases based on those factors, and they do not knowingly participate in or condone activities that are prejudicial.

#### 1. RESOLVING ETHICAL ISSUES



## 1.01 Misuse of Psychologists' Work.

(a) Psychologists do not **(add here, "intentionally"** ...participate in activities in which **(add here: "they know"** ~~it appears likely~~ that their skills or data will be misused or misrepresented by others. ~~^..0, unless corrective mechanisms are available such as those provided in legal proceedings.~~ (See also Standard 31, Honesty.)

(b) If psychologists learn of misuse or misrepresentation of their work, they **(add here: "attempt"** ... ~~take reasonable steps~~ to correct or minimize the misuse or misrepresentation.

## 1.02 Conflict 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 ~~in a responsible manner~~. If the conflict is unresolvable via such means, the psychologist may adhere to the requirements of the law, regulations, or other governing legal authority.

## 1.03 Conflicts Between Ethics and Organizational Demands.

If the demands of an organization with which psychologists are affiliated conflict with this Ethics Code, psychologists clarify the nature of the conflict, make known their commitment to the Ethics Code, ~~and to the extent feasible,~~ seek to resolve the conflict **(add here: "based on the judgment of the psychologist."** ~~in a way that permits the fullest adherence to the Ethics Code.~~

## 1.04 Informal Resolution of Ethical Violations.

When psychologists believe that there has been an ethical violation by another psychologist, they attempt to resolve the issue by bringing it to the attention of that individual if **(add here: "in the judgment of the psychologist"** an informal resolution appears appropriate and the intervention does not violate any confidentiality rights that may be involved.

## 1.05 Reporting Ethical Violations.



If an apparent ethical violation is not appropriate for informal resolution under Standard 1.04 or is not resolved properly in that fashion, psychologists **(add here: "may" ...)**<sup>x1</sup> take further action appropriate to the situation, unless such action conflicts with confidentiality rights in ways that cannot be resolved. Such action might include referral to state or national committees on professional ethics, to state licensing boards, or to the appropriate institutional authorities.

#### 1.06 Cooperating With Ethics Committees.

Psychologists cooperate in ethics investigations, proceedings, and resulting requirements of the APA or any affiliated state psychological association to which they belong. In doing so, they make reasonable efforts to resolve any issues as to confidentiality. ~~Failure to cooperate is itself an ethics violation.~~ **(Add here: "Psychologists have an ethical obligation to cooperate unless such cooperation would impair their defense in a related legal proceeding. In such cases, cooperation may be deferred until after the legal proceeding is resolved. "**<sup>xii</sup>

#### 1.07 Improper Complaints.

Psychologists do not file or encourage the filing of ethics complaints that are frivolous and are intended to harm the respondent rather than address an ethical violation.

#### 1.08 Unfair Discrimination Against Complainants and Respondents.

Psychologists do not deny persons employment, advancement, admissions to academic or other programs, tenure, or promotion, based solely upon their having made, or their being the subject of an ethics complaint. This does not preclude taking action based upon the outcome of such proceedings or consideration of other appropriate information.

### 2. COMPETENCE

#### 2.01 Boundaries of Competence.



(a) Psychologists provide services, teach, and conduct research ~~only~~ within the boundaries of their competence, based on their ~~appropriate~~ education, training, supervised experience, consultation, study, or professional experience.

(b) **(Add here: "When in the professional judgment of the psychologist,**  
~~an~~ Where understanding of age, gender, race, ethnicity, national origin, **(add here: "culture",**  
 religion, sexual orientation, disability, language, or socioeconomic status significantly affects **"the**  
 psychologist's-work ~~concerning~~ **with** particular individuals or groups, ~~the~~ psychologist ~~s-have~~ **has**  
 or obtain ~~s~~ the training, experience, consultation, or supervision necessary to ensure the competence of  
 their services, or they ~~psychologist~~ **make s** appropriate referrals, except as provided in Standard 2.02,  
 Providing Services in Extraordinary Circumstances. <sup>xiii</sup>

(c) Psychologists planning to provide services, teach, or conduct research involving areas, techniques, or technologies new to them undertake ~~appropriate~~ **(add here: "relevant"** education, training, supervised experience, consultation, or study.

(d) In those emerging areas in which generally recognized standards for preparatory training do not yet exist, psychologists nevertheless **(add here: "attempt to** take ~~reasonable~~ steps to ensure the competence of their work and to protect clients/patients, students, research participants, and others from harm.

## 2.02 Providing Services in Extraordinary Circumstances.

In extraordinary circumstances involving emergencies, underserved geographic areas, or underserved populations, when a psychologist is asked to provide services to individuals for whom appropriate mental health services are not available and for which the psychologist has not obtained the competence necessary, the psychologist may provide such services in order to ensure that services are not denied; however, the psychologist refers the individual to an appropriately trained provider as soon as possible or makes a ~~reasonable~~ effort(s) to obtain the necessary competence. (See also Standard 10.02b, Couple and Family Relationships.)

## 2.03 Maintaining Expertise.



Psychologists undertake ongoing efforts to maintain competence in the skills they use.

#### 2.04 Bases for Scientific and Professional Judgments.

**Psychologists scientific or professional judgment and endeavors are informed by the evolving theoretical and empirical knowledge and experience of the discipline. This should not discourage creative and innovative approaches but when such approaches are used, they should be so identified.** <sup>xiv</sup>

~~Psychologists' scientific or professional judgments and endeavors must have reliable bases in the knowledge and experience of the discipline.~~

#### 2.05 Delegation of Work to Others and Use of Interpreters.

Psychologists who delegate work to employees, supervisees, and research and teaching assistants or who use the services of others, such as interpreters, (1) take ~~reasonable~~ steps to authorize only those responsibilities that such persons can be expected to perform competently on the basis of their education, training, or experience, either independently or with the level of supervision being provided and (2) take ~~reasonable~~ steps to see that such persons perform these services competently. (See also Standards 2.02, Providing Services in Extraordinary Circumstances; 4.01, Maintaining Confidentiality; 9.01, Bases for Assessment; 9.02, Development and Use of Assessments; 9.03, Informed Consent in Assessments; and 9.07, Assessment by Unqualified Persons.)

#### 2.06 Personal Problems and Conflicts.

~~(a) Psychologists refrain from undertaking an activity when they know or should know that there is a substantial likelihood that their personal problems will prevent them from performing their work-related activities in a competent manner.~~

~~—(b) When psychologists become aware of personal problems that may interfere with their performing work-related duties adequately, they take appropriate measures, such as obtaining professional consultation or assistance, and determine whether they should limit, suspend, or terminate their work-related duties.~~

(See also Standard 10.10, Terminating the Professional Relationship.)

**Psychologists refrain from undertaking an activity when they have actual knowledge that their personal problems will prevent them from performing**



**their work related activities in a competent manner. They seek help for their problems.**<sup>3cv</sup>

### 3. HUMAN RELATIONS

#### 3.01 Honesty.

Psychologists' communications regarding their work-related activities do not knowingly contain false statements or fail to disclose material information regarding the bases for their findings or recommendations. (See also Standards 1.01, Misuse of Psychologists' Work; 5.01, Avoidance of False or Deceptive Public Statements; 6.07, Accuracy in Reports to Payors and Funding Sources; 7.02, Descriptions of Education and Training Programs; 8.11, Plagiarism; and 9.01, Bases for Assessments.)

#### 3.02 Unfair Discrimination.

In their work-related activities, psychologists do not engage in unfair discrimination based on age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, socioeconomic status, or any basis proscribed by law.

#### 3.03 Sexual Harassment.

Psychologists do not engage in sexual harassment (**add here: "as is defined by relevant statutes and case law"** <sup>rev'd</sup> ~~Sexual harassment is sexual solicitation, physical advances, or verbal or nonverbal conduct that is sexual in nature, that occurs in connection with the psychologist's activities or roles as a psychologist, and that either (1) is unwelcome, is offensive, or creates a hostile workplace or educational environment, and the psychologist knows or is told this or (2) is sufficiently severe or intense to be abusive to a reasonable person in the context. Sexual harassment can consist of a single intense or severe act or of multiple persistent or pervasive acts. (See also Standard 1.08, Unfair Discrimination Against Complainants and Respondents.)~~

#### 3.04 Other Harassment.



Psychologists do not knowingly engage in behavior that ~~is harassing or demeaning~~<sup>xviii</sup> to persons with whom they interact in their work based on factors such as those persons' age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, language, or socioeconomic status ~~(add here: "constitutes harassment as defined in applicable statutes and case law.")~~

### 3.05 Avoiding Harm.

Psychologists ~~take reasonable steps to avoid harming their clients/patients, research participants, students, and others with whom they work, and to minimize harm where it is foreseeable and unavoidable.~~  
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### 3.06 Multiple Relationships.

~~(a) A multiple relationship occurs when a psychologist is in a professional role with a person and (1) at the same time is in another role with the same person, (2) at the same time is in a relationship with a person closely associated with or related to the person with whom they have the professional relationship, or (3) promises to enter into another relationship in the future with the person or a person closely associated with or related to the person.~~

~~—A psychologist refrains from entering into a multiple relationship if the multiple relationship could reasonably be expected to impair the psychologist's objectivity, competence, or effectiveness in performing his or her functions as a psychologist or otherwise risks exploitation or harm to the person with whom the professional relationship exists.~~

~~—Multiple relationships that would not reasonably be expected to cause impairment or risk exploitation or harm are not unethical.~~

~~—(b) Whenever feasible, a psychologist refrains from taking on a professional role when prior personal, scientific, professional, legal, financial, or other interests or relationships could reasonably be expected (1) to impair the psychologist's objectivity, competence, or effectiveness in performing his or her functions as a psychologist or (2) to expose the person with whom the professional relationship exists to harm or exploitation.~~



~~—(c) If a psychologist finds that, due to unforeseen factors, a potentially harmful multiple relationship has arisen, the psychologist attempts to resolve it with due regard for the welfare of the affected person.~~

(Add here:)<sup>xix</sup>

Relationships between the psychologists and the people with whom they work are an important part of the professional role. Multiple relationships per se are not necessarily unethical and at times may even be useful. However, multiple relationships, may become unethical if they cause impairment, loss of objectivity, or exploitation. If a psychologist finds that, due to unforeseen factors, a potential unethical multiple relationship has arisen, the psychologist attempts to resolve it with due regard for the welfare of the affected person.

### 3.07 Third-Party Requests for Services.

(a) When a psychologist agrees to provide services to a person or entity at the request of a third party, the psychologist (Add here: "makes an attempt to clarify ~~---clarifies to the extent~~ feasible, at the outset of the service, the nature of the relationship with each party. This clarification includes the role of the psychologist (such as therapist, organizational consultant, diagnostician, or expert witness), the probable uses of the services provided or the information obtained, and the fact that there may be limits to confidentiality. (See also Standard 4.02, Discussing the Limits of Confidentiality.)

(b) If there is a foreseeable risk of the psychologist's being called upon to perform conflicting roles because of the involvement of a third party, the psychologist clarifies the nature and direction of his or her responsibilities, ~~keeps all parties appropriately informed as matters develop, and resolves the situation in accordance with this Ethics Code.~~<sup>xx</sup> (See also Standards 3.06, Multiple Relationships, and 11.03, Clarification of Role.)

### 3.08 Exploitative Relationships.

Psychologists do not exploit persons over whom they have supervisory, evaluative, or other authority such as students, supervisees, employees, research participants, and clients/patients. (See also Standards



3.06, Multiple Relationships; 6.05, Fees and Financial Arrangements; 6.06, Barter with Clients/Patients; 7.06, Sexual Relationships with Students and Supervisees; and 10.05—10.08 regarding sexual involvement with clients/ patients.)

~~3.09—Cooperation with Other Professionals.~~

~~—When indicated and professionally appropriate, psychologists cooperate with other professionals in order to serve their clients/patients effectively and appropriately.~~

3.10 Informed Consent.

(a) When psychologists conduct research or provide assessment, psychotherapy, or counseling with an individual in person or via electronic transmission or other forms of communication, they obtain the informed consent of that individual using language that is reasonably understandable to that person except when conducting such activities without consent is mandated or prescribed by law or governmental regulation or as otherwise provided in this Ethics Code. The content of informed consent will vary depending on many circumstances; however, informed consent ordinarily requires that the person (1) has the capacity to consent, (2) has been provided information concerning participation in the activity that reasonably might affect his or her willingness to participate including limits of confidentiality, **the purpose of the evaluation, who retained the evaluator, to whom disclosure will be made,** and monetary or other costs or reimbursements, and (3) is aware of the voluntary nature of participation and has freely and without undue influence expressed consent. (See also Standards 8.02, Informed Consent to Research; 9.03, Informed Consent in Assessments; 10.01, Informed Consent to Therapy; and 11.02, Informed Consent for Forensic Services.)

(b) **(Add here: "If a person is legally incapable of giving informed consent and if the psychologist believes that such consent is either necessary or useful under the circumstances, the psychologist attempts to obtain informed consent from someone legally responsible for the patient and if possible, discusses the relevant issues with the patient or client.**



~~For persons who are legally incapable of giving informed consent, psychologists nevertheless (1) provide an appropriate explanation, (2) seek the individual's assent, (3) consider such persons' preferences and best interests, and (4) obtain appropriate permission from a legally authorized person, if such substitute consent is permitted or required by law. When consent by a legally authorized person is not permitted or required by law, psychologists take reasonable steps to protect the individual's rights and welfare.~~

~~—(c) When obtaining informed consent, psychologists make reasonable efforts to answer an individual's questions, to avoid apparent misunderstandings, and when possible, to address those misunderstandings that occur. <sup>xxi</sup>~~

(d) Psychologists appropriately document consent ~~and assent~~. **(add here: 'in their records'.** (See also Standards 8.02, Informed Consent to Research; 9.03, Informed Consent in Assessments; 10.01, Informed Consent to Therapy; and 11.02, Informed Consent for Forensic Services.)

### 3.11 Describing the Nature and Results of Psychological Services.

(a) When psychologists provide program evaluation, supervision, educational consultation, or scientific or other psychological services to an individual, a group, or an organization, they provide, using language that is ~~reasonably~~ understandable to the recipients of those services, ~~appropriate~~ information beforehand about the nature of such services and ~~appropriate~~ information later about results and conclusions. (See also Standard 9.10, Explaining Assessment Results.)

(b) If psychologists will be precluded by law or by organizational roles from providing such information to particular individuals or groups, they so inform those individuals or groups at the outset of the service.

## 4. PRIVACY AND CONFIDENTIALITY

### 4.01 Maintaining Confidentiality.

Psychologists have a primary obligation and take reasonable precautions to protect confidentiality rights, recognizing that they may be established by law, institutional rules, or professional or scientific relationships. (See also Standard 2.05, Delegation of Work to Others and Use of Interpreters.)



## 4.02 Discussing the Limits of Confidentiality.

- (a) Psychologists discuss with persons (**add here: "include persons who are legally incapable of giving informed consent and their legal representatives",**)

~~including, to the extent feasible, persons who are legally incapable of giving informed consent and their legal representatives~~) and organizations with whom they establish a scientific or professional relationship (1) the relevant limitations on confidentiality, (2) the foreseeable uses of the information generated through their psychological activities, and (3) the limitations on confidentiality when information is communicated or services provided by electronic transmission. (See also Standard 3.10, Informed Consent.)

- (b) Unless it is not feasible or is contraindicated, the discussion of confidentiality occurs at the outset of the relationship and thereafter as new circumstances may warrant.

- (c) Psychologists offering services, products, or information via electronic transmission inform users of the risks to privacy and limitations on confidentiality.

## 4.03 Recording.

Psychologists obtain permission before recording the voice or image of individuals to whom they provide services. (See also Standards 8.03, Informed Consent for Recording Voice and Images in Research; 8.05, Dispensing with Informed Consent for Research; and 8.07, Deception in Research).

## 4.04 Minimizing Intrusions on Privacy.

- (a) Psychologists include in written and oral reports, consultations, and the like, ~~only~~ information (**add here: "that in the psychologist's professional judgment is relevant germane** to the purpose for which the communication is made. <sup>xxii</sup>

- (b) Psychologists discuss confidential information obtained in their work only for appropriate scientific or professional purposes and only with persons clearly concerned with such matters.

## 4.05 Disclosures.



**We suggest switching (b) to (a) and then follow with current a as (b).**

**(new b)** (a) Psychologists **"also may"** disclose confidential information without the consent of the individual ~~only~~ as mandated by law, or where permitted by law for a valid purpose, such as (1) to provide needed professional services to the patient or the individual or organizational client, (2) to obtain appropriate professional consultations, (3) to protect the client/patient, psychologist, or others from harm, or (4) to obtain payment for services from a client/patient, in which instance disclosure is limited to the minimum that is necessary to achieve the purpose. (See also Standard 6.05(f), Fees and Financial Arrangements.)

**(new a)** (b) Psychologists also may disclose confidential information with the ~~appropriate~~ consent of the organizational client, the individual client/patient, or of another legally authorized person on behalf of the client/patient unless prohibited by law.

#### 4.06 Consultations.

When consulting with colleagues **or discussing client confidences with students or trainees there are two ethical ways to proceed: (a) psychologists get informed consent to reveal the identity of the person, or (b) they attempt to conceal the identity of the person if informed consent is not obtained.** <sup>xxiii</sup> ~~(1) psychologists do not disclose confidential information that reasonably could lead to the identification of a client/patient, research participant, or other person or organization with whom they have a confidential relationship unless they have obtained the prior consent of the person or organization or the disclosure cannot be avoided, and (2) In either case,~~ they disclose information only to the extent necessary to achieve the purposes of the consultation. (See also Standard 4.01, Maintaining Confidentiality.)

#### 4.07 Use of Confidential Information for Didactic or Other Purposes.

Psychologists do not disclose in their writings, lectures, or other public media, confidential, personally identifiable information concerning their clients/patients, organizational clients, students, research participants, or other recipients of their services that they obtained during the course of their work, ~~unless~~



~~psychologists take reasonable steps to disguise the information or the person or organization has consented in writing or unless there is other ethical or legal authorization for doing so.~~

## 5. ADVERTISING AND OTHER PUBLIC REPRESENTATIONS

### 5.01 Avoidance of False or Deceptive Public Statements.

(a) Psychologists do not knowingly make public statements that are false, deceptive, or fraudulent, concerning their research, practice, or other work activities or those of persons or organizations with which they are affiliated. Public statements include but are not limited to paid or unpaid advertising, product endorsements, grant and credentialing applications, brochures, printed matter, directory listings, personal resumes or curriculum vitae, or comments for use in media such as print or electronic transmission, statements in legal proceedings, lectures and public oral presentations, and published materials. (See also Standard 3.01, Honesty.)

(b) Psychologists do not make false, deceptive, or fraudulent statements concerning (1) their training, experience, or competence; (2) their academic degrees; (3) their **educational preparation** ~~credentials~~; (4) their institutional or association affiliations; (5) their services; ~~(6) the scientific or clinical basis for, or results or degree of success of, their services;~~ <sup>xxiv</sup> (7) their fees; or (8) their publications or research findings.

(c) Psychologists claim as ~~credentials~~ **educational preparation** for their psychological work, ~~only~~ degrees that (1) were earned from a regionally accredited educational institution or (2) were the basis for psychology licensure by the state in which they practice.

### 5.02 Statements by Others. <sup>xxv</sup>

(a) Psychologists who engage others to create or place public statements that promote their professional practice, products, or activities retain professional responsibility for such statements.

(b) Psychologists do not compensate employees of press, radio, television, or other communication media in return for publicity in a news item.



(c) A paid advertisement relating to psychologists' activities must be identified or clearly recognizable as such.

#### 5.03 Descriptions of Workshops and Non-Degree-Granting Educational Programs.

To the degree to which they **may be able to** exercise control, psychologists responsible for announcements, catalogs, brochures, or advertisements describing workshops, seminars, or other non-degree-granting educational programs ensure that they accurately describe the audience for which the program is intended, the educational objectives, the presenters, and the fees involved.

#### 5.04 Media Presentations.

When psychologists provide public advice or comment, they take ~~reasonable~~ precautions to ensure that (1) the statements are based on ~~appropriate~~ psychological literature or practice, (2) the statements are otherwise consistent with this Ethics Code, and (3) **the statements do not indicate the recipients of the information are not encouraged to infer** that a relationship has been established with them personally. (See also Standard 2.04, Bases for Scientific and Professional Judgments.)

#### 5.05 Testimonials. <sup>xxvi</sup>

Psychologists do not solicit testimonials from current psychotherapy clients/patients or other persons who because of their particular circumstances are vulnerable to undue influence.

#### 5.06 In-Person Solicitation.

Psychologists do not engage, directly or through agents, in uninvited in-person solicitation of business from actual or potential psychotherapy clients/patients or other persons who because of their particular circumstances are vulnerable to undue influence. However, this prohibition does not preclude: (1) attempting to implement appropriate collateral contacts for the purpose of benefiting an already engaged therapy client/patient or (2) providing disaster outreach services.

### 6. RECORD KEEPING AND FEES



#### 6.01 Documentation of Professional and Scientific Work and Maintenance of Records.

Psychologists ~~appropriately~~ create, maintain, disseminate, store, retain, and dispose of records and data relating to their professional and scientific work in order to (1) facilitate provision of services later by them or by other professionals where appropriate, (2) ~~ensure accountability,~~<sup>xxvii</sup> (3) meet institutional requirements, (4) ensure accuracy of billing and payments, and (5) ensure compliance with law, all in a manner that permits compliance with the requirement of this Ethics Code. (See also Standard 4.01, Maintaining Confidentiality.)

#### 6.02 Maintenance, Dissemination, and Disposal of Confidential Records of Professional and Scientific Work.

(a) Psychologists maintain ~~appropriate~~ confidentiality in creating, storing, accessing, transferring, and disposing of records under their control, whether these are written, automated, or in any other medium. (See also Standard 6.01, Documentation of Professional and Scientific Work and Maintenance of Records.)

(b) If confidential information concerning recipients of psychological services is entered into databases or systems of records available to persons whose access has not been consented to by the recipient, psychologists use coding or other techniques to avoid the inclusion of personal identifiers.

(c) ~~A psychologist makes plans in advance to facilitate the appropriate transfer and to protect the confidentiality of records and data in the event of the psychologist's death, incapacity, or withdrawal from the position or practice.~~<sup>xxviii</sup>

#### ~~6.03—Availability of Records and Data.~~

~~—Recognizing that ownership of records and data is governed by legal principles or contractual obligations, psychologists take reasonable and lawful steps so that records and data remain available to the extent needed to serve the best interests of clients/patients, organizational clients, research participants, or appropriate others.~~<sup>xxix</sup>

#### 6.04 Withholding Records for Nonpayment.



Psychologists may not withhold records under their control that are requested and needed for a client's/patient's emergency treatment solely because payment has not been received. <sup>xxx</sup>

#### 6.05 Fees and Financial Arrangements.

(a) As **soon as reasonably practicable** ~~early as is feasible~~ in a professional or scientific relationship, the psychologist and the client/patient or other appropriate recipient of psychological services **or third-party payor, if applicable,** reach an agreement specifying the compensation and the billing arrangements.

~~(b) Psychologists do not exploit recipients of services or payors with respect to fees. <sup>\*\*\*\*</sup>~~

(c) Psychologists' fee practices are consistent with law.

(d) Psychologists do not misrepresent their fees.

(e) If limitations to services can be anticipated because of limitations in financing, this is discussed with the client/patient or other appropriate recipient of services as early as **feasible practicable** ~~xxxxi~~.

(See also Standards

10.09, Interruption of Services, and 10.10, Terminating the Professional Relationship.)

(f) If the client/patient or other recipient of services does not pay for services as agreed and if the psychologist wishes to use collection agencies or legal measures to collect the fees, the psychologist first informs the person that such measures will be taken and provides that person an opportunity to make prompt payment **or set up a repayment schedule** . (See also Standards 4.05, Disclosures; 6.04, Withholding Records for Nonpayment; and 10.01, Informed Consent to Therapy.)

#### 6.06 Barter With Clients/Patients.

Barter is the acceptance of goods, services, or other nonmonetary remuneration from clients/patients in return for psychological services. A psychologist may barter only if **in the psychologist's judgment** (1) it is not clinically contraindicated and (2) the ~~relationship~~ **resulting arrangement** is not exploitative. (See also Standards 3.06, Multiple Relationships, and 6.05, Fees and Financial Arrangements.)



#### 6.07 Accuracy in Reports to Payors and Funding Sources.

In their reports to payors for services or sources of research funding, psychologists ~~accurately state~~ **do not knowingly make a material misrepresentation with respect to** ~~xxxxiii~~ the nature of the service provided or research conducted, the fees, charges, or payments, and where applicable, the identity of the provider, the findings, and the diagnosis. (See also Standards 4.01, Maintaining Confidentiality; 4.04, Minimizing Intrusions on Privacy; and 4.05, Disclosures.)

#### 6.08 Referrals and Fees.

When a psychologist pays, receives payment from, or divides fees with another professional, other than in an employer-employee relationship, the payment to each is based on the services provided (clinical, consultative, administrative, or other) and is not based on the referral itself. (See also Standard 3.09, Cooperation with Other Professionals.)

### 7. TEACHING AND TRAINING SUPERVISION

#### 7.01 Design of Education and Training Programs.

Psychologists who are responsible for education and training programs ~~take reasonable steps~~ **make efforts** to ensure that the programs are designed to provide the appropriate knowledge and proper experiences, and to meet the requirements for licensure, certification, **and** ~~or~~ other goals for which claims are made by the program. (See also Standard 5.03, Descriptions of Workshops and Non-Degree-Granting Educational Programs.)

#### 7.02 Descriptions of Education and Training Programs.

(a) Psychologists responsible for education and training programs ~~take reasonable~~ steps to ensure that there is a current and accurate description of the program content (including participation in required course- or program-related counseling, psychotherapy, experiential groups, or community service), training goals and objectives, and requirements that must be met for satisfactory completion of the program. This information must be made readily available to all interested parties.



(b) Psychologists take ~~reasonable~~ steps to ensure that course outlines are accurate and not misleading, regarding the subject matter to be covered, bases for evaluating progress, and the nature of course experiences. This standard does not preclude an instructor from modifying course content or requirements **when the instructor deems it necessary or desirable so pedagogically appropriate**, as long as students are made aware of these modifications in a manner that enables them to fulfill course requirements. (See also Standard 5.01, Avoidance of False or Deceptive Public Statements.)

### 7.03 Accuracy in Teaching.

When engaged in teaching or training, psychologists present psychological information accurately. (See also Standard 2.03, Maintaining Expertise.)

### 7.04 Student Disclosure of Personal Information.

(Add here:

- **Students must be informed prior to registration of any course requirement that might require disclosure of personal information such as sexual history, history of abuse and neglect, psychological treatment and relationships with parents, peers, and intimate adult partners. If the course grade is dependent upon such personal disclosure, students should be so advised of that fact also.** <sup>xxxiv</sup>

~~Psychologists do not require students to disclose personal information, either orally or in writing, which students might reasonably be expected to find to be embarrassing or upsetting to disclose. Such information includes sexual history, history of abuse and neglect, psychological treatment, and relationships with parents, peers, and spouses.~~

### 7.05 Mandatory Individual or Group Therapy.

(a) **If a program requires** ~~In programs that require mandatory individual or group therapy,~~  
**this requirement must be disclosed prior to students' enrollment.**

(b) faculty who are or are likely to be responsible for evaluating students' academic performance do not themselves provide that therapy. (See also Standard 3.06, Multiple Relationships.)



(b) When individual or group therapy is a program or course requirement, students are allowed the option of selecting such therapy outside the program.

#### 7.06 Assessing Student and Supervisee Performance.

(a) In academic and supervisory relationships, psychologists establish an ~~appropriate~~ process for providing feedback to students and supervisees.

(b) Psychologists evaluate students and supervisees on the basis of their actual performance on relevant and established program requirements.

#### 7.07 Sexual Relationships with Students and Supervisees.

Psychologists do not engage in sexual relationships with students or supervisees in training who are in their department or over whom the psychologist has or is likely to have evaluative authority.

### 8. RESEARCH AND PUBLICATION

#### 8.01 Institutional Approval.

Psychologists obtain from host institutions , **community groups**, or organizations ~~appropriate~~ **relevant** approval prior to conducting research, and they provide accurate information about their research proposals. They conduct the research in accordance with the approved research protocol.

#### 8.02 Informed Consent to Research.

(a) When obtaining informed consent as required in Standard 3.10, Informed Consent, psychologists inform participants about (1) the purpose of the research, expected duration, and procedures; (2) their right to decline to participate and to withdraw from the research once participation has begun; (3) the foreseeable consequences of declining or withdrawing; (4) reasonably foreseeable factors that may be expected to influence their willingness to participate such as potential risks, discomfort, or adverse effects; (5) any prospective research benefits; (6) limitations on confidentiality; (7) incentives for participation; and (8)



whom to contact for questions about the research and research participants' rights. (See Standards 8.05, Dispensing with Informed Consent for Research, and 8.07, Deception in Research.)

(b) Psychologists conducting intervention research involving the use of experimental treatments, clarify to participants at the outset of the research the experimental nature of the treatment, the services that will or will not be available to the control group(s) if appropriate, the means by which assignment to treatment and control groups will be made, and available treatment alternatives if an individual does not wish to participate in the research or wishes to withdraw once a study has begun.

#### 8.03 Informed Consent for Recording Voice and Images in Research.

Psychologists obtain informed consent from research participants prior to recording their voice or image, unless the research consists solely of naturalistic observations in public places and it is not anticipated that the recording will be used in a manner that could cause personal identification or harm. (See also Standard 8.07, Deception in Research.)

#### 8.04 Student and Subordinate Research Participants.

(a) When psychologists conduct research with students or subordinates, psychologists take special care to protect the prospective participants from adverse consequences of declining or withdrawing from participation.

(b) When research participation is a course requirement or opportunity for extra credit, the prospective participant is given the choice of equitable alternative activities.

#### 8.05 Dispensing With Informed Consent for Research.

Psychologists may dispense with informed consent only where permitted by law, applicable regulations and institutional review board requirements or where (1) research is conducted in commonly accepted educational settings and involves the study of normal educational practices, instructional strategies, or effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods and that would not reasonably be assumed to create distress or harm; (2) research involves only anonymous questionnaires, naturalistic observations, or certain kinds of archival research for which



participants can not be identified and for which disclosure of the participants' responses would not place them at risk of criminal or civil liability or be damaging to the participants' financial standing, employability, or reputation or that would not reasonably be assumed to create distress or harm; or (3) research is conducted in organizational settings and concerns factors related to job or organization effectiveness for which participants can not be identified and for which disclosure of the participants' responses would not place their employability at risk.

#### 8.06 Offering Inducements for Research Participants.

(a) When offering professional services as an inducement to obtain research participants, psychologists make clear the nature of the services, as well as the risks, obligations, and limitations. (See also Standard 6.06, Barter With Clients/Patients.)

(b) Psychologists make reasonable efforts to avoid offering excessive or inappropriate financial or other inducements to obtain research participants when such inducements are likely to coerce participation.

#### 8.07 Deception in Research.

(a) Psychologists do not conduct a study involving deception unless they have determined that the use of deceptive techniques is justified by the study's significant prospective scientific, educational, or applied value and that effective nondeceptive alternative procedures are not feasible.

(b) Psychologists ~~do not~~ ~~never~~ deceive prospective participants about research that ~~the~~ **psychologist knows** is reasonably expected to cause physical pain or severe emotional distress.

(c) Psychologists explain any deception that is an integral feature of the design and conduct of an experiment to participants as early as is feasible, preferably at the conclusion of their participation, but no later than at the conclusion of the research. (See also Standard 8.08, Debriefing.)

#### 8.08 Debriefing.

(a) Psychologists provide a prompt opportunity for participants to obtain appropriate information about the nature, results, and conclusions of the research, and psychologists take reasonable steps to correct any misconceptions that participants may have of which the psychologists are aware.



(b) If scientific or humane values justify delaying or withholding this information, psychologists take reasonable measures to reduce the risk of harm.

(c) When a psychologist becomes aware that research procedures have had a harmful impact on the individual participant, the psychologist takes reasonable steps to ameliorate the harm.

#### 8.09 Humane Care and Use of Animals in Research.

(a) Psychologists acquire, care for, use, and dispose of animals in compliance with current federal, state, and local laws and regulations, and with professional standards.

(b) Psychologists trained in research methods and experienced in the care of laboratory animals supervise all procedures involving animals and are responsible for ensuring appropriate consideration of their comfort, health, and humane treatment.

(c) Psychologists ensure that all individuals under their supervision who are using animals have received instruction in research methods and in the care, maintenance, and handling of the species being used, to the extent appropriate to their role. (See also Standard 2.05, Delegation of Work to Others and Use of Interpreters.)

(d) Psychologists assign responsibilities and activities to individuals assisting in research projects that are consistent with their competencies. (See also Standard 2.05, Delegation of Work to Others and Use of Interpreters.)

(e) Psychologists make reasonable efforts to minimize the discomfort, infection, illness, and pain of animal subjects.

(f) Psychologists use a procedure subjecting animals to pain, stress, or privation only when an alternative procedure is unavailable and the goal is justified by its prospective scientific, educational, or applied value.

(g) Psychologists perform surgical procedures under appropriate anesthesia and follow techniques to avoid infection and minimize pain during and after surgery.

(h) When it is appropriate that an animal's life be terminated, psychologists proceed rapidly, with an effort to minimize pain and in accordance with accepted procedures.



#### 8.10 Reporting Research Results.

(a) Psychologists do not fabricate data. (See also Standard 5.01a, Avoidance of False or Deceptive Public Statements.)

(b) If psychologists discover significant errors in their published data, they take reasonable steps to correct such errors in a correction, retraction, erratum, or other appropriate publication means.

#### 8.11 Plagiarism.

Psychologists do not present substantial portions or elements of another's work or data as their own, even if the other work or data source is cited occasionally.

#### 8.12 Publication Credit.

(a) Psychologists take responsibility and credit, including authorship credit, only for work they have actually performed or to which they have contributed.

(b) Principal authorship and other publication credits accurately reflect the relative scientific or professional contributions of the individuals involved, regardless of their relative status. Mere possession of an institutional position, such as department chair, does not justify authorship credit. Minor contributions to the research or to the writing for publications are acknowledged appropriately, such as in footnotes or in an introductory statement.

(c) A student is listed as principal author on any multiple-authored article that is substantially based on the student's dissertation or thesis when to do so accurately reflects the relative scientific or professional contributions of the individuals involved. Faculty advisors discuss publication credit with students as early as feasible and throughout the research and publication process as appropriate.

#### 8.13 Duplicate Publication of Data.

Psychologists do not publish, as original data, data that have been previously published. This does not preclude republishing data when they are accompanied by proper acknowledgment.



#### 8.14 Sharing Research Data.

After research results are published, psychologists do not withhold the data on which their conclusions are based from other competent professionals who seek to verify the substantive claims through reanalysis and who intend to use such data only for that purpose, provided that the confidentiality of the participants can be protected and unless legal rights concerning proprietary data preclude their release. This does not preclude psychologists from requiring that such individuals or groups be responsible for costs associated with the provision of such information.

### 9. ASSESSMENT

#### 9.01 Bases for Assessments.

(a) Psychologists base their assessments, recommendations, reports, opinions, and diagnostic or evaluative statements on information and techniques sufficient to substantiate their findings. (See also Standards 2.04, Bases for Scientific and Professional Judgments, and 3.01, Honesty.)

(b) Except as noted in (c) and (d), below, psychologists provide opinions of the psychological characteristics of individuals only after they have conducted an examination of the individuals adequate to support their statements or conclusions.

(c) When, ~~despite reasonable efforts,~~ such an examination is not practical, psychologists document the efforts they made and the result of those efforts, clarify the probable impact of their limited information on the reliability and validity of their opinions, and ~~appropriately~~ limit the nature and extent of their conclusions or recommendations. (See also Standards 2.01, Boundaries of Competence and 9.06, Interpreting Assessment Results.)

(d) When a psychologist conducts a record review and an individual examination is not warranted or necessary for the opinion, psychologists explain this and the bases upon which they arrived at this opinion in their conclusions and recommendations.

#### 9.02 Development and Use of Assessments.



(a) Psychologists develop, administer, score, interpret, or use assessment techniques, interviews, tests, or instruments in a manner and for purposes that are **(add here: "consistent with" )** appropriate in light of the research on or evidence of the usefulness and proper application of the techniques.

(b) **(Add here: "Psychologists use assessment methods in a manner appropriate to an individual's language preference and competence and cultural background, unless the use of an alternative language is relevant to the assessment issues. If usage requires the adaptation of such methods, psychologists document any such adaptation and clarify its probable impact on the reliability and validity of their findings.")**

~~When appropriate tests for diverse populations have not been developed, psychologists who use existing standardized tests may adapt the administration and interpretation procedures only if the adaptations have a reliable basis in the knowledge and experience of the discipline. Psychologists must document any such adaptation and clarify its probable impact on the reliability and validity of their findings.~~ <sup>xxxv</sup>

(c)

~~Except as described in 9.02b, psychologists use assessment methods in a manner appropriate to an individual's language preference and competence and cultural background, unless the use of an alternative language is relevant to the assessment issues.~~

~~—(d)~~

Psychologists using the services of an interpreter ~~take reasonable steps to use an interpreter who has been adequately trained~~, obtain informed consent from the client/patient to use that interpreter, ensure that confidentiality of test results and test security are maintained, and discuss any limitations on the reliability and validity of data obtained. (See also Standards 2.05, Delegation of Work to Others and Use of Interpreters; 4.01 Maintaining Confidentiality; 9.01, Bases for Assessment; 9.03, Informed Consent in Assessments; and 9.07, Assessment by Unqualified Persons.)



~~9.03 Informed Consent In Assessments.~~ <sup>xxxvi</sup>

~~—(a) Psychologists obtain informed consent for assessments, evaluations, or diagnostic services, as described in Standard 3.10, Informed Consent, except when testing is mandated by law or governmental regulation or when testing is conducted as a routine educational, institutional, or organizational activity.~~

~~—(b) Psychologists inform persons for whom testing is mandated by law or governmental regulations about the nature and purpose of the proposed assessment services, using language that is reasonably understandable to the person being assessed.~~

9.04 Release of Test Data.

Test data refer to the individual responses or score sheets and scores or notes regarding an individual's responses to test items. Psychologists may release test data to another qualified professional **trained in the use and interpretation of the test** based on a client/patient release.

Psychologists refrain from releasing test data to persons who are not qualified to use such information, except (1) as required by law or court order or (2) ~~to an attorney or court based on a client/patient release or~~ (3) to the client/patient as appropriate **except in cases when in the psychologist's judgment it may be detrimental to the client.** <sup>xxxvii</sup> (See also Standards 1.02, Conflict Between Ethics and Law, Regulations, or Other Governing Legal Authority, and 2.01, Boundaries of Competence.)

9.05 Test Construction.

Psychologists who develop and conduct research with tests and other assessment techniques use appropriate psychometric procedures and current scientific or professional knowledge for test design, standardization, validation, reduction or elimination of bias, and recommendations for use.

9.06 Interpreting Assessment Results.

When interpreting assessment results, including automated interpretations, psychologists take into account the various test factors, test taking abilities, and other characteristics of the person being assessed,



such as situational, personal, linguistic, and cultural differences, that might affect psychologists' judgments or reduce the accuracy of their interpretations. They indicate any significant reservations they have about the accuracy or limitations of their interpretations. (See also Standards 2.01 b and c, Boundaries of Competence and 3.02, Unfair Discrimination.)

#### 9.07 Assessment by Unqualified Persons.

Psychologists do not promote the use of psychological assessment techniques by unqualified persons, except when such use is conducted for training purposes with appropriate supervision. (See also Standard 2.05, Delegation of Work to Others and Use of Interpreters.)

#### 9.08 Obsolete Tests and Outdated Test Results.

(a) Psychologists do not base their assessment or intervention decisions or recommendations on data or test results that are outdated for the current purpose (**add here: "as determined by the custom and practice of similarly trained psychologists."**)

(b) Similarly, psychologists do not base such decisions or recommendations on tests and measures that are obsolete and not useful for the current purpose (**add here: "as determined by the custom and practice of similarly trained psychologists."**)

#### 9.09 Test Scoring and Interpretation Services.

(a) Psychologists who offer assessment or scoring services to other professionals accurately describe the purpose, norms, validity, reliability, and applications of the procedures and any special qualifications applicable to their use.

(b) Psychologists select scoring and interpretation services (including automated services) on the basis of evidence of the validity of the program and procedures **as determined by the custom and practice of similarly trained psychologists'** as well as on other appropriate considerations. (See also Standard 2.01 b and c, Boundaries of Competence.)



(c) Psychologists retain responsibility for the appropriate application, interpretation, and use of assessment instruments, whether they score and interpret such tests themselves or use automated or other services.

#### 9.10 Explaining Assessment Results.

Regardless of whether the scoring and interpretation are done by the psychologist, by employees or assistants, or by automated or other outside services, psychologists **explain results to relevant persons** ~~take reasonable steps to ensure that appropriate explanations of results are given,~~ unless the nature of the relationship precludes provision of an explanation of results (such as in some organizational consulting, pre-employment or security screenings, and forensic evaluations), and this fact has been clearly explained in advance to the person being assessed.

#### 9.11 Maintaining Test Security.

Psychologists ~~make reasonable efforts~~ **strive** to maintain the integrity and security of tests and other assessment techniques consistent with law, contractual obligations, and in a manner that permits compliance with the requirements of this Ethics Code. (See also Standards 1.02, Conflict Between Ethics and Law, Regulations, or Other Governing Legal Authority, and 9.04, Release of Test Data.)

### 10. THERAPY

#### 10.01 Informed Consent to Therapy by **Trainees** <sup>xxxviii</sup>

(a) ~~When obtaining informed consent to therapy as required in Standard 3.10, Informed Consent, psychologists inform clients/patients as early as is feasible in the therapeutic relationship about appropriate information, including the nature and anticipated course of therapy, fees, involvement of third parties, and confidentiality. (See also Standards 4.02, Discussing the Limits of Confidentiality, and 6.05, Fees and Financial Arrangements.)~~

~~—(b) Prior to providing treatment for which generally recognized standards do not yet exist, psychologists inform their clients/patients of the experimental nature of the treatment, the potential risks involved, and the~~



~~voluntary nature of their participation. (See also Standards 2.01d, Boundaries of Competence, and 3.10, Informed Consent.)~~

(c) When the therapist is being supervised as part of his or her training and the legal responsibility resides with the supervisor, the client/patient, as part of the informed consent procedure, is informed that the therapist is in training and is being supervised and is given the name of the supervisor.

#### 10.02 Couple and Family Relationships.

(a) When a psychologist agrees to provide services to several persons who have a relationship (such as husband and wife or parents and children), the psychologist attempts to clarify at the outset (1) which, **if any,** ~~some~~ of the individuals are clients/patients and (2) the relationship the psychologist will have with each person. This clarification includes the role of the psychologist and the probable uses of the services provided or the information obtained. (See also Standard 4.02, Discussing the Limits of Confidentiality.)

(b) If it becomes apparent that the psychologist may be called on to perform potentially conflicting roles (such as marital counselor to husband and wife, and then witness for one party in a divorce proceeding), the psychologist attempts to clarify ~~roles and get consent of both parties or a court order directing the psychologist's response. and adjust, or withdraw from, roles~~ appropriately. **Add here: (c) Other role conflicts may occur and should be governed by the section on multiple relationships 4.02.** (See also Standard 11.03, Clarification of Role, under Forensic Activities.)

#### 10.03 Group Therapy.

When a psychologist provides services to several persons in a group setting, the psychologist describes at the outset the roles and responsibilities of all parties and the limits of confidentiality.

#### 10.04 Providing Mental Health Services to Those Served by Others.

In deciding whether to offer or provide services to those already receiving mental health services elsewhere, psychologists carefully consider the treatment issues and the potential client's/patient's welfare.



The psychologist discusses these issues with the client/patient, or another legally authorized person on behalf of the client/patient, in order to minimize the risk of confusion and conflict, consults with the other service providers when appropriate, and proceeds with caution and sensitivity to the therapeutic issues.

10.05 Sexual Intimacies With Current Therapy Clients/Patients.

Psychologists do not engage in sexual intimacies with current therapy clients/patients.

10.06 Sexual Intimacies with Relatives of Current Therapy Clients/Patients.<sup>xl</sup>

~~—Psychologists do not engage in sexual intimacies with individuals they know to be the parents, guardians, spouses, partners, offspring, or siblings of current clients/patients. Psychologists do not terminate therapy to circumvent this rule.~~

10.07 Therapy With Former Sexual Partners.

Psychologists do not accept as therapy clients/patients persons with whom they have engaged in sexual intimacies.

10.08 Sexual Intimacies With Former Therapy Clients/Patients.

(a) Psychologists do not engage in sexual intimacies with a former client/patient for at least two years after cessation or termination of therapy.

(b) Because sexual intimacies with a former client/patient are so frequently harmful to the client/patient, and because such intimacies undermine public confidence in the psychology profession and thereby deter the public's use of needed services, psychologists do not engage in sexual intimacies with former clients/patients even after a two-year interval except in the most unusual circumstances. The psychologist who engages in such activity after the two years following cessation or termination of therapy and of having no sexual contact with the former client/patient bears the burden of demonstrating that there has been no exploitation, in light of all relevant factors, including (1) the amount of time that has passed since therapy terminated, (2) the nature, duration, and intensity of the therapy, (3) the circumstances of termination, (4) the client's/patient's personal history, (5) the client's/patient's current mental status, (6) the



likelihood of adverse impact on the client/patient, and (7) any statements or actions made by the therapist during the course of therapy suggesting or inviting the possibility of a post-termination sexual or romantic relationship with the client/patient. (See also Standard 3.06, Multiple Relationships.)

#### 10.09 Interruption of Services.

(a) Psychologists make ~~reasonable~~ efforts to plan for facilitating care in the event that psychological services are interrupted by factors such as the psychologist's illness, death, unavailability, or relocation or by the client's/patient's relocation or financial limitations. (See also Standard 6.02c, Maintenance, Dissemination, and Disposal of Confidential Records of Professional and Scientific Work.)

(b) When entering into employment or contractual relationships, psychologists make ~~reasonable~~ efforts to provide for orderly and appropriate resolution of responsibility for client/patient care in the event that the employment or contractual relationship ends, with paramount consideration given to the welfare of the client/patient.

#### 10.10 Terminating the Professional Relationship.

(a) Psychologists must terminate a professional relationship when it becomes ~~reasonably~~ clear ~~to the psychologist~~ that the client/patient no longer needs the service, is not likely to benefit, or is being harmed by continued service.

(b) Psychologists may terminate a professional relationship when threatened or otherwise endangered by the client/patient or another person with whom the client/patient has a relationship. **Crossreference 4.05**

(c) Except where precluded by the actions of clients/patients or third-party payors, prior to termination the psychologist discusses the client's/patient's views and needs, provides pretermination counseling, suggests alternative service providers **if available** as appropriate, and takes ~~other reasonable~~ steps to facilitate transfer of responsibility to another provider if the client/patient needs one immediately .

### 11. FORENSIC ACTIVITIES

Forensic activities are assessments, interviews, consultations, **therapy, interventions,** testimony or other psychological services specifically performed when psychologists **present**



~~themselves as forensic specialists and therefore incur a~~ ~~can be expected to~~  
~~know there is a~~ substantial likelihood that their work, opinions, or testimony will be offered as evidence or  
 otherwise used in a legal or adjudicative proceeding or a similar forensic context. <sup>xli</sup>

#### 11.01 Forensic Competence.

**Change this standard to (b)** (a) Psychologists base their forensic activities on a reasonable level of knowledge and understanding of the professional and legal bases for their work and their participation in forensic proceedings. (See also Standards 1.01, Misuse of Psychologists' Work; 2.01, Boundaries of Competence; 2.03, Maintaining Expertise; 2.04, Bases for Scientific and Professional Judgments; 2.05, Delegation of Work to Others and Use of Interpreters; and 6.01, Documentation of Professional and Scientific Work and Maintenance of Records.)

**Change this standard to (a)** (b) When there is a substantial likelihood that psychologists' work will be used in forensic proceedings, psychologists create and maintain documentation ~~in the kind of detail and quality adequate to allow reasonable judicial scrutiny.~~ <sup>xlii</sup> (See also Standard 1.02, Conflict Between Ethics and Law, Regulations, or Other Governing Legal Authority.)

#### ~~11.02 Informed Consent for Forensic Services.~~ <sup>xliii</sup>

~~(a) When obtaining informed consent to forensic services as required in Standard 3.10, Informed Consent, psychologists inform the person or organization from whom consent is requested about the purposes of evaluations, the nature of procedures to be employed, the potential use of the results, the party who has employed the psychologist, and the limits of confidentiality which may exist. (See also Standards 3.05, Avoiding Harm; 3.07, Third-Party Requests for Services; and 3.11, Describing the Nature and Results of Psychological Services.)~~

(b) When an evaluation is court ordered, the psychologist informs the individual and the individual's legal representative of the nature of the anticipated forensic service before proceeding with the evaluation. (See also Standard 3.10, Informed Consent.)



### 11.03 Clarification of Role.

When psychologists are required by law, institutional policy, or extraordinary circumstances to serve in more than one role in a forensic proceeding, **at the outset** they clarify role expectations and the extent of confidentiality in advance and thereafter as changes occur. (See also Standards 3.05, Avoiding Harm; 3.06, Multiple Relationships; and 3.07, Third-Party Requests for Services.)

### 11.04 Prior Relationships.

A prior professional relationship with a party does not preclude psychologists from testifying as ~~fact~~  
~~witnesses or from testifying to their services~~ to the extent permitted by applicable law. Psychologists ~~appropriately~~ take into account ways in which the prior relationship might affect their professional objectivity or opinions and disclose the potential conflict, **if any**, to the relevant parties.

<sup>i</sup> The Preamble and General Principles have been adjudicated in legal cases as being too vague as to be used as a standard. Therefore, it is important if these aspirational areas are to remain as an introduction to the standards, they should not be put forward by APA as possible to use in interpretation of the enforceable standards themselves.

<sup>ii</sup> Many members perceive the ethics bodies and other adjudicatory challenges to their professionalism puts them in a 'guilty until proven innocent' legal posture. This statement affirms that there is nothing in the APA Ethics Code that takes away the democratic rights of the accused, that psychologists who participate on such panels have a duty to be trained and that a psychologist is 'innocent until proven guilty' in proceedings that use this code as a basis for adjudication.

<sup>iii</sup> It is important not to encourage the use of a code of ethics designed for APA membership in other legal proceedings even though other adjudicative bodies might use them in this way. APA must protect itself as an independent organization whose members agree to this Ethics Code as part of our membership in APA without references to agencies or groups.

<sup>iv</sup> Moral growth is too aspirational as to appear in this document, and the concept is offensive to many psychologists.

<sup>v</sup> In far too many litigated cases the reasonable judgment of the psychologist involved is contravened by what is supposed to be the reasonable judgment of the psychologist testifying against a person who may or may not have been similarly trained. The legal standard, 'clear and convincing' is the appropriate standard to be met when considering evidence of whether or not a problem exists.

<sup>vi</sup> This paragraph is specifically inserted to make it clear that professional psychology cannot always be adjudicated in the same way that research or experimental psychology can be understood. It gives the practitioner some flexibility in being judged, understanding that we may make complex decisions and sometimes a wrong judgment occurs using all the right reasons simply because the practice of psychology takes some intuition and skills that fall more in the art than science of practice at times.

<sup>vii</sup> We question the relevance of this footnote now that all the guidelines are being reviewed by COPPS and BPA and any suggested revisions may not be appropriate to the purpose that is referenced here. If the footnote is kept, we suggest that it is carefully worded so that the guidelines are not used as a legal standard, especially calling attention



to the difference between those who specialize in an area and those psychologists who are generalists but may practice in a particular area.

viii This statement allows for misinterpretation and is too vague for any type of guidance or enforcement. Further, it is pejorative to those who may be less able-bodied or have other disabilities that are not directly observable.

ix It is important to keep the language in these principles aspirational in tone so there can be no mistaking their purpose.

x A 'corrective mechanism' is too vague to make it part of a standard.

xi 1.03, 1.04, & 1.05 need to make it clear that there are sometimes when a professional psychologist may not be able to report suspected or known violations because the duty to the patient/client comes before the duty to the ethics code.

xii Psychologists may be involved in more than one legal proceeding and cooperation with an ethics board may compromise their legal position in other venues. Therefore, the mandate to cooperate with Ethics Committees should be eliminated or modified so that the psychologist is not forced into a legally indefensible position.

xiii Written this way, this standard will protect consumers from untrained psychologists but also protect practitioners from false complaints if such specialized training is not necessary.

xiv The comment that was deleted comes right out of documents that are in court cases against psychologists who are being sued for malpractice for using methods that are not 'empirically validated'. Similar language appears in the 'mental health legislation' that has been introduced in several states. It looks fairly benign on the surface, but our attorneys tell us that the language is crafted to be used against psychologists in court. We believe the substitute language conveys the same spirit without the legal intentions.

xv We felt the simple statement was sufficient and didn't need any clarification or explanation of what was meant.

xvi Sexual harassment laws change by legislation and case law so we felt it was stronger to use the legal definitions rather than an interpretation of how to define sexual harassment.

xvii Our attorney suggests that referencing harassment standards in the law would be stronger than creating a new definition.

xviii Our attorney suggests deleting this standard as the courts are using it to create a duty to third-parties in lawsuits that involve allegations that therapists have harmed non-therapy clients. This has been evolving in the litigation around 'false memory syndrome' and harm to family members of therapy patients who claim to have been sexually abused. The standard not to cause harm is covered in other places so is redundant here anyhow.

xix The issue of multiple relationships is a large cause of complaints and despite the ethics standard that states that a multiple relationship is not per se bad, the belief among adjudication bodies and psychologists is different. Therefore, it seems prudent and simple to just have a few lines that make it clear that only if a multiple relationship interferes with the psychologist's judgment or causes exploitation or intentional harm should it be a cause for concern as unethical. This should save psychologists from a large number of groundless complaints that eventually are dismissed when the psychologist proves he or she is not behaving unethically rather than the burden being on the complainant to prove it is harmful by causing impairment, loss of objectivity or exploitation.

xx It may not be appropriate or feasible for the psychologist to keep other parties informed especially if there are other legal entities involved.

xxi These changes make the psychologist's responsibilities in informed consent clear and take out the redundancy.

xxii This is an area where our attorney says that many unfounded complaints are made. Perhaps with this clarification, only those legitimate complaints will be filed. The areas most often cited are in 'fitness for duty' and



'custody' evaluations. For example, there were approximately 300 complaints were filed against custody evaluators for putting unnecessary information not germane to the purpose in California during one year while only two of these complaints turned out to be founded. Also, managed health care firms have used this area to demand more information than the psychologist believes is needed. The rewrite is to strengthen both issues.

<sup>xxiii</sup> A duty to consult is explicit in the ethics code if in the psychologist's judgment it is required. However, if the client does not give permission to obtain a consultation, this puts the psychologist in an ethical bind. Writing this standard in this way, especially when supervising students, makes it clear that consultations can occur with or without the consent of the client whether or not the client's identity is revealed.

<sup>xxiv</sup> This is a vague statement that is used in lawsuits filed by organizations against psychologists and should be stricken from this list.

<sup>xxv</sup> These statements appear to be in conflict with those psychologists who hire advertising or public relations firms. It is also very difficult to control what others say about psychology even if the psychologist attempts to keep tight control over copy. It is suggested that this standard be deleted and if needed, placed in the aspirational area.

<sup>xxvi</sup> 5.05 & 5.06 are problematic because of the lack of definition of 'other vulnerable' persons. This is especially true for those psychologists who deal with the media.

<sup>xxvii</sup> There has never previously been a duty to be accountable to anyone other than the client. Adding this language would create a new duty that our attorneys state is unnecessary to perform our duties properly.

<sup>xxviii</sup> This is aspirational and should not be written as a standard.

<sup>xxix</sup> This standard is redundant unless it is supposed to create a new duty around record keeping. If it is the latter, then independent psychologists who have many different ways of keeping records are being placed with a new burden.

<sup>xxx</sup> This standard is acceptable only if it remains applicable only to emergency treatment.

<sup>xxxi</sup> This is too vague and gives anyone the ability to grumble about fees.

<sup>xxxii</sup> Practicable is a legal term and our attorneys say it is appropriate to use here.

<sup>xxxiii</sup> Most independent practitioners have billing services and computer programs that can make mistakes from time to time and there needs to be some acknowledgment that this is different from knowingly misrepresenting fees for services.

<sup>xxxiv</sup> This standard needs to be very clear to avoid unhappy student complaints that are not warranted.

<sup>xxxv</sup> This is an attempt to clarify what appears to be the intention of this standard. Psychologists should not be responsible for determining whether or not an interpreter is competent especially if such an interpreter is hired by a third party.

<sup>xxxvi</sup> This is redundant and not necessary as the informed consent section in 3.10 covers all informed consent.

<sup>xxxvii</sup> There is a guideline put forward by COLI and the Ethics Committee that specifies how to release raw test data and how to respond to a subpoena. It is important for practitioners to clarify the difference between a court order signed by a judge and a subpoena that can be issued by any attorney. Subpoenas must be responded to but not necessarily followed if a proper legal response is made.

<sup>xxxviii</sup> Here we delete a and b as they are redundant and covered in 3.10, a general informed consent. Just a note that (b) as currently proposed is almost identical language as was found in the Mental Health legislation proposed by Barden that Council and CAPP opposed as they were put before state legislatures. We suggest leaving (c) as it does discuss therapy when trainees are the therapist.



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<sup>xxxix</sup> A number of family therapy theories propose that the family itself is the client and not the individual.

<sup>xi</sup> This section is covered by the section on multiple relationships and is redundant here. Some participants wondered why the list only included these relationships and not others. Others felt this was too long and cumbersome and made no real sense. The point is that any relationship the therapist has that impairs the therapist's objectivity, loss of effectiveness or exploits the client is unethical no matter what the person's relationship to the client.

<sup>xii</sup> This is a modifier of when a practitioner may be expected to function as a forensic psychologist rather than a practitioner who is applying professional psychology in the forensic setting. The forensic psychologist is expected to meet forensic standards while the practitioner who finds him or herself in court is expected to follow professional standards.

<sup>xlii</sup> Documentation standards should be according to the individual's own procedure as there is no one procedure that would meet a particular judicial scrutiny standard.

<sup>xliii</sup> The informed consent sections (3.10) apply here and it is redundant and not necessary to add this here. The addition of the phrase dealing with the purpose of the intervention is designed to cover forensic evaluations also.

<sup>xliv</sup> The court decides who is a fact witness and who is an expert or opinion witness so it is inappropriate for there to be an ethical standard that limits a forensic expert's testimony when there is no ability for the psychologist to control it. Although there are some forensic psychologists who believe that therapists should only be fact and not opinion witnesses, the professional psychology community believes that this should be made on a case-by-case basis using the psychologist's judgment.





# AMERICAN PSYCHOLOGICAL ASSOCIATION

## APA Ethics Committee Rules and Procedures

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The Board of Directors approved changes to the Ethics Committee's Rules and Procedures (APA, 1996) that apply to complaints and to notices for show cause predicates received by the APA Ethics Office after Sept. 30, 2001. These changes are reflected in the 2001 Rules and Procedures.

*Effective Oct. 1, 2001*

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## Overview

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This brief overview is intended only to help the reader understand the structure of these Rules and Procedures (Rules). The overview is not binding on the Ethics Committee or participants in the ethics process and is not an independent source of authority.

These Rules are divided into five parts, which are further subdivided by sections and subsections. The table of contents lists the major section headings.

### Parts I and II: General Provisions

Part I describes the objectives and authority of the Ethics Committee. Part II states the Committee's general operating rules. These address such areas as confidentiality and disclosures of information concerning ethics cases; maintenance and disposition of Ethics Committee records; the Committee's jurisdiction, including the time limits within which ethics complaints must be filed; bars to resignation; requests to reopen a closed case; and descriptions of the various sanctions and directives that may be imposed.

### Parts III-V

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Processing and Review of Complaints and Other Matters by the Ethics Committee

### Membership Matters

The Ethics Committee may review applications or reapplications for membership in APA and may review allegations that



membership was obtained based upon false or fraudulent information. These procedures are described in Part III.

## **Investigations of Unethical Conduct**

These Rules describe two types of investigations: show cause proceedings and reviews of alleged unethical conduct. The Committee may choose to deal with a matter according to either procedure and may convert an investigation from one type to another as appropriate. A show cause review is commenced based on an adverse action by another body; a review of alleged unethical conduct is initiated by a complainant or the Committee and charges violation of the Ethics Code.

### **Show Cause Proceedings**

The show cause procedure, addressed in Part IV, can be used when another body—including criminal courts, licensing boards, and state psychological associations—has already taken specified serious adverse action against a member. For example, if a member has been convicted of a felony or equivalent criminal offense; has been expelled or suspended by a state psychological association; or has been decertified, unlicensed, or deregistered or had a certificate, license, or registration revoked or suspended by a state or local board, the Committee may open a show cause case. If the respondent does not respond, he or she will be automatically expelled. The respondent may ask that the pending expulsion be reviewed, in which case the respondent will have 60 days to explain why APA should not expel the respondent from membership on the basis of that prior action. The respondent may show that procedures used were not fair and may argue the merits of the previous action. If the respondent asks for a review, the Committee recommends to the Board of Directors whether the respondent should be expelled or allowed to resign under stipulated conditions, reprimanded or censured, or cleared of the charges.

At the outset of the case, instead of contesting the charges, the respondent may offer a resignation, which is deemed a resignation while under ethics investigation.

Time limits for initiating show cause cases are stated in Part II, Section 5.3.4.

### **Complaints Alleging Violation of the Ethics Code**

Investigations detailed in Part V include those brought by members and nonmembers of the Association and those initiated by the Ethics Committee (*sua sponte* complaints). Complaints must be submitted within specified time periods or allege serious misconduct for which a waiver of the time limit may be granted. (See Part II, Section 5.) Even with a waiver of the time limit, the Committee may not find violations for behavior that occurred 10 years or more before the complaint was filed.

Complaints are evaluated initially by the Ethics Office Director, or Investigators acting as the Director's designees, regarding jurisdictional issues such as whether the subject of the complaint, the respondent, is a member, whether the complaint form is correctly completed, and whether the time limits for filing have been met. Then the Chair of the Ethics Committee and Director of the Ethics Office or their designees determine whether there are grounds for action to be taken by the Committee (defined in Part V, Subsection 5.1). If necessary, the Chair and Director conduct a preliminary investigation (described in Part V, Section 5.3) to assist in making these threshold determinations. If the Committee has no jurisdiction or if cause for action does not exist, the complaint is dismissed. If the Committee has jurisdiction and cause for action exists, the Director will open a case, issue a specific charge letter, and conduct an investigation. The respondent is afforded an opportunity to comment on all evidence that will be considered by the Committee and upon which the Committee may rely in its review of the complaint. At the conclusion of the investigation, the case is referred to the Committee for review and resolution.

In resolving a case, the Committee may dismiss it; recommend that it be resolved with a reprimand or censure, with or without supplemental directives; recommend to the Board of Directors that the respondent be expelled from membership; or offer the member the option of resigning subject to stipulated conditions and subject to approval by the Board of Directors.

If the Committee recommends any action other than dismissal or stipulated resignation, the respondent has a right to an independent case review and evaluation or, in the case of a recommendation of expulsion, a formal hearing or an independent adjudication. In an independent adjudication following a recommendation of censure or reprimand, the respondent provides a rationale for nonacceptance of the Committee's recommendation, and a three member panel, selected by the respondent from six members of the Board of Directors' standing Hearing Panel, provides the final adjudication based on the written record. The Director implements the final adjudication, whether based on the panel's decision or the respondent's acceptance of the Committee's recommendation.

A formal hearing is an in-person proceeding before a formal hearing committee, which makes an independent recommendation to the Board of Directors. The respondent may elect to have an independent adjudication instead of a



formal hearing. The Board reviews the recommendation of the hearing committee, independent adjudication panel, or, if no hearing was requested, the Ethics Committee, and must adopt that recommendation unless specified defects require the matter to be remanded for further actions.

At the outset of the case, instead of contesting the charges, the respondent may offer a resignation, which is deemed a resignation while under ethics investigation.

## Adoption and Application

The revised Rules and Procedures of the Ethics Committee of the American Psychological Association, which are set forth below, were approved by the APA Board of Directors on December 9, 1995, with an effective date of June 1, 1996. Further revisions that allow respondents to resign while under ethics investigation and that call for the automatic expulsion with a right of review for show cause respondents were approved by the APA Board of Directors on August 25, 2001. The newest revisions will apply to all respondents against whom complaints or notices of show cause predicates were received by the APA Ethics Office on or after October 1, 2001. All other aspects of the Rules will be applied to all complaints and cases pending on the effective date of June 1, 1996, except, as provided in Part II, Subsection 1.2 of the 1992 Rules, "no amendment shall adversely affect the rights of a member of the Association whose conduct is being investigated by the Ethics Committee or against whom the Ethics Committee has filed formal charges" as of the effective date. In the event application of the revised Rules and Procedures would adversely affect such rights, the pertinent provisions of the Rules and Procedures in effect at the time the member came under the scrutiny of the Ethics Committee will be applied. Failure by the Committee or APA to follow these Rules and Procedures shall be cause to set aside action taken under these Rules only in the event such failure has resulted in genuine prejudice to the respondent.

In December 1995 and August 2001, the APA Board of Directors adopted these Rules and Procedures to replace the earlier set (which was published in the December 1992 issue of the *American Psychologist*, pp. 1612-1628). The Rules are available from the APA Ethics Office, 750 First Street, NE, Washington, DC 20002-4242.

## Part I. Objectives and Authority of the Committee

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### 1. Objectives

The fundamental objectives of the Ethics Committee (hereinafter the Committee) shall be to maintain ethical conduct by psychologists at the highest professional level, to educate psychologists concerning ethical standards, to endeavor to protect the public against harmful conduct by psychologists, and to aid the Association in achieving its objectives as reflected in its Bylaws.<sup>1</sup>

### 2. Authority

The Committee is authorized to

- 2.1 Formulate rules or principles of ethics for adoption by the Association;
- 2.2 Investigate allegations of unethical conduct of members (to include fellows) and associates (hereinafter members) and, in certain instances, student affiliates and applicants for membership;
- 2.3 Resolve allegations of unethical conduct and/or recommend such action as is necessary to achieve the objectives of the Association;
- 2.4 Report on types of complaints investigated with special description of difficult cases;
- 2.5 Adopt rules and procedures governing the conduct of all the matters within its jurisdiction;
- 2.6 Take such other actions as are consistent with the Bylaws of the Association, the Association Rules, the Association's Ethics Code, and these Rules and Procedures, and as are necessary and appropriate to achieving the objectives of the Committee;
- 2.7 Delegate appropriate tasks to subcommittees, ad hoc committees, and task forces of the Ethics Committee; to Committee Associates; or to employees or agents of the Association, as necessary or appropriate. All of these individuals and groups shall in any such event be fully bound by these Rules and Procedures.

## Part II. General Operating Rules

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### 1. General Provisions

**1.1 APA Documents.** The Committee shall base its actions on applicable governmental laws and regulations, the Bylaws of the Association, the Association Rules, the Association's Ethics Code, and these Rules and Procedures.

**1.2 Applicable Ethics Code.** Conduct is subject to the Ethics Code in effect at the time the conduct occurred. If a course of conduct continued over a period of time during which more than one Ethics Code was in effect, each Ethics Code will be applicable to conduct that occurred during the time period it was in effect.



**1.3 Rules and Procedures.** The Committee may adopt rules and procedures governing the conduct of all matters within its jurisdiction, and may amend such rules from time to time upon a two-thirds vote of the Committee members, provided that no amendment shall adversely affect the rights of a member of the Association whose conduct is being investigated by the Ethics Committee or against whom the Ethics Committee has recommended expulsion, stipulated resignation, voiding membership, censure, or reprimand at the time of amendment. Changes to the Rules and Procedures must be ratified by the Board of Directors acting for the Council of Representatives.

**1.4 Compliance With Time Requirements.** The APA and the respondent shall use their best efforts to adhere strictly to the time requirements specified in these Rules and Procedures. Failure to do so will not prohibit final resolution unless such failure was unduly prejudicial. Upon request, the Director may extend time limits stated in these Rules for submitting statements or responses if there is good cause to do so. In all cases in which a time limit for submitting a response is stated in these Rules and Procedures, the period specified is the number of days allowed for receipt of the response by the Ethics Office.

**1.5 Computation of Time.** In computing any period of time stated by these Rules, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period shall be included unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next business day.

## **2. Meetings and Officers**

**2.1 Frequency and Quorum.** The Committee shall meet at reasonable intervals as needed. A quorum at such meetings shall consist of the majority of the elected members of the Committee.

**2.2 Selection of Officers.** The Chair and Vice Chair shall be elected annually at a duly constituted meeting.

**2.3 Authority.** The Vice Chair shall have the authority to perform all the duties of the Chair when the latter is unavailable or unable to perform them and shall perform such other tasks as are delegated by the Chair or by these Rules.

**2.4 Majority Rule.** Except as otherwise noted in these Rules and Procedures, all decisions shall be by majority vote of those elected members present or, in the case of a vote by mail, a majority of those elected members qualified to vote.

**2.5 Designation of Responsibilities.** The Chief Executive Officer of the Association shall designate a staff member to serve as Director of the Ethics Office. Whenever they appear in these Rules, "Chair," "Vice Chair," "Director," and "President" shall mean these individuals or their designees.

**2.6 Attendance.** Attendance at the Ethics Committee's deliberation of cases is restricted to elected members of the Committee, Committee Associates, the Director of the Ethics Office, the Ethics Office staff, members of the Board of Directors, Legal Counsel of the Association, and other duly appointed persons authorized by the Committee to assist it in carrying out its functions, except when the Committee, by two-thirds vote, authorizes the presence of other persons.

## **3. Confidentiality and Notifications**

**3.1 Requirement of Confidentiality.** All information concerning complaints against members shall be confidential, except that the Director may disclose such information when compelled by a valid subpoena, in response to a request from a state or local board or similar entity,<sup>3</sup> when otherwise required by law, or as otherwise provided in these Rules and Procedures. Such information may also be released when the Chair and the Director agree that release of that information is necessary to protect the interests of (a) the complainant or respondent; (b) other investigative or adjudicative bodies; (c) the Association; or (d) members of the public, and release will not unduly interfere with the Association's interest in respecting the legitimate confidentiality interests of participants in the ethics process and its interest in safeguarding the confidentiality of internal peer review deliberation.

**3.2 Access by Staff, Legal Counsel, and Other Duly Appointed Persons.** Information may be shared with Legal Counsel of the Association, with the Chief Executive Officer of the Association, with staff of the Association's Central Office designated by the Chief Executive Officer to assist the Committee with its work, and with other duly appointed persons authorized by the Committee to assist it in carrying out its functions. Subject to the confidentiality provisions in these Rules, these persons are authorized to use this information for the purposes set out in these Rules regardless of whether the person providing the information has executed a release.

**3.3 Notification in Connection with Investigation or Final Disposition of Investigation.** Where these Rules provide for notification of final disposition of a matter, this notification shall include the ethical standard(s)<sup>4</sup> that were judged to have been violated and, if violation is found, the standards not violated, and the sanction (including a statement that directives were given), if any. In show cause proceedings under Part IV, this notification shall describe the type of underlying action (e.g., loss of license) without reference to the underlying behavior. In matters in which membership is voided under Part III, Subsection 3.3, the notification shall indicate that membership was voided because it was obtained on the basis of



false or fraudulent information. In any of these matters, the rationale may also be included (a) if the notification is required by these Rules, at the discretion of the Board or Committee, (b) if the notification is not required, at the discretion of the entity or person (i.e., the Board, the Committee, or the Director) authorizing the notification, or (c) as set forth in a stipulation.

**3.3.1 Respondent.** The Director shall inform the respondent of the final disposition in a matter. This notification shall include the rationale for the Association's actions. As used in these Rules and Procedures, the term respondent includes any member, student affiliate, or membership applicant who is under the scrutiny of the Ethics Committee.

**3.3.2 Complainant.** The Director shall inform the complainant of the final disposition in a matter and of the respondent's resignation while under ethics investigation. The Director may also at any time, as a matter of discretion, provide such information as is necessary to notify the complainant of the status of a case.

**3.3.3 Membership.** The Director shall report annually to the membership the names of members who have lost membership due to unethical behavior and the names of members who have resigned their membership while under ethics investigation. For those members who lost their membership, the Director will also report the ethical standard(s) violated or the type of underlying action for a show cause case or that membership was voided because it was obtained on the basis of false or fraudulent information. No report to membership shall be made for other stipulated resignations in which such a report was not stipulated.

**3.3.4 Council of Representatives.** The Director shall report annually and in confidence to the Council the names of members who have been allowed to resign under stipulated conditions and who have resigned while under ethics investigation.

**3.3.5 Other Entities.** When the Board of Directors or the Committee determines that further notification is necessary for the protection of the Association or the public or to maintain the standards of the Association, the Director shall communicate the final disposition to those groups and/or individuals so identified. Such notification may be made to (a) affiliated state and regional associations,<sup>5</sup> (b) the American Board of Professional Psychology, (c) state or local boards or similar entities, (d) the Association of State and Provincial Psychology Boards, (e) the Council for the National Register of Health Service Providers in Psychology, and/or (f) other appropriate parties.

**3.3.6 Other Parties Informed of the Complaint.** The Director may inform such other parties as have been informed of any matter reviewed under these Rules of the final disposition of that matter. Parties with knowledge of a matter may have been informed by the Committee, the Director, the respondent, or the complainant.

**3.3.7 Notification in Cases That Have Been Converted.** In any cases that have been converted under Part II, Subsections 7.3 or 7.4, the complainant and other persons informed of the complaint shall be notified of final disposition, including the fact that there has been a stipulated resignation, as set forth in Part IV, Subsections 12.1.2 and 12.2.1 and Part V, Subsection 7.6.5.

**3.3.8 Disclosure of Fact of Investigation.** The Director may disclose to any of the entities enumerated in Subsection 3.3.5 (a)-(f) of this part the fact that an individual is under ethical investigation in cases deemed to be serious threats to the public welfare (as determined by a two-thirds vote of the Committee), but only when to do so before final adjudication appears necessary to protect the public.

**3.3.9 Notification of Additional Parties at the Request of Respondent.** The Director may notify such additional parties of the final disposition as are requested by the respondent.

**3.3.10 Notification of Loss of Membership Upon Written Request.** The Association shall inform any person who submits a written inquiry concerning a psychologist that a former member has lost membership due to unethical behavior, that a former member has resigned while under ethics investigation, or that an individual's membership was voided because it was obtained on the basis of false or fraudulent information. The notification will not include actions that were already decided or were under the scrutiny of the Committee prior to June 1, 1996, or stipulated resignations unless so stipulated.

**3.4 Initiation of Legal Action Constitutes Waiver.** Initiation of a legal action against the Association or any of its agents, officers, directors, employees, or volunteers concerning any matters considered or actions taken by the Ethics Committee or Director shall constitute a waiver by the person initiating such action of any interest in confidentiality recognized in these Rules or other organic documents of the Association with respect to the subject matter of the legal action.

**3.5 Communication for Investigation or Other Functions.** Nothing in this section shall prevent the Director from communicating any information (including information from the respondent, complainant, or a witness) to the respondent, complainant, witnesses, or other sources of information to the extent necessary to facilitate the performance of any functions set forth in these Rules and Procedures.



## 4. Records

**4.1 Confidentiality of Ethics Files.** Files of the Committee related to investigation and adjudication of cases shall be confidential, within the limitations of Section 3 of this part, and shall be maintained, consistent with these Rules and Procedures.

**4.2 Investigation Files.** Investigation records containing personally identifiable information shall be maintained for at least five years after a matter is closed.

**4.3 Files Involving Loss of Membership.** In cases in which members have lost membership, records shall be maintained indefinitely, except as provided in Subsection 4.4 of this part.

**4.4 Readmission or Death of a Member.** Records concerning members whom the Association has readmitted to membership or determined to be deceased shall be maintained for at least five years after that determination was made.

**4.5 Records for Educative Purposes.** Nothing in these Rules and Procedures shall preclude the Committee from maintaining records in a secure place for archival or record keeping purposes, or from using or publishing information concerning ethics matters for educative purposes without identifying individuals involved.

## 5. Jurisdiction

**5.1 Persons.** The Committee has jurisdiction over individual members (to include fellows), associate members, and applicants for membership in the American Psychological Association. The Committee shall also have jurisdiction over student affiliates, but only to the extent that the conduct at issue is not under the direct supervision of the student's educational program or of a training site that is officially approved by the program as part of the student's supervised training.<sup>6</sup>

**5.2 Subject Matter.** The Committee has jurisdiction to achieve its objectives and perform those functions for which it is authorized in these Rules and Procedures and other organic documents of the Association.

### 5.3 Time Limits for Complaints and Show Cause Notices

**5.3.1 Complaints by Members.** Except as provided in Subsections 5.3.5 and 5.3.6 of this part, the Committee may consider complaints brought by members of the Association against other members only if the complaint is received less than three years after the alleged conduct either occurred or was discovered by the complainant.

**5.3.2 Complaints by Nonmembers and Student Affiliates.** Except as provided in Subsections 5.3.5 and 5.3.6 of this part, the Committee may consider complaints brought by nonmembers and student affiliates only if the complaint is received less than five years after the alleged conduct either occurred or was discovered by the complainant.

**5.3.3 Sua Sponte Complaints.** Except as provided in Subsection 7.4 of this part, the Committee may initiate a sua sponte complaint under Part V of these Rules and Procedures only if it does so, or has provided the notice specified in Subsection 5.6.2 of this part, less than one year after it discovered the alleged unethical conduct and less than 10 years after the alleged conduct occurred, except that whether or not such periods have expired, the Committee may initiate a sua sponte complaint less than one year after it discovered that any of the following actions had become final, and less than 10 years after the alleged conduct occurred: (a) a felony conviction, (b) a finding of malpractice by a duly authorized tribunal, (c) expulsion or suspension from a state association for unethical conduct, or (d) revocation, suspension, or surrender of a license or certificate, or deregistration for ethical violations by a state or local board or similar entity, or while ethical proceedings before such board were pending.

**5.3.4 Show Cause Notices.** The Committee may issue a show cause notice under Part IV of these Rules and Procedures only if it does so, or has provided the notice specified in Subsection 5.6.2 of this part, less than one year after the date it discovered that the applicable predicate for use of show cause procedures (i.e., an event described in Part IV, Section 1) had become final and less than 10 years after the alleged conduct occurred, except this latter time limit shall be 20 years in any matter involving an offense against a minor.

### 5.3.5 Exceptions to Time Limits for Complaints by Members and Nonmembers

**5.3.5.1 Threshold Criteria.** Any complaint not received within the time limits set forth in this section shall not be considered unless, with respect to complaints subject to Subsections 5.3.1 and 5.3.2 of this part, the Chair and Director (with the vote of the Vice Chair if agreement is not reached by the Chair and Director) determine that each of the following criteria is met:

**5.3.5.1.1** The behavior alleged involved one of the following: sexual misconduct; felony conviction; insurance fraud; plagiarism; noncooperation; blatant, intentional misrepresentation; or other behavior likely to cause substantial harm;



**5.3.5.1.2** The complaint was received less than 10 years after the alleged conduct occurred.

**5.3.5.2 *Determination to Supersede Applicable Time Limit.*** Where the Chair and Director have determined (with the vote of the Vice Chair if agreement is not reached by the Chair and Director) that the threshold criteria in Subsection 5.3.5.1 are met, the applicable limit shall be superseded.

**5.3.6 *Conduct Outside the Time Limits.*** The Committee may consider evidence of conduct outside these time limits in connection with the commencement, investigation, review, or disposition of a matter involving conduct that is within the applicable time limits. However, the Committee may impose sanctions only for conduct that occurred within the time limits. In order for a sanction to be imposed for conduct occurring outside the time limits, the Chair and Director must decide to supersede the time limits applicable to that conduct as stated in Subsection 5.3.5 of this part.

**5.3.7 *Reopened Investigations.*** In a matter reopened under Part II, Section 6, the investigation shall be considered within the time limits as long as the complaint in the original matter was received, or the original investigation was initiated, in a timely manner or a decision was made to supersede the time limit under Part II, Subsection 5.3.5. The Committee may not proceed with such an investigation, however, if the new evidence is received more than 10 years after the date the alleged unethical behavior occurred (except that this time limit shall be 20 years in any case that was initiated as or converted to a show cause case and involves an offense against a minor).

## **5.4 Resignation Barred**

**5.4.1** Except as provided in Subsection 5.4.2 and 11.4 of this part of these Rules, no one under the scrutiny of the Committee will be allowed to resign from the Association either by letter of resignation, by nonpayment of dues, or otherwise.

**5.4.2 *Resignation Under Ethics Investigation.*** A respondent may in the alternative accept the opportunity to resign from membership with the understanding that such resignation will be deemed for all purposes a resignation "under ethics investigation." This opportunity is available only if, within the required number of days (60 days in Part IV automatic expulsion cases; 30 days in Part V matters) after receiving his or her first notification of the ethics matter from the APA Ethics Office, the respondent provides to the APA Ethics Office a signed, notarized affidavit indicating acceptance of the opportunity to resign while under ethics investigation. Failure to return the affidavit within the relevant time period will constitute a waiver of the right to resign while under ethics investigation. Resignation shall be effective upon the Committee's timely receipt of the signed notarized affidavit. The Association may inform a complainant, the membership through the dues notice, and anyone who requests the information from APA that the respondent has so resigned. (See also Part IV, Subsection 2 and Part V, Subsections 4.3.2, 5.3 and 6.1 of these Rules and Procedures.)

**5.5 Concurrent Litigation.** Civil or criminal litigation involving members shall not bar action by the Committee; the Committee may proceed or may stay the ethics process during the course of litigation. Delay in conducting the investigation by the Committee during the pendency of civil or criminal proceedings shall not constitute waiver of jurisdiction.

## **5.6 Other Concurrent Disciplinary Proceedings**

**5.6.1 *Concurrent Jurisdiction.*** Disciplinary proceedings or action by another body or tribunal shall not bar action by the Committee; the Committee may proceed or may stay the ethics process during the course of such proceedings. Delay in conducting the investigation by the Committee during the pendency of such proceedings shall not constitute a waiver of jurisdiction. Where the Committee learns that disciplinary action by another authorized tribunal has been stayed, such stay shall neither require nor preclude action by the Committee. When another body or tribunal has investigated the same allegations and found no merit to the allegations, the Ethics Committee may, in its discretion, decide not to open a matter or, if a matter has already been opened, the Ethics Committee may close the matter.

**5.6.2 *Nonfinal Disciplinary Action by Another Body.*** The Chair, Vice Chair, and Director may decide not to open a *sua sponte* or show cause case when a state or local board or similar entity has taken disciplinary action against an Association member if the action is either not final or the member has not completed all directives, probation, or other requirements and if the behavior at issue is not likely to result in expulsion from the Association. If this decision is made, the member will be notified that the matter is under the scrutiny of the Committee, that the member will be monitored until completion of actions required by the state or local board or similar entity, that failure to complete the action may result in further action by the Committee, and that completion of such requirements may result in the Committee taking no further action.

**5.7 Referral and Retention of Jurisdiction.** The Committee may at any time refer a matter to another recognized tribunal for appropriate action. If a case is referred to another tribunal, the Committee may retain jurisdiction and consider the matter independently under these Rules and Procedures.



## 6. Reopening a Closed Investigation

If significant new evidence of unethical conduct comes to the attention of the Committee after a matter has been closed, the investigation may be reopened and acted upon under regular procedures. If, in the judgment of the Director, such information is furnished, the new evidence shall be submitted to the Committee, which may reopen the investigation if it agrees that the criteria listed below are satisfied. To be considered under this rule, new evidence must meet each of the following criteria:

- 6.1** The evidence was brought to the attention of the Committee after the investigation was closed;
- 6.2** The evidence could not with reasonable diligence have been brought to the attention of the Committee before the investigation was closed;
- 6.3** The evidence was provided to the Committee in a timely manner following its discovery;
- 6.4** The evidence would probably produce a different result.

## 7. Choice and Conversion of Procedures

**7.1 Choice of Procedures.** Where a case might be adjudicated according to the show cause procedures in Part IV of these Rules and Procedures, the Chair and the Director shall determine whether to proceed under Part IV or Part V of these Rules and Procedures.

**7.2 Conversion of Show Cause Action to Sua Sponte Action.** The Chair and the Director may convert a proceeding begun by show cause procedures under Part IV to a sua sponte action under Part V. In the event of such conversion, the complaint shall be deemed filed in a timely manner if the show cause proceeding was initiated in a timely fashion.

**7.3 Conversion to Show Cause Action.** Where the predicates for use of show cause procedures stated in Part IV, Section 1 are present, the Chair and the Director may convert a proceeding begun as a sua sponte, member, or nonmember complaint under Part V to a show cause proceeding under Part IV if the predicates are based on some or all of the same underlying conduct as was the basis for the original proceeding. In such event, the show cause proceeding shall be deemed initiated in a timely manner as long as the original proceeding was commenced within the time limits applicable to that proceeding or a decision was made to supersede the time limit under Part II, Subsection 5.3.5.

**7.4 Conversion of Action Initiated by a Complainant to a Sua Sponte Action.** The Chair and the Director may convert a proceeding commenced following a complaint submitted by a member or nonmember (including a proceeding in which the complaint is withdrawn) into a sua sponte action under Part V, Subsection 2.2. The action will be deemed filed in a timely manner as long as the member or nonmember complaint was received within the time limits applicable to the initial complaint or a decision was made to supersede the time limit in Part II, Subsection 5.3.5.

## 8. Correspondence and Documentation

**8.1 Use of Correspondence.** The Committee shall conduct as much of its business as is practical through correspondence, including telecopied information.

**8.2 Personal Response.** Although the respondent has the right to consult with an attorney concerning all phases of the ethics process, the respondent must respond to charges and recommendations of the Ethics Committee personally and not through legal counsel or another third party. If the respondent shows good cause as to why he or she cannot respond personally, the Director may waive this requirement.

**8.3 Transcription of Audiotapes, Videotapes, and Similar Data Compilations.** It shall be the responsibility of the individual or entity submitting to the Committee an audiotape, videotape, or similar data compilation to provide an accurate transcription of the information it contains. The Director may reject any audiotape, videotape, or similar data compilation provided unaccompanied by a transcription as required in this subsection unless and until such transcription is provided.

**8.4 Service of Documents.** For purposes of notice, service shall be made by delivery to the respondent or the respondent's attorney or by mail or common carrier to the respondent or the respondent's attorney at the respondent's or attorney's last known address. Delivery within this rule means handing the correspondence to the respondent or the attorney or leaving it at the respondent's office or place of abode or the attorney's office with a receptionist, secretary, clerk, or other person in charge thereof, or, if there is no one in charge, leaving it in a mailbox or a conspicuous place at that address. Service by mail is complete upon mailing. Where, after good faith efforts, the Committee has been unable to locate the respondent, it may give notice by publishing in a newspaper of general circulation in the respondent's last known place of domicile a notice to contact the Ethics Office concerning an important matter.



**8.5 Material from the Public Domain.** The Committee may consult authoritative resources from the public domain (e.g., the Directory of the American Psychological Association and the National Register of Health Service Providers in Psychology) without providing this material to the respondent.

## **9. Failure to Cooperate With Ethics Process**

Members are required to cooperate fully and in a timely fashion with the ethics process. Failure to cooperate shall not prevent continuation of any proceedings and itself constitutes a violation of the Ethics Code that may warrant being expelled from the Association.

## **10. Board of Directors' Standing Hearing Panel**

The President of the Association shall appoint members of the Standing Hearing Panel. Standing Hearing Panel members shall serve a three-year renewable term. The Standing Hearing Panel shall consist of at least 30 members at least 5 of whom shall be public members, and the remainder shall be members of the Association in good standing, and shall not include any present members of the Ethics Committee.

## **11. Available Sanctions**

On the basis of circumstances that aggravate or mitigate the culpability of the member, including prior sanctions, directives, or educative letters from the Association or state or local boards or similar entities, a sanction more or less severe, respectively, than would be warranted on the basis of the factors set forth below, may be appropriate.

**11.1 Reprimand.** Reprimand is the appropriate sanction if there has been an ethics violation but the violation was not of a kind likely to cause harm to another person or to cause substantial harm to the profession and was not otherwise of sufficient gravity as to warrant a more severe sanction.

**11.2 Censure.** Censure is the appropriate sanction if there has been an ethics violation and the violation was of a kind likely to cause harm to another person, but the violation was not of a kind likely to cause substantial harm to another person or to the profession and was not otherwise of sufficient gravity as to warrant a more severe sanction.

**11.3 Expulsion.** Expulsion from membership is the appropriate sanction if there has been an ethics violation and the violation was of a kind likely to cause substantial harm to another person or the profession or was otherwise of sufficient gravity as to warrant such action.

**11.4 Stipulated Resignation.** A stipulated resignation may be offered by the Committee following a Committee finding that the respondent has committed a violation of the Ethics Code or failed to show good cause why he or she should not be expelled, contingent on execution of an acceptable affidavit and approval by the Board of Directors, under Part IV, Subsection 12 or Part V, Subsection 7.6.

## **12. Available Directives**

**12.1 Cease and Desist Order.** Such a directive requires the respondent to cease and desist specified unethical behavior(s).

**12.2 Other Corrective Actions.** The Committee may require such other corrective actions as may be necessary to remedy a violation, protect the interests of the Association, or protect the public. Such a directive may not include a requirement that the respondent make a monetary payment to the Association or persons injured by the conduct.

**12.3 Supervision Requirement.** Such a directive requires that the respondent engage in supervision.

**12.4 Education, Training, or Tutorial Requirement.** Such a directive requires that the respondent engage in education, training, or a tutorial.

**12.5 Evaluation and/or Treatment Requirement.** Such a directive requires that the respondent be evaluated to determine the possible need for treatment and/or, if dysfunction has been established, obtain treatment appropriate to that dysfunction.

**12.6 Probation.** Such a directive requires monitoring of the respondent by the Committee to ensure compliance with the Ethics Committee's mandated directives during the period of those directives.

## **13. Matters Requiring the Concurrence of the Chair of the Committee and Director of the Ethics Office**

Whenever matters entrusted by these Rules and Procedures to the Chair and Director require the concurrence of those officers before certain action may be taken, either officer in the event of disagreement may refer the matter to the Vice Chair, who together with the Chair and Director, shall make a final determination by majority vote.



## Part III. Membership

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### 1. Applications

**1.1 Specific Jurisdiction.** The Committee has the authority to investigate the preadmission scientific and professional ethics and conduct of all applicants for membership or student affiliation in the Association and to make recommendations as to whether an individual shall become a member or student affiliate. In addition, the Committee has the authority to consider all applications submitted by individuals who were previously denied admission as a result of unethical behavior and to make recommendations as to whether such an individual shall become a member or student affiliate. The Membership Committee shall transmit all applications on which there is an indication of possible preadmission unethical conduct and all applications from individuals who were previously denied admission as a result of unethical behavior or as a result of a recommendation by the Ethics Committee to the Director of the Ethics Office.

**1.2 Procedures for Review.** The Director shall transmit to the Committee a copy of the application and any other materials pertinent to the case. The Director shall take such steps, including contacting the applicant or other sources of information, as are necessary and appropriate to making a fair determination. Upon review, the Committee may recommend to the Membership Committee that the application be granted or to the Board of Directors that the application be denied. If a recommendation is made to deny the application, the applicant shall be informed of the basis for that recommendation and shall have 30 days to submit a written response for consideration by the Board of Directors.

### 2. Applications for Readmission

**2.1 Specific Jurisdiction.** The Ethics Committee has the authority to review and make recommendations concerning all applications for readmission by persons who have lost membership as a result of unethical behavior, who have resigned while under ethics investigation, or whose membership was voided because it was obtained on the basis of false or fraudulent information. The Membership Committee shall transmit all such applications for readmission to the Director of the Ethics Office.

**2.2 Elapsed Time for Review.** Applications for readmission by members who have lost membership due to unethical behavior (including submission of false or fraudulent information in a membership application) shall be considered by the Committee only after five years have elapsed from the date of that action. Applications for readmission by members who have been permitted to resign shall be considered only after the stipulated period or, where no period has been stipulated, three years have elapsed.

**2.3 Procedures for Review.** The Director shall transmit to the Committee a summary of the application for readmission and the record of the previous case against the former member. In all cases, the ex-member must show that he or she is technically and ethically qualified and has satisfied any conditions upon readmission established by the Board. The Committee shall make one of the following recommendations to the Membership Committee and, as it deems appropriate, shall provide the rationale therefor.

**2.3.1 Readmit.** Recommend that the former member be readmitted;

**2.3.2 Deny Readmission.** Recommend that readmission be denied;

**2.3.3 Defer Readmission.** Recommend that the application for readmission be deferred until certain conditions have been met;

**2.3.4 Investigate Further.** Charge the Director to investigate issues specified by the Committee and to place the matter before the Committee at a future date.

### 3. Allegations That Membership Was Obtained Under False or Fraudulent Pretenses

**3.1 Specific Jurisdiction.** The Committee has the authority to investigate allegations that membership was obtained on the basis of false or fraudulent information and to take appropriate action. The Membership Committee shall transmit all such allegations to the Director of the Ethics Office.

**3.2 Procedures for Review.** The respondent will be given notice of the allegations that membership was obtained on the basis of false or fraudulent information, a copy of any evidence relating to these allegations that is submitted to the Committee, and an opportunity to respond in writing. The Director may take any other steps, such as contacting other sources of information, that are considered necessary and appropriate to making a fair determination in the circumstances of the case. The Director shall transmit to the Committee a copy of the membership application and any other materials pertinent to the case.

**3.3 Committee's Recommendation.** Upon completion of this review, the Committee may recommend to the Board of



Directors that it void the election to membership in the Association of any person who obtained membership on the basis of false or fraudulent information.

**3.4 Procedures Subsequent to Committee's Recommendation to Void Membership.** If the respondent does not accept the Committee's recommendation, the respondent shall, within 30 days of receipt of the recommendation, either submit a written response to the Board of Directors, request a formal hearing in writing, or request an independent adjudication in writing and provide a written rationale for nonacceptance. The respondent's failure to respond within 30 days after notification shall be deemed acceptance of the Committee's recommendation and a waiver of the right to a formal hearing or an independent adjudication. If a written response is submitted, the Ethics Committee shall have 30 days to reply in a written statement to the Board. If a formal hearing is requested, it shall be conducted according to the procedures explained in Part V, Subsections 10.2 through 10.3.4 of these Rules and Procedures. If an independent adjudication is requested, it shall be conducted according to the procedures explained in Part V, Subsections 9.2.2 through 9.2.7 and Subsections 10.3 through 10.3.4.

**3.5 Action by the Board of Directors.** Within 180 days after receiving the record, the Committee's recommendation, any written response and statement described in Subsection 3.4, above, or any recommendation from a Hearing Committee or Independent Adjudication Panel, the Board of Directors shall vote whether to void the respondent's membership or not

## Part IV. Show Cause Procedures Based Upon Actions by Other Recognized Tribunals

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### 1. Predicates for Use of Show Cause Procedures

**1.1 Felony or Equivalent Offense.** If a member has been convicted of a felony (including any felony as defined by state/provincial law and any other criminal offense with a possible term of incarceration exceeding one year) and such conviction is not under appeal, the show cause process may be used, if determined by the Chair and the Director to be appropriate.

**1.2. Expulsion, Suspension, Unlicensure, Decertification, or Other Actions.** If one of the following actions has been taken and is not under appeal, the show cause process may be used, if determined by the Chair and the Director to be appropriate: (a) a member has been expelled or suspended from an affiliated state or regional psychological association; (b) a member has been denied a license, certificate, or registration, has been unlicensed, decertified, or deregistered, has had a license, certificate, or registration revoked or suspended by a state or local board or similar entity, or has voluntarily surrendered a license or certificate of registration as a result of pending allegations. The show cause procedures may also be used if a state or local board or similar entity has taken any of the actions specified in (a) or (b) above and has then in any way stayed or postponed that action.

### 2. Notice of Automatic Expulsion and Response by Respondent

**2.1.** The respondent shall be notified by the Director that he or she has been barred from resigning membership in the Association and will be expelled 60 days after receipt of the notice of expulsion unless the respondent exercises the right to request a review of the pending expulsion by submitting in writing within the 60 day period a request for review and a statement showing good cause why he or she should not be expelled from membership in the Association. If no response is received within the 60 days, the right to a review shall be considered waived and the Director shall inform the Membership Office that the respondent has been expelled, effective immediately.

**2.2.** The respondent may in the alternative accept the opportunity to resign from membership as provided in Part II, Subsection 5.4.2 ("Resignation Under Ethics Investigation.").

### 3. Showing by Respondent That Prior Proceeding Lacked Due Process

In addition to a response to the substance of the charges under Section 2 of this part, the respondent may seek within the 60-day period to show that the other recognized tribunal did not follow fair procedure. If the Committee finds merit to this contention, it may exercise its discretion under Part II, Subsection 7.2 of these Rules and convert the matter to a sua sponte action under Part V, or it may dismiss the complaint.

### 4. Investigation

The Committee may conduct a further investigation, including seeking additional information from the respondent or others or requesting that the respondent appear in person. Any evidence not obtained directly from the respondent and relied upon by the Committee in connection with its review and recommendation shall first have been provided to the respondent, who shall have been afforded not less than 15 days to respond thereto in writing.

### 5. Failure to Return Affidavit



If the respondent elects to resign while under ethics investigation and fails to return the affidavit, the respondent will be considered to have waived the right to resign while under ethics investigation.

## **6. Review and Recommendation by the Committee Following a Request for Review**

Upon receipt of the respondent's request for review and supporting statement and upon conclusion of any necessary further investigation, the case shall be reviewed by the Ethics Committee. Members of the Ethics Committee and Ethics Committee Associates may be assigned to review and summarize the case. Members and Associates may also be assigned to participate on a panel to review the case and make a preliminary recommendation prior to review by the full Ethics Committee. Ethics Committee Associates may also attend and participate in the full Committee meetings, but shall not vote on the full Committee's disposition of a case. When review of a case has been completed, the Committee shall vote to take one of the following actions:

### **6.1 Remand**

### **6.2 Dismiss the Matter**

### **6.3 Recommend One of the Following Actions to the Board of Directors:**

**6.3.1 Reprimand or Censure, With or Without Directives.** The Committee may recommend that the respondent be reprimanded or censured, with or without one or more directives.

**6.3.2 Expulsion.** The Committee may recommend that the respondent be expelled from the Association; or, the Committee may recommend the sanction of stipulated resignation, under the procedure in Subsection 12.2 of this part.

## **7. Notification of Respondent**

The Director shall notify the respondent of the Committee's recommendation and shall provide the respondent the opportunity to file a written response with the Board of Directors.

## **8. Respondent's Response to Recommendation**

Within 15 days of receipt of notification of the Committee's recommendation, the respondent may file a written response with the Board of Directors. The response should be mailed to the Ethics Office.

## **9. Committee's Statement**

The Ethics Committee shall have 15 days from the time it receives the respondent's written response, or from the time such response was due, to file a written statement, if any. A copy will be provided to the respondent.

## **10. Respondent's Final Response**

Within 15 days of receipt of the Ethics Committee's statement, if any, the respondent may submit to the Director a written response to that statement.

## **11. Review by the Board of Directors**

Within 180 days after receiving the record, the Committee's recommendation, any written response by the respondent, any written statement by the Committee, and any final response from the respondent, the Board of Directors shall vote whether to accept the Committee's recommended sanction, to issue a different sanction, or to dismiss the case. The Board may select a sanction more or less severe than that recommended by the Committee, or it may remand the matter to the Ethics Committee for further consideration.

## **12. Stipulated Resignation after Review and Recommendation**

In lieu of the recommendations set forth in Section 6 of this part, with the agreement of the respondent, the Committee may recommend that the respondent be permitted to resign from the Association under stipulations stated by the Committee, according to the following procedure:

**12.1 Offer of Stipulated Resignation by Committee.** When the Committee finds that another body has taken one of the actions specified in Part IV Section 1 against a member, the Committee may offer, contingent upon approval by the Board of Directors, the respondent the opportunity to resign from the Association under mutually agreed upon stipulations. Such stipulations shall include the extent to which the stipulated resignation and its basis shall be disclosed and a minimum period of time, after resignation, during which the resigned member shall be ineligible to reapply for membership. The Committee may, in its discretion, also vote to recommend to the Board and inform the respondent of an alternative sanction chosen from among Subsections 11.1-11.3 of Part II of these Rules in the event the respondent does not accept



the offer of stipulated resignation.

**12.2 Notification of Respondent.** In such cases, the respondent shall be notified, in writing, of the Committee's offer of stipulated resignation and that he or she may accept the Committee's offer within 30 days of receipt. The respondent shall also be notified of any alternative recommended sanction.

**12.3 Acceptance by Respondent.** Within 30 days, the respondent may accept the offer of stipulated resignation by signing a notarized affidavit of resignation acceptable to both the respondent and the Committee and forwarding the signed notarized affidavit to the Committee. Such resignation shall become effective only with the approval of the Board, as set forth in this section.

**12.4 Transmittal to Board of Directors.** If the respondent accepts the stipulated resignation, the Committee shall submit a copy of the affidavit of resignation, with the record in the matter and the rationale for recommending stipulated resignation on the terms set forth in the affidavit, to the Board of Directors.

**12.5 Action by Board of Directors.** Within 180 days, the Board of Directors shall take one of the following actions:

**12.5.1 Acceptance of Stipulated Resignation.** The Board of Directors shall accept the respondent's resignation on the terms stated in the affidavit of resignation, unless it is persuaded that to do so would not be in the best interest of the Association and/or of the public. If the resignation is accepted by the Board, the Director shall so notify the respondent.

**12.5.2 Reprimand or Censure.** The Board may reject the stipulated resignation and impose a lesser sanction (reprimand or censure with or without directives). If the Board selects this option, the respondent shall be so notified and shall have 30 days to submit a written request seeking reconsideration of the Board's decision. If no such request is submitted, the Board's decision shall become final. If a request for reconsideration is submitted, the Board shall choose from the options set forth in Subsection 12.5 (including adherence to its prior decision).

**12.5.3 Remand to the Committee.** The Board may choose to reject the affidavit of resignation and remand the matter to the Committee for further consideration. If the Board selects this alternative, the Director shall so notify the respondent and the Committee shall then reconsider the matter.

**12.6 Rejection of Stipulated Resignation by Respondent.** If the respondent fails within 30 days to accept the recommended resolution, or formally notifies the Committee of rejection of the offer of stipulated resignation within the 30-day period, the offer of stipulated resignation shall be deemed rejected. The Committee shall reconsider the matter or, if an alternative recommended sanction has previously been identified by the Committee, such alternative recommended sanction shall automatically become the recommended sanction. The Director shall notify the respondent of the recommendation and of his or her opportunity to file written responses with the Board of Directors, as stated in Section 8 of this part. Sections 8 - 11 of this part shall also apply.

## Part V. Complaints Alleging Violation of the Ethics Code

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### 1. Initiation of Actions

Ethics proceedings against a member are initiated by the filing of a complaint or, in the case of a *sua sponte* action, by the issuance of a letter notifying the respondent that a *sua sponte* action has been commenced.

### 2. Complaints

**2.1 Complaints Submitted by Members or Nonmembers.** Complaints may be submitted by members or nonmembers of the Association.

**2.2 Sua Sponte Action.** When a member appears to have violated the Association's Ethics Code, the Committee may proceed on its own initiative. The Committee may, at any time, exercise its discretion to discontinue a *sua sponte* action. If the Committee does so, the respondent shall be so notified.

**2.3 Sua Sponte Action Based Upon a Member's Filing of a Capricious or Malicious Complaint.** To prevent abuse of the ethics process, the Committee is empowered to bring charges itself against a complainant if the initial complaint is judged by two thirds of Committee members voting to be (a) frivolous and (b) intended to harm the respondent rather than to protect the public. The filing of such a complaint constitutes a violation of the Ethics Code.

**2.4 Countercomplaints.** The Committee will not consider a complaint from a respondent member against a complainant member during the course of its investigation and resolution of the initial complaint. Rather, the Committee shall study all sides of the matter leading to the first complaint and consider countercharges only after the initial complaint is finally resolved. The Committee may waive this procedure by a vote of at least two thirds of the voting Committee members and consider both complaints simultaneously.



**2.5 Anonymous Complaints.** The Committee shall not act upon anonymous complaints. If material in the public domain is provided anonymously, the Committee may choose to consider such material in connection with a sua sponte matter or other complaint or may initiate a sua sponte action but only if the respondent has been provided with a copy of the material and afforded an opportunity to respond to the material.

**2.6 Complaints Against Nonmembers.** If the complaint does not involve an individual within the jurisdiction of the Committee, the Director shall inform the complainant and may suggest that the complainant contact another agency or association that may have jurisdiction.

**2.7 Consecutive Complaints.** When a complaint is lodged against a member with respect to whom a case involving similar alleged behavior was previously closed, materials in the prior case may be considered in connection with the new case and may be considered as evidence as long as the Ethics Committee and/or the Board of Directors is informed of the final disposition of the original case.

**2.8 Simultaneous Complaints.** When more than one complaint is simultaneously pending against the same member, the Committee may choose to combine the cases or to keep them separate. In the event the cases are combined, the Committee shall take reasonable steps to ensure that the legitimate confidentiality interests of any complainant, witness, or respondent are not compromised by combination.

### **3. Procedures for Filing Complaints**

A complaint by a member or nonmember shall be comprised of

**3.1** A completed APA Ethics Complaint Form;

**3.1** Such releases as are required by the Committee;

**3.3** A waiver by the complainant of any right to subpoena from APA or its agents for the purposes of private civil litigation any documents or information concerning the case;<sup>7</sup>

**3.4** For purposes of determining time limits, a complaint shall be considered filed with APA as soon as a completed complaint form has been received by the Ethics Office. A deficiency or omission in the preparation of the complaint form may, at the discretion of the Director, be disregarded for purposes of determining compliance with time limits.

### **4. Preliminary Evaluation of Complaints by the Director**

The Director shall review each complaint to determine if jurisdictional criteria are met and if it can be determined whether cause for action exists.

**4.1 Lack of Jurisdiction.** If jurisdictional criteria are not satisfied, the matter shall be closed and the complainant so notified.

#### **4.2 Information Insufficient to Determine Jurisdiction.**

**4.2.1 Request for Supplementation of Complaint.** If the information is not sufficient to determine whether jurisdictional criteria are met, the Director shall so inform the complainant, who will be given 30 days from receipt of the request to supplement the complaint.

**4.2.2 Consequences of Failure to Supplement Complaint.** If no response is received from the complainant within 30 days from receipt of the request, the matter may be closed. If at a later date the complainant shows good cause for delay and demonstrates that jurisdictional criteria can be met, the supplemented complaint shall be considered.

#### **4.3 Process With Respect to Superseding Applicable Time Limit**

**4.3.1 Consideration by Chair and Director.** If a complaint otherwise within the jurisdiction of the Ethics Committee appears to have been filed outside the applicable time limit, the Chair and the Director will determine whether the criteria set forth in Part II, Subsection 5.3.5 appear to be satisfied. If they agree that the criteria do not appear to be satisfied, the matter will be closed, unless there are other allegations that are filed in a timely manner, in which case processing of the timely allegations continues under Section 5, below. If they agree that the criteria appear to be satisfied, the Director will contact the respondent according to the procedure in Subsection 4.3.2, below. If they are not in agreement on whether or not those criteria appear to be satisfied, the Vice Chair shall review the matter and cast the deciding vote.

**4.3.2 Response by Respondent Where Criteria Appear To Be Satisfied.** If a determination is made according to Subsection 4.3.1 above that the criteria of Part II, Subsection 5.3.5 appear to be satisfied, the Director shall notify the respondent and provide the respondent with a copy of the complaint and any other materials the Director deems appropriate.



**4.3.2.1** The respondent shall have 30 days from receipt of these materials to address whether the criteria of Part II, Subsection 5.3.5 are met.

**4.3.2.2** The respondent may in the alternative accept the opportunity to resign from membership as provided in Part II, Section 5.4.2 ("Resignation Under Ethics Investigation.").

**4.3.3 Determination by Chair and Director.** If the respondent does not provide a response under Subsection 4.3.2, above, the decision made under Subsection 4.3.1, above, shall become final. In any case in which the respondent provides a response, the Chair and the Director shall consider whether the criteria set forth in Part II, Subsection 5.3.5 are satisfied, based upon any materials provided by the complainant and respondent, and any other information available to the Chair and the Director. If they agree that the criteria are not satisfied, the matter will be closed, unless there are other allegations that are filed in a timely manner, in which case processing of the timely allegations continues under Section 5, below. If they agree that the criteria are satisfied, processing continues under Section 5, below. If they are not in agreement on whether or not those criteria are satisfied, the Vice Chair shall review the matter and cast the deciding vote.

## **5. Evaluation of Complaints by Chair and Director**

All complaints not closed by the Director under Section 4 of this part shall be reviewed by the Chair and the Director to determine whether cause for action by the Ethics Committee exists.

**5.1 Cause for Action Defined.** Cause for action shall exist when the respondent's alleged actions and/or omissions, if proved, would in the judgment of the decision maker constitute a breach of ethics. For purposes of determining whether cause for action exists, incredible, speculative, and/or internally inconsistent allegations may be disregarded.

### **5.2 Information Insufficient to Determine Cause for Action**

**5.2.1 Request for Supplementation of Complaint.** If the information is not sufficient to determine whether a case should be opened, the Director may so inform the complainant, who will be given 30 days from receipt of the request to supplement the complaint. The Chair and Director may additionally, or in the alternative, commence a preliminary investigation under Subsection 5.3 of this part.

**5.2.2 Consequences of Failure to Supplement Complaint.** If no response is received from the complainant within 30 days, the matter may be closed. If at a later date the complainant shows good cause for delay and responds to the request for supplementation, the supplemented complaint shall be considered.

**5.3 Preliminary Investigation Due to Insufficient Information.** If the Chair and Director agree that they lack sufficient information to determine whether a case should be opened, in either a case initiated by a complainant or in a sua sponte action, a preliminary investigation may be initiated.

**5.3.1 Notification to Respondent.** If a preliminary investigation is opened, the Director shall so inform the respondent in writing. The Director will include a copy of all evidence in the file; a copy of the APA Ethics Code; the Committee's Rules and Procedures; and a statement that information submitted by the respondent shall become a part of the record and can be used if further proceedings ensue.

**5.3.2 Time for Respondent Response.** The respondent shall have 30 days after receipt of the notification of a preliminary investigation to file an initial response.

**5.3.2.1** The respondent may in the alternative accept the opportunity to resign from membership as provided in Part II, Section 5.4.2 ("Resignation Under Ethics Investigation.").

**5.3.3 Information From Other Sources.** Additional information may be requested from the complainant, respondent, or any other appropriate source. The Committee will not rely upon information submitted by such sources unless it has been shared with the respondent and the respondent has been afforded an opportunity to respond thereto.

**5.3.4 Action if There Continues to Be Insufficient Information.** At the conclusion of the preliminary investigation, if the Director and Chair determine that they still lack evidence sufficient to determine whether cause for action exists, the matter shall be closed.

**5.4 Determination of Cause for Action.** If the Chair and Director agree that cause for action exists, they shall consider whether to open a formal case under Subsection 5.5, below. If the Chair and Director agree that cause for action does not exist, the matter shall be closed. If the Chair and Director disagree on whether or not there is cause for action by the Committee, the matter shall be reviewed by the Vice Chair, who will cast the deciding vote.

**5.5 Decision to Open a Case.** In any case in which the determination has been made that cause for action exists, the Chair and Director shall consider whether (a) there is a reasonable basis to believe the alleged violation cannot be



proved by a preponderance of the evidence and (b) the allegations would constitute only minor or technical violations that would not warrant further action, have already been adequately addressed in another forum, or are likely to be corrected. If they agree that one or more of the conditions are met, the matter shall be closed. Otherwise, the matter shall be opened as a case.

**5.6 Educative Letter.** If a matter is closed under Sections 4 or 5 of this part, the Chair and Director may, if appropriate, send an educative letter to the respondent.

**5.7 Reconsideration of Decision to Open.** A matter not opened under either Subsection 5.4 or 5.5, above, may be reconsidered by the Committee only if it does so in accordance with Part II, Section 6.

**5.8 Supplementary or Alternative Action.** The Chair and Director may recommend that the complainant refer the complaint to an appropriate state psychological association, state board, regulatory agency, subsidiary body of the Association, or other appropriate entity, or they may make such referral on their own initiative. Such referral does not constitute a waiver of jurisdiction over the complaint provided that the Committee opens a formal case within 24 months from the date of referral.

## **6. Case Investigation**

### **6.1 Issuance of Charge Letter and Response From Respondent**

**6.1.1 Charge Letter.** If a case is opened, the Director shall so inform the respondent in a charge letter. The charge letter shall contain a concise description of the alleged behaviors at issue and identify the specific section(s) of the Ethics Code that the respondent is alleged to have violated. The Director shall enclose a copy of any completed Ethics Complaint Form and any materials submitted to date by the complainant or on the complainant's behalf that will be included in the record before the Committee; a copy of the APA Ethics Code and the Committee's Rules and Procedures; and a statement that information submitted by the respondent shall become a part of the record, and can be used if further proceedings ensue.

**6.1.2 Significance of Charge Letter.** A charge letter does not constitute or represent a finding that any unethical behavior has taken place, or that any allegations of the complaint are or are not likely to be found to be true.

**6.1.3 Issuance of New Charge Letter to Conform to Evidence Discovered During Investigation.** At any time prior to final resolution by the Committee, in order to make the charges conform to the evidence developed during the investigation, the Director and Chair may determine that a new charge letter should be issued setting forth ethical standard(s) and/or describing alleged behaviors different from or in addition to those contained in the initial charge letter. In a sua sponte case, the date of issuance shall, for purposes of applicable time limits, be deemed to relate back to the date of the initial letter notifying the respondent that a sua sponte action has been initiated. The new charge letter shall in all other respects be treated exactly as an initial charge letter issued according to Subsection 6.1.1 of this part.

**6.1.4 Time for Respondent's Response.** The respondent shall have 30 days after receipt of the charge letter to file an initial response. Any request to extend the time for responding to the charge letter must be made in writing, within the 30 days, and must show good cause for an extension.

**6.1.4.1** The respondent may in the alternative accept the opportunity to resign from membership as provided in Part II, Section 5.4.2 ("Resignation Under Ethics Investigation.").

**6.1.5 Personal Appearance.** The Chair and Director may request the respondent to appear personally before the Committee. The respondent has no right to such an appearance.

**6.2 Information From Other Sources.** Additional information may be requested from the complainant, respondent, or any other appropriate source.

**6.3 Referral to Committee.** When, in the sole judgment of the Chair and Director, the investigation is complete, the case will be referred to the Committee for review and resolution. The Director shall notify the complainant and respondent that the matter has been referred to the Committee.

**6.4 Documentation Subsequent to Investigation and Prior to Resolution by the Committee.** Within 30 days after receipt of notification that the case is being referred to the Ethics Committee for review and resolution, the complainant and respondent may submit any additional information or documentation. Any materials submitted in a timely manner by the complainant or on the complainant's or respondent's behalf will be forwarded to the respondent. Within 15 days from receipt of those materials, the respondent may submit any additional information or documentation. All such materials submitted within these time limitations shall be included in the file to be reviewed by the Ethics Committee. Materials submitted outside of the time limit will not be included in the file materials relative to the ethics case and will not be reviewed by the Ethics Committee.



In the sole discretion of the Director, where good cause for noncompliance with these time limits is shown by the complainant or the respondent, the resolution of the case may be postponed until the next scheduled meeting of the Ethics Committee and the information or documentation provided outside of the time limit may be included in the file materials to be reviewed by the Committee at that later time. In the sole discretion of the Director, in the event the respondent fails to comply with these time limits, the information or documentation provided outside of the time limits may be included in the file materials to be reviewed by the Committee and the matter maintained for resolution by the Committee as originally scheduled.

## **7. Review and Resolution by the Committee**

The Ethics Committee may assign a member of the Committee or an Ethics Committee Associate to serve as a case monitor. The monitor may provide assistance to assure that an adequate record is prepared for Ethics Committee review and in such other respects as necessary to further the objectives of these Rules and Procedures.

Upon conclusion of the investigation, the case shall be reviewed by the Ethics Committee. Members of the Ethics Committee and Ethics Committee Associates may be assigned to review and summarize the case. Members and Associates may also be assigned to participate on a panel to review and make a preliminary recommendation prior to review by the full Ethics Committee. Ethics Committee Associates may also attend and participate in the full Ethics Committee meetings, but shall not vote on the full Committee's disposition of a case. When review of a case has been completed, the Ethics Committee shall vote to take one of the following actions described below: remand, dismiss the charges, recommend reprimand or censure, recommend expulsion, or recommend stipulated resignation. In addition to any of these actions, the Committee may vote to issue an educative letter. The Committee may choose to dismiss some charges but find violation and take disciplinary action on the basis of other charges in the charge letter. The respondent shall then be notified of the Committee's action, the ethical standard(s) involved, if any, the rationale for the Committee's decision, any sanction, and any directives.

**7.1 Remand.** The Committee may remand the matter to the Director for continued investigation or issuance of a new charge letter according to Subsection 6.1.3 of this part.

### **7.2 Dismiss the Charges**

**7.2.1 No Violation.** The Committee may dismiss a charge if it finds the respondent has not violated the ethical standard as charged.

**7.2.2 Violation Would Not Warrant Further Action.** The Committee may dismiss the complaint if it concludes that any violation it might find (a) would constitute only a minor or technical violation that would not warrant further action, (b) has already been adequately addressed in another forum, or (c) is likely to be corrected.

**7.2.3 Insufficient Evidence.** The Committee may dismiss a charge if it finds insufficient evidence to support a finding of an ethics violation.

**7.3 Educative Letter.** Where the Committee deems it appropriate, the Committee may issue an educative letter, to be shared only with the respondent, concerning the behaviors charged or other matters. An educative letter may be issued whether the Committee dismisses the charges or recommends finding violations.

**7.4 Recommend Reprimand or Censure.** If the Committee finds that the respondent has violated the Ethics Code, but decides that the nature of the respondent's behavior is such that the matter would be most appropriately resolved without recommending loss of membership, the Committee will recommend reprimand or censure of the respondent, with or without one or more available directives. See Part II, Subsections 11.1, 11.2, and Section 12.

**7.5 Recommend Expulsion.** The Committee may recommend expulsion if it concludes that there has been an ethics violation, that it was of a kind likely to cause substantial harm to another person or the profession, or that it was otherwise of such gravity as to warrant this action.

**7.6 Recommend Stipulated Resignation.** In lieu of the other resolutions set forth in this section, with the agreement of the respondent, the Committee may recommend to the Board that the respondent be permitted to resign under stipulations set forth by the Committee, according to the following procedure:

**7.6.1 Offer of Stipulated Resignation by the Committee.** When the Committee finds that the respondent has committed a violation of the Ethics Code, the Committee may offer to enter into an agreement with the respondent, contingent upon approval by the Board of Directors, that the respondent shall resign from the Association under mutually agreed upon stipulations. Such stipulations shall include the extent to which the stipulated resignation and underlying ethics violation shall be disclosed and a minimum period of time after resignation during which the respondent shall be ineligible to reapply for membership. The Committee may also vote to recommend and inform the member of an alternative sanction chosen from among Subsections 11.1-11.3 of Part II of these Rules in the event the member does not accept the offer of



stipulated resignation.

**7.6.2 Notification of Respondent.** In such cases, the respondent shall be notified, in writing, of the Committee's recommended sanction of stipulated resignation and that he or she may accept the Committee's recommended sanction within 30 days of receipt. The respondent shall also be notified of any alternative recommended sanction.

**7.6.3 Acceptance by Respondent.** Within 30 days, the respondent may accept the recommended sanction of stipulated resignation by executing a notarized affidavit of resignation acceptable both to the respondent and the Committee and forwarding the executed notarized affidavit to the Committee. Such resignation shall become effective only with the approval of the Board, as set forth in Subsection 7.6.5 of this part.

**7.6.4 Transmittal to Board of Directors.** If the respondent accepts the recommended sanction of stipulated resignation, the Committee shall submit a copy of the affidavit of resignation, with the record in the matter and the rationale for recommending stipulated resignation on the terms stated in the affidavit, to the Board of Directors.

**7.6.5 Action by Board of Directors.** Within 180 days, the Board of Directors shall accept the respondent's resignation on the terms stated in the affidavit of resignation, unless it is persuaded that to do so would not be in the best interest of the Association and/or of the public. If the resignation is accepted by the Board, the Director shall notify the complainant and respondent of the final disposition of the case.

**7.6.6 Rejection of Stipulated Resignation by Respondent.** If the respondent fails to accept the determination within 30 days, or formally notifies the Committee of rejection of the offer of stipulated resignation within the 30-day period, the offer of stipulated resignation shall be deemed rejected. The Committee shall reconsider the matter or, if an alternative recommended sanction has previously been identified by the Committee, such alternative recommended resolution shall automatically become the recommended sanction according to Subsection 7.4 or 7.5 of this part.

**7.6.7 Rejection of Stipulated Resignation by Board.** If the Board rejects the affidavit of resignation under Subsection 7.6.5 of this part, the Committee shall so notify the respondent and reconsider the matter.

## **8. Procedures Subsequent to Dismissal by Committee**

The Committee may reconsider a case dismissed under Subsection 7.2 of this part only if it does so in accordance with Part II, Section 6.

## **9. Procedures Subsequent to Committee Recommendation of Reprimand or Censure**

If the Committee proceeds under Subsection 7.4 of this part, the following procedures shall govern:

**9.1 Acceptance of Reprimand or Censure.** If the respondent accepts the Committee's recommended sanction and directives, if any, the right of independent adjudication shall be waived, any directives will be implemented by the Director, and the case will remain open until the directives are met. The respondent's failure to respond within 30 days of notification shall be deemed acceptance of the Committee's recommended sanction and directives.

**9.2 Independent Adjudication After Recommended Sanction of Reprimand or Censure.** The method of adjudication for a recommended sanction of reprimand or censure is an independent adjudication based on the written record by a three-person Independent Adjudication Panel.

**9.2.1 Request for Independent Adjudication and Rationale for Nonacceptance.** The respondent may exercise his or her right to independent adjudication by furnishing the Committee, within 30 days after notification of the Committee's recommendation, a written request for independent adjudication and rationale for nonacceptance of the recommendation.

**9.2.2 Statement by Committee.** Within 30 days of receipt of the respondent's rationale for nonacceptance, the Committee may prepare a statement and provide a copy to the respondent. No statement by the Committee is required.

**9.2.3 Respondent's Final Response.** Within 15 days of receipt of the Ethics Committee's statement, if any, the respondent may submit to the Director a written response to that statement.

### **9.2.4 Selection of Independent Adjudication Panel**

**9.2.4.1 Provision of Standing Hearing Panel List.** Within 60 days of receipt of the request for an independent adjudication, the Director shall provide the respondent with the names and curricula vitae of six members of the Board of Directors' Standing Hearing Panel, of whom at least one shall be a public member. The proposed panel members need not include any member having a particular specialty or representing a particular geographic location. The Director shall make inquiry and ensure that proposed panel members do not have a conflict of interest as defined by applicable law and appear otherwise able to apply fairly the APA Ethics Code based solely on the record in the particular case.



**9.2.4.2 Designation of Panel Members.** Within 15 days after receipt of the six-member list, the respondent shall select three of the six to constitute the Independent Adjudication Panel. The Panel shall include not fewer than two members of the Association. Whenever feasible, the respondent's selection will be honored. If at any time prior to conclusion of the adjudication, any panelist cannot serve on the Independent Adjudication Panel for any reason, the respondent shall be notified promptly and afforded the opportunity within 10 days of receipt of notification to replace that individual from among a list of not fewer than four members of the Board of Directors' Standing Hearing Panel. In the event the respondent fails to notify the Director of his or her initial or replacement selections in a timely fashion, the right to do so is waived, and the President of the Association shall select the member(s), whose name(s) shall then be made known to the respondent.

**9.2.4.3 Designation of Chair of Independent Adjudication Panel.** The President shall designate one of the three Panel members to serve as Chair. The Chair of the Panel shall ensure that the Panel fulfills its obligations according to these Rules and Procedures.

**9.2.5 Provision of Case File to Independent Adjudication Panel.** Within 15 days of selection of the Independent Adjudication Panel, receipt of the Committee's statement according to Subsection 9.2.2 of this part, if any; receipt of the respondent's final response according to Subsection 9.2.3 of this part, if any; or if no statement or response is received, the expiration of the time period for such statement or response, whichever occurs latest, the Director will provide the case file to the members of the Independent Adjudication Panel. The case file shall include the complaint and all correspondence and evidence submitted to the Ethics Committee, the respondent's rationale for nonacceptance of the Committee's recommendation, the Committee's statement, if any, and the respondent's final response, if any.

**9.2.6 Consideration and Vote by Independent Adjudication Panel.** Within 60 days of receipt of the case file, the members of the Panel shall confer with each other and, solely on the basis of the documentation provided and deliberations among themselves, shall vote to take one of the following actions:

**9.2.6.1 Adopt the Committee's Recommended Sanction and Directives**

**9.2.6.2 Adopt a Lesser Sanction and/or Less Burdensome Directives**

**9.2.6.3 Dismiss the Case**

**9.2.7 Decision of the Independent Adjudication Panel.** Decisions of the Independent Adjudication Panel will be made by majority vote, and at least two reviewers must agree to written findings, a sanction, if any, and a directive or directives, if any. The Committee bears the burden to prove the charges by a preponderance of the evidence. The panelists' votes and the majority's written decision must be submitted to the Ethics Office within the 60-day period set forth in Subsection 9.2.6 of this part. If no two panelists can agree as to the appropriate outcome or a written decision, the case will be referred back to the Committee for further action.

**9.2.8 Finality of Decision by Independent Adjudication Panel.** The decision of the Independent Adjudication Panel is unappealable. The decision is binding on the Committee and the respondent except that subsequent to the Panel's decision, the Committee may determine that directives are impractical or unduly burdensome and may choose to reduce or dismiss directives required in the Panel's decision. A decision by the Panel either to impose a sanction and/or directive(s) or to dismiss the case will be implemented by the Director as the final adjudication, unless modified by the Committee.

**9.2.9 Notification.** The Director shall inform the respondent and complainant, if any, of the final disposition. The respondent shall be provided a copy of the majority's written decision.

## **10. Procedures Subsequent to Committee Recommendation of Expulsion**

If the Committee proceeds under Subsection 7.5 of this part, the following procedures shall govern:

**10.1 Acceptance of Recommendation of Expulsion.** If the respondent accepts the Committee's recommendation to the Board of Directors that he or she be expelled from membership, the right to a formal hearing shall be waived, and the Committee shall proceed with its recommendation to the Board of Directors according to Subsection 10.3.5 and other subsections of this part. In such event, the recommendation of the Ethics Committee shall be treated as the equivalent of the recommendation of a Formal Hearing Committee that the respondent be expelled from membership. The respondent's failure to respond within 30 days after notification shall be deemed acceptance of the Committee's recommendation.

**10.2 Formal Hearing After Recommendation of Expulsion.** The method of adjudication for a recommended sanction of expulsion issued under Subsection 7.5 of this part is a formal hearing before a three-member Hearing Committee. Upon request, the respondent will be provided with a copy of the APA Ethics Office "Guidelines for Formal Hearings." These guidelines are for guidance and information purposes only and are not binding on the APA, the Ethics Committee, or



hearing participants. The proceedings are governed solely by the Rules and Procedures of the Ethics Committee and the Ethical Principles of Psychologists and Code of Conduct. Alternatively, a respondent may request an independent adjudication to be provided according to the procedures described in Subsections 9.2.2 through 9.2.7 of this part of these Rules in place of the Subsections 10.2.2 through 10.2.6. The Independent Adjudication Panel will make a recommendation that will be subject to review by the Board of Directors as described in Subsection 10.3.

**10.2.1 Request for Formal Hearing.** The respondent may exercise his or her right to a formal hearing by requesting a hearing in writing within 30 days of notification of the Committee's recommendation. Alternatively, the respondent may request an independent adjudication by furnishing the Committee a written request for independent adjudication, and a written rationale for nonacceptance of the Committee's recommendation, within 30 days after notification of the Committee's recommendation.

#### **10.2.2 Formal Hearing Date and Hearing Committee**

**10.2.2.1 Establishment of Hearing Date and Provision of Standing Hearing Panel List.** Within 60 days after the receipt of the respondent's request for a formal hearing, the Director shall establish the date of the hearing and provide the respondent with the date and the names and curricula vitae of six members of the Board of Directors' Standing Hearing Panel. The six identified members of the Board of Directors' Standing Hearing Panel shall include at least one public member. The proposed panel members need not include any member having a particular specialty or representing a particular geographic location. The Director shall make inquiry and ensure that proposed panel members do not have a conflict of interest as defined by applicable law and appear otherwise able to apply fairly the Ethics Code based solely on the record in the particular case.

**10.2.2.2 Designation of Hearing Committee Members.** The Hearing Committee shall consist of three individuals, selected from among the six individuals from the Board of Directors' Standing Hearing Panel identified according to Subsection 10.2.2.1 of this part. The Hearing Committee shall include not fewer than two members of the Association. Within 15 days after the receipt of the names and curricula vitae, the respondent shall notify the Director of his or her selections for the Hearing Committee. Whenever feasible, the respondent's selections will be honored. In the event an individual selected by the respondent cannot serve on the Hearing Committee for any reason, the respondent shall be notified and afforded the opportunity within 10 days of receipt of notification to replace that individual from among a list of not fewer than four members of the Board of Directors' Standing Hearing Panel. If the respondent fails to notify the Director of his or her initial or replacement selections in a timely fashion, the right to do so is waived and the President shall select the Hearing Committee member(s), whose name(s) shall then be made known to the respondent.

**10.2.2.3 Voir Dire of Designated Hearing Committee Members.** At the time the respondent selects the three designated Hearing Committee members, the respondent may also submit in writing, to the Director, a request to question designated Hearing Committee members with respect to potential conflict of interest. If the President has chosen the three Hearing Committee members, the respondent shall have 15 days after receipt of their names to submit such a request. Upon receipt of such written request, the Director shall convene by telephone conference call, or otherwise, a formal opportunity for such questioning by the respondent or the respondent's attorney. Legal Counsel for the Association shall preside at such voir dire, shall be the sole judge of the propriety and pertinency of questions posed, and shall be the sole judge with respect to the fitness of designated Hearing Committee members to serve. Failure by the respondent to submit a timely request shall constitute a waiver of the privilege to conduct voir dire.

**10.2.2.4 Designation of Chair of Hearing Committee.** The President shall designate one of the three Hearing Committee members to serve as Chair. The Chair of the Hearing Committee and Legal Counsel for the Association shall assure proper observance of these Rules and Procedures at the formal hearing.

#### **10.2.3 Documents and Witnesses**

**10.2.3.1 Committee.** At least 30 days prior to the scheduled date of the formal hearing, the Ethics Committee shall provide the respondent and the Hearing Committee with copies of all documents and other evidence, and the names of all witnesses that may be offered by the Committee in its case in chief.

**10.2.3.2 Respondent.** At least 15 days prior to the scheduled date of the formal hearing, the respondent shall provide the Ethics Committee and the Hearing Committee with copies of all documents and other evidence, and the names of all witnesses that may be offered by the respondent.

**10.2.3.3 Rebuttal Documents and Witnesses.** At least 5 days prior to the scheduled date of the formal hearing, the Committee shall provide the respondent and the Hearing Committee with copies of all documents and other evidence, and the names of all witnesses that may be offered in rebuttal.

**10.2.3.4 Audiotapes, Videotapes, and Similar Data Compilations.** Audiotapes, videotapes, and similar data compilations are admissible at the formal hearing, provided usable copies of such items, together with a transcription thereof, are



provided in a timely fashion according to the provisions of this section.

**10.2.3.5 Failure to Provide Documents, Other Evidence, and Names of Witnesses in a Timely Fashion in Advance of the Formal Hearing.** Failure to provide copies of a document or other evidence or the name of a witness in a timely fashion and consistent with this section and these Rules and Procedures is grounds for excluding such document, other evidence, or witness from evidence at the formal hearing, unless good cause for the omission and a lack of prejudice to the other side can be shown.

#### **10.2.4 Formal Hearing Procedures**

##### **10.2.4.1 Presiding Officers**

**10.2.4.1.1** The Chair of the Hearing Committee shall preside at the hearing. The General Counsel of the Association shall designate Legal Counsel to assist the Hearing Committee.

**10.2.4.1.2** Legal Counsel for the Hearing Committee shall be present to advise on matters of procedure and admission of evidence and shall represent neither the Ethics Committee nor the respondent at the formal hearing.

##### **10.2.4.2 Legal Representation of the Respondent and Committee**

**10.2.4.2.1 Respondent.** The respondent may choose, at the respondent's own expense, to be represented by a licensed attorney.

**10.2.4.2.2 Committee.** The General Counsel of the Association may designate Legal Counsel to advise the Ethics Committee. The Chair of the Ethics Committee, the Chair's designee, or Legal Counsel to the Committee presents the Committee's case.

**10.2.4.3 Rules of Evidence.** Formal rules of evidence shall not apply. All evidence that is relevant and reliable, as determined for the Hearing Committee by Legal Counsel for the Hearing Committee, shall be admissible.

**10.2.4.4 Rights of the Respondent and the Committee.** Consistent with these Rules and Procedures, the respondent and the Committee shall have the right to present witnesses, documents, and other evidence, to cross-examine witnesses, and to object to the introduction of evidence.

**10.2.4.5 Burden of Proof.** The Ethics Committee shall bear the burden to prove the charges by a preponderance of the evidence.

**10.2.5 Decision of the Hearing Committee.** The decision shall be by a simple majority vote. Within 30 days of the conclusion of the hearing, the Hearing Committee shall submit in writing to the Board of Directors, through the Director, its decision and the rationale for that decision. The Hearing Committee may decide to

##### **10.2.5.1 Adopt the Committee's Recommendation to the Board of Directors**

##### **10.2.5.2 Recommend to the Board of Directors a Lesser Sanction With or Without Directives**

##### **10.2.5.3 Dismiss the Charges**

**10.2.6 Notice to the Respondent and the Ethics Committee.** Within 15 days of receipt of the Hearing Committee's decision, a copy of the decision and the rationale for the decision shall be provided to the respondent and the Ethics Committee. If the Hearing Committee determines that the charges must be dismissed, the Ethics Committee will implement this as the final adjudication.

#### **10.3 Proceedings Before the Board of Directors**

**10.3.1 Referral to Board of Directors.** If the Hearing Committee or Independent Adjudication Panel recommends that the respondent be expelled from membership or otherwise disciplined, the matter will be referred to the Board of Directors. The Director shall provide the materials of record to the Board, including a copy of the Hearing Committee's or Independent Adjudication Panel's decision; the respondent's timely response, if any, under Subsection 10.3.2 of this part; the Ethics Committee's timely statement, if any, under Subsection 10.3.3 of this part; the respondent's timely final response, if any, under Subsection 10.3.4 of this part; and the record.

**10.3.2 Respondent's Response.** Within 30 days of receipt of the Hearing Committee's or Independent Adjudication Panel's decision, the respondent may file a written response with the Board of Directors, through the Ethics Office. A copy of the respondent's written response shall be retained by the Chair of the Ethics Committee.

**10.3.3 Ethics Committee's Statement.** Within 15 days of receipt of the respondent's response or the date such response was due, the Ethics Committee may prepare a written statement and provide a copy to the respondent.



**10.3.4 Respondent's Final Response.** Within 15 days of receipt of the Ethics Committee's statement, if any, the respondent may file with the Board of Directors, through the Director, a written response to the Ethics Committee's statement. A copy of this response shall be retained by the Chair of the Ethics Committee.

**10.3.5 Action by the Board of Directors.** Within 180 days of receipt of the recommendation of the Hearing Committee or Independent Adjudication Panel (or of the Ethics Committee if no subsequent adjudication was held), together with any timely responses thereto and the record, the Board of Directors will consider these materials and will take action as follows:

**10.3.5.1 Adopt.** The Board of Directors shall adopt the recommendation, unless by majority vote it finds grounds for nonacceptance, as set forth in Subsection 10.3.5.2.

**10.3.5.2 Not Adopt After Determining Grounds for Nonacceptance.** Only the following shall constitute grounds for nonacceptance of the recommendation by the Board: 10.3.5.2.1 Incorrect Application of Ethical Standard(s). The Ethics Code of the Association was incorrectly applied.

**10.3.5.2.2 Erroneous Findings of Fact.** The findings of fact were clearly erroneous.

**10.3.5.2.3 Procedural Errors.** The procedures used were in serious and substantial violation of the Bylaws of the Association and/or these Rules and Procedures.

**10.3.5.2.4 Excessive Sanction or Directives.** The disciplinary sanction or directives recommended are grossly excessive in light of all the circumstances.

**10.3.5.3 Consequences of Nonacceptance.** If the Board of Directors finds grounds for nonacceptance, it shall refer the case back to the Ethics Committee. In its discretion, the Ethics Committee may return the matter for reconsideration before a newly constituted Hearing Committee or Independent Adjudication Panel or may continue investigation and/or readjudicate the matter at the Committee level.

**10.4 Notification.** If the Board of Directors does not adopt the recommendation, it shall notify the Ethics Committee in writing why the decision was not accepted, citing the applicable ground(s) for nonacceptance under Subsection 10.3.5.2 of this part.

**10.5 Reconsideration.** If a reconsideration is instituted, the procedures of relevant subsections of this part shall apply. Unless any of the following is offered by the respondent, none shall be part of the record before the second Hearing Committee or Independent Adjudication Panel: the original Hearing Committee's or Independent Adjudication Panel's report; the respondent's written responses or Ethics Committee's written statements made under Subsections 10.3.2, 10.3.3, and 10.3.4 of this part; and the Board of Directors' rationale for nonacceptance of the original Hearing Committee's or Independent Adjudication Panel's recommendation. If the respondent offers any portion of any of the foregoing documents as evidence in the reconsideration, the Committee may introduce any portion of any or all of them.

## Footnotes

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1 The Ethics Committee seeks to protect the public by deterring unethical conduct by psychologists, by taking appropriate action when an ethical violation has been proved according to these Rules and Procedures, and by setting standards to aid psychologists in understanding their ethical obligations. Of course, in no circumstances can or does the Committee or the Association guarantee that unethical behavior will not occur or that members of the public will never be harmed by the actions of individual psychologists.

2 For a copy of the relevant sections of the current Bylaws and Association Rules, contact the APA Ethics Office.

3 For purposes of these Rules and Procedures, a reference to state or local boards or similar entities shall include state, local, or provincial licensing boards (whether located in the United States or Canada); state, local, or provincial boards of examiners or education in those cases where the pertinent licensing or certification is secured from such entities; or in states or provinces with no licensing authority, nonstatutory boards established for similar purposes (such as registering bodies).

4 In this document "ethical standard(s)" refers to the ethical standard(s) in the Ethical Principles of Psychologists and Code of Conduct, the ethical principle(s) in the Ethical Principles of Psychologists, or the enforceable provisions of any subsequent ethics code.

5 For purposes of these Rules and Procedures, a state association shall include territorial, local, or county psychological associations, and in cases of Canadian members of the Association, provincial psychological associations.

6 Whether an individual is a member of the Association is determined according to the Bylaws, Association Rules, and



other pertinent organic documents of the Association. Under the current rules, nonpayment of dues results in discontinuation of membership only after two consecutive calendar years during which dues to the Association have remained unpaid. For a copy of the relevant sections of the current Bylaws and Association Rules, contact the APA Ethics Office. For purposes of these Rules and Procedures, high school and foreign affiliates are not members of the Association.

7 This waiver is required to help assure participants in the APA ethics process, including complainants, that the process will not be inappropriately used to gain an advantage in other litigation.

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**Find this article at:**

<http://www.apa.org/ethics/code/committee.aspx#partiobjectives>



**APA Ethics Committee Statement\***

**No Defense to Torture under the APA Ethics Code**

*June 2009*

There is no defense to torture under the *Ethical Principles of Psychologists and Code of Conduct* (2002).

The APA Ethics Committee will not accept any defense to torture in its adjudication of ethics complaints.

Torture in any form, at any time, in any place, and for any reason, is unethical for psychologists and wholly inconsistent with membership in the American Psychological Association.

No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, legal compulsion or organizational demand, may be invoked as a justification for torture.

\* The Ethics Committee's review and response to the Council of Representatives' New Business Item related to Ethical Standards 1.02 and 1.03 will be available prior to Council's August 2009 meeting in Toronto.



### Addendum to Ethics Committee June 2009 Statement

The Ethics Committee considers the prohibition against torture to encompass the specific techniques prohibited by the Council of Representatives Resolution below. The Committee finds this prohibition consistent with President Obama's January 22, 2009 executive order, "Ensuring Lawful Interrogations."

#### **Amendment to the Reaffirmation of the American Psychological Association Position Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and Its Application to Individuals Defined in the United States Code as "Enemy Combatants"**

Resolution Adopted by APA on  
February 22, 2008

BE IT RESOLVED that this unequivocal condemnation includes 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. 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.



## APA Ethics Code Comparison

<i>1992 Ethics Code</i>	<del>1992 Ethics Code</del> <i>Draft 5, June 2001</i>	<i>Final Draft, December 2002</i>
ETHICAL PRINCIPLES OF PSYCHOLOGISTS AND CODE OF CONDUCT	<del>ETHICAL PRINCIPLES OF PSYCHOLOGISTS AND CODE OF CONDUCT</del> <u>INTRODUCTION AND APPLICABILITY</u>	INTRODUCTION AND APPLICABILITY
TABLE OF CONTENTS	<del>TABLE OF CONTENTS</del>	
INTRODUCTION	<del>INTRODUCTION</del>	
The American Psychological Association's (APA's) Ethical Principles of Psychologists and Code of Conduct (hereinafter referred to as the Ethics Code) consists of an Introduction, a Preamble, six General Principles (A - F), and specific Ethical Standards. The Introduction discusses the intent, organization, procedural considerations, and scope of application of the Ethics Code. The Preamble and General Principles are aspirational goals to guide psychologists toward the highest ideals of psychology. Although the Preamble and General Principles are not themselves enforceable rules, they should be considered by psychologists in arriving at an ethical course of action and may be considered by ethics bodies in interpreting the Ethical Standards. The Ethical Standards set forth enforceable rules for conduct as psychologists. Most of the Ethical Standards are written broadly, in	The American Psychological Association's (APA's) Ethical Principles of Psychologists and Code of Conduct (hereinafter referred to as the Ethics Code) consists of an Introduction, a Preamble, <del>six</del> <u>five</u> General Principles (A - <del>F</del> <u>E</u> ), and specific Ethical Standards. The Introduction discusses the intent, organization, procedural considerations, and scope of application of the Ethics Code. The Preamble and General Principles are aspirational goals to guide psychologists toward the highest ideals of psychology. Although the Preamble and General Principles are not themselves enforceable rules, they should be considered by psychologists in arriving at an ethical course of action <del>and may be considered by ethics bodies in interpreting the Ethical Standards.</del> The Ethical Standards set forth enforceable rules for conduct as psychologists. Most of the Ethical Standards are written broadly, in	The American Psychological Association's (APA's) Ethical Principles of Psychologists and Code of Conduct (hereinafter referred to as the Ethics Code) consists of an Introduction, a Preamble, five General Principles (A – E), and specific Ethical Standards. The Introduction discusses the intent, organization, procedural considerations, and scope of application of the Ethics Code. The Preamble and General Principles are aspirational goals to guide psychologists toward the highest ideals of psychology. Although the Preamble and General Principles are not themselves enforceable rules, they should be considered by psychologists in arriving at an ethical course of action. The Ethical Standards set forth enforceable rules for conduct as psychologists. Most of the Ethical Standards are written broadly, in order to apply to psychologists in varied roles, although the application of an Ethical Standard may vary depending on the context. The Ethical



order to apply to psychologists in varied roles, although the application of an Ethical Standard may vary depending on the context. The Ethical Standards are not exhaustive. The fact that a given conduct is not specifically addressed by the Ethics Code does not mean that it is necessarily either ethical or unethical.	order to apply to psychologists in varied roles, although the application of an Ethical Standard may vary depending on the context. The Ethical Standards are not exhaustive. The fact that a given conduct is not specifically addressed by the Ethics Code does not mean that it is necessarily either ethical or unethical.	Standards are not exhaustive. The fact that a given conduct is not specifically addressed by <del>the</del> <u>an</u> <del>Ethics</del> <u>al</u> <del>Code</del> <u>Standard</u> does not mean that it is necessarily either ethical or unethical.
<p>(1992 Paragraph 3)</p> <p>This Ethics Code applies only to psychologists' work- related activities, that is, activities that are part of the psychologists' scientific and professional functions or that are psychological in nature. It includes the clinical or counseling practice of psychology, research, teaching, supervision of trainees, development of assessment instruments, conducting assessments, educational counseling, organizational consulting, social intervention, administration, and other activities as well. These work- related activities can be distinguished from the purely private conduct of a psychologist, which ordinarily is not within the purview of the Ethics Code.</p> <p><i>(Note inclusion of Standard 1.01, Applicability of the Ethics Code.)</i></p> <p>The activity of a psychologist subject to the Ethics Code may be reviewed under these Ethical Standards only if the activity is part of his or her work-related functions</p>	<p><del>(1992 Paragraph 3)</del></p> <p>This Ethics Code applies only to psychologists' <del>work-related activities;</del> <del>that is;</del> activities that are part of <del>the psychologists' their</del> scientific <del>and,</del> <u>educational, or</u> professional <del>functions or</del> <del>that are psychological in nature. It includes</del> roles as psychologists. Areas <u>covered include but are not limited to</u> the clinical <del>or,</del> <u>counseling, and school</u> practice of psychology; <u>research;</u> <u>teaching;</u> <u>supervision of trainees;</u> <u>development of assessment instruments;</u> <u>conducting assessments;</u> <u>educational counseling;</u> <u>organizational consulting;</u> <del>social intervention, administration, and</del> <del>other activities as well. These work-related;</del> <u>forensic activities; program design and evaluation; and administration.</u> <u>This Ethics Code applies to these activities across a variety of contexts, such as in person, postal, telephone, internet, and other electronic transmissions. These</u> activities <del>can</del><u>shall</u> be distinguished from the purely private</p>	<p>This Ethics Code applies only to psychologists' activities that are part of their scientific, educational, or professional roles as psychologists. Areas covered include but are not limited to the clinical, counseling, and school practice of psychology; research; teaching; supervision of trainees; <u>public service; policy development; social intervention;</u> development of assessment instruments; conducting assessments; educational counseling; organizational consulting; forensic activities; program design and evaluation; and administration. This Ethics Code applies to these activities across a variety of contexts, such as in person, postal, telephone, internet, and other electronic transmissions. These activities shall be distinguished from the purely private conduct of psychologists, which is not within the purview of the Ethics Code.</p>



<p>or the activity is psychological in nature. Personal activities having no connection to or effect on psychological roles are not subject to the Ethics Code.</p>	<p>conduct of <del>a psychologist</del> <u>psychologists</u>, which <del>ordinarily</del> is not within the purview of the Ethics Code.  <i>(Note inclusion of Standard 1.01, Applicability of the Ethics Code.)</i>  <del>The activity of a psychologist subject to the Ethics Code may be reviewed under these Ethical Standards only if the activity is part of his or her work-related functions or the activity is psychological in nature. Personal activities having no connection to or effect on psychological roles are not subject to the Ethics Code.</del></p>	
<p>(1992 Paragraph 2)  Membership in the APA commits members to adhere to the APA Ethics Code and to the rules and procedures used to implement it.  <i>(Note inclusion of Standard 8.01, Familiarity With Ethics Code.)</i>  Psychologists have an obligation to be familiar with this Ethics Code, other applicable ethics codes, and their application to psychologists' work. Lack of awareness or misunderstanding of an ethical standard is not itself a defense to a charge of unethical conduct.  <i>(See next paragraph for Sentence 2 of 1992 Paragraph 2.)</i></p>	<p><del>(1992 Paragraph 2)</del>  Membership in the APA commits members <del>to adhere to</del> <u>and student affiliates to comply with</u> the APA Ethics Code and to the rules and procedures used to <del>implement</del> <u>enforce</u> it.  <i>(Note inclusion of Standard 8.01, Familiarity With Ethics Code.)</i>  <del>Psychologists have an obligation to be familiar with this Ethics Code, other applicable ethics codes, and their application to psychologists' work.</del> Lack of awareness or misunderstanding of an ethical standard is not itself a defense to a charge of unethical conduct.  <i>(See next paragraph for Sentence 2 of 1992 Paragraph 2.)</i></p>	<p>Membership in the APA commits members and student affiliates to comply with the <u>standards of the</u> APA Ethics Code and to the rules and procedures used to enforce <del>it</del> <u>them</u>. Lack of awareness or misunderstanding of an <del>e</del> <u>E</u>thical <del>s</del> <u>S</u>tandard is not itself a defense to a charge of unethical conduct.</p>
<p>(1992 Paragraph 6)  The procedures for filing, investigating, and resolving complaints of unethical</p>	<p><del>(1992 Paragraph 6)</del>  The procedures for filing, investigating, and resolving complaints of unethical</p>	<p>The procedures for filing, investigating, and resolving complaints of unethical conduct are described in the current Rules and</p>



<p>conduct are described in the current Rules and Procedures of the APA Ethics Committee. The actions that APA may take for violations of the Ethics Code include actions such as reprimand, censure, termination of APA membership, and referral of the matter to other bodies. Complainants who seek remedies such as monetary damages in alleging ethical violations by a psychologist must resort to private negotiation, administrative bodies, or the courts. Actions that violate the Ethics Code may lead to the imposition of sanctions on a psychologist by bodies other than APA, including state psychological associations, other professional groups, psychology boards, other state or federal agencies, and payors for health services. In addition to actions for violation of the Ethics Code, the APA Bylaws provide that APA may take action against a member after his or her conviction of a felony, expulsion or suspension from an affiliated state psychological association, or suspension or loss of licensure.</p> <p>(Paragraph 2, Sentence 2)</p> <p>Psychologists and students, whether or not they are APA members, should be aware that the Ethics Code may be applied to them by state psychology boards, courts, or other public bodies</p>	<p>conduct are described in the current Rules and Procedures of the APA Ethics Committee. <del>The actions that</del> APA may <del>take</del><u>impose sanctions on its members</u> for violations of the Ethics Code <del>include actions such as reprimand, censure,</del> <u>including</u> termination of APA membership, and <del>referral of the matter to</del><u>may notify</u> other bodies. <del>Complainants who seek remedies such as monetary damages in alleging ethical violations by a psychologist must resort to private negotiation, administrative bodies, or the courts</del> <u>and individuals of its actions.</u></p> <p>Actions that violate the Ethics Code may <u>also</u> lead to the imposition of sanctions on <del>a psychologist</del> <u>psychologists or students whether or not they are APA members</u> by bodies other than APA, including state psychological associations, other professional groups, psychology boards, other state or federal agencies, and payors for health services. In addition <del>to actions for violation of the Ethics Code, the APA Bylaws provide that,</del> APA may take action against a member after his or her conviction of a felony, expulsion or suspension from an affiliated state psychological association, or suspension or loss of licensure.</p> <p><del>(Paragraph 2, Sentence 2)</del></p> <p><del>Psychologists and students, whether or not they are APA members, should be</del></p>	<p>Procedures of the APA Ethics Committee. APA may impose sanctions on its members for violations of the <u>standards of the</u> Ethics Code, including termination of APA membership, and may notify other bodies and individuals of its actions. Actions that violate the <u>standards of the</u> Ethics Code may also lead to the imposition of sanctions on psychologists or students whether or not they are APA members by bodies other than APA, including state psychological associations, other professional groups, psychology boards, other state or federal agencies, and payors for health services. In addition, APA may take action against a member after his or her conviction of a felony, expulsion or suspension from an affiliated state psychological association, or suspension or loss of licensure. <u>When the sanction to be imposed by APA is less than expulsion, the 2001 Rules and Procedures do not guarantee an opportunity for an in-person hearing, but generally provide that complaints will be resolved only on the basis of a submitted record.</u></p>
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	<del>aware that the Ethics Code may be applied to them by state psychology boards, courts, or other public bodies</del>	
<p>(1992 Paragraph 4).</p> <p>The Ethics Code is intended to provide standards of professional conduct that can be applied by the APA and by other bodies that choose to adopt them.</p> <p>Whether or not a psychologist has violated the Ethics Code does not by itself determine whether he or she is legally liable in a court action, whether a contract is enforceable, or whether other legal consequences occur. These results are based on legal rather than ethical rules. However, compliance with or violation of the Ethics Code may be admissible as evidence in some legal proceedings, depending on the circumstances.</p>	<p><del>(1992 Paragraph 4).</del></p> <p>The Ethics Code is intended to provide <u>guidance for psychologists and</u> standards of professional conduct that can be applied by the APA and by other bodies that choose to adopt them. <u>The Ethics Code is not intended to be a basis of civil liability.</u> Whether or not a psychologist has violated the Ethics Code does not by itself determine whether he or she is legally liable in a court action, whether a contract is enforceable, or whether other legal consequences occur. <del>These results are based on legal rather than ethical rules. However, compliance with or violation of the Ethics Code may be admissible as evidence in some legal proceedings, depending on the circumstances.</del></p>	<p>The Ethics Code is intended to provide guidance for psychologists and standards of professional conduct that can be applied by the APA and by other bodies that choose to adopt them. The Ethics Code is not intended to be a basis of civil liability. Whether <del>or</del> <del>not</del> a psychologist has violated the Ethics Code <u>standards</u> does not by itself determine whether <u>the or she psychologist</u> is legally liable in a court action, whether a contract is enforceable, or whether other legal consequences occur.</p>
	<p><u>The modifiers used in some of the standards of this Ethics Code (e.g., reasonably, appropriate, potentially, usually) are included in the standards when they would (1) allow professional judgment on the part of the psychologist, (2) eliminate injustice or inequality that would occur without the modifier, (3) ensure applicability across the broad range of activities conducted by psychologists, or (4) guard against a set of</u></p>	<p>The modifiers used in some of the standards of this Ethics Code (e.g., reasonably, appropriate, potentially, <del>usually</del>) are included in the standards when they would <del>(1)</del> allow professional judgment on the part of <del>the</del> psychologists, (2) eliminate injustice or inequality that would occur without the modifier, (3) ensure applicability across the broad range of activities conducted by psychologists, or (4) guard against a set of rigid rules that might be quickly outdated.</p>



	<u>rigid rules that might be quickly outdated.</u>	<u>As used in this Ethics Code, the term reasonable means the prevailing professional judgment of psychologists engaged in similar activities in similar circumstances, given the knowledge the psychologist had or should have had at the time.</u>
New paragraph. (1992 Paragraph 5) In the process of making decisions regarding their professional behavior, psychologists must consider this Ethics Code, in addition to applicable laws and psychology board regulations. If the Ethics Code establishes a higher standard of conduct than is required by law, psychologists must meet the higher ethical standard. If the Ethics Code standard appears to conflict with the requirements of law, then psychologists make known their commitment to the Ethics Code and take steps to resolve the conflict in a responsible manner. If neither law nor the Ethics Code resolves an issue, psychologists should consider other professional materials <sup>1</sup> and the dictates of their own conscience, as well as seek consultation with others within the field when this is practical. (Note inclusion of 8.02, <i>Confronting Ethical Issues</i> .) When a psychologist is uncertain whether a particular situation or course of action	<del>New paragraph.</del> <del>(1992 Paragraph 5)</del> In the process of making decisions regarding their professional behavior, psychologists must consider this Ethics Code, in addition to applicable laws and psychology board regulations. If the Ethics Code establishes a higher standard of conduct than is required by law, psychologists must meet the higher ethical standard. If <del>the Ethics Code standard appears to</del> psychologists' ethical responsibilities conflict with <del>the requirements of law, then</del> law, regulations, or other governing legal authority, psychologists make known their commitment to the Ethics Code and take steps to resolve the conflict in a responsible manner. If <u>the conflict is unresolvable via such means, the psychologist may adhere to the requirements of the law, regulations, or other governing authority in keeping with basic principles of human rights.</u> If neither law nor the Ethics Code resolves an issue, psychologists should consider	  In the process of making decisions regarding their professional behavior, psychologists must consider this Ethics Code in addition to applicable laws and psychology board regulations. <del>If</del> <u>In applying the Ethics Code to their professional work, psychologists may consider other materials and guidelines that have been adopted or endorsed by scientific and professional psychological organizations and the dictates of their own conscience, as well as consult with others within the field.</u> <u>If this Ethics</u> Code establishes a higher standard of conduct than is required by law, psychologists must meet the higher ethical standard. If psychologists' ethical responsibilities conflict with law, regulations, or other governing legal authority, psychologists make known their commitment to <del>the</del> <u>this</u> Ethics Code and take steps to resolve the conflict in a responsible manner. If the conflict is unresolvable via such means, <del>the</del> psychologists may adhere to the requirements of the law, regulations, or other governing authority in keeping with basic principles of human rights. <del>If neither</del>



<p>would violate this Ethics Code, the psychologist ordinarily consults with other psychologists knowledgeable about ethical issues, with state or national psychology ethics committees, or with other appropriate authorities in order to choose a proper response.</p>	<p>other professional materials<sup>+</sup> and <u>guidelines that have been adopted or endorsed by professional psychological organizations</u>, the dictates of their own conscience, as well as seek consultation with others within the field <del>when this is practical.</del>  <i>(Note inclusion of 8.02, Confronting Ethical Issues.)</i>  <del>When a psychologist is uncertain whether a particular situation or course of action would violate this Ethics Code, the psychologist ordinarily consults with other psychologists knowledgeable about ethical issues, with state or national psychology ethics committees, or with other appropriate authorities in order to choose a proper response.</del></p>	<p><del>law nor the Ethics Code resolves an issue; psychologists should consider other professional materials and guidelines that have been adopted or endorsed by professional psychological organizations; the dictates of their own conscience, as well as seek consultation with others within the field.</del></p>
	<p><u>[The ECTF has not completed revision of the section immediately below on history and effective date. The section consisting of these 34 lines (number of section lines as published in the APA Monitor) will be revised and updated upon presentation of a final draft to Council for approval.]</u></p>	<p><del>[The ECTF has not completed revision of the section immediately below on history and effective date. The section consisting of these 34 lines (number of section lines as published in the APA Monitor) will be revised and updated upon presentation of a final draft to Council for approval.]</del></p>



<p>History and effective date.</p> <p>This version of the APA Ethics Code was adopted by the American Psychological Association's Council of Representatives during its meeting, August 13 and 16, 1992, and is effective beginning December 1, 1992. Inquiries concerning the substance or interpretation of the APA Ethics Code should be addressed to the Director, Office of Ethics, American Psychological Association, 750 First Street, NE, Washington, DC 20002-4242. This Code will be used to adjudicate complaints brought concerning alleged conduct occurring after the effective date. Complaints regarding conduct occurring prior to the effective date will be adjudicated on the basis of the version of the Code that was in effect at the time the conduct occurred, except that no provisions repealed in June 1989, will be enforced even if an earlier version contains the provision. The Ethics Code will undergo continuing review and study for future revisions; comments on the Code may be sent to the above address. The APA has previously published its Ethical Standards as follows: American Psychological Association. (1953). Ethical standards of psychologists. Washington, DC: Author. American Psychological Association. (1958). Standards of ethical behavior for</p>	<p><del>History and effective date.</del></p> <p>This version of the APA Ethics Code was adopted by the American Psychological Association's Council of Representatives during its meeting, <del>August 13 and 16, 1992</del> _____, and is effective beginning <del>December 1, 1992</del> _____. Inquiries concerning the substance or interpretation of the APA Ethics Code should be addressed to the Director, Office of Ethics, American Psychological Association, 750 First Street, NE, Washington, DC 20002-4242. This Code will be used to adjudicate complaints brought concerning alleged conduct occurring <u>on or</u> after the effective date. Complaints regarding conduct occurring prior to the effective date will be adjudicated on the basis of the version of the Code that was in effect at the time the conduct occurred, except that no provisions repealed in June 1989, will be enforced even if an earlier version contains the provision. The Ethics Code will undergo continuing review and study for future revisions; comments on the Code may be sent to the above address. The APA has previously published its Ethical Standards as follows: American Psychological Association. (1953). Ethical standards of psychologists. Washington, DC: Author. American Psychological Association.</p>	<p><del>This version of the APA Ethics Code was adopted by the American Psychological Association's Council of Representatives during its meeting, _____, and is effective beginning _____. Inquiries concerning the substance or interpretation of the APA Ethics Code should be addressed to the Director, Office of Ethics, American Psychological Association, 750 First Street, NE, Washington, DC 20002-4242.</del></p> <p><del>This Code will be used to adjudicate complaints brought concerning alleged conduct occurring on or after the effective date. Complaints regarding conduct occurring prior to the effective date will be adjudicated on the basis of the version of the Code that was in effect at the time the conduct occurred, except that no provisions repealed in June 1989, will be enforced even if an earlier version contains the provision. The Ethics Code will undergo continuing review and study for future revisions; comments on the Code may be sent to the above address.</del></p> <p><del>The APA has previously published its Ethical Standards as follows: American Psychological Association. (1953). Ethical standards of</del></p>
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<p>psychologists. American Psychologist, 13, 268- 271.</p> <p>American Psychological Association. (1963). Ethical standards of psychologists. American Psychologist, 18, 56-60.</p> <p>American Psychological Association. (1968). Ethical standards of psychologists. American Psychologist, 23, 357-361.</p> <p>American Psychological Association. (1977, March). Ethical standards of psychologists. APA Monitor, 22-23.</p> <p>American Psychological Association. (1979). Ethical standards of psychologists. Washington, DC: Author.</p> <p>American Psychological Association. (1981). Ethical principles of psychologists. American Psychologist, 36, 633-638.</p> <p>American Psychological Association. (1990). Ethical principles of psychologists (Amended June 2, 1989). American Psychologist, 45, 390-395.</p> <p>Request copies of the APA's Ethical Principles of Psychologists and Code of Conduct from the APA Order Department, 750 First Street, NE, Washington, DC 20002- 4242, or phone (202) 336-5510.</p>	<p><del>(1958)</del><a href="#">1959</a>). <del>Standards</del><a href="#">Ethical standards</a> of <del>ethical behavior for</del> psychologists. American Psychologist, <del>13, 268</del><a href="#">14, 279-271</a><del>282</del>.</p> <p>American Psychological Association. (1963). Ethical standards of psychologists. American Psychologist, <del>18, 56</del><a href="#">18, 56-60</a>.</p> <p>American Psychological Association. (1968). Ethical standards of psychologists. American Psychologist, 23, 357-361.</p> <p>American Psychological Association. (1977, March). Ethical standards of psychologists. APA Monitor, 22-23.</p> <p>American Psychological Association. (1979). Ethical standards of psychologists. Washington, DC: Author.</p> <p><del>American Psychological Association. (1981). Ethical principles of psychologists. American Psychologist, 36, 633-638.</del></p> <p><del>American Psychological Association. (1990). Ethical principles of psychologists (Amended June 2, 1989). American Psychologist, 45, 390-395.</del></p> <p><del>Request copies of the APA's Ethical Principles of Psychologists and Code of Conduct from the APA Order Department, 750 First Street, NE, Washington, DC 20002-4242, or phone (202) 336-5510.</del></p> <p><a href="#">American Psychological Association.</a></p>	<p><del>psychologists. Washington, DC: Author.</del></p> <p><del>American Psychological Association. (1959). Ethical standards of psychologists. American Psychologist, 14, 279-282.</del></p> <p><del>American Psychological Association. (1963). Ethical standards of psychologists. American Psychologist, 18, 56-60.</del></p> <p><del>American Psychological Association. (1968). Ethical standards of psychologists. American Psychologist, 23, 357-361.</del></p> <p><del>American Psychological Association. (1977, March). Ethical standards of psychologists. APA Monitor, 22-23</del></p> <p><del>American Psychological Association. (1979). Ethical standards of psychologists. Washington, DC: Author.</del></p> <p><del>American Psychological Association. (1981). Ethical principles of psychologists. American Psychologist, 36, 633-638.</del></p> <p><del>American Psychological Association. (1990). Ethical principles of psychologists (Amended June 2, 1989). American Psychologist, 45, 390-395.</del></p> <p><del>American Psychological Association. (1992). Ethical principles of psychologists and code of conduct. American Psychologist, 47, 1597-1611.</del></p> <p><del>Request copies of the APA's Ethical Principles of Psychologists and Code of Conduct from the APA Order Department, 750 First Street, NE, Washington, DC 20002-4242, or phone (202) 336-5510.</del></p>
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PREAMBLE	<p>(1981). Ethical principles of psychologists. American Psychologist, 36, 633-638.</p> <p>American Psychological Association. (1990). Ethical principles of psychologists (Amended June 2, 1989). American Psychologist, 45, 390-395.</p> <p>American Psychological Association. (1992). Ethical principles of psychologists and code of conduct. American Psychologist, 47, 1597-1611.</p> <p>Request copies of the APA's Ethical Principles of Psychologists and Code of Conduct from the APA Order Department, 750 First Street, NE, Washington, DC 20002-4242, or phone (202) 336-5510.</p>	
Psychologists work to develop a valid and reliable body of scientific knowledge based on research. They may apply that knowledge to human behavior in a variety of contexts. In doing so, they perform many roles, such as researcher, educator, diagnostician, therapist, supervisor, consultant, administrator, social interventionist, and expert witness. Their goal is to broaden knowledge of behavior and, where appropriate, to apply it pragmatically to improve the condition of both the individual and society. Psychologists respect the central importance of freedom of inquiry and	<p>PREAMBLE</p> <p>Psychologists <del>work to develop a valid and reliable body of scientific knowledge based on research. They may apply that knowledge to human behavior in a variety of contexts. In doing so, they perform many roles, such as researcher, educator, diagnostician, therapist, supervisor, consultant, administrator, social interventionist, and expert witness. Their goal is to broaden</del>are committed to increasing scientific and professional knowledge of behavior and, <del>where appropriate, to apply it pragmatically</del> people's understanding of themselves and others and to the use of such knowledge</p>	<p>PREAMBLE</p> <p>Psychologists are committed to increasing scientific and professional knowledge of behavior and people's understanding of themselves and others and to the use of such knowledge to improve the condition of individuals, organizations, and society. Psychologists respect and protect civil and human rights and the central importance of freedom of inquiry and expression in research, teaching, and publication. They <del>also</del> strive to help the public in developing informed judgments and choices concerning human behavior. In doing so, they perform many roles, such as researcher, educator, diagnostician, therapist, supervisor,</p>



<p>expression in research, teaching, and publication. They also strive to help the public in developing informed judgments and choices concerning human behavior. This Ethics Code provides a common set of values upon which psychologists build their professional and scientific work. Sentence 3 (“In doing so,...”) is sentence 4 in the 2002 Code, and is shown as moved without redline or strikeout.</p>	<p>to improve the condition of <del>both the individual</del><u>individuals, organizations,</u> and society. Psychologists respect <u>and protect civil and human rights and</u> the central importance of freedom of inquiry and expression in research, teaching, and publication. They also strive to help the public in developing informed judgments and choices concerning human behavior. <u>In doing so, they perform many roles, such as researcher, educator, diagnostician, therapist, supervisor, consultant, administrator, social interventionist, and expert witness.</u> This Ethics Code provides a common set of values upon which psychologists build their professional and scientific work. <del>Sentence 3 (“In doing so,...”) is sentence 4 in the 2002 Code, and is shown as moved without redline or strikeout.</del></p>	<p>consultant, administrator, social interventionist, and expert witness. This Ethics Code provides a common set of <del>values</del><u>principles and standards</u> upon which psychologists build their professional and scientific work.</p>
<p>This Code is intended to provide both the general principles and the decision rules to cover most situations encountered by psychologists. It has as its primary goal the welfare and protection of the individuals and groups with whom psychologists work. It is the individual responsibility of each psychologist to aspire to the highest possible standards of conduct. Psychologists respect and protect human and civil rights, and do not knowingly participate in or condone unfair discriminatory practices.</p>	<p>This <u>Ethics</u> Code is intended to provide <del>both the general principles and the decision rules</del><u>specific standards</u> to cover most situations encountered by psychologists. It has as its <del>primary goal</del><u>goals</u> the welfare and protection of the individuals and groups with whom psychologists work. <del>It is the individual responsibility of each psychologist to aspire to the highest possible standards of conduct. Psychologists respect and protect human and civil rights, and do not knowingly participate in or condone</del></p>	<p>This Ethics Code is intended to provide specific standards to cover most situations encountered by psychologists. It has as its goals the welfare and protection of the individuals and groups with whom psychologists work and the education of members, students, and the public regarding ethical standards of the discipline.</p>



	<del>unfair discriminatory practices</del> and the education of members, students, and the public regarding ethical standards of the discipline.	
The development of a dynamic set of ethical standards for a psychologist's work-related conduct requires a personal commitment to a lifelong effort to act ethically; to encourage ethical behavior by students, supervisees, employees, and colleagues, as appropriate; and to consult with others, as needed, concerning ethical problems. Each psychologist supplements, but does not violate, the Ethics Code's values and rules on the basis of guidance drawn from personal values, culture, and experience.	The development of a dynamic set of ethical standards for a psychologist's work-related conduct requires a personal commitment to a lifelong effort to act ethically; to encourage ethical behavior by students, supervisees, employees, and colleagues, <del>as appropriate</del> ; and to consult with others, <del>as needed</del> , concerning ethical problems. Each psychologist supplements, but does not violate, the Ethics Code's values and rules on the basis of guidance drawn from personal values, culture, and experience.	The development of a dynamic set of ethical standards for <del>a</del> psychologist's <del>'s'</del> work-related conduct requires a personal commitment <del>to</del> <del>a</del> and lifelong effort to act ethically; to encourage ethical behavior by students, supervisees, employees, and colleagues; and to consult with others concerning ethical problems. <del>Each psychologist supplements, but does not violate, the Ethics Code's values and rules on the basis of guidance drawn from personal values, culture, and experience.</del>
	<u>This section consists of General Principles. General Principles, as opposed to ethical standards, are aspirational in nature. Their intent is to guide and inspire psychologists toward the very highest ethical ideals of the profession. General Principles, in contrast to ethical standards, do not represent obligations and should not form the basis for imposing sanctions. Relying upon General Principles for either of these reasons distorts both their meaning and purpose.</u>	<u>GENERAL PRINCIPLES</u> This section consists of General Principles. General Principles, as opposed to <del>e</del> Ethical <del>s</del> Standards, are aspirational in nature. Their intent is to guide and inspire psychologists toward the very highest ethical ideals of the profession. General Principles, in contrast to <del>e</del> Ethical <del>s</del> Standards, do not represent obligations and should not form the basis for imposing sanctions. Relying upon General Principles for either of these reasons distorts both their meaning and purpose.
GENERAL PRINCIPLES	GENERAL PRINCIPLES	<del>GENERAL PRINCIPLES</del>



New paragraph.	<del>New paragraph.</del> <u>PRINCIPLE A: BENEFICENCE AND NON- MALEFICENCE</u>	<del>PRINCIPLE</del> <u>Principle A: BENEFICENCE AND NON- MALEFICENCE</u> <u>Beneficence and Nonmaleficence</u>
<p>PRINCIPLE E: CONCERN FOR OTHERS' WELFARE</p> <p>Psychologists seek to contribute to the welfare of those with whom they interact professionally. In their professional actions, psychologists weigh the welfare and rights of their patients or clients, students, supervisees, human research participants, and other affected persons, and the welfare of animal subjects of research. When conflicts occur among psychologists' obligations or concerns, they attempt to resolve these conflicts and to perform their roles in a responsible fashion that avoids or minimizes harm. Psychologists are sensitive to real and ascribed differences in power between themselves and others, and they do not exploit or mislead other people during or after professional relationships.</p> <p><i>(Note inclusion of Standard 1.15, Misuse of Psychologists' Influence.)</i></p> <p>Because psychologists' scientific and professional judgments and actions may affect the lives of others, they are alert to and guard against personal, financial, social, organizational, or political factors that might lead to misuse of their</p>	<p><del>PRINCIPLE E: CONCERN FOR OTHERS' WELFARE</del></p> <p>Psychologists <del>seek to contribute to the welfare of</del><u>strive to have a positive effect on</u> those with whom they <del>interact professionally</del><u>work, while taking care to do no harm. By thoughtful and prudent conduct, psychologists aspire to maximize the benefits of their work and to prevent or minimize harm to others through acts of commission or omission in their professional behavior.</u> In their professional actions, psychologists weigh the welfare and rights of their patients or clients, students, supervisees, human research participants, and other affected persons, and the welfare of animal subjects of research. When conflicts occur among psychologists' obligations or concerns, they attempt to resolve these conflicts and to perform their roles in a responsible fashion that avoids or minimizes harm. <del>Psychologists are sensitive to real and ascribed differences in power between themselves and others, and they do not exploit or mislead other people during or after professional relationships.</del></p>	<p>Psychologists strive to <del>have a positive effect on</del><u>benefit</u> those with whom they work, <del>while taking and take</del> care to do no harm. <del>By thoughtful and prudent conduct, psychologists aspire to maximize the benefits of their work and to prevent or minimize harm to others through acts of commission or omission in their professional behavior.</del> In their professional actions, psychologists <del>weigh</del><u>seek to safeguard</u> the welfare and rights of <del>their patients or clients, students, supervisees, human research participants, those with whom they interact professionally</del> and other affected persons, and the welfare of animal subjects of research. When conflicts occur among psychologists' obligations or concerns, they attempt to resolve these conflicts <del>and to perform their roles</del> in a responsible fashion that avoids or minimizes harm. Because psychologists' scientific and professional judgments and actions may affect the lives of others, they are alert to and guard against personal, financial, social, organizational, or political factors that might lead to misuse of their influence. <u>Psychologists strive to be aware of the possible effect of their own physical and mental health on their ability to</u></p>



influence.	<p><del>(Note inclusion of Standard 1.15, Misuse of Psychologists' Influence.)</del></p> <p>Because psychologists' scientific and professional judgments and actions may affect the lives of others, they are alert to and guard against personal, financial, social, organizational, or political factors that might lead to misuse of their influence.</p>	<u>help those with whom they work.</u>
	<u>PRINCIPLE B: FIDELITY AND RESPONSIBILITY</u>	<del>PRINCIPLE</del> Principle B: <del>FIDELITY AND RESPONSIBILITY</del> <u>Fidelity and Responsibility</u>
<p>PRINCIPLE C: PROFESSIONAL AND SCIENTIFIC RESPONSIBILITY</p> <p>Psychologists uphold professional standards of conduct, clarify their professional roles and obligations, accept appropriate responsibility for their behavior, and adapt their methods to the needs of different populations. Psychologists consult with, refer to, or cooperate with other professionals and institutions to the extent needed to serve the best interests of their patients, clients, or other recipients of their services. Psychologists' moral standards and conduct are personal matters to the same degree as is true for any other person, except as psychologists' conduct may compromise their professional responsibilities or reduce the public's trust in psychology and psychologists. Psychologists are concerned about the</p>	<p><del>PRINCIPLE C: PROFESSIONAL AND SCIENTIFIC RESPONSIBILITY</del></p> <p><u>Psychologists establish relationships of loyalty and trust with those with whom they work. In the course of their work, psychologists are aware of their professional and scientific responsibilities to society and to the specific communities in which they work.</u> Psychologists uphold professional standards of conduct, clarify their professional roles and obligations, accept appropriate responsibility for their behavior, and <del>adapt their methods to the needs of different populations</del> <u>avoid conflicts of interest.</u> Psychologists consult with, refer to, or cooperate with other professionals and institutions to the extent needed to serve the best interests of their <u>students, research participants,</u> patients, clients, or other recipients of their services. Psychologists' moral standards</p>	<p>Psychologists establish relationships of <del>loyalty and</del> trust with those with whom they work. <del>In the course of their work, psychologists</del> <u>They</u> are aware of their professional and scientific responsibilities to society and to the specific communities in which they work. Psychologists uphold professional standards of conduct, clarify their professional roles and obligations, accept appropriate responsibility for their behavior, and <del>avoid</del> <u>seek to manage</u> conflicts of interest <u>that could lead to exploitation or harm.</u> Psychologists consult with, refer to, or cooperate with other professionals and institutions to the extent needed to serve the best interests of <del>their students, research participants, patients, clients, or other recipients of their services. Psychologists' moral standards and conduct are personal matters to the same degree as is true for any other person, except as psychologists'</del></p>



<p>ethical compliance of their colleagues' scientific and professional conduct. When appropriate, they consult with colleagues in order to prevent or avoid unethical conduct.</p>	<p>and conduct are personal matters to the same degree as is true for any other person, except as psychologists' conduct may compromise their professional responsibilities or reduce the public's trust in psychology and psychologists. Psychologists are concerned about the ethical compliance of their colleagues' scientific and professional conduct. <del>When appropriate, they consult with colleagues in order to prevent or avoid unethical conduct</del> <u>Given that psychologists are better able to care for others when they care for themselves, psychologists take measures to promote and maintain their own physical and mental health.</u></p>	<p><del>conduct may compromise their professional responsibilities or reduce the public's trust in psychology and psychologists. Psychologists</del> <u>those with whom they work.</u> <u>They</u> are concerned about the ethical compliance of their colleagues' scientific and professional conduct. <del>Given that</del> <u>Psychologists are better able to care for others when they care for themselves, psychologists take measures to promote and maintain their own physical and mental health, strive to contribute a portion of their professional time for little or no compensation or personal advantage.</u></p>
	<p><u>PRINCIPLE C: INTEGRITY</u></p>	<p><del>PRINCIPLE</del> <u>Principle C: INTEGRITY</u> <u>Integrity</u></p>
<p>PRINCIPLE B: INTEGRITY Psychologists seek to promote integrity in the science, teaching, and practice of psychology. In these activities psychologists are honest, fair, and respectful of others. In describing or reporting their qualifications, services, products, fees, research, or teaching, they do not make statements that are false, misleading, or deceptive. Psychologists strive to be aware of their own belief systems, values, needs, and limitations and the effect of these on their work. To the extent feasible, they attempt to clarify for relevant parties the roles they are</p>	<p><del>PRINCIPLE B: INTEGRITY</del> Psychologists seek to promote <del>integrity</del> <u>accuracy, honesty, and truthfulness</u> in the science, teaching, and practice of psychology. In these activities psychologists <del>are honest, fair, and respectful of others. In describing or reporting their qualifications, services, products, fees, research, or teaching, they do not make statements that are false, misleading, or deceptive. Psychologists strive to be aware of their own belief systems, values, needs, and limitations and the effect of these on their work. To the extent feasible, they attempt to clarify</del></p>	<p>Psychologists seek to promote accuracy, honesty, and truthfulness in the science, teaching, and practice of psychology. In these activities psychologists do not steal, cheat, or engage in fraud, subterfuge, or intentional misrepresentation of fact. <del>In relationships involving legitimate expectations of trust, p</del>Psychologists <del>are candid and forthright. In their work, psychologists strive to keep their promises and to avoid bad-faith excuses, unwise or unclear commitments, and conflicts of interest.</del> In situations in which deception may be ethically justifiable to maximize benefits and minimize harm, psychologists</p>



performing and to function appropriately in accordance with those roles. Psychologists avoid improper and potentially harmful dual relationships.	<del>for relevant parties the roles they are performing and to function appropriately in accordance with those roles.</del> <del>Psychologists avoid improper and potentially harmful dual relationships</del> <u>do not steal, cheat, or engage in fraud, subterfuge, or intentional misrepresentation of fact. In relationships involving legitimate expectations of trust, psychologists are candid and forthright. In their work, psychologists strive to keep their promises and to avoid bad-faith excuses, unwise or unclear commitments, and conflicts of interest. In situations in which deception may be ethically justifiable to maximize benefits and minimize harm, psychologists have a serious obligation to consider the need for, the possible consequences of, and their responsibility to correct any resulting mistrust or other harmful effects that arise from the use of such techniques.</u>	have a serious obligation to consider the need for, the possible consequences of, and their responsibility to correct any resulting mistrust or other harmful effects that arise from the use of such techniques.
	<u>PRINCIPLE D: JUSTICE</u>	<del>PRINCIPLE</del> <u>Principle</u> D: <del>JUSTICE</del> <u>Justice</u>
New principle.	<del>New principle.</del>	
	<u>Psychologists recognize that fairness and justice require that all persons are entitled to access to and benefit from the contributions of psychology and to equal quality in the processes, procedures, and services being conducted by psychologists. Psychologists exercise reasonable judgment and take precautions</u>	Psychologists recognize that fairness and justice <del>require that</del> <u>entitle</u> all persons <del>are entitled</del> to access to and benefit from the contributions of psychology and to equal quality in the processes, procedures, and services being conducted by psychologists. Psychologists exercise reasonable judgment and take precautions to ensure that their



	<u>to ensure that their potential biases, the boundaries of their competence, and the limitations of their expertise do not lead to or condone unjust or discriminatory practices.</u>	potential biases, the boundaries of their competence, and the limitations of their expertise do not lead to or condone unjust <del>or discriminatory</del> practices.
	PRINCIPLE <del>D</del> <u>E</u> : RESPECT FOR <del>PEOPLE'S</del> <u>PEOPLE'S</u> RIGHTS AND DIGNITY	<del>PRINCIPLE</del> <u>Principle</u> E: <b>RESPECT FOR PEOPLE'S RIGHTS AND DIGNITY</b> <u>Respect for People's Rights and Dignity</u>
<p>PRINCIPLE D: RESPECT FOR PEOPLE'S RIGHTS AND DIGNITY</p> <p>Psychologists accord appropriate respect to the fundamental rights, dignity, and worth of all people. They respect the rights of individuals to privacy, confidentiality, self-determination, and autonomy, mindful that legal and other obligations may lead to inconsistency and conflict with the exercise of these rights. Psychologists are aware of cultural, individual, and role differences, including those due to age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, language, and socioeconomic status. Psychologists try to eliminate the effect on their work of biases based on those factors, and they do not knowingly participate in or condone unfair discriminatory practices.</p> <p><i>(Note inclusion of Standard 1.09, Respecting Others.)</i></p> <p>In their work-related activities, psychologists respect the rights of others</p>	<p>Psychologists accord appropriate respect to the fundamental rights, dignity, and worth of all people. They respect the rights of individuals to privacy, confidentiality, self-determination, and autonomy, <del>mindful that legal and other obligations</del><u>are aware that special safeguards may lead be necessary to inconsistency and conflict with protect the exercise of these rights and welfare of persons or communities whose vulnerabilities impair autonomous decision-making.</u> Psychologists are aware of <u>and respect</u> cultural, individual, and role differences, including those <del>due to</del><u>based on</u> age, gender, race, ethnicity, <u>culture</u>, national origin, religion, sexual orientation, disability, language, and socioeconomic status <u>and consider these factors when working with members of such groups.</u> Psychologists try to eliminate the effect on their work of biases based on those factors, and they do not knowingly participate in or condone</p>	<p>Psychologists <del>accord appropriate respect to</del> the <del>fundamental rights</del>, dignity, and worth of all people. <del>They respect, and</del> the rights of individuals to privacy, confidentiality, <del>self-determination, and autonomy, and</del> <u>self-determination.</u> Psychologists are aware that special safeguards may be necessary to protect the rights and welfare of persons or communities whose vulnerabilities impair autonomous <del>decision-making</del><u>decision making.</u> Psychologists are aware of and respect cultural, individual, and role differences, including those based on age, gender, <u>gender identity</u>, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, and socioeconomic status and consider these factors when working with members of such groups. Psychologists try to eliminate the effect on their work of biases based on those factors, and they do not knowingly participate in or condone activities of others based upon such prejudices.</p>



to hold values, attitudes, and opinions that differ from their own.	<del>unfair discriminatory practices.</del> <del>(Note inclusion activities of Standard 1.09; Respecting Others.)</del> <del>In their work-related activities,</del> psychologists respect the rights of others to hold values, attitudes, and opinions that differ from their own <u>others based upon such prejudices.</u>	
ETHICAL STANDARDS	ETHICAL STANDARDS	ETHICAL STANDARDS
8. RESOLVING ETHICAL ISSUES	<del>8</del> <u>1</u> . RESOLVING ETHICAL ISSUES	1. <del>RESOLVING ETHICAL ISSUES</del> <u>Resolving Ethical Issues</u>
	<del>1.16</del> <u>1.01</u> Misuse of Psychologists' Work. <del>(b)</del>	1.01 Misuse of Psychologists' <u>Work</u> .
1.16 Misuse of Psychologists' Work. (b) If psychologists learn of misuse or misrepresentation of their work, they take reasonable steps to correct or minimize the misuse or misrepresentation.	If psychologists learn of misuse or misrepresentation of their work, they take reasonable steps to correct or minimize the misuse or misrepresentation.	If psychologists learn of misuse or misrepresentation of their work, they take reasonable steps to correct or minimize the misuse or misrepresentation.
	<u>1.02 Conflict Between Ethics and Law, Regulations, or Other Governing Legal Authority.</u>	1.02 Conflicts <u>Between Ethics and Law, Regulations, or Other Governing Legal Authority</u> .
1.02 Relationship of Ethics and Law. If psychologists' ethical responsibilities conflict with law, psychologists make known their commitment to the Ethics Code and take steps to resolve the conflict in a responsible manner.	<del>1.02 Relationship of Ethics and Law.</del> If psychologists' ethical responsibilities conflict with law, <u>regulations, or other governing legal authority</u> , psychologists make known their commitment to the Ethics Code and take steps to resolve the conflict <del>in a responsible manner.</del> <u>If the conflict is unresolvable via such means, the psychologist may adhere to the requirements of the law, regulations, or other governing legal authority.</u>	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, <del>the</del> psychologists may adhere to the requirements of the law, regulations, or other governing legal authority.
	<u>1.03 Conflicts Between Ethics and</u>	1.03 Conflicts Between Ethics and



	<u>Organizational Demands.</u>	Organizational Demands.
8.03 Conflicts Between Ethics and Organizational Demands. If the demands of an organization with which psychologists are affiliated conflict with this Ethics Code, psychologists clarify the nature of the conflict, make known their commitment to the Ethics Code, and to the extent feasible, seek to resolve the conflict in a way that permits the fullest adherence to the Ethics Code.	<del>8.03 Conflicts Between Ethics and Organizational Demands.</del> If the demands of an organization with which psychologists are affiliated <u>or for whom they are working</u> conflict with this Ethics Code, psychologists clarify the nature of the conflict, make known their commitment to the Ethics Code, and to the extent feasible, <del>seek to</del> resolve the conflict in a way that permits <del>the fullest</del> adherence to the Ethics Code.	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 to the extent feasible, resolve the conflict in a way that permits adherence to the Ethics Code.
		1.04 <del>Reporting</del> <u>Informal Resolution of Ethical Violations.</u>
8.04 Informal Resolution of Ethical Violations. When psychologists believe that there may have been an ethical violation by another psychologist, they attempt to resolve the issue by bringing it to the attention of that individual if an informal resolution appears appropriate and the intervention does not violate any confidentiality rights that may be involved.	<del>8.04 Informal Resolution of</del> <u>1.04 Reporting</u> Ethical Violations. <del>When psychologists believe that there may have been an ethical violation by another psychologist, they attempt to resolve the issue by bringing it to the attention of that individual if an informal resolution appears appropriate and the intervention does not violate any confidentiality rights that may be involved.</del>	<del>A</del> <u>When</u> psychologists <del>who has knowledge that believe that there may have been an ethical violation by</del> another psychologist <del>has committed a violation of this Ethics Code that raises a substantial question as to that psychologist's honesty, trustworthiness or fitness as a psychologist shall either (1),</del> <u>they</u> attempt to resolve the issue by bringing it to the attention of that individual, if <del>in the judgment of the psychologist</del> an informal resolution appears appropriate, <del>or (2) and the intervention does not violate any confidentiality rights that may be involved.</del> (See also Standards 1.02, <u>Conflicts Between Ethics and Law, Regulations, or Other Governing Legal Authority, and 1.03, Conflicts Between Ethics and Organizational Demands.</u> )
8.05 Reporting Ethical Violations.	<del>8.05 Reporting Ethical Violations.</del>	<u>1.05 Reporting Ethical Violations</u>



<p>If an apparent ethical violation is not appropriate for informal resolution under Standard 8.04 or is not resolved properly in that fashion, psychologists take further action appropriate to the situation, unless such action conflicts with confidentiality rights in ways that cannot be resolved. Such action might include referral to state or national committees on professional ethics or to state licensing boards.</p>	<p><del>If an apparent ethical violation is not appropriate for</del> <u>A psychologist who has knowledge that another psychologist has committed a violation of this Ethics Code that raises a substantial question as to that psychologist's honesty, trustworthiness or fitness as a psychologist shall either (1) attempt to resolve the issue by bringing it to the attention of that individual, if in the judgment of the psychologist an informal resolution</u> <del>under Standard 8.04 or is not resolved properly in that fashion;</del> <u>psychologists</u> <del>appears appropriate, or (2)</del> take further action appropriate to the situation, unless such action conflicts with confidentiality rights in ways that cannot be resolved. Such action might include referral to state or national committees on professional ethics <del>or</del> <u>to state licensing boards, or to the appropriate institutional authorities. This standard does not apply when an intervention would violate confidentiality rights or when a psychologist has been retained to review the work of another psychologist whose professional conduct is in question.</u></p>	
		<p><u>If an apparent ethical violation has substantially harmed or is likely to substantially harm a person or organization and is not appropriate for informal resolution under Standard 1.04, Informal Resolution of Ethical Violations, or is not resolved properly in that fashion, psychologists</u> take</p>



		<p>further action appropriate to the situation; <del>unless such action conflicts with confidentiality rights in ways that cannot be resolved.</del> Such action might include referral to state or national committees on professional ethics, to state licensing boards, or to the appropriate institutional authorities. This standard does not apply when an intervention would violate confidentiality rights or when <del>a</del> psychologists <del>has</del><u>have</u> been retained to review the work of another psychologist whose professional conduct is in question. <u>(See also Standard 1.02, Conflicts Between Ethics and Law, Regulations, or Other Governing Legal Authority.)</u></p>
	<del>8.06</del> <u>1.05</u> Cooperating With Ethics Committees.	1.0 <del>5</del> <u>6</u> Cooperating With Ethics Committees.
<p>8.06 Cooperating With Ethics Committees.</p> <p>Psychologists cooperate in ethics investigations, proceedings, and resulting requirements of the APA or any affiliated state psychological association to which they belong. In doing so, they make reasonable efforts to resolve any issues as to confidentiality. Failure to cooperate is itself an ethics violation.</p>	<p>Psychologists cooperate in ethics investigations, proceedings, and resulting requirements of the APA or any affiliated state psychological association to which they belong. In doing so, they make reasonable efforts to resolve any issues as to confidentiality. Failure to cooperate is itself an ethics violation.</p>	<p>Psychologists cooperate in ethics investigations, proceedings, and resulting requirements of the APA or any affiliated state psychological association to which they belong. In doing so, they <del>make reasonable efforts to resolve any</del><u>address any confidentiality</u> issues <del>as to confidentiality.</del> Failure to cooperate is itself an ethics violation. <u>However, making a request for deferment of adjudication of an ethics complaint pending the outcome of litigation does not alone constitute noncooperation.</u></p>
	<u>1.06 Improper Complaints.</u>	1.0 <del>6</del> <u>7</u> Improper Complaints.
8.07 Improper Complaints.	<del>8.07 Improper Complaints.</del>	Psychologists do not file or encourage the



Psychologists do not file or encourage the filing of ethics complaints that are frivolous and are intended to harm the respondent rather than to protect the public.	Psychologists do not file or encourage the filing of ethics complaints that are <del>frivolous and are intended to harm the respondent rather than to protect the public</del> <u>made with reckless disregard for or willful ignorance of facts that would disprove the allegation.</u>	filing of ethics complaints that are made with reckless disregard for or willful ignorance of facts that would disprove the allegation.
	<u>1.07 Unfair Discrimination Against Complainants and Respondents.</u>	<del>1.07</del> <u>8 Unfair Discrimination Against Complainants and Respondents.</u>
1.11 Sexual Harassment (b) Psychologists accord sexual-harassment complainants and respondents dignity and respect. Psychologists do not participate in denying a person academic admittance or advancement, employment, tenure, or promotion, based solely upon their having made, or their being the subject of, sexual harassment charges. This does not preclude taking action based upon the outcome of such proceedings or consideration of other appropriate information.	<del>1.11 Sexual Harassment (b) Psychologists accord sexual-harassment complainants and respondents dignity and respect.</del> Psychologists do not <del>participate in denying a person academic admittance or</del> <u>deny persons employment, advancement, employment admissions to academic or other programs,</u> tenure, or promotion, based solely upon their having made, or their being the subject of, <del>sexual harassment charges</del> <u>an ethics complaint.</u> This does not preclude taking action based upon the outcome of such proceedings or consideration of other appropriate information.	Psychologists do not deny persons employment, advancement, admissions to academic or other programs, tenure, or promotion, based solely upon their having made, or their being the subject of an ethics complaint. This does not preclude taking action based upon the outcome of such proceedings or consideration <del>of</del> <u>of</u> other appropriate information.
	<u>2. COMPETENCE</u>	2. <del>COMPETENCE</del> <u>Competence</u>
	<del>1.04</del> <u>2.01</u> Boundaries of Competence.	2.01 Boundaries of Competence.
1.04 Boundaries of Competence. (a) Psychologists provide services, teach, and conduct research only within the boundaries of their competence, based on their education, training, supervised experience, or appropriate professional	(a) Psychologists provide services, teach, and conduct research <u>with populations and in areas</u> only within the boundaries of their competence, based on their education, training, supervised experience, <u>consultation, study,</u> or	(a) Psychologists provide services, teach, and conduct research with populations and in areas only within the boundaries of their competence, based on their education, training, supervised experience, consultation, study, or professional



experience.	<del>appropriate</del> professional experience.	experience.
1.08 Human Differences. Where differences of age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, language, or socioeconomic status significantly affect psychologists' work concerning particular individuals or groups, psychologists obtain the training, experience, consultation, or supervision necessary to ensure the competence of their services, or they make appropriate referrals.	<del>1.08 Human Differences:</del> (b) Where <del>differences</del> <u>scientific or professional knowledge in the discipline of psychology</u> establishes that an <u>understanding</u> of age, gender, race, ethnicity, <u>culture</u> , national origin, religion, sexual orientation, disability, language, or socioeconomic status <del>significantly affect psychologists' work concerning particular individuals or groups</del> is <u>essential for effective implementation of services or research</u> , psychologists <u>have or</u> obtain the training, experience, consultation, or supervision necessary to ensure the competence of their services, or they make appropriate referrals, <u>except as provided in Standard 2.02, Providing Services in Extraordinary Circumstances</u> .	(b) Where scientific or professional knowledge in the discipline of psychology establishes that an understanding of <u>factors associated with</u> age, gender, <u>gender identity</u> , race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, or socioeconomic status is essential for effective implementation of <u>their</u> services or research, psychologists have or obtain the training, experience, consultation, or supervision necessary to ensure the competence of their services, or they make appropriate referrals, except as provided in Standard 2.02, Providing Services in <del>Extraordinary Circumstances</del> <u>Emergencies</u> .
1.04 Boundaries of Competence. (b) Psychologists provide services, teach, or conduct research in new areas or involving new techniques only after first undertaking appropriate study, training, supervision, and/or consultation from persons who are competent in those areas or techniques.	<del>1.04 Boundaries of Competence:</del> (b) Psychologists <u>planning to</u> provide services, teach, or conduct research <del>in new areas or</del> involving <u>new populations, areas</u> , techniques <del>only after first undertaking appropriate study, or</del> <u>technologies new to them undertake relevant education</u> , training, <del>supervision, and/or supervised experience</del> , consultation <del>from persons who are competent in those areas or techniques, or study</del> .	(c) Psychologists planning to provide services, teach, or conduct research involving populations, areas, techniques, or technologies new to them undertake relevant education, training, supervised experience, consultation, or study.
New subsection.	<del>New subsection:</del>	<u>(d) When psychologists are asked to provide services to individuals for whom appropriate mental health services are not available and</u>



		<u>for which psychologists have not obtained the competence necessary, psychologists with closely related prior training or experience may provide such services in order to ensure that services are not denied if they make a reasonable effort to obtain the competence required by using relevant research, training, consultation, or study.</u>
1.04 Boundaries of Competence. (c) In those emerging areas in which generally recognized standards for preparatory training do not yet exist, psychologists nevertheless take reasonable steps to ensure the competence of their work and to protect patients, clients, students, research participants, and others from harm.	<del>1.04 Boundaries of Competence.</del> ( <del>e</del> <u>d</u> ) In those emerging areas in which generally recognized standards for preparatory training do not yet exist, psychologists <del>nevertheless take reasonable steps to ensure the competence of their work and to protect</del> <u>clients/patients, clients, students, supervisees, research participants, organizational clients,</u> and others from harm.	( <del>d</del> <u>e</u> ) In those emerging areas in which generally recognized standards for preparatory training do not yet exist, psychologists <u>nevertheless take reasonable steps to ensure the competence of their work and to</u> protect clients/patients, students, supervisees, research participants, organizational clients, and others from harm.
	<u>(e) When psychologists should reasonably know that there is a substantial likelihood that their work, opinions, or testimony will be offered as evidence or otherwise used in a judicial or administrative proceeding, they are or become reasonably familiar with the rules governing their roles in these settings.</u>	<del>(e) When psychologists should reasonably know that there is a substantial likelihood that their work, opinions, or testimony will be offered as evidence or otherwise used in a judicial or administrative proceeding, they are or become reasonably familiar with the rules governing their roles in these settings.</del>
		<u>(f) When assuming forensic roles, psychologists are or become reasonably familiar with the judicial or administrative rules governing their roles.</u>
	<u>2.02 Providing Services in Extraordinary Circumstances.</u>	2.02 Providing Services in <del>Extraordinary Circumstances.</del> <u>Emergencies</u>



<p>7.06 Compliance With Law and Rules. In performing forensic roles, psychologists are reasonably familiar with the rules governing their roles. Psychologists are aware of the occasionally competing demands placed upon them by these principles and the requirements of the court system, and attempt to resolve these conflicts by making known their commitment to this Ethics Code and taking steps to resolve the conflict in a responsible manner. (See also Standard 1.02, Relationship of Ethics and Law.)</p>	<p><u>(a) In emergencies, when a psychologist is asked to provide services to individuals for whom appropriate mental health services are not available and for which the psychologist has not obtained the competence necessary, the psychologist may provide such services in order to ensure that services are not denied.</u><del>7.06 Compliance With Law and Rules. In performing forensic roles, psychologists are reasonably familiar with the rules governing their roles. Psychologists are aware of the occasionally competing demands placed upon them by these principles and the requirements of the court system, and attempt to resolve these conflicts by making known their commitment to this Ethics Code and taking steps to resolve the conflict in a responsible manner. (See also Standard 1.02, Relationship of Ethics and Law.)</del></p>	<p><del>(a)</del>In emergencies, when <del>a</del>psychologists <del>is</del> <del>asked to</del> provide services to individuals for whom <del>appropriate</del>other mental health services are not available and for which <del>the</del> psychologists <del>has</del>have not obtained the <del>competence</del> necessary, <del>the</del> <u>training</u>, psychologists may provide such services in order to ensure that services are not denied. <u>The services are discontinued as soon as the emergency has ended or appropriate services are available.</u></p>
	<p><u>(b) When a psychologist is asked to provide services to individuals for whom appropriate mental health services are not available and for which the psychologist has not obtained the competence necessary, a psychologist with closely related prior training or experience may provide such services in order to ensure that services are not denied if the psychologist makes a reasonable effort to obtain the competence required by using</u></p>	<p><del>(b) When a psychologist is asked to provide services to individuals for whom appropriate mental health services are not available and for which the psychologist has not obtained the competence necessary, a psychologist with closely related prior training or experience may provide such services in order to ensure that services are not denied if the psychologist makes a reasonable effort to obtain the competence required by using relevant research,</del></p>



	<a href="#">relevant research, training, consultation, or study.</a>	<del>training, consultation, or study.</del>
New standard.	<del>New standard.</del>	
	<a href="#">2.03 Maintaining Expertise.</a>	2.03 Maintaining <del>Expertise.</del> <a href="#">Competence</a>
1.05 Maintaining Expertise. Psychologists who engage in assessment, therapy, teaching, research, organizational consulting, or other professional activities maintain a reasonable level of awareness of current scientific and professional information in their fields of activity, and undertake ongoing efforts to maintain competence in the skills they use.	<a href="#">Psychologists undertake ongoing efforts to maintain competence in the skills they use.</a> <del>1.05 Maintaining Expertise. Psychologists who engage in assessment, therapy, teaching, research, organizational consulting, or other professional activities maintain a reasonable level of awareness of current scientific and professional information in their fields of activity, and undertake ongoing efforts to maintain competence in the skills they use.</del>	Psychologists undertake ongoing efforts to <a href="#">develop and</a> maintain <a href="#">their</a> competence <del>in the skills they use.</del>
	<a href="#">2.04 Bases for Scientific and Professional Judgments.</a>	2.04 Bases for Scientific and Professional Judgments <del>.</del>
1.06 Basis for Scientific and Professional Judgments. Psychologists rely on scientifically and professionally derived knowledge when making scientific or professional judgments or when engaging in scholarly or professional endeavors.	<a href="#">Psychologists' work is based upon established scientific and professional knowledge of the discipline.</a> <del>1.06 Basis for Scientific and Professional Judgments. Psychologists rely on scientifically and professionally derived knowledge when making scientific or professional judgments or when engaging in scholarly or professional endeavors.</del>	Psychologists' work is based upon established scientific and professional knowledge of the discipline. <a href="#">(See also Standards 2.01e, Boundaries of Competence, and 10.01b, Informed Consent to Therapy.)</a>
	<a href="#">2.05 Delegation of Work to Others and Use of Interpreters.</a>	2.05 Delegation of Work to Others <del>and Use of Interpreters.</del>
1.22 Delegation to and Supervision of Subordinates. (a) Psychologists delegate to their employees, supervisees, and research assistants only those responsibilities that	<del>1.22 Delegation to and Supervision of Subordinates. (a) Psychologists who delegate to their work to</del> employees, supervisees, and research <a href="#">and teaching</a> assistants <a href="#">or who</a>	Psychologists who delegate work to employees, supervisees, <del>and</del> <a href="#">or</a> research <del>and</del> <a href="#">or</a> teaching assistants or who use the services of others, such as interpreters, <del>(+)</del> take reasonable steps to <a href="#">(1) avoid delegating</a>



<p>such persons can reasonably be expected to perform competently, on the basis of their education, training, or experience, either independently or with the level of supervision being provided.</p>	<p><u>use the services of others, such as interpreters, (1) take reasonable steps to authorize</u> only those responsibilities that such persons can <del>reasonably</del> be expected to perform competently; on the basis of their education, training, or experience, either independently or with the level of supervision being provided; <u>and (2) take reasonable steps to see that such persons perform these services competently. (See also Standards 2.02, Providing Services in Extraordinary Circumstances; 4.01, Maintaining Confidentiality; and 9.07, Assessment by Unqualified Persons.)</u></p>	<p><u>such work to persons who have a multiple relationship with those being served that would likely lead to exploitation or loss of objectivity; (2) authorize</u> only those responsibilities that such persons can be expected to perform competently on the basis of their education, training, or experience, either independently or with the level of supervision being provided; <u>and (23) take reasonable steps to see that such persons perform these services competently. (See also Standards 2.02, Providing Services in Extraordinary Circumstances; 3.05, Multiple Relationships; 4.01, Maintaining Confidentiality; 9.01, Bases for Assessments; 9.02, Use of Assessments; 9.03, Informed Consent in Assessments; and 9.07, Assessment by Unqualified Persons.)</u></p>
	<p><u>2.06 Personal Problems and Conflicts.</u></p>	<p><u>2.06 Personal Problems and Conflicts.</u></p>
<p>1.13 Personal Problems and Conflicts. (a) Psychologists recognize that their personal problems and conflicts may interfere with their effectiveness. Accordingly, they refrain from undertaking an activity when they know or should know that their personal problems are likely to lead to harm to a patient, client, colleague, student, research participant, or other person to whom they may owe a professional or scientific obligation.</p>	<p><del>1.13 Personal Problems and Conflicts.</del> (a) Psychologists <del>recognize that their personal problems and conflicts may interfere with their effectiveness.</del> <del>Accordingly, they</del> refrain from undertaking an activity when they know or should know that <u>there is a substantial likelihood that</u> their personal problems <del>are likely to lead to harm to a patient, client, colleague, student, research participant, or other person to whom they may owe a professional or scientific obligation</del> <u>will prevent them from performing their work-</u></p>	<p>(a) Psychologists refrain from <del>undertaking</del> <u>initiating</u> an activity when they know or should know that there is a substantial likelihood that their personal problems will prevent them from performing their work-related activities in a competent manner.</p>



	<u>related activities in a competent manner.</u>	
(c) When psychologists become aware of personal problems that may interfere with their performing work- related duties adequately, they take appropriate measures, such as obtaining professional consultation or assistance, and determine whether they should limit, suspend, or terminate their work-related duties.	( <del>e</del> <u>b</u> ) When psychologists become aware of personal problems that may interfere with their performing <del>work-work</del> related duties adequately, they take appropriate measures, such as obtaining professional consultation or assistance, and determine whether they should limit, suspend, or terminate their work-related duties. ( <u>See also Standard 10.10, Terminating the Professional Relationship.</u> )	(b) When psychologists become aware of personal problems that may interfere with their performing <del>work-related</del> <u>work-related</u> duties adequately, they take appropriate measures, such as obtaining professional consultation or assistance, and determine whether they should limit, suspend, or terminate their work-related duties. (See also Standard 10.10, Terminating <del>the Professional Relationship</del> <u>Therapy.</u> )
	<u>3. HUMAN RELATIONS</u>	3. <del>HUMAN RELATIONS</del> <u>Human Relations</u>
	<u>3.01 Unfair Discrimination.</u>	3.01 Unfair Discrimination <del>.</del>
1.10 Nondiscrimination. In their work-related activities, psychologists do not engage in unfair discrimination based on age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, socioeconomic status, or any basis proscribed by law.	<del>1.10 Nondiscrimination.</del> In their work-related activities, psychologists do not engage in unfair discrimination based on age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, socioeconomic status, or any basis proscribed by law.	In their work-related activities, psychologists do not engage in unfair discrimination based on age, gender, <u>gender identity</u> , race, ethnicity, <u>culture</u> , national origin, religion, sexual orientation, disability, socioeconomic status, or any basis proscribed by law.
	<del>1.11</del> <u>3.02</u> Sexual Harassment. ( <del>a</del> )	3.02 Sexual Harassment <del>.</del>
1.11 Sexual Harassment. (a) Psychologists do not engage in sexual harassment. Sexual harassment is sexual solicitation, physical advances, or verbal or nonverbal conduct that is sexual in nature, that occurs in connection with the psychologist's activities or roles as a psychologist, and that either: (1) is unwelcome, is offensive, or creates a hostile workplace environment, and the	Psychologists do not engage in sexual harassment. Sexual harassment is sexual solicitation, physical advances, or verbal or nonverbal conduct that is sexual in nature, that occurs in connection with the psychologist's activities or roles as a psychologist, and that either: (1) is unwelcome, is offensive, or creates a hostile workplace <u>or educational</u> environment, and the psychologist knows	Psychologists do not engage in sexual harassment. Sexual harassment is sexual solicitation, physical advances, or verbal or nonverbal conduct that is sexual in nature, that occurs in connection with the psychologist <del>'s'</del> <u>'s</u> activities or roles as a psychologist, and that either (1) is unwelcome, is offensive, or creates a hostile workplace or educational environment, and the psychologist knows or is told this or (2)



psychologist knows or is told this; or (2) is sufficiently severe or intense to be abusive to a reasonable person in the context. Sexual harassment can consist of a single intense or severe act or of multiple persistent or pervasive acts.	or is told this; or (2) is sufficiently severe or intense to be abusive to a reasonable person in the context. Sexual harassment can consist of a single intense or severe act or of multiple persistent or pervasive acts. <u>(See also Standard 1.07, Unfair Discrimination Against Complainants and Respondents.)</u>	is sufficiently severe or intense to be abusive to a reasonable person in the context. Sexual harassment can consist of a single intense or severe act or of multiple persistent or pervasive acts. (See also Standard 1.07 <u>8</u> , Unfair Discrimination Against Complainants and Respondents.)
	<u>3.03 Other Harassment.</u>	3.03 Other Harassment <del>7</del> .
1.12 Other Harassment. Psychologists do not knowingly engage in behavior that is harassing or demeaning to persons with whom they interact in their work based on factors such as those persons' age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, language, or socioeconomic status.	<del>1.12 Other Harassment.</del> Psychologists do not knowingly engage in behavior that is harassing or demeaning to persons with whom they interact in their work based on factors such as those persons' age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, language, or socioeconomic status.	Psychologists do not knowingly engage in behavior that is harassing or demeaning to persons with whom they interact in their work based on factors such as those persons' age, gender, <u>gender identity</u> , race, ethnicity, <u>culture</u> , national origin, religion, sexual orientation, disability, language, or socioeconomic status.
	<del>1.14</del> <u>3.04</u> Avoiding Harm.	3.04 Avoiding Harm <del>7</del> .
1.14 Avoiding Harm. Psychologists take reasonable steps to avoid harming their patients or clients, research participants, students, and others with whom they work, and to minimize harm where it is foreseeable and unavoidable.	Psychologists take reasonable steps to avoid harming their <del>patients or</del> clients/ <u>patients</u> , research participants, students, <u>supervisees</u> , <u>organizational clients</u> , and others with whom they work, and to minimize harm where it is foreseeable and unavoidable.	Psychologists take reasonable steps to avoid harming their clients/patients, <del>research participants</del> , students, supervisees, <u>research participants</u> , organizational clients, and others with whom they work, and to minimize harm where it is foreseeable and unavoidable.
	<u>3.05 Multiple Relationships.</u>	3.05 Multiple Relationships <del>7</del> .
	<u>(a) A multiple relationship occurs when a psychologist is in a professional role with a person and (1) at the same time is in another role with the same person, (2) at the same time is in a relationship with a</u>	(a) A multiple relationship occurs when a psychologist is in a professional role with a person and (1) at the same time is in another role with the same person, (2) at the same time is in a relationship with a person



	<u>person closely associated with or related to the person with whom they have the professional relationship, or (3) promises to enter into another relationship in the future with the person or a person closely associated with or related to the person.</u>	closely associated with or related to the person with whom they <del>have</del> <u>psychologist has</u> the professional relationship, or (3) promises to enter into another relationship in the future with the person or a person closely associated with or related to the person.
<p>1.17 Multiple Relationships.</p> <p>(a) In many communities and situations, it may not be feasible or reasonable for psychologists to avoid social or other nonprofessional contacts with persons such as patients, clients, students, supervisees, or research participants. Psychologists must always be sensitive to the potential harmful effects of other contacts on their work and on those persons with whom they deal. A psychologist refrains from entering into or promising another personal, scientific, professional, financial, or other relationship with such persons if it appears likely that such a relationship reasonably might impair the psychologist's objectivity or otherwise interfere with the psychologist's effectively performing his or her functions as a psychologist, or might harm or exploit the other party.</p>	<p><u>A psychologist refrains from entering into a multiple relationship if the multiple relationship could reasonably be expected to impair the psychologist's objectivity, competence, or effectiveness in performing his or her functions as a psychologist or otherwise risks exploitation or harm to the person with whom the professional relationship exists. Multiple relationships that would not reasonably be expected to cause impairment or risk exploitation or harm are not unethical.</u></p> <p><del>1.17 Multiple Relationships.</del></p> <p><del>(a) In many communities and situations, it may not be feasible or reasonable for psychologists to avoid social or other nonprofessional contacts with persons such as patients, clients, students, supervisees, or research participants. Psychologists must always be sensitive to the potential harmful effects of other contacts on their work and on those persons with whom they deal. A psychologist refrains from entering into or promising another personal, scientific, professional, financial, or other</del></p>	<p>A psychologist refrains from entering into a multiple relationship if the multiple relationship could reasonably be expected to impair the psychologist's <del>s</del><u>s</u> objectivity, competence, or effectiveness in performing his or her functions as a psychologist, or otherwise risks exploitation or harm to the person with whom the professional relationship exists. Multiple relationships that would not reasonably be expected to cause impairment or risk exploitation or harm are not unethical.</p>



	<del>relationship with such persons if it appears likely that such a relationship reasonably might impair the psychologist's objectivity or otherwise interfere with the psychologist's effectively performing his or her functions as a psychologist, or might harm or exploit the other party.</del>	
(c) If a psychologist finds that, due to unforeseen factors, a potentially harmful multiple relationship has arisen, the psychologist attempts to resolve it with due regard for the best interests of the affected person and maximal compliance with the Ethics Code.	( <del>eb</del> ) If a psychologist finds that, due to unforeseen factors, a potentially harmful multiple relationship has arisen, the psychologist attempts to resolve it with due regard for the best interests of the affected person and maximal compliance with the Ethics Code.	(b) If a psychologist finds that, due to unforeseen factors, a potentially harmful multiple relationship has arisen, the psychologist <del>attempts</del> <u>takes reasonable steps</u> to resolve it with due regard for the best interests of the affected person and maximal compliance with the Ethics Code.
<p>7.03 Clarification of Role.</p> <p>In most circumstances, psychologists avoid performing multiple and potentially conflicting roles in forensic matters. When psychologists may be called on to serve in more than one role in a legal proceeding - for example, as consultant or expert for one party or for the court and as a fact witness - they clarify role expectations and the extent of confidentiality in advance to the extent feasible, and thereafter as changes occur, in order to avoid compromising their professional judgment and objectivity and in order to avoid misleading others regarding their role.</p>	<p><u>(c) When psychologists are required by law' institutional policy, or extraordinary circumstances to serve in more than one role in judicial or administrative proceedings, at the outset they clarify role expectations and the extent of confidentiality and thereafter as changes occur. (See also Standards 3.04, Avoiding Harm, and 3.07, Third-Party Requests for Services.)</u></p> <p><del>7.03-Clarification of Role. In most circumstances, psychologists avoid performing multiple and potentially conflicting roles in forensic matters. When psychologists may be called on to serve in more than one role in a legal proceeding—for example, as consultant or expert for one party or for the court and as a fact witness—they clarify role</del></p>	<p>(c) When psychologists are required by law<sup>1</sup>, institutional policy, or extraordinary circumstances to serve in more than one role in judicial or administrative proceedings, at the outset they clarify role expectations and the extent of confidentiality and thereafter as changes occur. (See also Standards 3.04, Avoiding Harm, and 3.07, Third-Party Requests for Services.)</p>



	<del>expectations and the extent of confidentiality in advance to the extent feasible, and thereafter as changes occur, in order to avoid compromising their professional judgment and objectivity and in order to avoid misleading others regarding their role.</del>	
	<u>3.06 Conflict of Interest.</u>	<del>3.06 Conflict of Interest.</del>
1.17 Multiple Relationships. (b) Likewise, whenever feasible, a psychologist refrains from taking on professional or scientific obligations when pre-existing relationships would create a risk of such harm.	<u>A psychologist refrains from taking on a professional role when prior personal, scientific, professional, legal, financial, or other interests or relationships could reasonably be expected (1) to impair the psychologist's objectivity, competence, or effectiveness in performing his or her functions as a psychologist or (2) to expose the person or organization with whom the professional relationship exists to harm or exploitation.</u> <del>1.17 Multiple Relationships: (b) Likewise, whenever feasible, a psychologist refrains from taking on professional or scientific obligations when pre-existing relationships would create a risk of such harm.</del>	<del>A</del> <u>p</u> Psychologists refrains from taking on a professional role when <del>prior</del> personal, scientific, professional, legal, financial, or other interests or relationships could reasonably be expected <u>to</u> (1) <del>to</del> impair <del>the psychologist's</del> <u>their</u> objectivity, competence, or effectiveness in performing <del>his or her</del> <u>their</u> functions as <del>a psychologist</del> <u>s</u> or (2) <del>to</del> expose the person or organization with whom the professional relationship exists to harm or exploitation.
	<u>3.07 Third-Party Requests for Services.</u>	<del>3.07 Third-Party Requests for Services.</del>
1.21 Third-Party Requests for Services. (a) When a psychologist agrees to provide services to a person or entity at the request of a third party, the psychologist clarifies to the extent feasible, at the outset of the service, the nature of the relationship with each party. This	<del>1.21 Third-Party Requests for Services. (a) When a psychologist agrees to provide services to a person or entity at the request of a third party, the psychologist clarifies to the extent feasible, attempts to clarify</del> at the outset of the service, the nature of the relationship with each party	When <del>a</del> psychologist agrees to provide services to a person or entity at the request of a third party, <del>the</del> psychologist attempts to clarify at the outset of the service, the nature of the relationship with <del>each party (i.e., all individuals or organizations)</del> <u>involved</u> . This clarification includes the role



clarification includes the role of the psychologist (such as therapist, organizational consultant, diagnostician, or expert witness), the probable uses of the services provided or the information obtained, and the fact that there may be limits to confidentiality.	( <u>i.e., individuals or organizations</u> ). This clarification includes the role of the psychologist (such as therapist, <del>organizational</del> consultant, diagnostician, or expert witness), the probable uses of the services provided or the information obtained, and the fact that there may be limits to confidentiality. ( <u>See also Standards 3.05, Multiple Relationships, and 4.02, Discussing the Limits of Confidentiality.</u> )	of the psychologist ( <del>such as e.g.,</del> therapist, consultant, diagnostician, or expert witness), <u>an identification of who is the client</u> , the probable uses of the services provided or the information obtained, and the fact that there may be limits to confidentiality. (See also Standards 3.05, Multiple Relationships, and 4.02, Discussing the Limits of Confidentiality.)
1.19 Exploitative Relationships. (a) Psychologists do not exploit persons over whom they have supervisory, evaluative, or other authority such as students, supervisees, employees, research participants, and clients or patients. (See also Standards 4.05 - 4.07 regarding sexual involvement with clients or patients.)	<u>3.08 Exploitative Relationships.</u> <del>1.19 Exploitative Relationships.</del> ( <del>a</del> ) Psychologists do not exploit persons over whom they have supervisory, evaluative, or other authority such as students, supervisees, employees, research participants, and clients <del>or</del> patients. (See also Standards <del>4.05—4.07</del> <u>3.05, Multiple Relationships; 6.04, Fees and Financial Arrangements; 6.05, Barter with Clients/Patients; 7.07, Sexual Relationships with Students and Supervisees; and 10.05-10.08</u> regarding sexual involvement with clients <del>or</del> patients.)	<del>3.08 Exploitative Relationships.</del> Psychologists do not exploit persons over whom they have supervisory, evaluative, or other authority such as <u>clients/patients</u> , students, supervisees, <del>employees</del> , research participants, and <del>clients/patients</del> <u>employees</u> . (See also Standards 3.05, Multiple Relationships; 6.04, Fees and Financial Arrangements; 6.05, Barter <del>with</del> <u>With</u> Clients/Patients; 7.07, Sexual Relationships <del>with</del> <u>With</u> Students and Supervisees; <del>and 10.05—10.05, Sexual Intimacies With Current Therapy Clients/Patients; 10.06, Sexual Intimacies With Relatives or Significant Others of Current Therapy Clients/Patients; 10.07, Therapy With Former Sexual Partners; and 10.08—regarding, s</del> <u>Sexual Intimacies With Former Therapy e</u> <u>Clients/p</u> <u>Patients.</u> )
	<u>3.09 Cooperation with Other Professionals.</u>	3.09 Cooperation <del>with</del> <u>With</u> Other Professionals.
1.20 Consultations and Referrals.	<del>1.20 Consultations and Referrals.</del>	When indicated and professionally



<p>(b) When indicated and professionally appropriate, psychologists cooperate with other professionals in order to serve their patients or clients effectively and appropriately.</p>	<p><del>(b)</del> When indicated and professionally appropriate, psychologists cooperate with other professionals in order to serve their <del>patients or</del> clients/<u>patients</u> effectively and appropriately.</p>	<p>appropriate, psychologists cooperate with other professionals in order to serve their clients/patients effectively and appropriately. <u>(See also Standard 4.05, Disclosures.)</u></p>
<p><i>The draft addresses informed consent through a general standard in this section and standards in other sections that provide specific amplifications. The 1992 Ethics Code provided informed consent requirements primarily in individual areas. (See 1992 Standards 4.02a Informed Consent to Therapy, 6.11 Informed Consent to Research.) Standard 4.02 of the 1992 Ethics Code is used for comparison here, because it is the best comparison to the general provision of informed consent in Draft 7 (Standard 3.10).</i></p> <p><i>*Note: the requirement for documentation of informed consent in Draft 7 is Standard 3.10d. The requirement in Draft 7 Standard 3.10 (a) (4) regarding answering questions is from 1992 Standard 4.01d.</i></p> <p>4.02 Informed Consent to Therapy.</p>	<p><del><i>The draft addresses informed consent through a general standard in this section and standards in other sections that provide specific amplifications. The 1992 Ethics Code provided informed consent requirements primarily in individual areas. (See 1992 Standards 4.02a Informed Consent to Therapy, 6.11 Informed Consent to Research.) Standard 4.02 of the 1992 Ethics Code is used for comparison here, because it is the best comparison to the general provision of informed consent in Draft 7 (Standard 3.10).</i></del></p> <p><del><i>*Note: the requirement for documentation of informed consent in Draft 7 is Standard 3.10d</i></del> <u>Informed Consent.</u> <del><i>The requirement in Draft 7 Standard 3.10</i></del></p>	<p>3.10 Informed Consent.</p>
<p>(a) Psychologists obtain appropriate informed consent to therapy or related procedures, using language that is reasonably understandable to participants. The content of informed consent will vary</p>	<p><del>(a) (4) regarding answering questions is from 1992 Standard 4.01d.</del> <del>4.02 Informed Consent to Therapy.</del> <u>(a) Psychologists</u> <u>When psychologists conduct research or provide assessment,</u></p>	<p>(a) When psychologists conduct research or provide assessment, <del>psychotherapy</del><u>therapy</u>, counseling, or consulting <del>with an individual or organizations</del><u>services</u> in person or via electronic transmission or other forms of</p>



<p>depending on many circumstances; however, informed consent generally implies that the person (1) has the capacity to consent, (2) has been informed of significant information concerning the procedure, (3) has freely and without undue influence expressed consent, and (4) consent has been appropriately documented.*</p> <p>4.01 (d) Psychologists make reasonable efforts to answer patients' questions and to avoid apparent misunderstandings about therapy. Whenever possible, psychologists provide oral and/or written information, using language that is reasonably understandable to the patient or client.</p>	<p><u>psychotherapy, counseling, or consulting with an individual or organization in person or via electronic transmission or other forms of communication, they obtain <del>appropriate</del>the informed consent to therapy of that individual or related procedures; organizational representative</u> using language that is reasonably understandable to <del>participants</del><u>that person</u> <u>except when conducting such activities without consent is mandated or prescribed by law or governmental regulation or as otherwise provided in this Ethics Code.</u> The content of informed consent will vary depending on many circumstances; however, informed consent <del>generally implies</del><u>ordinarily requires</u> that the person (1) has the capacity to consent, (2) has been <del>informed of significant</del><u>provided</u> information concerning <u>participation in the procedure</u><u>activity that reasonably might affect his or her willingness to participate including limits of confidentiality and monetary or other costs or reimbursements,</u> (3) <u>is aware of the voluntary nature of participation and</u> has freely and without undue influence expressed consent, and (4) <del>consent</del> <u>has been appropriately documented</u><u>had the opportunity to ask questions and receive answers regarding the activities.</u>* <del>4.01 (d) Psychologists make reasonable efforts to answer patients' questions</del></p>	<p>communication, they obtain the informed consent of <del>that</del><u>the</u> individual or <del>organizational representative</del><u>individuals</u> using language that is reasonably understandable to that person <u>or persons</u> except when conducting such activities without consent is mandated <del>or prescribed</del> by law or governmental regulation or as otherwise provided in this Ethics Code. <del>The content of informed consent will vary depending on many circumstances; however, informed consent ordinarily requires that the person (1) has the capacity to consent, (2) has been provided information concerning participation in the activity that reasonably might affect his or her willingness to participate including limits of confidentiality and monetary or other costs or reimbursements, (3) is aware of the voluntary nature of participation and has freely and without undue influence expressed consent, and (4) has had the opportunity to ask questions and receive answers regarding the activities.</del> (See also Standards <del>3.10, Informed Consent;</del> 8.02, Informed Consent to Research; 9.03, Informed Consent in Assessments; and 10.01, Informed Consent to Therapy.)</p>
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	<p><del>and</del> See also Standards 3.10, <a href="#">Informed Consent</a>; 8.02, <a href="#">Informed Consent</a> to <del>avoid</del> <a href="#">apparent misunderstandings about therapy</a>. <del>Whenever possible</del> <a href="#">Research</a>; 9.03, <del>psychologists provide oral</del> <a href="#">Informed Consent in Assessments</a>; and <del>or written information</del> 10.01, <del>using language that is reasonably understandable</del> <a href="#">Informed Consent</a> to <del>the patient or client</del> <a href="#">Therapy</a>.)</p>	
<p>(Includes portions of 4.02b and c. The comparison is shown to 4.02b; portions included in []'s are from 4.02c.)</p> <p>4.02 (b) When persons are legally incapable of giving informed consent, psychologists obtain informed permission from a legally authorized person, if such substitute consent is permitted by law.</p> <p>4.02 (c) In addition, psychologists (1) inform those persons who are legally incapable of giving informed consent about the proposed interventions in a manner commensurate with the persons' psychological capacities, (2) seek their assent to those interventions, and (3) consider such persons' preferences and best interests.</p>	<p><del>(Includes portions of 4.02b and c. The comparison is shown to 4.02b; portions included in []'s are from 4.02c.)</del></p> <p>4.02- (b) <del>When</del> <a href="#">For</a> persons <a href="#">who</a> are legally incapable of giving informed consent, psychologists <del>obtain informed</del> <a href="#">nevertheless (1) provide an appropriate explanation, (2) seek the individual's assent, (3) consider such persons' preferences and best interests, and (4) obtain appropriate</a> permission from a legally authorized person, if such substitute consent is permitted <a href="#">or required</a> by law.</p> <p><a href="#">When consent by a legally authorized person is not permitted or required by law, psychologists take reasonable steps to protect the individual's rights and welfare.</a> <del>4.02 (c) In addition, psychologists (1) inform those persons who are legally incapable of giving informed consent about the proposed interventions in a manner commensurate with the persons' psychological capacities, (2) seek their</del></p>	<p>(b) For persons who are legally incapable of giving informed consent, psychologists nevertheless (1) provide an appropriate explanation, (2) seek the individual's assent, (3) consider such persons' preferences and best interests, and (4) obtain appropriate permission from a legally authorized person, if such substitute consent is permitted or required by law. When consent by a legally authorized person is not permitted or required by law, psychologists take reasonable steps to protect the individual's <del>s'</del> <a href="#">s</a> rights and welfare.</p>



	<del>assent to those interventions, and (3) consider such persons' preferences and best interests.</del>	
	<u>(c) When psychological services are court ordered or otherwise mandated, the psychologist informs the individual of the nature of the anticipated services, including whether the services are court ordered or mandated and any limits of confidentiality, before proceeding.</u>	(c) When psychological services are court ordered or otherwise mandated, <del>the</del> psychologists inform <del>s</del> the individual of the nature of the anticipated services, including whether the services are court ordered or mandated and any limits of confidentiality, before proceeding.
New subsection.	<del>New subsection.</del>	
<i>From 4.02 (a) (4).</i> 4.02 Informed Consent to Therapy. (a) Psychologists... consent has been appropriately documented.	<u>(d) Psychologists appropriately document written or oral consent, permission, and assent. (See also Standards 3.10, Informed Consent; 8.02, Informed Consent to Research; 9.03, Informed Consent in Assessments; and 10.01, Informed Consent to Therapy.)</u> <del>From 4.02 (a) (4).</del> <del>4.02 Informed Consent to Therapy.</del> <del>(a) Psychologists... consent has been appropriately documented.</del>	(d) Psychologists appropriately document written or oral consent, permission, and assent. (See also Standards <del>3.10, Informed Consent;</del> 8.02, Informed Consent to Research; 9.03, Informed Consent in Assessments; and 10.01, Informed Consent to Therapy.)
	<u>3.11 Describing the Nature and Results of Psychological Services.</u>	3.11 <del>Describing the Nature and Results of</del> Psychological Services. <u>Delivered To or Through Organizations</u>
1.07 Describing the Nature and Results of Psychological Services. (a) When psychologists provide assessment, evaluation, treatment, counseling, supervision, teaching, consultation, research, or other psychological services to an individual, a group, or an organization, they provide, using language that is reasonably	<del>1.07 Describing the Nature and Results of Psychological Services.</del> (a) When psychologists provide <del>assessment,</del> <u>program</u> evaluation, <del>treatment, counseling,</del> supervision, <del>teaching,</del> consultation, <del>research,</del> <u>or scientific</u> or other psychological services to an individual, a group, or an organization, they provide, using	<del>(a) When psychologists provide program evaluation, supervision, consultation, or scientific or other psychological services to an individual, a group, or an organization, they provide, using language that is reasonably understandable to the recipients of those services, information beforehand about the nature of such services and</del>



<p>understandable to the recipient of those services, appropriate information beforehand about the nature of such services and appropriate information later about results and conclusions. (See also Standard 2.09, Explaining Assessment Results.)(b) If psychologists will be precluded by law or by organizational roles from providing such information to particular individuals or groups, they so inform those individuals or groups at the outset of the service.</p>	<p>language that is reasonably understandable to the <del>recipient</del><u>recipients</u> of those services, <del>appropriate</del> information beforehand about the nature of such services and <del>appropriate</del> information later about results and conclusions. (See also Standard <del>2.09</del><u>9.10</u>, Explaining Assessment Results.)(<del>b) If psychologists will be precluded by law or by organizational roles from providing such information to particular individuals or groups, they so inform those individuals or groups at the outset of the service.</del></p>	<p><del>information later about results and conclusions. (See also Standard 9.10, Explaining Assessment Results.)</del></p> <p><u>(a) Psychologists delivering services to or through organizations provide information beforehand to clients and when appropriate those directly affected by the services about (1) the nature and objectives of the services, (2) the intended recipients, (3) which of the individuals are clients, (4) the relationship the psychologist will have with each person and the organization, (5) the probable uses of services provided and information obtained, (6) who will have access to the information, and (7) limits of confidentiality. As soon as feasible, they provide information about the results and conclusions of such services to appropriate persons.</u></p>
	<p><u>(b) If psychologists will be precluded by law or by organizational roles from providing such information to particular individuals or groups, they so inform those individuals or groups at the outset of the service.</u></p>	<p>(b) If psychologists will be precluded by law or by organizational roles from providing such information to particular individuals or groups, they so inform those individuals or groups at the outset of the service.</p>
<p>4.08 Interruption of Services. (a) Psychologists make reasonable efforts to plan for facilitating care in the event that psychological services are interrupted by factors such as the psychologist's illness, death, unavailability, or relocation or by the client's relocation or financial</p>	<p><del>4.08 Interruption of Services. (a) Psychologists make reasonable efforts to plan for facilitating care in the event that psychological services are interrupted by factors such as the psychologist's illness, death, unavailability, or relocation or by the client's relocation or financial</del></p>	<p><u>3.12 Interruption of Psychological Services</u></p>



limitations. (See also Standard 5.09, Preserving Records and Data.)	<del>limitations. (See also Standard 5.09, Preserving Records and Data.)</del>	
		<u>Unless otherwise covered by contract, psychologists make reasonable efforts to plan for facilitating services in the event that psychological services are interrupted by factors such as the psychologist's illness, death, unavailability, relocation, or retirement or by the client's/patient's relocation or financial limitations. (See also Standard 6.02c, Maintenance, Dissemination, and Disposal of Confidential Records of Professional and Scientific Work.)</u>
5. PRIVACY AND CONFIDENTIALITY	<del>5.4. PRIVACY AND CONFIDENTIALITY</del>	4. <del>PRIVACY AND CONFIDENTIALITY</del> <u>Privacy And Confidentiality</u>
	<del>5.02</del> <u>4.01</u> Maintaining Confidentiality.	4.01 Maintaining Confidentiality.
5.02 Maintaining Confidentiality. Psychologists have a primary obligation and take reasonable precautions to respect the confidentiality rights of those with whom they work or consult, recognizing that confidentiality may be established by law, institutional rules, or professional or scientific relationships. (See also Standard 6.26, Professional Reviewers.)	Psychologists have a primary obligation and take reasonable precautions to <del>respect the</del> <u>protect</u> confidentiality rights <del>of those with whom they work or consult,</del> recognizing that <del>confidentiality</del> <u>they</u> may be established by law, institutional rules, or professional or scientific relationships. (See also Standard <del>6.26</del> <u>2.05</u> , <del>Professional Reviewers</del> <u>Delegation of Work to Others and Use of Interpreters.</u> )	Psychologists have a primary obligation and take reasonable precautions to protect confidentiality <del>rights</del> <u>information obtained through or stored in any medium,</u> recognizing that <del>they</del> <u>extent and limits of confidentiality</u> may be <del>established</del> <u>regulated</u> by law; <del>or established by</del> institutional rules; or professional or scientific relationships. (See also Standard 2.05, Delegation of Work to Others <del>and Use of Interpreters.</del> )
	<del>4.02</del> <u>Discussing the Limits of Confidentiality.</u>	4.02 Discussing the Limits of Confidentiality.
5.01 Discussing the Limits of Confidentiality.	<del>5.01</del> <u>Discussing the Limits of Confidentiality.</u>	(a) Psychologists discuss with persons (including, to the extent feasible, persons



(a) Psychologists discuss with persons and organizations with whom they establish a scientific or professional relationship (including, to the extent feasible, minors and their legal representatives) (1) the relevant limitations on confidentiality, including limitations where applicable in group, marital, and family therapy or in organizational consulting, and (2) the foreseeable uses of the information generated through their services.	(a) Psychologists discuss with persons <u>(including, to the extent feasible, persons who are legally incapable of giving informed consent and their legal representatives)</u> and organizations with whom they establish a scientific or professional relationship <del>(including, to the extent feasible, minors and their legal representatives)</del> (1) the relevant limitations on confidentiality, <del>including limitations where applicable in group, marital, and family therapy or in organizational consulting,</del> and (2) the foreseeable uses of the information generated through their <del>services.</del> <u>psychological activities. (See also Standard 3.10, Informed Consent.)</u>	who are legally incapable of giving informed consent and their legal representatives) and organizations with whom they establish a scientific or professional relationship (1) the relevant <del>limitations on</del> <u>limits of</u> confidentiality and (2) the foreseeable uses of the information generated through their psychological activities. (See also Standard 3.10, Informed Consent.)
(b) Unless it is not feasible or is contraindicated, the discussion of confidentiality occurs at the outset of the relationship and thereafter as new circumstances may warrant.	(b) Unless it is not feasible or is contraindicated, the discussion of confidentiality occurs at the outset of the relationship and thereafter as new circumstances may warrant.	(b) Unless it is not feasible or is contraindicated, the discussion of confidentiality occurs at the outset of the relationship and thereafter as new circumstances may warrant.
New subsection.	<del>New subsection</del> <u>(c) Psychologists who offer services, products, or information via electronic transmission inform clients/patients of the risks to privacy and limitations on confidentiality.</u>	(c) Psychologists who offer services, products, or information via electronic transmission inform clients/patients of the risks to privacy and <del>limitations on</del> <u>limits of</u> confidentiality.
	<u>4.03 Recording.</u>	<u>4.03 Recording.</u>
(c) Permission for electronic recording of interviews is secured from clients and patients.	<del>(c) Permission for electronic recording of interviews is secured from clients and patients</del> <u>Psychologists obtain permission before recording the voice or image of individuals to whom they provide</u>	<del>Psychologists obtain permission before</del> <u>recording the voices or images of individuals to whom they provide services.</u> <u>psychologists obtain permission from all such persons or their legal representatives.</u>



	<a href="#">services. (See also Standards 8.03, Informed Consent for Recording Voice and Images in Research; 8.05, Dispensing with Informed Consent for Research; and 8.07, Deception in Research).</a>	(See also Standards 8.03, Informed Consent for Recording Voices and Images in Research; 8.05, Dispensing <del>with</del> <a href="#">With</a> Informed Consent for Research; and 8.07, Deception in Research).)
	<del>5.03</del> <a href="#">4.04</a> Minimizing Intrusions on Privacy.	4.04 Minimizing Intrusions on Privacy.
5.03 Minimizing Intrusions on Privacy. (a) In order to minimize intrusions on privacy, psychologists include in written and oral reports, consultations, and the like, only information germane to the purpose for which the communication is made.	(a) <del>In order to minimize intrusions on privacy, psychologists</del> <a href="#">Psychologists</a> include in written and oral reports; <del>consultations, and the like</del> <a href="#">consultations</a> , only information germane to the purpose for which the communication is made.	(a) Psychologists include in written and oral reports and consultations, only information germane to the purpose for which the communication is made.
(b) Psychologists discuss confidential information obtained in clinical or consulting relationships, or evaluative data concerning patients, individual or organizational clients, students, research participants, supervisees, and employees, only for appropriate scientific or professional purposes and only with persons clearly concerned with such matters.	(b) Psychologists discuss confidential information obtained in <del>clinical or consulting relationships, or evaluative data concerning patients, individual or organizational clients, students, research participants, supervisees, and employees,</del> <a href="#">their work</a> only for appropriate scientific or professional purposes and only with persons clearly concerned with such matters.	(b) Psychologists discuss confidential information obtained in their work only for appropriate scientific or professional purposes and only with persons clearly concerned with such matters.
	<del>5.05</del> <a href="#">4.05</a> Disclosures.	4.05 Disclosures.
5.05 Disclosures. (b) Psychologists also may disclose confidential information with the appropriate consent of the patient or the individual or organizational client (or of another legally authorized person on behalf of the patient or client), unless	<del>5.05 Disclosures.</del> ( <del>b</del> <a href="#">a</a> ) Psychologists <del>also</del> may disclose confidential information with the appropriate consent of the <del>patient or the individual or</del> organizational client <del>(, the individual client/patient,</del> or of another legally authorized person on behalf of the	(a) Psychologists may disclose confidential information with the appropriate consent of the organizational client, the individual client/patient, or <del>of</del> another legally authorized person on behalf of the client/patient unless prohibited <del>by law</del> <a href="#">by law</a> .



prohibited by law.	<u>client/patient</u> <del>or client</del> ), unless prohibited by law.	
(a) Psychologists disclose confidential information without the consent of the individual only as mandated by law, or where permitted by law for a valid purpose, such as (1) to provide needed professional services to the patient or the individual or organizational client, (2) to obtain appropriate professional consultations, (3) to protect the patient or client or others from harm, or (4) to obtain payment for services, in which instance disclosure is limited to the minimum that is necessary to achieve the purpose.	( <del>a</del> <u>b</u> ) Psychologists disclose confidential information without the consent of the individual only as mandated by law, or where permitted by law for a valid purpose, such as (1) to provide needed professional services to the patient or the individual or organizational client, (2) to obtain appropriate professional consultations, (3) to protect the <del>patient or client or</del> <u>patient, psychologist, or</u> others from harm, or ( 4) to obtain payment for services <u>from a client/patient</u> , in which instance disclosure is limited to the minimum that is necessary to achieve the purpose. ( <u>See also Standard 6.04c, Fees and Financial Arrangements.</u> )	(b) Psychologists disclose confidential information without the consent of the individual only as mandated by law, or where permitted by law for a valid purpose; such as <u>to</u> (1) <del>to</del> provide needed professional services <del>to the patient or the individual or organizational client;</del> (2) <del>to</del> obtain appropriate professional consultations; (3) <del>to</del> protect the client/patient, psychologist, or others from harm; or (4) <del>to</del> obtain payment for services from a client/patient, in which instance disclosure is limited to the minimum that is necessary to achieve the purpose. (See also Standard 6.04 <u>ee</u> , Fees and Financial Arrangements.)
	<u>4.06 Consultations.</u>	4.06 Consultations <del>;</del>
5.06 Consultations. When consulting with colleagues, (1) psychologists do not share confidential information that reasonably could lead to the identification of a patient, client, research participant, or other person or organization with whom they have a confidential relationship unless they have obtained the prior consent of the person or organization or the disclosure cannot be avoided, and (2) they share information only to the extent necessary to achieve the purposes of the consultation. (See also Standard	<del>5.06 Consultations:</del> When consulting with colleagues, (1) psychologists do not <del>share</del> <u>disclose</u> confidential information that reasonably could lead to the identification of a <del>patient,</del> client/ <u>patient</u> , research participant, or other person or organization with whom they have a confidential relationship unless they have obtained the prior consent of the person or organization or the disclosure cannot be avoided, and (2) they <del>share</del> <u>disclose</u> information only to the extent necessary to achieve the purposes of the	When consulting with colleagues, (1) psychologists do not disclose confidential information that reasonably could lead to the identification of a client/patient, research participant, or other person or organization with whom they have a confidential relationship unless they have obtained the prior consent of the person or organization or the disclosure cannot be avoided, and (2) they disclose information only to the extent necessary to achieve the purposes of the consultation. (See also Standard 4.01, Maintaining Confidentiality.)



5.02, Maintaining Confidentiality.)	consultation. (See also Standard <del>5.02</del> <u>4.01</u> , Maintaining Confidentiality.)	
5.08 Use of Confidential Information for Didactic or Other Purposes.	<del>5.08</del> <u>4.07</u> Use of Confidential Information for Didactic or Other Purposes.	4.07 Use of Confidential Information for Didactic or Other Purposes.
(a) Psychologists do not disclose in their writings, lectures, or other public media, confidential, personally identifiable information concerning their patients, individual or organizational clients, students, research participants, or other recipients of their services that they obtained during the course of their work, unless the person or organization has consented in writing or unless there is other ethical or legal authorization for doing so.	<del>(a)</del> Psychologists do not disclose in their writings, lectures, or other public media, confidential, personally identifiable information concerning their <u>clients/patients</u> , <del>individual or</del> organizational clients, students, research participants, or other recipients of their services that they obtained during the course of their work, unless <u>(1) psychologists take reasonable steps to disguise the person or organization, (2) the person or organization has consented in writing, or unless (3) there is other ethical or legal authorization for doing so.</u>	Psychologists do not disclose in their writings, lectures, or other public media, confidential, personally identifiable information concerning their clients/patients, <del>organizational clients</del> , students, research participants, <u>organizational clients</u> , or other recipients of their services that they obtained during the course of their work, unless (1) <del>psychologists</del> <u>they</u> take reasonable steps to disguise the person or organization, (2) the person or organization has consented in writing, or (3) there is <del>other ethical or</del> legal authorization for doing so.
3. ADVERTISING AND OTHER PUBLIC STATEMENTS	<del>3.5. ADVERTISING AND OTHER PUBLIC STATEMENTS</del> <u>REPRESENTATIONS</u>	5. <del>ADVERTISING AND OTHER PUBLIC REPRESENTATIONS</del> <u>Advertising and Other Public Statements</u>
<i>The first part of 3.03a is shown in comparison to the revised 5.01a and second part to 5.01b. The text in 5.01a that is from 1992 Standard 3.01 is shown in [ ]s.</i> 3.03 Avoidance of False or Deceptive Statements.	<i>The first part of 3.03a is shown in comparison to the revised 5.01a and second part to 5.01b. The text in 5.01a that is from 1992 Standard 3.01 is shown in [ ]s.</i> <del>3.03</del> <u>5.01</u> Avoidance of False or Deceptive <del>Statements</del> <u>Representations</u> .	5.01 Avoidance of False or Deceptive <del>Representations</del> <u>Statements</u>
(a) Psychologists do not make public statements that are false, deceptive, misleading, or fraudulent, either because	(a) Psychologists do not <u>knowingly</u> make public statements that are false, deceptive, <del>misleading, or fraudulent, either because</del>	(a) <del>Psychologists do not knowingly make p</del> Public statements <del>that are false, deceptive, or fraudulent, concerning their research,</del>



<p>of what they state, convey, or suggest or because of what they omit, concerning their research, practice, or other work activities or those of persons or organizations with which they are affiliated. ....</p>	<p><del>of what they state, convey, or suggest or because of what they omit</del>, concerning their research, practice, or other work activities or those of persons or organizations with which they are affiliated. <del>...</del><u>Public representations include but are not limited to paid or unpaid advertising, product endorsements, grant and credentialing applications, brochures, printed matter, directory listings, personal resumes or curriculum vitae, or comments for use in media such as print or electronic transmission, statements in legal proceedings, lectures and public oral presentations, and published materials.</u></p>	<p><del>practice, or other work activities or those of persons or organizations with which they are affiliated.</del> <u>Public representations include but are not limited to paid or unpaid advertising, product endorsements, grant and applications, licensing applications, other credentialing applications, brochures, printed matter, directory listings, personal resumes or curriculum vitae, or comments for use in media such as print or electronic transmission, statements in legal proceedings, lectures and public oral presentations, and published materials. Psychologists do not knowingly make public statements that are false, deceptive, or fraudulent concerning their research, practice, or other work activities or those of persons or organizations with which they are affiliated.</u></p>
<p><i>Subsection based on the last sentence from 3.03a, in particular numbered items 5—8.</i>  3.03 Avoidance of False or Deceptive Statements.  (a). As examples (and not in limitation) of this standard, psychologists do not make false or deceptive statements concerning (1) their training, experience, or competence; (2) their academic degrees; (3) their credentials; (4) their institutional or association affiliations; (5) their services; (6) the scientific or clinical basis for, or results or degree of</p>	<p><del><i>Subsection based on the last sentence from 3.03a, in particular numbered items 5—8.</i></del>  <del>3.03 Avoidance of False or Deceptive Statements.</del>  <del>(a<b>b</b>).</del><del>As examples (and not in limitation) of this standard, psychologists</del>  <u>Psychologists</u> do not make false <del>or</del>, deceptive, <u>or fraudulent</u> statements concerning (1) their training, experience, or competence; (2) their academic degrees; (3) their credentials; (4) their institutional or association affiliations; (5) their services; (6) the scientific or clinical</p>	<p>(b) Psychologists do not make false, deceptive, or fraudulent statements concerning (1) their training, experience, or competence; (2) their academic degrees; (3) their credentials; (4) <del>1</del> their institutional or association affiliations; (5) their services; (6) the scientific or clinical basis for, or results or degree of success of, their services; (7) their fees; or (8) their publications or research findings.</p>



success of, their services; (7) their fees; or (8) their publications or research findings. (See also Standards 6.15, Deception in Research, and 6.18, Providing Participants With Information About the Study.)	basis for, or results or degree of success of, their services; (7) their fees; or (8) their publications or research findings. <del>(See also Standards 6.15, Deception in Research, and 6.18, Providing Participants With Information About the Study.)</del>	
(b) Psychologists claim as credentials for their psychological work, only degrees that (1) were earned from a regionally accredited educational institution or (2) were the basis for psychology licensure by the state in which they practice.	<del>(b)</del> Psychologists claim <u>degrees</u> as credentials for their psychological work, only <u>if those</u> degrees <del>that</del> (1) were earned from a regionally accredited educational institution or (2) were the basis for psychology licensure by the state in which they practice.	(c) Psychologists claim degrees as credentials for their <del>psychological work,</del> <u>health services</u> only if those degrees (1) were earned from a regionally accredited educational institution or (2) were the basis for psychology licensure by the state in which they practice.
	<u>5.02 Statements by Others.</u>	5.02 Statements by Others <del>.</del>
3.02 Statements by Others. (a) Psychologists who engage others to create or place public statements that promote their professional practice, products, or activities retain professional responsibility for such statements.	<del>3.02 Statements by Others.</del> (a) Psychologists who engage others to create or place public statements that promote their professional practice, products, or activities retain professional responsibility for such statements.	(a) Psychologists who engage others to create or place public statements that promote their professional practice, products, or activities retain professional responsibility for such statements.
(d) Psychologists do not compensate employees of press, radio, television, or other communication media in return for publicity in a news item.	<del>(d)</del> Psychologists do not compensate employees of press, radio, television, or other communication media in return for publicity in a news item.	(b) Psychologists do not compensate employees of press, radio, television, or other communication media in return for publicity in a news item. <u>(See also Standard 1.01, Misuse of Psychologists' Work.)</u>
(e) A paid advertisement relating to the psychologist's activities must be identified as such, unless it is already apparent from the context.	<del>(e)</del> A paid advertisement relating to <del>the psychologist's</del> <u>psychologists'</u> activities must be identified <del>as such, unless it is already apparent from the context</del> <u>or clearly recognizable as such.</u>	(c) A paid advertisement relating to psychologists' activities must be identified or clearly recognizable as such.
	<u>5.03 Descriptions of Workshops and Non-Degree-Granting Educational Programs.</u>	5.03 Descriptions of Workshops and Non-Degree-Granting Educational



		Programs:
6.02 Descriptions of Education and Training Programs (c) To the degree to which they exercise control, psychologists responsible for announcements, catalogs, brochures, or advertisements describing workshops, seminars, or other non-degree-granting educational programs ensure that they accurately describe the audience for which the program is intended, the educational objectives, the presenters, and the fees involved.	<del>6.02 Descriptions of Education and Training Programs</del> (e) To the degree to which they exercise control, psychologists responsible for announcements, catalogs, brochures, or advertisements describing workshops, seminars, or other non-degree-granting educational programs ensure that <del>they</del> <u>the materials</u> accurately describe the audience for which the program is intended, the educational objectives, the presenters, and the fees involved.	To the degree to which they exercise control, psychologists responsible for announcements, catalogs, brochures, or advertisements describing workshops, seminars, or other non-degree-granting educational programs ensure that they <u>y</u> <del>materials</del> accurately describe the audience for which the program is intended, the educational objectives, the presenters, and the fees involved.
	<del>3.04</del> <u>5.04</u> Media Presentations.	5.04 Media Presentations:
3.04 Media Presentations. When psychologists provide advice or comment by means of public lectures, demonstrations, radio or television programs, prerecorded tapes, printed articles, mailed material, or other media, they take reasonable precautions to ensure that (1) the statements are based on appropriate psychological literature and practice, (2) the statements are otherwise consistent with this Ethics Code, and (3) the recipients of the information are not encouraged to infer that a relationship has been established with them personally.	When psychologists provide <u>public</u> advice or comment <del>by means of public lectures, demonstrations, radio or television programs, prerecorded tapes, printed articles, mailed material, or other media,</del> they take <del>reasonable</del> precautions to ensure that (1) the statements are based on <u>their professional knowledge, training, or experience in accord with</u> appropriate psychological literature and practice, (2) the statements are otherwise consistent with this Ethics Code, and (3) the <del>recipients of the information are</del> <u>statements do not</u> <del>encouraged to infer</del> <u>indicate</u> that a relationship has been established <del>with them</del> personally <u>with the recipient</u> . (See also Standard 2.04, Bases for Scientific and Professional	When psychologists provide public advice or comment <u>via print, internet, or other electronic transmission</u> , they take precautions to ensure that <u>statements</u> (1) <del>the statements</del> are based on their professional knowledge, training, or experience in accord with appropriate psychological literature and practice, <del>;</del> (2) <del>the statements</del> are otherwise consistent with this Ethics Code, <del>;</del> and <del>;</del> (3) <del>the statements</del> do not indicate that a <u>professional</u> relationship has been established <del>personally</del> with the recipient. (See also Standard 2.04, Bases for Scientific and Professional Judgments.)



	<u>Judgments.)</u>	
	<u>5.05 Testimonials.</u>	5.05 Testimonials <del>;</del>
3.05 Testimonials. Psychologists do not solicit testimonials from current psychotherapy clients or patients or other persons who because of their particular circumstances are vulnerable to undue influence.	<del>3.05 Testimonials.</del> Psychologists do not solicit testimonials from current psychotherapy clients <del>or</del> patients or other persons who because of their particular circumstances are vulnerable to undue influence.	Psychologists do not solicit testimonials from current <del>psychotherapy</del> <u>therapy</u> clients/patients or other persons who because of their particular circumstances are vulnerable to undue influence.
	<del>3.06</del> <u>5.06</u> In-Person Solicitation.	5.06 In-Person Solicitation <del>;</del>
3.06 In-Person Solicitation. Psychologists do not engage, directly or through agents, in uninvited in-person solicitation of business from actual or potential psychotherapy patients or clients or other persons who because of their particular circumstances are vulnerable to undue influence. However, this does not preclude attempting to implement appropriate collateral contacts with significant others for the purpose of benefiting an already engaged therapy patient.	Psychologists do not engage, directly or through agents, in uninvited in-person solicitation of business from actual or potential psychotherapy <del>patients or</del> clients/ <u>patients</u> or other persons who because of their particular circumstances are vulnerable to undue influence. However, this <u>prohibition</u> does not preclude: <u>(1) attempting to implement appropriate collateral contacts with significant others</u> for the purpose of benefiting an already engaged therapy <u>client/patient or (2) providing disaster outreach services.</u>	Psychologists do not engage, directly or through agents, in uninvited in-person solicitation of business from actual or potential <del>psychotherapy</del> <u>therapy</u> clients/patients or other persons who because of their particular circumstances are vulnerable to undue influence. However, this prohibition does not preclude: (1) attempting to implement appropriate collateral contacts for the purpose of benefiting an already engaged therapy client/patient or (2) providing disaster <u>or community</u> outreach services.
	<u>6. RECORD KEEPING AND FEES</u>	6. <del>RECORD KEEPING AND FEES</del> <u>Record Keeping and Fees</u>
	<u>6.01 Documentation of Professional and Scientific Work and Maintenance of Records.</u>	6.01 Documentation of Professional and Scientific Work and Maintenance of Records <del>;</del>
<i>The comparison is shown to 1.24; portions included in []'s are from 1.23a.</i> 1.24 Records and Data. Psychologists create, maintain,	<del><i>The comparison is shown to 1.24; portions included in []'s are from 1.23a.</i></del> <del>1.24 Records and Data.</del> <u>(a) Psychologists create, and to the extent</u>	<del>(a)</del> Psychologists create, and to the extent the records are under their control, maintain, disseminate, store, retain, and dispose of records and data relating to their



<p>disseminate, store, retain, and dispose of records and data relating to their research, practice, and other work in accordance with law and in a manner that permits compliance with the requirements of this Ethics Code. (See also Standard 5.04, Maintenance of Records.)</p> <p>1.23 Documentation of Professional and Scientific Work. (a) Psychologists appropriately document their professional and scientific work in order to facilitate provision of services later by them or by other professionals, to ensure accountability, and to meet other requirements of institutions or the law.</p>	<p><u>the records are under their control,</u> maintain, disseminate, store, retain, and dispose of records and data relating to their <del>research, practice, and other work in accordance with law and in a manner that permits</del> <u>professional and scientific work in order to</u> (1) <u>facilitate provision of services later by them or by other professionals,</u> (2) <u>allow for replication of research design and analyses,</u> (3) <u>meet institutional requirements,</u> (4) <u>ensure accuracy of billing and payments,</u> and (5) <u>ensure</u> compliance with <del>the requirements of this Ethics Code</del> <u>law</u>. (See also Standard <del>5.04, Maintenance of Records</del> <u>4.01, Maintaining Confidentiality</u>.)</p> <p><del>1.23 Documentation of Professional and Scientific Work. (a) Psychologists appropriately document their professional and scientific work in order to facilitate provision of services later by them or by other professionals, to ensure accountability, and to meet other requirements of institutions or the law.</del></p>	<p>professional and scientific work in order to (1) facilitate provision of services later by them or by other professionals, (2) allow for replication of research design and analyses, (3) meet institutional requirements, (4) ensure accuracy of billing and payments, and (5) ensure compliance with law. (See also Standard 4.01, Maintaining Confidentiality.)</p>
	<p><u>(b) When there is a substantial likelihood that psychologists' work will be used in judicial or administrative proceedings, psychologists create and maintain documentation in the kind of detail and quality adequate to allow reasonable judicial or administrative scrutiny. (See also Standard 1.02, Conflict Between</u></p>	<p><del>(b) When there is a substantial likelihood that psychologists' work will be used in judicial or administrative proceedings, psychologists create and maintain documentation in the kind of detail and quality adequate to allow reasonable judicial or administrative scrutiny. (See also Standard 1.02, Conflict Between</del></p>



	<u>Ethics and Law, Regulations, or Other Governing Legal Authority.)</u>	<u>Ethics and Law, Regulations, or Other Governing Legal Authority.)</u>
	<u>6.02 Maintenance, Dissemination, and Disposal of Confidential Records of Professional and Scientific Work.</u>	6.02 Maintenance, Dissemination, and Disposal of Confidential Records of Professional and Scientific Work.
5.04 Maintenance of Records Psychologists maintain appropriate confidentiality in creating, storing, accessing, transferring, and disposing of records under their control, whether these are written, automated, or in any other medium. Psychologists maintain and dispose of records in accordance with law and in a manner that permits compliance with the requirements of this Ethics Code.	<del>5.04 Maintenance of Records</del> (a) Psychologists maintain <del>appropriate</del> confidentiality in creating, storing, accessing, transferring, and disposing of records under their control, whether these are written, automated, or in any other medium. <del>Psychologists maintain and dispose of records in accordance with law and in a manner that permits compliance with the requirements of this Ethics Code.</del> (See also Standard 6.01, <u>Documentation of Professional and Scientific Work and Maintenance of Records.</u> )	(a) Psychologists maintain confidentiality in creating, storing, accessing, transferring, and disposing of records under their control, whether these are written, automated, or in any other medium. (See also Standards <u>4.01, Maintaining Confidentiality, and</u> 6.01, Documentation of Professional and Scientific Work and Maintenance of Records.)
5.07 Confidential Information in Databases. (a) If confidential information concerning recipients of psychological services is entered into databases or systems of records available to persons whose access has not been consented to by the recipient, psychologists use coding or other techniques to avoid the inclusion of personal identifiers.	<del>5.07 Confidential Information in Databases.</del> ( <del>a</del> b) If confidential information concerning recipients of psychological services is entered into databases or systems of records available to persons whose access has not been consented to by the recipient, psychologists use coding or other techniques to avoid the inclusion of personal identifiers.	(b) If confidential information concerning recipients of psychological services is entered into databases or systems of records available to persons whose access has not been consented to by the recipient, psychologists use coding or other techniques to avoid the inclusion of personal identifiers.
5.09 Preserving Records and Data. A psychologist makes plans in advance so that confidentiality of records and data is protected in the event of the psychologist's death, incapacity, or	<del>5.09 Preserving Records and Data.</del> (c) A psychologist makes plans in advance <del>so that to facilitate the</del> <u>appropriate transfer and to protect the</u> confidentiality of records and data <del>is</del>	(c) <del>A p</del> <u>Psychologists</u> makes <del>s</del> plans in advance to facilitate the appropriate transfer and to protect the confidentiality of records and data in the event of <del>the</del> psychologist's <del>death, incapacity, or</del> withdrawal from <del>the</del>



withdrawal from the position or practice.	<del>protected</del> in the event of the psychologist's death, incapacity, or withdrawal from the position or practice.	positions or practice. (See also Standards 3.12, Interruption of Psychological Services, and 10.09, Interruption of Therapy.)
	<u>6.03 Withholding Records for Nonpayment.</u>	6.03 Withholding Records for Nonpayment.
5.11 Withholding Records for Nonpayment. Psychologists may not withhold records under their control that are requested and imminently needed for a patient's or client's treatment solely because payment has not been received, except as otherwise provided by law.	<del>5.11 Withholding Records for Nonpayment.</del> Psychologists may not withhold records under their control that are requested and <del>imminently</del> needed for a <del>patient's or</del> client's <u>patient's emergency</u> treatment solely because payment has not been received, <del>except as otherwise provided by law.</del>	Psychologists may not withhold records under their control that are requested and needed for a client's <u>s</u> /patient's <u>s</u> emergency treatment solely because payment has not been received.
	<u>6.04 Fees and Financial Arrangements.</u>	6.04 Fees and Financial Arrangements.
1.25 Fees and Financial Arrangements. (a) As early as is feasible in a professional or scientific relationship, the psychologist and the patient, client, or other appropriate recipient of psychological services reach an agreement specifying the compensation and the billing arrangements.	<del>1.25 Fees and Financial Arrangements.</del> (a) As early as is feasible in a professional or scientific relationship, the psychologist and the <u>client</u> /patient, <del>client</del> , or other <del>appropriate</del> recipient of psychological services reach an agreement specifying the compensation and the billing arrangements.	(a) As early as is feasible in a professional or scientific relationship, <del>the</del> psychologists and <del>the client/patient or other</del> recipients of psychological services reach an agreement specifying <del>the</del> compensation and <del>the</del> billing arrangements.
(c) Psychologists' fee practices are consistent with law.	( <del>e</del> <u>b</u> ) Psychologists' fee practices are consistent with law.	(b) Psychologists' fee practices are consistent with law.
(d) Psychologists do not misrepresent their fees.	( <del>d</del> <u>c</u> ) Psychologists do not misrepresent their fees.	(c) Psychologists do not misrepresent their fees.
(e) If limitations to services can be anticipated because of limitations in financing, this is discussed with the patient, client, or other appropriate recipient of services as early as is feasible.	( <del>e</del> <u>d</u> ) If limitations to services can be anticipated because of limitations in financing, this is discussed with the <u>client</u> /patient, <del>client</del> , or other <del>appropriate</del> recipient of services as early as is feasible.	(d) If limitations to services can be anticipated because of limitations in financing, this is discussed with the <del>client/patient or other</del> recipient of services as early as is feasible. (See also Standards



(See also Standard 4.08, Interruption of Services.)	(See also <del>Standard 4.08</del> <u>Standards 10.09, Interruption of Services, and 10.10, Terminating the Professional Relationship</u> .)	10.09, Interruption of <del>Services</del> <u>Therapy</u> , and 10.10, Terminating <del>the Professional Relationship</del> <u>Therapy</u> .)
(f) If the patient, client, or other recipient of services does not pay for services as agreed, and if the psychologist wishes to use collection agencies or legal measures to collect the fees, the psychologist first informs the person that such measures will be taken and provides that person an opportunity to make prompt payment. (See also Standard 5.11, Withholding Records for Nonpayment.)	( <del>fe</del> ) If the <u>client/patient</u> , <del>client</del> , or other recipient of services does not pay for services as agreed, and if the psychologist wishes to use collection agencies or legal measures to collect the fees, the psychologist first informs the person that such measures will be taken and provides that person an opportunity to make prompt payment. (See also <del>Standard 5.11</del> <u>Standards 4.05, Disclosures; 6.03, Withholding Records for Nonpayment; and 10.01, Informed Consent to Therapy</u> .)	(e) If the <del>client/patient or other</del> recipient of services does not pay for services as agreed, and if <del>the psychologist</del> <u>wishes/intend</u> to use collection agencies or legal measures to collect the fees, <del>the psychologist</del> first informs the person that such measures will be taken and provides that person an opportunity to make prompt payment. (See also Standards 4.05, Disclosures; 6.03, Withholding Records for Nonpayment; and 10.01, Informed Consent to Therapy.)
1.18 Barter (With Patients or Clients). Psychologists ordinarily refrain from accepting goods, services, or other nonmonetary remuneration from patients or clients in return for psychological services because such arrangements create inherent potential for conflicts, exploitation, and distortion of the professional relationship. A psychologist may participate in bartering only if (1) it is not clinically contraindicated, and (2) the relationship is not exploitative. (See also Standards 1.17, Multiple Relationships, and 1.25, Fees and Financial Arrangements.)	<del>1.18 Barter (With Patients or Clients). Psychologists ordinarily refrain from accepting</del> <u>Barter is the acceptance of</u> goods, services, or other nonmonetary remuneration from <del>patients or</del> <u>clients/patients</u> in return for psychological services <del>because such arrangements create inherent potential for conflicts, exploitation, and distortion of the professional relationship</del> . A psychologist may <del>participate in bartering</del> <u>barter</u> only if (1) it is not clinically contraindicated, and (2) the relationship is not exploitative. (See also Standards <del>1.17</del> <u>3.05</u> , Multiple Relationships, and <del>1.25</del> <u>6.04</u> , Fees and Financial Arrangements.)	6.05 Barter With Clients/Patients.  Barter is the acceptance of goods, services, or other nonmonetary remuneration from clients/patients in return for psychological services. <del>A p</del> <u>Psychologists</u> may barter only if (1) it is not clinically contraindicated, and (2) the <del>relationship</del> <u>resulting arrangement</u> is not exploitative. (See also Standards 3.05, Multiple Relationships, and 6.04, Fees and Financial Arrangements.)



	<u>6.06 Accuracy in Reports to Payors and Funding Sources.</u>	6.06 Accuracy in Reports to Payors and Funding Sources.
1.26 Accuracy in Reports to Payors and Funding Sources. In their reports to payors for services or sources of research funding, psychologists accurately state the nature of the research or service provided, the fees or charges, and where applicable, the identity of the provider, the findings, and the diagnosis. (See also Standard 5.05, Disclosures.)	<del>1.26 Accuracy in Reports to Payors and Funding Sources.</del> In their reports to payors for services or sources of research funding, psychologists <del>accurately state the</del> <u>take reasonable steps to ensure the accurate reporting of the</u> nature of the <del>research or</del> service provided <u>or research conducted</u> , the fees <del>or</del> , charges, <u>or payments</u> , and where applicable, the identity of the provider, the findings, and the diagnosis. (See also <del>Standard 5.05</del> <u>Standards 4.01, Maintaining Confidentiality; 4.04, Minimizing Intrusions on Privacy; and 4.05, Disclosures.</u> )	In their reports to payors for services or sources of research funding, psychologists take reasonable steps to ensure the accurate reporting of the nature of the service provided or research conducted, the fees, charges, or payments, and where applicable, the identity of the provider, the findings, and the diagnosis. (See also Standards 4.01, Maintaining Confidentiality; 4.04, Minimizing Intrusions on Privacy; and 4.05, Disclosures.)
	<u>6.07 Referrals and Fees.</u>	6.07 Referrals and Fees.
1.27 Referrals and Fees. When a psychologist pays, receives payment from, or divides fees with another professional other than in an employer - employee relationship, the payment to each is based on the services (clinical, consultative, administrative, or other) provided and is not based on the referral itself.	<del>1.27 Referrals and Fees.</del> When a psychologist pays, receives payment from, or divides fees with another professional, other than in an <del>employer - employee</del> <u>employer-employee</u> relationship, the payment to each is based on the services <u>provided</u> (clinical, consultative, administrative, or other) <del>provided</del> and is not based on the referral itself.	When <del>a</del> psychologist <u>s</u> pays, receives payment from, or divides fees with another professional, other than in an <del>employer-employee</del> <u>employer-employee</u> relationship, the payment to each is based on the services provided (clinical, consultative, administrative, or other) and is not based on the referral itself. ( <u>See also Standard 3.09, Cooperation With Other Professionals.</u> )
	<u>7. EDUCATION AND TRAINING</u>	7. <del>EDUCATION AND TRAINING</del> <u>Education and Training</u>
6. TEACHING, TRAINING SUPERVISION, RESEARCH, AND PUBLISHING	<del>6. TEACHING, TRAINING SUPERVISION, RESEARCH, AND PUBLISHING</del> <u>7.01 Design of Education</u>	7.01 Design of Education and Training Programs.



	<u>and Training Programs.</u>	
6.01 Design of Education and Training Programs. Psychologists who are responsible for education and training programs seek to ensure that the programs are competently designed, provide the proper experiences, and meet the requirements for licensure, certification, or other goals for which claims are made by the program.	<del>6.01 Design of Education and Training Programs.</del> Psychologists who are responsible for education and training programs <del>seek</del> <u>take</u> <u>reasonable steps</u> to ensure that the programs are <del>competently</del> designed; <u>to</u> provide the <u>appropriate knowledge and</u> proper experiences, and <u>to</u> meet the requirements for licensure, certification, or other goals for which claims are made by the program. <u>(See also Standard 5.03, Descriptions of Workshops and Non-Degree-Granting Educational Programs.)</u>	Psychologists <del>who are</del> responsible for education and training programs take reasonable steps to ensure that the programs are designed to provide the appropriate knowledge and proper experiences, and to meet the requirements for licensure, certification, or other goals for which claims are made by the program. (See also Standard 5.03, Descriptions of Workshops and Non-Degree-Granting Educational Programs.)
	<del>6.02</del> <u>7.02</u> Descriptions of Education and Training Programs.	7.02 Descriptions of Education and Training Programs.
6.02 Descriptions of Education and Training Programs. (a) Psychologists responsible for education and training programs seek to ensure that there is a current and accurate description of the program content, training goals and objectives, and requirements that must be met for satisfactory completion of the program. This information must be made readily available to all interested parties.	(a) Psychologists responsible for education and training programs <del>seek</del> <u>take</u> <u>reasonable steps</u> to ensure that there is a current and accurate description of the program content <u>(including participation in required course or program related counseling, psychotherapy, experiential groups, consulting projects, or community service)</u> , training goals and objectives, <u>stipends and benefits</u> , and requirements that must be met for satisfactory completion of the program. This information must be made readily available to all interested parties.	<del>(a)</del> Psychologists responsible for education and training programs take reasonable steps to ensure that there is a current and accurate description of the program content (including participation in required course- or <del>program-related</del> <u>program-related</u> counseling, psychotherapy, experiential groups, consulting projects, or community service), training goals and objectives, stipends and benefits, and requirements that must be met for satisfactory completion of the program. This information must be made readily available to all interested parties.
		<u>7.03 Accuracy in Teaching</u>
(b) Psychologists seek to ensure that	(b) Psychologists <del>seek</del> <u>take</u> <u>reasonable</u>	<del>(b)</del> Psychologists take reasonable steps to



statements concerning their course outlines are accurate and not misleading, particularly regarding the subject matter to be covered, bases for evaluating progress, and the nature of course experiences. (See also Standard 3.03, Avoidance of False or Deceptive Statements.)	<u>steps</u> to ensure that <del>statements concerning their course outlines</del> <u>syllabi</u> are accurate <del>and not misleading, particularly,</del> regarding the subject matter to be covered, bases for evaluating progress, and the nature of course experiences. <u>This standard does not preclude an instructor from modifying course content or requirements when the instructor considers it pedagogically necessary or desirable, so long as students are made aware of these modifications in a manner that enables them to fulfill course requirements.</u> (See also Standard <del>3.03</del> <u>5.01</u> , Avoidance of False or Deceptive <del>Statements</del> <u>Representations</u> .)	ensure that course syllabi are accurate, regarding the subject matter to be covered, bases for evaluating progress, and the nature of course experiences. This standard does not preclude an instructor from modifying course content or requirements when the instructor considers it pedagogically necessary or desirable, so long as students are made aware of these modifications in a manner that enables them to fulfill course requirements. (See also Standard 5.01, Avoidance of False or Deceptive <del>Representations</del> <u>Statements</u> .)
	<u>7.03 Accuracy in Teaching.</u>	<del>7.03 Accuracy in Teaching.</del>
6.03 Accuracy and Objectivity in Teaching. (a) When engaged in teaching or training, psychologists present psychological information accurately and with a reasonable degree of objectivity.	<del>6.03 Accuracy and Objectivity in Teaching.</del> <del>(a)</del> When engaged in teaching or training, psychologists present psychological information accurately <del>and with a reasonable degree of objectivity.</del> (See also Standard 2.03, <u>Maintaining Expertise</u> .)	<u>(b)</u> When engaged in teaching or training, psychologists present psychological information accurately. (See also Standard 2.03, Maintaining <del>Expertise</del> <u>Competence</u> .)
	<u>7.04 Student Disclosure of Personal Information.</u>	7.04 Student Disclosure of Personal Information;
	<u>Psychologists do not require students to disclose personal information, either orally or in writing, regarding sexual history, history of abuse and neglect, psychological treatment, and relationships with parents, peers, and spouses or</u>	Psychologists do not require students <u>or supervisees</u> to disclose personal information <u>in course- or program-related activities</u> , either orally or in writing, regarding sexual history, history of abuse and neglect, psychological treatment, and relationships



	<u>significant others except (1) if the program or training facility has clearly identified this requirement in its admissions and program materials or (2) if the information is necessary to evaluate or obtain assistance for a student whose personal problems could reasonably be judged to be interfering with his or her work with clients or posing a threat to the student or others.</u>	with parents, peers, and spouses or significant others except <u>if</u> (1) <del>if</del> the program or training facility has clearly identified this requirement in its admissions and program materials or (2) <del>if</del> the information is necessary to evaluate or obtain assistance for <del>a</del> <u>students</u> whose personal problems could reasonably be judged to be <del>interfering with his or her work with clients</del> <u>preventing them from performing their training- or professionally related activities in a competent manner</u> or posing a threat to the <u>students</u> or others.
New standard.	<del>New standard</del> <u>7.05 Mandatory Individual or Group Therapy.</u>	7.05 Mandatory Individual or Group Therapy.
New standard (a and b).	<del>New standard (a and b)</del> <u>(a) A program that requires mandatory individual or group therapy must disclose this requirement to students prior to enrollment.</u>	<del>(a) A program that requires mandatory individual or group therapy must disclose this requirement to students prior to enrollment.</del>
		<u>(a) When individual or group therapy is a program or course requirement, psychologists responsible for that program allow students in undergraduate and graduate programs the option of selecting such therapy from practitioners unaffiliated with the program. (See also Standard 7.02, Descriptions of Education and Training Programs.)</u>
	<u>(b) Faculty who are or <del>are likely to be</del> responsible for evaluating students' academic performance do not themselves provide that therapy (See also Standard 3.05, <u>Multiple Relationships.</u>)</u>	(b) Faculty who are or are likely to be responsible for evaluating students' academic performance do not themselves provide that therapy. (See also Standard 3.05, Multiple Relationships.)



	<u>(c) When individual or group therapy is a program or course requirement, students in undergraduate and graduate programs are allowed the option of selecting such therapy outside the program.</u>	<del>(c) When individual or group therapy is a program or course requirement, students in undergraduate and graduate programs are allowed the option of selecting such therapy outside the program.</del>
	<del>6.05</del> 7.06 Assessing Student and Supervisee Performance.	7.06 Assessing Student and Supervisee Performance.
6.05 Assessing Student and Supervisee Performance. (a) In academic and supervisory relationships, psychologists establish an appropriate process for providing feedback to students and supervisees.	(a) In academic and supervisory relationships, psychologists establish <del>an appropriate</del> <u>a timely and specific</u> process for providing feedback to students and supervisees. <u>Information regarding the process is provided to the student at the beginning of supervision.</u>	(a) In academic and supervisory relationships, psychologists establish a timely and specific process for providing feedback to students and supervisees. Information regarding the process is provided to the student at the beginning of supervision.
	<u>(b) Psychologist established program requirements.</u>	(b) Psychologists evaluate students and supervisees on the basis of their actual performance on relevant and established program requirements.
(b) Psychologists evaluate students and supervisees on the basis of their actual performance on relevant and established program requirements.	<del>(b) Psychologists evaluate students and supervisees on the basis of their actual performance on relevant and established program requirements</del> <u>7.07 Sexual Relationships with Students and Supervisees.</u>	7.07 Sexual Relationships <del>with</del> <u>With</u> Students and Supervisees.
1.19 Exploitative Relationships (b) Psychologists do not engage in sexual relationships with students or supervisees in training over whom the psychologist has evaluative or direct authority, because such relationships are so likely to impair judgment or be exploitative.	<del>1.19 Exploitative Relationships</del> <del>(b) Psychologists do not engage in sexual relationships with students or supervisees in training who are in their department, agency, or training center or over whom the psychologist has evaluative or direct authority, because such relationships are so or is likely to impair judgment or be</del>	Psychologists do not engage in sexual relationships with students or supervisees <del>in training</del> who are in their department, agency, or training center or over whom <del>the</del> psychologists <del>has</del> <u>have</u> or <del>is</del> <u>are</u> likely to have evaluative authority. <u>(See also Standard 3.05, Multiple Relationships.)</u>



	<del>exploitative</del> have evaluative authority.	
	<u>8. RESEARCH AND PUBLICATION</u>	8. <del>RESEARCH AND PUBLICATION</del> <u>Research and Publication</u>
6. TEACHING, TRAINING SUPERVISION, RESEARCH, AND PUBLISHING	<del>6. TEACHING, TRAINING SUPERVISION, RESEARCH, AND PUBLISHING</del> <u>8.01 Institutional Approval.</u>	8.01 Institutional Approval.
6.09 Institutional Approval. Psychologists obtain from host institutions or organizations appropriate approval prior to conducting research, and they provide accurate information about their research proposals. They conduct the research in accordance with the approved research protocol.	<del>6.09 Institutional Approval.</del> Psychologists obtain from host institutions, or organizations appropriate approval prior to conducting research, and they provide accurate information about their research proposals. They conduct the research in accordance with the approved research protocol.	<del>Psychologists obtain from host</del> <u>When</u> <del>institutions</del> <u>al</u> , <del>or organizations</del> approval <del>prior to conducting research, and they</del> <u>is</u> <del>required, psychologists</del> provide accurate information about their research proposals <u>and obtain approval prior to conducting the</u> <u>research.</u> They conduct the research in accordance with the approved research protocol.
	<u>8.02 Informed Consent to Research.</u>	8.02 Informed Consent to Research.
6.11 Informed Consent to Research. (b) Using language that is reasonably understandable to participants, psychologists inform participants of the nature of the research; they inform participants that they are free to participate or to decline to participate or to withdraw from the research; they explain the foreseeable consequences of declining or withdrawing; they inform participants of significant factors that may be expected to influence their willingness to participate (such as risks, discomfort, adverse effects, or limitations on confidentiality, except as provided in Standard 6.15, Deception in Research);	<u>(a) When obtaining informed consent as required in Standard 3.10, Informed Consent, psychologists inform participants about (1) the purpose of the research, expected duration, and procedures; (2) their right to decline to participate and to withdraw from the research once participation has begun; (3) the foreseeable consequences of declining or withdrawing; ( 4) reasonably foreseeable factors that may be expected to influence their willingness to participate such as potential risks, discomfort, or adverse effects; ( 5) any prospective research benefits; ( 6) limitations on confidentiality; (7)</u>	8.02 Informed Consent to Research. (a) When obtaining informed consent as required in Standard 3.10, Informed Consent, psychologists inform participants about (1) the purpose of the research, expected duration, and procedures; (2) their right to decline to participate and to withdraw from the research once participation has begun; (3) the foreseeable consequences of declining or withdrawing; (4) reasonably foreseeable factors that may be expected to influence their willingness to participate such as potential risks, discomfort, or adverse effects; (5) any prospective research benefits; (6) <del>limitations</del> <del>on limits of</del> confidentiality; (7) incentives for participation; and (8) whom to contact for



<p>and they explain other aspects about which the prospective participants inquire.</p>	<p><u>incentives for participation; and (8) whom to contact for questions about the research and research participants' rights. (See Standards 8.05, Dispensing with Informed Consent for Research, and 8.07, Deception in Research.)</u> <del>6.11 Informed Consent to Research.</del>  <del>(b) Using language that is reasonably understandable to participants; psychologists inform participants of the nature of the research; they inform participants that they are free to participate or to decline to participate or to withdraw from the research; they explain the foreseeable consequences of declining or withdrawing; they inform participants of significant factors that may be expected to influence their willingness to participate (such as risks, discomfort, adverse effects, or limitations on confidentiality, except as provided in Standard 6.15, Deception in Research); and they explain other aspects about which the prospective participants inquire.</del></p>	<p>questions about the research and research participants' rights. <u>They provide opportunity for the prospective participants to ask questions and receive answers.</u> (See also Standards <u>8.03, Informed Consent for Recording Voices and Images in Research</u>; 8.05, Dispensing <del>with</del><u>With</u> Informed Consent for Research; and 8.07, Deception in Research.)</p>
	<p><u>(b) Psychologists conducting intervention research involving the use of experimental treatments, clarify to participants at the outset of the research the experimental nature of the treatment, the services that will or will not be available to the control group(s) if appropriate, the means by which</u></p>	<p>(b) Psychologists conducting intervention research involving the use of experimental treatments; clarify to participants at the outset of the research <u>(1) the experimental nature of the treatment;</u> <u>(2) the services that will or will not be available to the control group(s) if appropriate;</u> <u>(3) the means by which assignment to treatment and control</u></p>



	<u>assignment to treatment and control groups will be made, and available treatment alternatives if an individual does not wish to participate in the research or wishes to withdraw once a study has begun.</u>	groups will be made, <del>and</del> ; <u>(4)</u> available treatment alternatives if an individual does not wish to participate in the research or wishes to withdraw once a study has begun; <del>and</del> <u>(5) compensation for or monetary costs of participating including, if appropriate, whether reimbursement from the participant or a third-party payor will be sought. (See also Standard 8.02a, Informed Consent to Research.)</u>
New subsection (b).	<del>New subsection (b).</del>	
	<del>6.13</del> <u>8.03</u> Informed Consent <u>for Recording Voice and Images</u> in Research <del>Filming or Recording.</del>	8.03 Informed Consent for Recording Voices <u>s</u> and Images in Research <del>.</del>
6.13 Informed Consent in Research Filming or Recording. Psychologists obtain informed consent from research participants prior to filming or recording them in any form, unless the research involves simply naturalistic observations in public places and it is not anticipated that the recording will be used in a manner that could cause personal identification or harm.	Psychologists obtain informed consent from research participants prior to <del>filming or recording them in any form,</del> <u>their voice or image</u> unless <u>(1) the research involves simply consists solely of</u> naturalistic observations in public places and it is not anticipated that the recording will be used in a manner that could cause personal identification or harm <u>or (2) the research design includes deception and consent is obtained during debriefing. (See also Standard 8.07, Deception in Research.)</u>	Psychologists obtain informed consent from research participants prior to recording their voices <u>s</u> or images <u>for data collection</u> unless (1) the research consists solely of naturalistic observations in public places, and it is not anticipated that the recording will be used in a manner that could cause personal identification or harm, or (2) the research design includes deception, and consent <u>for the use of the recording</u> is obtained during debriefing. (See also Standard 8.07, Deception in Research.)
	<u>8.04 Student and Subordinate Research Participants.</u>	8.04 <u>Client/Patient</u> , Student, and Subordinate Research Participants <del>.</del>
6.11 Informed Consent to Research. (c) When psychologists conduct research with individuals such as students or subordinates, psychologists take special	<del>6.11 Informed Consent to Research.</del> ( <del>e</del> <u>a</u> ) When psychologists conduct research with <del>individuals such as</del> students or subordinates <u>as participants</u> , psychologists	(a) When psychologists conduct research with <u>clients/patients</u> , students, or subordinates as participants, psychologists take steps to protect the prospective



care to protect the prospective participants from adverse consequences of declining or withdrawing from participation.	take <del>special care</del> <u>steps</u> to protect the prospective participants from adverse consequences of declining or withdrawing from participation.	participants from adverse consequences of declining or withdrawing from participation.
(d) When research participation is a course requirement or opportunity for extra credit, the prospective participant is given the choice of equitable alternative activities.	( <del>d</del> <u>b</u> ) When research participation is a course requirement or opportunity for extra credit, the prospective participant is given the choice of equitable alternative activities.	(b) When research participation is a course requirement or <u>an</u> opportunity for extra credit, the prospective participant is given the choice of equitable alternative activities.
	<u>8.05 Dispensing With Informed Consent for Research.</u>	8.05 Dispensing With Informed Consent for Research.
6.12 Dispensing With Informed Consent. Before determining that planned research (such as research involving only anonymous questionnaires, naturalistic observations, or certain kinds of archival research) does not require the informed consent of research participants, psychologists consider applicable regulations and institutional review board requirements, and they consult with colleagues as appropriate.	<u>Psychologists may dispense with informed consent only where permitted by law, applicable regulations and institutional review board requirements or where (1) research is conducted in commonly accepted educational settings and involves the study of normal educational practices, instructional strategies, or effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods and that would not reasonably be assumed to create distress or harm; (2) research involves only anonymous questionnaires, naturalistic observations, or certain kinds of archival research for which participants can not be identified and for which disclosure of the participants' responses would not place them at risk of criminal or civil liability or be damaging to the participants' financial standing, employability, or reputation or</u>	Psychologists may dispense with informed consent only <del>where permitted by law, applicable regulations and institutional review board requirements or where</del> (1) <u>where</u> research <del>is conducted in commonly accepted educational settings and involves the study of normal educational practices, instructional strategies, or effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods and that</del> would not reasonably be assumed to create distress or harm <u>and involves (a) the study of normal educational practices, curricula, or classroom management methods conducted in educational settings; (2b) research</u> <del>involves</del> only anonymous questionnaires, naturalistic observations, or <del>certain kinds of</del> archival research for which <del>participants can not be identified and for which</del> disclosure of <del>the participants'</del> responses would not place <del>them</del> <u>participants</u> at risk of criminal or



	<p><u>that would not reasonably be assumed to create distress or harm; or (3) research is conducted in organizational settings and concerns factors related to job or organization effectiveness for which there is no risk to participants' employability or future academic progress, and confidentiality is protected.</u><del>6.12</del></p> <p><del>Dispensing With Informed Consent. Before determining that planned research (such as research involving only anonymous questionnaires, naturalistic observations, or certain kinds of archival research) does not require the informed consent of research participants, psychologists consider applicable regulations and institutional review board requirements, and they consult with colleagues as appropriate.</del></p>	<p>civil liability or <del>be</del>-damaging <del>to the participants'</del><u>their</u> financial standing, employability, or reputation <del>or that would not reasonably be assumed to create distress or harm, and confidentiality is protected</del>; or <del>(3c) research is conducted in organizational settings and concerns the study of</del> factors related to job or organization effectiveness <u>conducted in organizational settings</u> for which there is no risk to participants' <del>employability or future academic progress</del>, and confidentiality is protected <u>or (2) where otherwise permitted by law or federal or institutional regulations.</u></p>
	<p><u>8.06 Offering Inducements for Research Participants.</u></p>	<p>8.06 Offering Inducements for Research Participation<del>ts</del>.</p>
		<p><u>(a) Psychologists make reasonable efforts to avoid offering excessive or inappropriate financial or other inducements for research participation when such inducements are likely to coerce participation.</u></p>
<p>6.14 Offering Inducements for Research Participants.</p> <p>(b) Psychologists do not offer excessive or inappropriate financial or other inducements to obtain research participants, particularly when it might tend to coerce participation.(a) In offering</p>	<p><del>6.14 Offering Inducements for Research Participants.</del></p> <p><del>(b) Psychologists do not offer excessive or inappropriate financial or other inducements to obtain research participants, particularly when it might tend to coerce participation.(a) In (a)</del></p>	<p><del>(a)</del> (b) When offering professional services as an inducement <del>to obtain</del><u>for</u> research participation<del>ts</del>, psychologists <del>make</del> <u>clear</u><u>clarify</u> the nature of the services, as well as the risks, obligations, and limitations. (See also Standard 6.05, Barter With Clients/Patients.)</p>



professional services as an inducement to obtain research participants, psychologists make clear the nature of the services, as well as the risks, obligations, and limitations. (See also Standard 1.18, Barter [With Patients or Clients].)	<u>When</u> offering professional services as an inducement to obtain research participants, psychologists make clear the nature of the services, as well as the risks, obligations, and limitations. (See also Standard <del>1.18</del> <u>6.05</u> , Barter [ <del>With Clients/Patients</del> <del>-or Clients</del> ].)	
	<u>(b) Psychologists make reasonable efforts to avoid offering excessive or inappropriate financial or other inducements to obtain research participants when such inducements are likely to coerce participation.</u>	<del>(b) Psychologists make reasonable efforts to avoid offering excessive or inappropriate financial or other inducements to obtain research participants when such inducements are likely to coerce participation.</del>
	<del>6.15</del> <u>8.07</u> Deception in Research.	8.07 Deception in Research.
6.15 Deception in Research. (a) Psychologists do not conduct a study involving deception unless they have determined that the use of deceptive techniques is justified by the study's prospective scientific, educational, or applied value and that equally effective alternative procedures that do not use deception are not feasible.	(a) Psychologists do not conduct a study involving deception unless they have determined that the use of deceptive techniques is justified by the study's <u>significant</u> prospective scientific, educational, or applied value and that <del>equally</del> -effective <u>nondeceptive</u> alternative procedures <del>that do not use deception</del> are not feasible.	(a) Psychologists do not conduct a study involving deception unless they have determined that the use of deceptive techniques is justified by the study's <u>s</u> significant prospective scientific, educational, or applied value and that effective nondeceptive alternative procedures are not feasible.
(b) Psychologists never deceive research participants about significant aspects that would affect their willingness to participate, such as physical risks, discomfort, or unpleasant emotional experiences.	(b) Psychologists never deceive <del>research</del> <u>prospective</u> participants about <del>significant aspects that would affect their willingness to participate, such as physical risks, discomfort, or unpleasant emotional experiences</del> <u>research that is reasonably expected to cause physical pain or severe emotional distress.</u>	(b) Psychologists <del>never</del> <u>do not</u> deceive prospective participants about research that is reasonably expected to cause physical pain or severe emotional distress.
(c) Any other deception that is an integral	(c) <del>Any other</del> <u>Psychologists explain any</u>	(c) Psychologists explain any deception that



feature of the design and conduct of an experiment must be explained to participants as early as is feasible, preferably at the conclusion of their participation, but no later than at the conclusion of the research. (See also Standard 6.18, Providing Participants With Information About the Study.)	deception that is an integral feature of the design and conduct of an experiment <del>must be explained</del> to participants as early as is feasible, preferably at the conclusion of their participation, but no later than at the conclusion of the <del>research</del> <u>data collection, and permit participants to withdraw their data.</u> (See also Standard <del>6.18, Providing Participants With Information About the Study</del> <u>8.08, Debriefing.</u> )	is an integral feature of the design and conduct of an experiment to participants as early as is feasible, preferably at the conclusion of their participation, but no later than at the conclusion of the data collection, and permit participants to withdraw their data. (See also Standard 8.08, Debriefing.)
	<u>8.08 Debriefing.</u>	8.08 Debriefing.
6.18 Providing Participants With Information About the Study. (a) Psychologists provide a prompt opportunity for participants to obtain appropriate information about the nature, results, and conclusions of the research, and psychologists attempt to correct any misconceptions that participants may have.	<del>6.18 Providing Participants With Information About the Study.</del> (a) Psychologists provide a prompt opportunity for participants to obtain appropriate information about the nature, results, and conclusions of the research, and psychologists <del>attempt</del> <u>take reasonable steps</u> to correct any misconceptions that participants may have <u>of which the psychologists are aware.</u>	(a) Psychologists provide a prompt opportunity for participants to obtain appropriate information about the nature, results, and conclusions of the research, and <del>psychologists</del> <u>they</u> take reasonable steps to correct any misconceptions that participants may have of which the psychologists are aware.
(b) If scientific or humane values justify delaying or withholding this information, psychologists take reasonable measures to reduce the risk of harm.	(b) If scientific or humane values justify delaying or withholding this information, psychologists take reasonable measures to reduce the risk of harm.	(b) If scientific or humane values justify delaying or withholding this information, psychologists take reasonable measures to reduce the risk of harm.
New subsection.	<del>New subsection</del> <u>(c) When a psychologist becomes aware that research procedures have had a harmful impact on the individual participant, the psychologist takes reasonable steps to minimize the harm.</u>	(c) When <del>a</del> -psychologists becomes aware that research procedures have <del>had a harmful impact on the individual</del> <u>harmed a</u> participant, they <del>psychologist</del> <u>psychologist</u> takes reasonable steps to minimize the harm.
	<del>6.20</del> <u>8.09 Humane</u> Care and Use of Animals in Research.	8.09 Humane Care and Use of Animals in Research.



6.20 Care and Use of Animals in Research. (b) Psychologists acquire, care for, use, and dispose of animals in compliance with current federal, state, and local laws and regulations, and with professional standards.	( <del>b</del> <u>a</u> ) Psychologists acquire, care for, use, and dispose of animals in compliance with current federal, state, and local laws and regulations, and with professional standards.	(a) Psychologists acquire, care for, use, and dispose of animals in compliance with current federal, state, and local laws and regulations, and with professional standards.
(c) Psychologists trained in research methods and experienced in the care of laboratory animals supervise all procedures involving animals and are responsible for ensuring appropriate consideration of their comfort, health, and humane treatment.	( <del>c</del> <u>b</u> ) Psychologists trained in research methods and experienced in the care of laboratory animals supervise all procedures involving animals and are responsible for ensuring appropriate consideration of their comfort, health, and humane treatment.	(b) Psychologists trained in research methods and experienced in the care of laboratory animals supervise all procedures involving animals and are responsible for ensuring appropriate consideration of their comfort, health, and humane treatment.
(d) Psychologists ensure that all individuals using animals under their supervision have received instruction in research methods and in the care, maintenance, and handling of the species being used, to the extent appropriate to their role.	( <del>d</del> <u>c</u> ) Psychologists ensure that all individuals <del>using animals</del> under their supervision <u>who are using animals</u> have received instruction in research methods and in the care, maintenance, and handling of the species being used, to the extent appropriate to their role. ( <u>See also Standard 2.05, Delegation of Work to Others and Use of Interpreters.</u> )	(c) Psychologists ensure that all individuals under their supervision who are using animals have received instruction in research methods and in the care, maintenance, and handling of the species being used, to the extent appropriate to their role. (See also Standard 2.05, Delegation of Work to Others <del>and Use of Interpreters.</del> )
(f) Psychologists make reasonable efforts to minimize the discomfort, infection, illness, and pain of animal subjects.	( <del>f</del> <u>d</u> ) Psychologists make reasonable efforts to minimize the discomfort, infection, illness, and pain of animal subjects.	(d) Psychologists make reasonable efforts to minimize the discomfort, infection, illness, and pain of animal subjects.
(g) A procedure subjecting animals to pain, stress, or privation is used only when an alternative procedure is unavailable and the goal is justified by its prospective scientific, educational, or	( <del>g</del> <u>e</u> ) <del>A</del> Psychologists use a procedure subjecting animals to pain, stress, or privation <del>is used</del> only when an alternative procedure is unavailable and the goal is justified by its prospective scientific,	(e) Psychologists use a procedure subjecting animals to pain, stress, or privation only when an alternative procedure is unavailable and the goal is justified by its prospective scientific, educational, or applied value.



applied value.	educational, or applied value.	
(h) Surgical procedures are performed under appropriate anesthesia; techniques to avoid infection and minimize pain are followed during and after surgery.	<del>(h) Surgical</del> Psychologists perform surgical procedures <del>are performed</del> under appropriate anesthesia; <del>and follow</del> techniques to avoid infection and minimize pain <del>are followed</del> during and after surgery.	(f) Psychologists perform surgical procedures under appropriate anesthesia and follow techniques to avoid infection and minimize pain during and after surgery.
(i) When it is appropriate that the animal's life be terminated, it is done rapidly, with an effort to minimize pain, and in accordance with accepted procedures.	<del>(i) When it is appropriate that the</del> an animal's life be terminated, <del>it is</del> <del>done</del> psychologists proceed rapidly, with an effort to minimize pain; and in accordance with accepted procedures.	(g) When it is appropriate that an animal's's life be terminated, psychologists proceed rapidly, with an effort to minimize pain and in accordance with accepted procedures.
	<u>8.10 Reporting Research Results.</u>	8.10 Reporting Research Results.
6.21 Reporting of Results. (a) Psychologists do not fabricate data or falsify results in their publications.	<del>6.21 Reporting of Results.</del> (a) Psychologists do not fabricate data <del>or falsify results in their publications.</del> (See also Standard 5.01a, Avoidance of False or Deceptive Public Representations.)	(a) Psychologists do not fabricate data. (See also Standard 5.01a, Avoidance of False or Deceptive Public Representations.)
(b) If psychologists discover significant errors in their published data, they take reasonable steps to correct such errors in a correction, retraction, erratum, or other appropriate publication means.	(b) If psychologists discover significant errors in their published data, they take reasonable steps to correct such errors in a correction, retraction, erratum, or other appropriate publication means.	(b) If psychologists discover significant errors in their published data, they take reasonable steps to correct such errors in a correction, retraction, erratum, or other appropriate publication means.
	<u>8.11 Plagiarism.</u>	8.11 Plagiarism.
6.22 Plagiarism. Psychologists do not present substantial portions or elements of another's work or data as their own, even if the other work or data source is cited occasionally.	<del>6.22 Plagiarism.</del> Psychologists do not present <del>substantial</del> portions <del>or elements</del> of another's work or data as their own, even if the other work or data source is cited occasionally.	Psychologists do not present portions of another's's work or data as their own, even if the other work or data source is cited occasionally.
	<u>8.12 Publication Credit.</u>	8.12 Publication Credit.
6.23 Publication Credit. (a) Psychologists take responsibility and credit, including authorship credit, only	<del>6.23 Publication Credit.</del> (a) Psychologists take responsibility and credit, including authorship credit, only	(a) Psychologists take responsibility and credit, including authorship credit, only for work they have actually performed or to



for work they have actually performed or to which they have contributed.	for work they have actually performed or to which they have <u>substantially</u> contributed.	which they have substantially contributed. ( <u>See also Standard 8.12b, Publication Credit.</u> )
(b) Principal authorship and other publication credits accurately reflect the relative scientific or professional contributions of the individuals involved, regardless of their relative status. Mere possession of an institutional position, such as Department Chair, does not justify authorship credit. Minor contributions to the research or to the writing for publications are appropriately acknowledged, such as in footnotes or in an introductory statement.	(b) Principal authorship and other publication credits accurately reflect the relative scientific or professional contributions of the individuals involved, regardless of their relative status. Mere possession of an institutional position, such as <del>Department Chair</del> <u>department chair</u> , does not justify authorship credit. Minor contributions to the research or to the writing for publications are <del>appropriately</del> <u>appropriately</u> , such as in footnotes or in an introductory statement.	(b) Principal authorship and other publication credits accurately reflect the relative scientific or professional contributions of the individuals involved, regardless of their relative status. Mere possession of an institutional position, such as department chair, does not justify authorship credit. Minor contributions to the research or to the writing for publications are acknowledged appropriately, such as in footnotes or in an introductory statement.
(c) A student is usually listed as principal author on any multiple-authored article that is substantially based on the student's dissertation or thesis.	(c) <del>A</del> <u>Except under exceptional circumstances, a</u> student is <del>usually</del> listed as principal author on any multiple-authored article that is substantially based on the student's <u>doctoral</u> dissertation <del>or thesis</del> . <u>Faculty advisors discuss publication credit with students as early as feasible and throughout the research and publication process as appropriate.</u>	(c) Except under exceptional circumstances, a student is listed as principal author on any multiple-authored article that is substantially based on the student's <u>s</u> doctoral dissertation. Faculty advisors discuss publication credit with students as early as feasible and throughout the research and publication process as appropriate. ( <u>See also Standard 8.12b, Publication Credit.</u> )
	<del>6.24</del> <u>8.13</u> Duplicate Publication of Data.	8.13 Duplicate Publication of Data <del>7</del>
6.24 Duplicate Publication of Data. Psychologists do not publish, as original data, data that have been previously published. This does not preclude republishing data when they are accompanied by proper acknowledgment.	Psychologists do not publish, as original data, data that have been previously published. This does not preclude republishing data when they are accompanied by proper acknowledgment.	Psychologists do not publish, as original data, data that have been previously published. This does not preclude republishing data when they are accompanied by proper acknowledgment.



	<del>6.25</del> <u>8.14</u> Sharing <u>Research</u> Data.	8.14 Sharing Research Data- <u>for Verification</u>
6.25 Sharing Data. After research results are published, psychologists do not withhold the data on which their conclusions are based from other competent professionals who seek to verify the substantive claims through reanalysis and who intend to use such data only for that purpose, provided that the confidentiality of the participants can be protected and unless legal rights concerning proprietary data preclude their release.	After research results are published, psychologists do not withhold the data on which their conclusions are based from other competent professionals who seek to verify the substantive claims through reanalysis and who intend to use such data only for that purpose, provided that the confidentiality of the participants can be protected and unless legal rights concerning proprietary data preclude their release. <u>This does not preclude psychologists from requiring that such individuals or groups be responsible for costs associated with the provision of such information.</u>	<u>(a)</u> After research results are published, psychologists do not withhold the data on which their conclusions are based from other competent professionals who seek to verify the substantive claims through reanalysis and who intend to use such data only for that purpose, provided that the confidentiality of the participants can be protected and unless legal rights concerning proprietary data preclude their release. This does not preclude psychologists from requiring that such individuals or groups be responsible for costs associated with the provision of such information.
		<u>(b) Psychologists who request data from other psychologists to verify the substantive claims through reanalysis may use shared data only for the declared purpose. Requesting psychologists obtain prior written agreement for all other uses of the data.</u>
New subsection.	<del>New subsection</del> <u>8.15 Professional Reviewers.</u>	8.15 <del>Professional</del> Reviewers-
6.26 Professional Reviewers. Psychologists who review material submitted for publication, grant, or other research proposal review respect the confidentiality of and the proprietary rights in such information of those who submitted it.	<del>6.26 Professional Reviewers.</del> Psychologists who review material submitted for publication, grant, or other research proposal review respect the confidentiality of and the proprietary rights in such information of those who submitted it.	Psychologists who review material submitted for <u>presentation</u> , publication, grant, or <del>other</del> research proposal review respect the confidentiality of and the proprietary rights in such information of those who submitted it.



	<u>9. ASSESSMENT</u>	9. <del>ASSESSMENT</del> <u>Assessment</u>
2. EVALUATION, ASSESSMENT, OR INTERVENTION	<del>2. EVALUATION, ASSESSMENT, OR INTERVENTION</del> <u>9.01 Bases for Assessments.</u>	9.01 Bases for Assessments.
2.01 Evaluation, Diagnosis, and Interventions in Professional Context (b) Psychologists' assessments, recommendations, reports, and psychological diagnostic or evaluative statements are based on information and techniques (including personal interviews of the individual when appropriate) sufficient to provide appropriate substantiation for their findings. (See also Standard 7.02, Forensic Assessments.)	<del>2.01 Evaluation, Diagnosis, and Interventions in Professional Context</del> (b) Psychologists' <u>base their</u> assessments, recommendations, reports, <u>opinions,</u> and <del>psychological</del> diagnostic or evaluative statements <del>are based on</del> information and techniques <del>(including personal interviews of the individual when appropriate)</del> sufficient to <del>provide appropriate substantiation for</del> <u>substantiate</u> their findings. (See also Standard <del>7.02, Forensic Assessments</del> <u>2.04, Bases for Scientific and Professional Judgments.</u> )	(a) Psychologists base <del>their assessments,</del> <u>the opinions contained in their</u> recommendations, reports, <del>opinions,</del> and diagnostic or evaluative statements, <u>including forensic testimony,</u> on information and techniques sufficient to substantiate their findings. (See also Standard 2.04, Bases for Scientific and Professional Judgments.)
	<del>(b) Except as noted in (c) and (d), below, psychologists provide opinions of the psychological characteristics of individuals only after they have conducted an examination of the individuals adequate to support their statements or conclusions.</del>	(b) Except as noted in <del>(9.01c) and (d), below,</del> psychologists provide opinions of the psychological characteristics of individuals only after they have conducted an examination of the individuals adequate to support their statements or conclusions.
7.02 Forensic Assessments. (b) Except as noted in (c), below, psychologists provide written or oral forensic reports or testimony of the psychological characteristics of an individual only after they have conducted an examination of the individual adequate to support their statements or conclusions. (c) When, despite reasonable efforts, such	<del>7.02 Forensic Assessments.</del> <del>(b) Except as noted in (c), below, psychologists provide written or oral forensic reports or testimony of the psychological characteristics of an individual only after they have conducted an examination of the individual adequate to support their statements or conclusions.</del> (c) When, despite reasonable efforts, such	<del>(c)</del> When, despite reasonable efforts, such an examination is not practical, psychologists document the efforts they made and the result of those efforts, clarify the probable impact of their limited information on the reliability and validity of their opinions, and appropriately limit the nature and extent of their conclusions or recommendations. (See also Standards 2.01,



an examination is not feasible, psychologists clarify the impact of their limited information on the reliability and validity of their reports and testimony, and they appropriately limit the nature and extent of their conclusions or recommendations.	an examination is not <del>feasible</del> <u>practical</u> , psychologists <u>document the efforts they made and the result of those efforts</u> , clarify the <u>probable</u> impact of their limited information on the reliability and validity of their <del>reports and testimony</del> <u>opinions</u> , and <del>they</del> appropriately limit the nature and extent of their conclusions or recommendations. <u>(See also Standards 2.01, Boundaries of Competence and 9.06, Interpreting Assessment Results.)</u>	Boundaries of Competence, and 9.06, Interpreting Assessment Results.)
	<u>(d) When psychologists conduct a record review and an individual examination is not warranted or necessary for the opinion, psychologists explain this and the bases upon which they arrived at this opinion in their conclusions and recommendations.</u>	<del>(d)</del> When psychologists conduct a record review <u>or provide consultation or supervision</u> and an individual examination is not warranted or necessary for the opinion, psychologists explain this and the <del>bases upon</del> <u>sources of information on</u> which they <del>arrived at this opinion in</del> <u>based</u> their conclusions and recommendations.
New subsection.	<del>New subsection.</del>	
	<u>9.02 Development and Use of Assessments.</u>	9.02 <del>Development and</del> Use of Assessments.
2.02 Competence and Appropriate Use of Assessments and Interventions. (a) Psychologists who develop, administer, score, interpret, or use psychological assessment techniques, interviews, tests, or instruments do so in a manner and for purposes that are appropriate in light of the research on or evidence of the usefulness and proper application of the techniques.	<del>2.02 Competence and Appropriate Use of Assessments and Interventions.</del> (a) Psychologists <del>who</del> develop, administer, score, interpret, or use <del>psychological</del> assessment techniques, interviews, tests, or instruments <del>do so</del> in a manner and for purposes that are appropriate in light of the research on or evidence of the usefulness and proper application of the techniques.	(a) Psychologists <del>develop</del> , administer, <u>adapt</u> , score, interpret, or use assessment techniques, interviews, tests, or instruments in a manner and for purposes that are appropriate in light of the research on or evidence of the usefulness and proper application of the techniques.



	<u>(b) When working with diverse populations, psychologists use appropriate assessment instruments whose validity and reliability have been established for that population. When such instruments are not available, care is taken to interpret test results cautiously, with regard to the potential bias and misuse of such results.</u>	<del>(b) When working with diverse populations, p</del> Psychologists use <u>appropriate</u> assessment instruments whose validity and reliability have been established for <del>that</del> <u>use with members of the</u> population <u>tested</u> . When such <del>instruments are not available,</del> <u>care is taken to interpret test results cautiously, with regard to the potential bias and misuse of such results.</u> <u>validity or reliability has not been established,</u> <u>psychologists describe the strengths and limitations of test results and interpretation.</u>
	<u>(c) When appropriate tests for diverse populations have not been developed, psychologists who use existing standardized tests may adapt the administration and interpretation procedures <u>only if the</u> adaptations have a basis in the knowledge and experience of the discipline. Psychologists must document such adaptations and clarify their probable impact on the findings.</u>	<del>(c) When appropriate tests for diverse populations have not been developed, psychologists who use existing standardized tests may adapt the administration and interpretation procedures only if the adaptations have a basis in the knowledge and experience of the discipline. Psychologists must document such adaptations and clarify their probable impact on the findings.</del>
	<u>(d) Except as described in 9.02c, psychologists use assessment methods <u>in a</u> manner appropriate to an individual's language preference and competence and cultural background, unless the use of an alternative language is relevant to the assessment issues.</u>	<del>(d) Except as described in 9.02c, )</del> <del>p</del> Psychologists use assessment methods <del>in a manner</del> <u>that are</u> appropriate to an individual's's language preference and competence <del>and cultural background,</del> unless the use of an alternative language is relevant to the assessment issues.
New subsection.	<del>New subsection.</del> <u>(e) Psychologists using the services of an interpreter who <u>has been</u> adequately trained, <u>obtain informed consent from the client/patient to use that</u></u>	<del>(e) Psychologists using the services of an interpreter who has been adequately trained, obtain informed consent from the client/patient to use that interpreter, ensure</del>



	<u>interpreter, ensure that confidentiality of test results and test security are maintained, and discuss any limitations on the data obtained. (See also Standards 2.05, Delegation of Work to Others and Use of Interpreters; 4.01 Maintaining Confidentiality; 9.01, Bases for Assessment; 9.03, Informed Consent in Assessments; and 9.07, Assessment by Unqualified Persons.)</u>	<del>that confidentiality of test results and test security are maintained, and discuss any limitations on the data obtained. (See also Standards 2.05, Delegation of Work to Others and Use of Interpreters; 4.01 Maintaining Confidentiality; 9.01, Bases for Assessment; 9.03, Informed Consent in Assessments; and 9.07, Assessment by Unqualified Persons.)</del>
New subsection.	<del>New subsection</del> <u>9.03 Informed Consent In Assessments.</u>	9.03 Informed Consent <del>In</del> <u>In</u> Assessments.
New standard (a, b, and c).	<del>New standard (a, b, and c)</del> <u>(a) Psychologists obtain informed consent for assessments, evaluations, or diagnostic services, as described in Standard 3.10, Informed Consent, except when (1) testing is mandated by law or governmental regulation, (2) informed consent is implied because testing is conducted as a routine educational, institutional, or organizational activity (e.g., when participants voluntarily agree to assessment when applying for a job); or (3) one purpose of the testing is to evaluate decisional capacity.</u>	(a) Psychologists obtain informed consent for assessments, evaluations, or diagnostic services, as described in Standard 3.10, Informed Consent, except when (1) testing is mandated by law or governmental regulations; (2) informed consent is implied because testing is conducted as a routine educational, institutional, or organizational activity (e.g., when participants voluntarily agree to assessment when applying for a job); or (3) one purpose of the testing is to evaluate decisional capacity. <u>Informed consent includes an explanation of the nature and purpose of the assessment, fees, involvement of third parties, and limits of confidentiality and sufficient opportunity for the client/patient to ask questions and receive answers.</u>
	<u>(b) Psychologists inform persons with questionable capacity to consent or for whom testing is mandated by law or</u>	(b) Psychologists inform persons with questionable capacity to consent or for whom testing is mandated by law or



	<u>governmental regulations about the nature and purpose of the proposed assessment services, using language that is reasonably understandable to the person being assessed.</u>	governmental regulations about the nature and purpose of the proposed assessment services, using language that is reasonably understandable to the person being assessed.
		<u>(c) Psychologists using the services of an interpreter obtain informed consent from the client/patient to use that interpreter, ensure that confidentiality of test results and test security are maintained, and include in their recommendations, reports, and diagnostic or evaluative statements, including forensic testimony, discussion of any limitations on the data obtained. (See also Standards 2.05, Delegation of Work to Others; 4.01, Maintaining Confidentiality; 9.01, Bases for Assessments; 9.06, Interpreting Assessment Results; and 9.07, Assessment by Unqualified Persons.)</u>
	<u>9.04 Release of Test Data.</u>	9.04 Release of Test Data.
2.02 (b) Psychologists refrain from misuse of assessment techniques, interventions, results, and interpretations and take reasonable steps to prevent others from misusing the information these techniques provide. This includes refraining from releasing raw test results or raw data to persons, other than to patients or clients as appropriate, who are not qualified to use such information. (See also Standards 1.02, Relationship of Ethics and Law, and 1.04, Boundaries of Competence.)	<del>2.02 (b)</del> <u>Test data refer to the test protocols, record forms, scores and notes regarding an individual's responses to test items in any media. Psychologists may release test data to a psychologist or another qualified professional based on a client/patient release.</u> Psychologists refrain from <del>misuse of assessment techniques, interventions, results, and interpretations and take reasonable steps to prevent others from misusing the information these techniques provide.</del> <u>This includes refraining from releasing</u>	<del>Test data refer to the test protocols, record forms, scores and notes regarding an individual's responses to test items in any media. Psychologists may release test data to a psychologist or another qualified professional based on a client/patient release. Psychologists refrain from releasing test data to persons who are not qualified to use such information, except (1) as required by law or court order, (2) to an attorney or court based on a client/patient release or (3) to the client/patient as appropriate. Psychologists</del>



	<p><del>raw test results or raw</del> data to persons; <del>other than to patients or clients as appropriate,</del> who are not qualified to use such information, <u>except (1) as required by law or court order, (2) to an attorney or court based on a client/patient release or (3) to the client/patient as appropriate.</u> Psychologists may <u>refrain from releasing test data to protect a client/patient from harm or to protect test security.</u> (See also Standards 1.02, <del>Relationship of Conflict Between</del> Ethics and Law, <del>Regulations, or Other Governing Legal Authority,</del> and <del>1.04</del><u>2.01</u>, Boundaries of Competence.)</p>	<p><del>may refrain from releasing test data to protect a client/patient from harm or to protect test security. (See also Standards 1.02, Conflict Between Ethics and Law, Regulations, or Other Governing Legal Authority, and 2.01, Boundaries of Competence.)</del></p>
		<p><u>(a) The term test data refers to raw and scaled scores, client/patient responses to test questions or stimuli, and psychologists' notes and recordings concerning client/patient statements and behavior during an examination. Those portions of test materials that include client/patient responses are included in the definition of test data. Pursuant to a client/patient release, psychologists provide test data to the client/patient or other persons identified in the release. Psychologists may refrain from releasing test data to protect a client/patient or others from substantial harm or misuse or misrepresentation of the data or the test, recognizing that in many instances release of confidential information under these circumstances is regulated by law. (See also Standard 9.11, Maintaining Test Security.)</u></p>



		<u>(b) In the absence of a client/patient release, psychologists provide test data only as required by law or court order.</u>
New subsection.	<del>New subsection</del> <u>9.05 Test Construction.</u>	9.05 Test Construction.
2.03 Test Construction. Psychologists who develop and conduct research with tests and other assessment techniques use scientific procedures and current professional knowledge for test design, standardization, validation, reduction or elimination of bias, and recommendations for use.	<del>2.03 Test Construction.</del> Psychologists who develop and conduct research with tests and other assessment techniques use <del>scientific</del> <u>appropriate psychometric</u> procedures and current <u>scientific or</u> professional knowledge for test design, standardization, validation, reduction or elimination of bias, and recommendations for use.	Psychologists who develop <del>and conduct research with</del> tests and other assessment techniques use appropriate psychometric procedures and current scientific or professional knowledge for test design, standardization, validation, reduction or elimination of bias, and recommendations for use.
	<u>9.06 Interpreting Assessment Results.</u>	9.06 Interpreting Assessment Results.
2.05 Interpreting Assessment Results. When interpreting assessment results, including automated interpretations, psychologists take into account the various test factors and characteristics of the person being assessed that might affect psychologists' judgments or reduce the accuracy of their interpretations. They indicate any significant reservations they have about the accuracy or limitations of their interpretations.	<del>2.05 Interpreting Assessment Results.</del> When interpreting assessment results, including automated interpretations, psychologists take into account the <u>purpose of the assessment as well as the various test factors</u> <del>and</del> <u>, test taking abilities and other</u> characteristics of the person being assessed, <u>such as situational, personal, linguistic, and cultural differences</u> , that might affect psychologists' judgments or reduce the accuracy of their interpretations. They indicate any significant reservations they have about the accuracy or limitations of their interpretations. <u>(See also Standards 2.01 band c, Boundaries of Competence, and 3.01, Unfair Discrimination.)</u>	When interpreting assessment results, including automated interpretations, psychologists take into account the purpose of the assessment as well as the various test factors, <del>test-taking</del> <u>test-taking</u> abilities, and other characteristics of the person being assessed, such as situational, personal, linguistic, and cultural differences, that might affect psychologists' judgments or reduce the accuracy of their interpretations. They indicate any significant <del>reservations they have about the accuracy or</del> limitations of their interpretations. (See also Standards 2.01 <del>b</del> <u>b</u> and c, Boundaries of Competence, and 3.01, Unfair Discrimination.)
	<u>9.07 Assessment by Unqualified Persons.</u>	9.07 Assessment by Unqualified Persons.



2.06 Unqualified Persons. Psychologists do not promote the use of psychological assessment techniques by unqualified persons. (See also Standard 1.22, Delegation to and Supervision of Subordinates.)	<del>2.06 Unqualified Persons.</del> Psychologists do not promote the use of psychological assessment techniques by unqualified persons, <u>except when such use is conducted for training purposes with appropriate supervision.</u> (See also Standard <del>1.22</del> <u>2.05</u> , Delegation <del>to and Supervision of Subordinates</del> <u>of Work to Others and Use of Interpreters.</u> )	Psychologists do not promote the use of psychological assessment techniques by unqualified persons, except when such use is conducted for training purposes with appropriate supervision. (See also Standard 2.05, Delegation of Work to Others <del>and Use of Interpreters.</del> )
	<del>2.07</del> <u>9.08</u> Obsolete Tests and Outdated Test Results.	9.08 Obsolete Tests and Outdated Test Results.
2.07 Obsolete Tests and Outdated Test Results. (a) Psychologists do not base their assessment or intervention decisions or recommendations on data or test results that are outdated for the current purpose.	(a) Psychologists do not base their assessment or intervention decisions or recommendations on data or test results that are outdated for the current purpose.	(a) Psychologists do not base their assessment or intervention decisions or recommendations on data or test results that are outdated for the current purpose.
(b) Similarly, psychologists do not base such decisions or recommendations on tests and measures that are obsolete and not useful for the current purpose.	(b) Similarly, psychologists do not base such decisions or recommendations on tests and measures that are obsolete and not useful for the current purpose.	(b) <del>Similarly, p</del> Psychologists do not base such decisions or recommendations on tests and measures that are obsolete and not useful for the current purpose.
	<del>2.08</del> <u>9.09</u> Test Scoring and Interpretation Services.	9.09 Test Scoring and Interpretation Services.
2.08 Test Scoring and Interpretation Services. (a) Psychologists who offer assessment or scoring procedures to other professionals accurately describe the purpose, norms, validity, reliability, and applications of the procedures and any special qualifications applicable to their use.	(a) Psychologists who offer assessment or scoring <del>procedures</del> <u>services</u> to other professionals accurately describe the purpose, norms, validity, reliability, and applications of the procedures and any special qualifications applicable to their use.	(a) Psychologists who offer assessment or scoring services to other professionals accurately describe the purpose, norms, validity, reliability, and applications of the procedures and any special qualifications applicable to their use.



(b) Psychologists select scoring and interpretation services (including automated services) on the basis of evidence of the validity of the program and procedures as well as on other appropriate considerations.	(b) Psychologists select scoring and interpretation services (including automated services) on the basis of evidence of the validity of the program and procedures as well as on other appropriate considerations. <u>(See also Standard 2.01 b and c, Boundaries of Competence.)</u>	(b) Psychologists select scoring and interpretation services (including automated services) on the basis of evidence of the validity of the program and procedures as well as on other appropriate considerations. (See also Standard 2.01b and c, Boundaries of Competence.)
(c) Psychologists retain appropriate responsibility for the appropriate application, interpretation, and use of assessment instruments, whether they score and interpret such tests themselves or use automated or other services.	(c) Psychologists retain <del>appropriate</del> responsibility for the appropriate application, interpretation, and use of assessment instruments, whether they score and interpret such tests themselves or use automated or other services.	9.10 Explaining Assessment Results-
2.09 Explaining Assessment Results. Unless the nature of the relationship is clearly explained to the person being assessed in advance and precludes provision of an explanation of results (such as in some organizational consulting, pre-employment or security screenings, and forensic evaluations), psychologists ensure that an explanation of the results is provided using language that is reasonably understandable to the person assessed or to another legally authorized person on behalf of the client. Regardless of whether the scoring and interpretation are done by the psychologist, by assistants, or by automated or other outside services, psychologists take reasonable steps to	<u>9.10 Explaining Assessment Results.</u> <del>2.09 Explaining Assessment Results.</del> <del>Unless</del> <u>Regardless of whether the scoring and interpretation are done by the psychologist, by employees or assistants, or by automated or other outside services, psychologists take reasonable steps to ensure that appropriate explanations of results are given, unless</u> the nature of the relationship <del>is clearly explained to the person being assessed in advance and</del> precludes provision of an explanation of results (such as in some organizational consulting, pre-employment or security screenings, and forensic evaluations), <del>psychologists ensure that an explanation of the results is provided using language that is reasonably understandable to the person assessed or to another legally</del>	9.10 Explaining Assessment Results- Regardless of whether the scoring and interpretation are done by <del>the</del> psychologists, by employees or assistants, or by automated or other outside services, psychologists take reasonable steps to ensure that <del>appropriate</del> explanations of results are given; <u>to the individual or designated representative</u> unless the nature of the relationship precludes provision of an explanation of results (such as in some organizational consulting, pre-employment or security screenings, and forensic evaluations), and this fact has been clearly explained <del>in advance</del> to the person being assessed <u>in advance</u> .



ensure that appropriate explanations of results are given.	<del>authorized person on behalf of the client.</del> Regardless of whether the scoring and interpretation are done by the psychologist, by assistants, or by automated or other outside services, psychologists take reasonable steps to ensure that appropriate explanations of results are given and this fact has been clearly explained in advance to the person being assessed.	
2.10 Maintaining Test Security. Psychologists make reasonable efforts to maintain the integrity and security of tests and other assessment techniques consistent with law, contractual obligations, and in a manner that permits compliance with the requirements of this Ethics Code. (See also Standard 1.02, Relationship of Ethics and Law.)	<u>9.11 Maintaining Test Security.</u> <del>2.10 Maintaining Test Security.</del> Psychologists make reasonable efforts to maintain the integrity and security of tests and other assessment techniques consistent with law, contractual obligations, and in a manner that permits compliance with the requirements of this Ethics Code. (See also <del>Standard</del> <u>Standards 1.02, Relationship of Ethics and Law, Regulations, or Other Governing Legal Authority, and 9.04, Release of Test Data.</u> )	<del>9.11. Maintaining Test Security.</del> <u>The term test materials refers to manuals, instruments, protocols, and test questions or stimuli and does not include test data as defined in Standard 9.04, Release of Test Data.</u> Psychologists make reasonable efforts to maintain the integrity and security of tests <del>materials</del> and other assessment techniques consistent with law, <del>and</del> contractual obligations, and in a manner that permits <del>compliance with the requirements of adherence to</del> this Ethics Code. <del>(See also Standards 1.02, Conflict Between Ethics and Law, Regulations, or Other Governing Legal Authority, and 9.04, Release of Test Data.)</del>
	<u>10. THERAPY</u>	<del>10. THERAPY</del> <u>Therapy</u>
	<u>10.01 Informed Consent to Therapy.</u>	<del>10.01 Informed Consent to Therapy.</del>
4.01 Structuring the Relationship. (a) Psychologists discuss with clients or patients as early as is feasible in the therapeutic relationship appropriate	<del>4.01 Structuring the Relationship.</del> (a) <del>Psychologists discuss with clients or</del> <u>When obtaining informed consent to therapy as required in Standard 3.10,</u>	(a) When obtaining informed consent to therapy as required in Standard 3.10, Informed Consent, psychologists inform clients/patients as early as is feasible in the



issues, such as the nature and anticipated course of therapy, fees, and confidentiality. (See also Standards 1.25, Fees and Financial Arrangements, and 5.01, Discussing the Limits of Confidentiality.)	<u>Informed Consent, psychologists inform clients/patients as early as is feasible in the therapeutic relationship about appropriate issues, such as information, including the nature and anticipated course of therapy, fees, and involvement of third parties, and confidentiality.</u> (See also Standards <del>1.25, Fees and Financial Arrangements, and 5.01</del> <u>4.02</u> , Discussing the Limits of Confidentiality, <u>and 6.04, Fees and Financial Arrangements.</u> )	therapeutic relationship about <del>appropriate information, including</del> the nature and anticipated course of therapy, fees, involvement of third parties, and <u>limits of confidentiality and provide sufficient opportunity for the client/patient to ask questions and receive answers.</u> (See also Standards 4.02, Discussing the Limits of Confidentiality, and 6.04, Fees and Financial Arrangements.)
	<u>(b) When obtaining informed consent for treatment involving emerging areas in which generally recognized techniques and procedures have not been established, psychologists inform their clients/patients of the experimental nature of the treatment, the potential risks involved, alternative treatments that may be available, and the voluntary nature of their participation. (See also Standards 2.01 d, Boundaries of Competence, and 3.10, Informed Consent.)</u>	(b) When obtaining informed consent for treatment <del>involving emerging areas infor</del> which generally recognized techniques and procedures have not been established, psychologists inform their clients/patients of the <del>experimental</del> <u>developing</u> nature of the treatment, the potential risks involved, alternative treatments that may be available, and the voluntary nature of their participation. (See also Standards 2.01 <del>d</del> <u>e</u> , Boundaries of Competence, and 3.10, Informed Consent.)
New subsection.	<del>New subsection.</del>	
(b) When the psychologist's work with clients or patients will be supervised, the above discussion includes that fact, and the name of the supervisor, when the	<del>(b)</del> <u>(c)</u> When the <del>psychologist's work with clients or patients will be supervised, the above discussion includes that fact, and</del> <u>therapist is being supervised as part of his</u>	(c) When the therapist is <del>being supervised as part of his or her</del> <u>a</u> trainee <u>ec</u> and the legal responsibility <u>for the treatment provided</u> resides with the supervisor, the



supervisor has legal responsibility for the case.	<u>or her training and the legal responsibility resides with the supervisor, the client/patient, as part of the informed consent procedure, is informed that the therapist is in training and is being supervised and is given</u> the name of the supervisor, <del>when the supervisor has legal responsibility for the case.</del>	client/patient, as part of the informed consent procedure, is informed that the therapist is in training and is being supervised and is given the name of the supervisor.
	<del>4.03</del> <u>10.02</u> Couple and Family Relationships.	10.02 <u>Therapy Involving</u> Couples <del>and</del> <u>or</u> Family <del>ies Relationships.</del>
4.03 Couple and Family Relationships. (a) When a psychologist agrees to provide services to several persons who have a relationship (such as husband and wife or parents and children), the psychologist attempts to clarify at the outset (1) which of the individuals are patients or clients and (2) the relationship the psychologist will have with each person. This clarification includes the role of the psychologist and the probable uses of the services provided or the information obtained. (See also Standard 5.01, Discussing the Limits of Confidentiality.)	(a) When a psychologist agrees to provide services to several persons who have a relationship (such as <del>husband and wife</del> <u>spouses, significant others,</u> or parents and children), the psychologist attempts to clarify at the outset (1) which of the individuals are <u>clients/patients</u> <del>or clients</del> and (2) the relationship the psychologist will have with each person. This clarification includes the role of the psychologist and the probable uses of the services provided or the information obtained. (See also Standard <del>5.01</del> <u>4.02</u> , Discussing the Limits of Confidentiality.)	(a) When <del>a</del> <u>psychologists</u> <del>agrees</del> to provide services to several persons who have a relationship (such as spouses, significant others, or parents and children), they <del>psychologist attempts</del> <u>take reasonable steps</u> to clarify at the outset (1) which of the individuals are clients/patients and (2) the relationship the psychologist will have with each person. This clarification includes the <del>role of the</del> <u>psychologist's role</u> and the probable uses of the services provided or the information obtained. (See also Standard 4.02, Discussing the Limits of Confidentiality.)
(b) As soon as it becomes apparent that the psychologist may be called on to perform potentially conflicting roles (such as marital counselor to husband and wife, and then witness for one party in a divorce proceeding), the psychologist attempts to clarify and adjust, or withdraw	(b) <del>As soon as</del> <u>If</u> it becomes apparent that the psychologist may be called on to perform potentially conflicting roles (such as <del>marital counselor to husband and wife,</del> <u>family therapist</u> and then witness for one party in <del>a divorce proceeding</del> <u>proceedings</u> ), the psychologist	(b) If it becomes apparent that <del>the</del> <u>psychologists</u> may be called on to perform potentially conflicting roles (such as family therapist and then witness for one party in divorce proceedings), <del>the</del> <u>psychologists</u> <del>attempts</del> <u>take reasonable steps</u> to clarify and modify, or withdraw from, roles



from, roles appropriately. (See also Standard 7.03, Clarification of Role, under Forensic Activities.)	attempts to clarify and <del>adjust</del> <u>modify</u> , or withdraw from, roles appropriately. (See also Standard <del>7.03, Clarification of Role, under Forensic Activities</del> <u>3.05c Multiple Relationships</u> .)	appropriately. (See also Standard 3.05c, Multiple Relationships.)
New standard.	<del>New standard</del> <u>10.03 Group Therapy.</u>	10.03 Group Therapy <del>.</del>
	<u>When a psychologist provides services to several persons in a group setting, the psychologist describes at the outset the roles and responsibilities of all parties and the limits of confidentiality.</u>	When <del>a</del> -psychologists provides services to several persons in a group setting, they <del>psychologist</del> -describes at the outset the roles and responsibilities of all parties and the limits of confidentiality.
	<del>4.04</del> <u>10.04</u> Providing Mental Health Services to Those Served by Others.	10.04 Providing <del>Mental Health Services</del> <u>Therapy</u> to Those Served by Others <del>.</del>
4.04 Providing Mental Health Services to Those Served by Others. In deciding whether to offer or provide services to those already receiving mental health services elsewhere, psychologists carefully consider the treatment issues and the potential patient's or client's welfare. The psychologist discusses these issues with the patient or client, or another legally authorized person on behalf of the client, in order to minimize the risk of confusion and conflict, consults with the other service providers when appropriate, and proceeds with caution and sensitivity to the therapeutic issues.	In deciding whether to offer or provide services to those already receiving mental health services elsewhere, psychologists carefully consider the treatment issues and the potential <del>patient's or</del> client's/ <u>patient's</u> welfare. The psychologist discusses these issues with the <del>patient or</del> client/ <u>patient</u> , or another legally authorized person on behalf of the client/ <u>patient</u> , in order to minimize the risk of confusion and conflict, consults with the other service providers when appropriate, and proceeds with caution and sensitivity to the therapeutic issues.	In deciding whether to offer or provide services to those already receiving mental health services elsewhere, psychologists carefully consider the treatment issues and the potential client's/ <u>s</u> /patient's welfare. <del>The p</del> <u>Psychologists</u> discusses these issues with the client/patient <del>;</del> or another legally authorized person on behalf of the client/patient <del>;</del> in order to minimize the risk of confusion and conflict, consults with the other service providers when appropriate, and proceeds with caution and sensitivity to the therapeutic issues.
	<u>10.05 Sexual Intimacies With Current Therapy Clients/Patients.</u>	10.05 Sexual Intimacies With Current Therapy Clients/Patients <del>.</del>



4.05 Sexual Intimacies With Current Patients or Clients. Psychologists do not engage in sexual intimacies with current patients or clients.	<del>4.05 Sexual Intimacies With Current Patients or Clients.</del> Psychologists do not engage in sexual intimacies with current <del>patients or</del> <u>therapy clients/patients</u> .	Psychologists do not engage in sexual intimacies with current therapy clients/patients.
	<u>10.06 Sexual Intimacies with Relatives or Significant Others of Current Therapy Clients/Patients.</u>	10.06 Sexual Intimacies <del>with</del> <u>With</u> Relatives or Significant Others of Current Therapy Clients/Patients.
New standard.	<del>New</del> <u>Psychologists do not engage in sexual intimacies with individuals they know to be the parents, guardians, spouses, significant others, children, or siblings of current clients/patients. Psychologists do not terminate therapy to circumvent this standard.</u>	Psychologists do not engage in sexual intimacies with individuals they know to be <del>the parents</del> <u>close relatives</u> , guardians, <del>spouses, or</del> <u>significant others</u> , <del>children, or siblings</del> of current clients/patients. Psychologists do not terminate therapy to circumvent this standard.
	<del>4.06</del> <u>10.07</u> Therapy With Former Sexual Partners.	10.07 Therapy With Former Sexual Partners.
4.06 Therapy With Former Sexual Partners. Psychologists do not accept as therapy patients or clients persons with whom they have engaged in sexual intimacies.	Psychologists do not accept as therapy <del>patients or</del> <u>clients/patients</u> persons with whom they have engaged in sexual intimacies.	Psychologists do not accept as therapy clients/patients persons with whom they have engaged in sexual intimacies.
	<u>10.08 Sexual Intimacies With Former Therapy Clients/Patients.</u>	10.08 Sexual Intimacies With Former Therapy Clients/Patients.
4.07 Sexual Intimacies With Former Therapy Patients. (a) Psychologists do not engage in sexual intimacies with a former therapy patient or client for at least two years after cessation or termination of professional services.	<del>4.07 Sexual Intimacies With Former Therapy Patients.</del> (a) Psychologists do not engage in sexual intimacies with a former <del>therapy client/patient or client</del> for at least two years after cessation or termination of <del>professional services</del> <u>therapy</u> .	(a) Psychologists do not engage in sexual intimacies with <del>a</del> <u>former clients/patients</u> for at least two years after cessation or termination of therapy.
(b) Because sexual intimacies with a	(b) <del>Because sexual intimacies with a</del>	(b) Psychologists do not engage in sexual



<p>former therapy patient or client are so frequently harmful to the patient or client, and because such intimacies undermine public confidence in the psychology profession and thereby deter the public's use of needed services, psychologists do not engage in sexual intimacies with former therapy patients and clients even after a two-year interval except in the most unusual circumstances. The psychologist who engages in such activity after the two years following cessation or termination of treatment bears the burden of demonstrating that there has been no exploitation, in light of all relevant factors, including (1) the amount of time that has passed since therapy terminated, (2) the nature and duration of the therapy, (3) the circumstances of termination, (4) the patient's or client's personal history, (5) the patient's or client's current mental status, (6) the likelihood of adverse impact on the patient or client and others, and (7) any statements or actions made by the therapist during the course of therapy suggesting or inviting the possibility of a post-termination sexual or romantic relationship with the patient or client. (See also Standard 1.17, Multiple Relationships.)</p>	<p><del>former therapy patient or client are so frequently harmful to the patient or client, and because such intimacies undermine public confidence in the psychology profession and thereby deter the public's use of needed services;</del>  <u>Psychologists</u> do not engage in sexual intimacies with former <del>therapy clients/</del>patients <del>and clients</del> even after a two-year interval except in the most unusual circumstances. The psychologist who engages in such activity after the two years following cessation or termination of <del>treatment</del><u>therapy and of having no sexual contact with the former client/patient</u> bears the burden of demonstrating that there has been no exploitation, in light of all relevant factors, including (1) the amount of time that has passed since therapy terminated, (2) the nature <del>and</del> <u>duration, and intensity</u> of the therapy, (3) the circumstances of termination, (4) the <del>patient's or client's</del><u>patient's</u> personal history, (5) the <del>patient's or client's</del><u>patient's</u> current mental status, (6) the likelihood of adverse impact on the <u>client/patient</u> <del>or client and others</del>, and (7) any statements or actions made by the therapist during the course of therapy suggesting or inviting the possibility of a post-termination sexual or romantic relationship with the <del>patient or</del></p>	<p>intimacies with former clients/patients even after a two-year interval except in the most unusual circumstances. <del>The p</del><u>Psychologists</u> who engages in such activity after the two years following cessation or termination of therapy and of having no sexual contact with the former client/patient bears the burden of demonstrating that there has been no exploitation, in light of all relevant factors, including (1) the amount of time that has passed since therapy terminated; (2) the nature, duration, and intensity of the therapy; (3) the circumstances of termination; (4) the client's <u>s</u>/patient's personal history; (5) the client's <u>s</u>/patient's current mental status; (6) the likelihood of adverse impact on the client/patient; and (7) any statements or actions made by the therapist during the course of therapy suggesting or inviting the possibility of a post-termination sexual or romantic relationship with the client/patient. (See also Standard 3.05, Multiple Relationships.)</p>
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	client/ <u>patient</u> . (See also Standard <del>4.17</del> <u>3.05</u> , Multiple Relationships.)	
	<u>10.09 Interruption of Services.</u>	10.09 Interruption of <del>Services.</del> <u>Therapy</u>
	<u>(a) Psychologists make reasonable efforts to plan for facilitating care in the event that psychological services are interrupted by factors such as the psychologist's illness, death, unavailability, or relocation or by the client's/patient's relocation or financial limitations. (See also Standard 6.02c, Maintenance, Dissemination, and Disposal of Confidential Records of Professional and Scientific Work.)</u>	<del>(a) Psychologists make reasonable efforts to plan for facilitating care in the event that psychological services are interrupted by factors such as the psychologist's illness, death, unavailability, or relocation or by the client's/patient's relocation or financial limitations. (See also Standard 6.02c, Maintenance, Dissemination, and Disposal of Confidential Records of Professional and Scientific Work.)</del>
4.08 Interruption of Services. (b) When entering into employment or contractual relationships, psychologists provide for orderly and appropriate resolution of responsibility for patient or client care in the event that the employment or contractual relationship ends, with paramount consideration given to the welfare of the patient or client.	<del>4.08 Interruption of Services.</del> (b) When entering into employment or contractual relationships, psychologists <u>make reasonable efforts to</u> provide for orderly and appropriate resolution of responsibility for <del>patient or</del> client/ <u>patient</u> care in the event that the employment or contractual relationship ends, with paramount consideration given to the welfare of the <del>patient or</del> client/ <u>patient</u> .	<del>(b)</del> When entering into employment or contractual relationships, psychologists make reasonable efforts to provide for orderly and appropriate resolution of responsibility for client/patient care in the event that the employment or contractual relationship ends, with paramount consideration given to the welfare of the client/patient. <u>(See also Standard 3.12, Interruption of Psychological Services.)</u>
	<del>4.09</del> <u>10.10</u> Terminating the Professional Relationship.	10.10 Terminating <del>the Professional Relationship.</del> <u>Therapy</u>
4.09 Terminating the Professional Relationship. (b) Psychologists terminate a professional relationship when it becomes reasonably clear that the patient or client no longer needs the service, is not benefiting, or is	<del>(b)</del> Psychologists <u>must</u> terminate a professional relationship when it becomes reasonably clear that the <del>patient or</del> client/ <u>patient</u> no longer needs the service, is not <del>benefiting</del> <u>likely to benefit</u> , or is being harmed by continued service.	(a) Psychologists <del>—must—</del> terminate a <del>professional relationship</del> <u>therapy</u> when it becomes reasonably clear that the client/patient no longer needs the service, is not likely to benefit, or is being harmed by continued service.



being harmed by continued service.		
New subsection.	<del>New subsection</del> <u>(b) Psychologists may terminate a professional relationship when threatened or otherwise endangered by the client/patient or another person with whom the client/patient has a relationship.</u>	(b) Psychologists may terminate <del>a professional relationship</del> <u>therapy</u> when threatened or otherwise endangered by the client/patient or another person with whom the client/patient has a relationship.
(c) Prior to termination for whatever reason, except where precluded by the patient's or client's conduct, the psychologist discusses the patient's or client's views and needs, provides appropriate pretermination counseling, suggests alternative service providers as appropriate, and takes other reasonable steps to facilitate transfer of responsibility to another provider if the patient or client needs one immediately.	(c) <del>Prior to termination for whatever reason, except</del> <u>Except</u> where precluded by the <del>patient's or client's conduct, actions of clients/patients or third-party payors, prior to termination</del> the psychologist discusses the <del>patient's or client's</del> <u>/patient's</u> views and needs, provides <del>appropriate</del> pretermination counseling, suggests alternative service providers as appropriate, and takes <del>other reasonable</del> steps to facilitate transfer of responsibility to another provider if the <del>patient or</del> <u>client/patient</u> needs one immediately.	(c) Except where precluded by the actions of clients/patients or third-party payors, prior to termination <del>the psychologists discusses the client's/patient's views and needs,</del> provides pretermination counseling; <u>and</u> suggests alternative service providers as appropriate; <del>and takes steps to facilitate transfer of responsibility to another provider if the client/patient needs one immediately.</del>
		<u>History and Effective Date Footnote</u> <u>This version of the APA Ethics Code was adopted by the American Psychological Association's Council of Representatives during its meeting, August 21, 2002, and is effective beginning June 1, 2003. Inquiries concerning the substance or interpretation of the APA Ethics Code should be addressed to the Director, Office of Ethics, American Psychological Association, 750 First Street, NE, Washington, DC 20002-4242. The Ethics Code and information regarding the Code can be found on the APA web site,</u>



		<p><a href="http://www.apa.org/ethics">http://www.apa.org/ethics</a>. The standards in this Ethics Code will be used to adjudicate complaints brought concerning alleged conduct occurring on or after the effective date. Complaints regarding conduct occurring prior to the effective date will be adjudicated on the basis of the version of the Ethics Code that was in effect at the time the conduct occurred.</p> <p>The APA has previously published its Ethics Code as follows:</p> <p><a href="#">American Psychological Association. (1953). Ethical standards of psychologists. Washington, DC: Author.</a></p> <p><a href="#">American Psychological Association. (1959). Ethical standards of psychologists. American Psychologist, 14, 279-282.</a></p> <p><a href="#">American Psychological Association. (1963). Ethical standards of psychologists. American Psychologist, 18, 56-60.</a></p> <p><a href="#">American Psychological Association. (1968). Ethical standards of psychologists. American Psychologist, 23, 357-361.</a></p> <p><a href="#">American Psychological Association. (1977, March). Ethical standards of psychologists. APA Monitor, 22-23.</a></p> <p><a href="#">American Psychological Association. (1979). Ethical standards of psychologists. Washington, DC: Author.</a></p> <p><a href="#">American Psychological Association. (1981). Ethical principles of psychologists. American Psychologist, 36, 633-638.</a></p> <p><a href="#">American Psychological Association.</a></p>
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		<p><u>(1990). Ethical principles of psychologists (Amended June 2, 1989). American Psychologist, 45, 390-395.</u></p> <p><u>American Psychological Association.</u></p> <p><u>(1992). Ethical principles of psychologists and code of conduct. American Psychologist, 47, 1597-1611.</u></p> <p><u>Request copies of the APA's Ethical Principles of Psychologists and Code of Conduct from the APA Order Department, 750 First Street, NE, Washington, DC 20002-4242, or phone (202) 336-5510.</u></p>
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APA's Intranet Resource

## Investigation Tracking System - View Investigation

• Got Questions?



## Investigation ID 7173

<b>Respondent:</b> SELIGMAN ET AL	<b>Complainant:</b> SHARON L. GADBERRY
<b>Complaint Type:</b>	<b>Investigator:</b> PAG
<b>State/Country:</b> U.S.A.	<b>Stage:</b> Waiting for Destruction
<b>Org. Process:</b> Complainant	<b>Process:</b> Complainant
<b>Inquiry:</b> 9/27/2005	<b>LetterA:</b> 9/27/2005
<b>Form:</b> 9/27/2005	<b>Form Complete:</b> 9/27/2005
<b>Educative Letter:</b>	<b>Final Action:</b> Complaint process incomplete
<b>Comment:</b>	COMPLAINT WAS FILED AGAINST "JAMES MITCHELL, MARTIN SELIGMAN, COLONEL LOUIE BANKS, OTHERS, UNNAMED, WHO HAVE CONSULTED TO AND ASSISTED IN, STRESSFUL MILITARY INTERROGATION PROCEDURES IN GUANTANAMO, IRAQ, & AFGHANISTAN" MITCHELL AND BANKS WERE NOT MEMBERS OF APA.

(Last modified 4/24/2014 by LCB)

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APA's Intranet Resource

## Membership Records Online - Results

[Got Questions?](#)[Search Again](#)

## Your Last Name Search Results for James Mitchell

MemRec Database Online	
Mitchell, James Anthony	PRIVACY REDACTION ▶
Mitchell, James E	PRIVACY REDACTION ▶
Mitchell, James V	PRIVACY REDACTION ▶

[Search Again](#)

*Banks - not a member*



Membership Inquiry

System Record Edit View Other Info Custom Help

CloseAdd...Update...Transfer...Cancel...Filter...Find...

Constit ID	Sort Name	Membership Type	Inactive
PRIVACY REDACTION	Leso, John F	APA MEMB M9	cancelled
	Leso, John F	APA MEMB M9	expired
	Leso, John F	APA MEMB M9	expired
	Leso, John F	APA MEMB M7	expired
	Leso, John F	APA MEMB M6	expired

ConstituentDemographicsNotesActHist

SummaryDetailAddressMembershipBilling InfoHistoryCategories

**Bill To:**

Dr John F Leso

PRIVACY REDACTION

PRIVACY REDACTION

Membership Fees: 410.00

+ Publication Fees: 18.00

+ Other Fees: 0.00

- Discount(s): 2.00

Total Fees: 426.00

- Amount Paid: 0.00

Balance Due: 426.00

Card

Detail...

Summary...

Statements

Receipts

Edit:

Adjust:

Inv No: 33202634

☐ Paid In Full

☐ Payment Pending

☐ LB Payment Pending



## Hardship Years


## Exclusions

- ☒ Billing  
☒ Sp. Assessments  
☒ Junk Mail

## Date of Election

Affiliate: 01/01/1987

Associate Member:

Full Member: 01/01/1996

Fellow:

Life Status:

## Last Full Reinstatement

Clear

Date:

## Last Special Reinstatement

Clear

Date:

## Last Resignation

Code: NORE

Date: 01/01/2014

Pay Code: 07

☐ Ethics Hold

Ethics Hold Dt:

Date Death Notice Received:

SLB Response Year: 0000

Date of Death:

Practice DB: Yes

Date Death Notice Entered:

☐ Sp. Assessment Paid

Date Death Notice Published:

☒ Confirmed

Membership Card Flag:

☐ Affiliate DNP

Notice Received from:

Date Confirmed: 01/01/1901

Date Changed: 01/24/2014

Time Changed: 13:54:33

Changed By: lmr

Add

Update

Delete

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## Policy Related to Psychologists' Work in National Security Settings and Reaffirmation of the APA Position Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

### ▼ Statement 1

According to the 2008 APA Petition Resolution Policy, Psychologists and Unlawful Detention Settings with a Focus on National Security (<http://www.apa.org/about/policy/chapter-4b.aspx#unlawful-detention>) , “psychologists may not work in settings where persons are held outside of, or in violation of, either International Law (e.g., the UN Convention Against Torture and the Geneva Conventions) or the US Constitution (where appropriate), unless they are working directly for the persons being detained or for an independent third party working to protect human rights.”<sup>ii</sup>

APA recognizes that torture and other cruel, inhuman or degrading treatment or punishment can result from conditions of confinement and the behavior of individuals. Psychologists are prohibited from working in unlawful detention settings as defined in Statement 1 (see Footnote ii), except when working directly for the persons being detained, for an independent third party working to protect human rights or when providing psychological services to military personnel working at the site(s).

APA further recognizes that some settings, which do not constitute unlawful detention settings as defined in Statement 1, nonetheless have conditions of confinement that constitute torture and other cruel, inhuman or degrading treatment or punishment. APA expresses grave concern over such settings in which detainees are deprived of adequate protection of their human rights, affirms the prerogative of psychologists to refuse to work in such settings, and will continue to explore ways to support psychologists who refuse to work in such settings or who refuse to obey orders that constitute torture.

### ► Statement 2

If the APA Ethics Code (</ethics/code/index.aspx>) establishes a higher standard of conduct than is required by law, psychologists must meet the higher ethical standard. If psychologists' ethical responsibilities conflict with law, regulations or other governing legal authority or organizational demands, psychologists make known their commitment to this Ethics Code, and take reasonable steps to resolve the conflict in a responsible manner in keeping with basic principles of human rights.<sup>iii</sup>

Ethical Standard 1.02, Ethical Principles of Psychologists and Code of Conduct, Conflicts Between Ethics and Law, Regulations, or Other Governing Legal Authority (<http://www.apa.org/ethics/code/index.aspx?item=4#102>) : 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 General Principles and Ethical Standards of the Ethics Code. Under no circumstances may this standard be used to justify or defend violating human rights.

Ethical Standard 1.03, Ethical Principles of Psychologists and Code of Conduct, Conflicts Between Ethics and Organizational Demands (<http://www.apa.org/ethics/code/index.aspx?item=4#103>) : 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 General Principles and Ethical Standards of the



Ethics Code. Under no circumstances may this standard be used to justify or defend violating human rights.

APA is an accredited non-governmental organization at the United Nations and so is committed to promote and protect human rights in accordance with the United Nations Charter and the Universal Declaration of Human Rights.

### ► **Statement 3**

Psychologists shall not knowingly engage in, assist, tolerate, direct, support, advise, facilitate, plan, design, or offer training in torture or other cruel, inhuman, or degrading treatment or punishment under any and all conditions, nor shall they participate in any procedure where such treatment is threatened. Psychologists may not enlist others to employ these techniques in order to circumvent this policy's prohibition. Moreover, psychologists shall not provide knowingly any research, instruments, or knowledge that facilitates the practice of torture or other forms of cruel, inhuman, or degrading treatment or punishment.

APA unequivocally condemns torture and cruel, inhuman, or degrading treatment or punishment (<http://www.apa.org/about/policy/chapter-3.aspx#torture-punishment>), under any and all conditions (applicable to all individuals, in all settings and in all contexts without exception), including detention and interrogations of any persons regardless of designation (e.g., lawful and unlawful enemy combatants as defined by the US Military Commissions Act of 2006<sup>iv</sup> or privileged vs. unprivileged enemy belligerent as defined by the US Military Commissions Act of 2009<sup>v</sup>).

APA defines torture in accordance with Article I of the UN Declaration and Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (hereafter referred to as UN Convention Against Torture):

The term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted upon a person for such purposes as obtaining from him [sic] or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official [e.g., governmental, religious, political, organizational] capacity. It does not include pain or suffering arising only from, inherent in, or incidental to lawful sanctions [in accordance with both domestic and international law].

APA defines the term "cruel, inhuman, or degrading treatment or punishment" to mean treatment or punishment of any person in accordance with the United States Reservation I.1 of the Reservations, Declarations and Understandings to the United Nations Convention Against Torture, which defines this term as "the cruel, unusual and inhumane treatment or punishment prohibited by the Fifth, Eighth, and/or Fourteenth Amendments to the Constitution of the United States."<sup>vi</sup>

APA further unequivocally condemns all techniques considered torture or cruel, inhuman or degrading treatment or punishment under the United Nations Convention Against Torture; 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.

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.<sup>vii</sup>

This policy statement/section conforms to the Ethical Principles of Psychologists and Code of Conduct: Principle



A, Beneficence and Nonmaleficence (<http://www.apa.org/ethics/code/index.aspx?item=3#principle-a>) ("Psychologists strive to benefit those with whom they work and take care to do no harm. In their professional actions, psychologists seek to safeguard the welfare and rights of those with whom they interact professionally and other affected persons . . ."), and Ethical Standard 3.04, Avoiding Harm (<http://www.apa.org/ethics/code/index.aspx?item=6#304>) ("Psychologists take reasonable steps to avoid harming . . . others with whom they work, and to minimize harm where it is foreseeable and unavoidable").

## ► **Statement 4**

Psychologists shall be alert to acts of torture or other cruel, inhuman, or degrading treatment or punishment. Should such acts evolve during a procedure where a psychologist is present, the psychologist shall attempt to intervene to stop such behavior, and failing that, the psychologist has an ethical responsibility to exit the procedure and report these acts to the appropriate authorities.

APA asserts that any APA member with knowledge that a psychologist, whether an APA member or non-member, has engaged in torture or cruel, inhuman, or degrading treatment or punishment, including the specific behaviors listed in Statement 3 above, has an ethical responsibility to abide by Ethical Standard 1.05, Reporting Ethical Violations (<http://www.apa.org/ethics/code/index.aspx?item=4#105>) , in the Ethical Principles of Psychologists and Code of Conduct (2010) and directs the Ethics Committee to take appropriate action based upon such information, and encourages psychologists who are not APA members also to adhere to Ethical Standard 1.05.

APA further asserts that all psychologists with information relevant to the use of any method of interrogation constituting torture or cruel, inhuman, or degrading treatment or punishment have an ethical responsibility to inform their superiors of such knowledge, to inform the relevant office of inspector general when appropriate, and to cooperate fully with all oversight activities, including hearings by the United States Congress and all branches of the United States government, to examine the perpetration of torture or cruel, inhuman, or degrading treatment or punishment against individuals in United States custody, for the purpose of ensuring that no individual in the custody of the United States is subjected to such acts.

The ethical responsibility to report is rooted in the Ethics Code Preamble (<http://www.apa.org/ethics/code/index.aspx?item=2>) , "Psychologists respect and protect civil and human rights . . . the development of a dynamic set of ethical standards for psychologists' work-related conduct requires a personal commitment and lifelong effort to act ethically [and] to encourage ethical behavior by . . . colleagues," and Principle B, Fidelity and Responsibility (<http://www.apa.org/ethics/code/index.aspx?item=3#principle-b>) , which states that psychologists "are aware of their professional and scientific responsibilities to society and to the specific communities in which they work" and Ethical Standard 1.05, Reporting Ethical Violations, "If an apparent ethical violation has substantially harmed or is likely to substantially harm a person."

APA commends those psychologists who have taken clear and unequivocal stands against torture or cruel, inhuman or degrading treatment or punishment, especially in the line of duty, and including stands against the specific behaviors (detailed in Statement 3) or conditions listed above; and that the APA affirms the prerogative of psychologists under the Ethics Code (2010) to disobey law, regulations or orders when they conflict with ethics in keeping with Ethical Standard 1.02 (<http://www.apa.org/ethics/code/index.aspx?item=4#102>) .

## ► **Statement 5**

Psychologists in national security settings shall work in accordance with international human rights instruments relevant to their roles (<http://www.apa.org/about/policy/chapter-3.aspx#torture-punishment>) .<sup>viii</sup>

Psychologists working in national security settings should review vital human rights documents relevant to their roles, such as: Common Article 3 of the Geneva Conventions; 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; the United Nations Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; and the World Medical Association Declaration of Tokyo, Guidelines for Physicians Concerning Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in Relation to Detention and Imprisonment.

## ► Statement 6

When psychologists serve in any position by virtue of their training, experience, and expertise as psychologists, including psychologists working in national security settings, they are bound by the APA Ethical Principles of Psychologists and Code of Conduct, in its entirety.<sup>ix</sup>

Based on the Principles and Standards of the APA Ethical Principles of Psychologists and Code of Conduct, psychologists working in national security settings shall:

- **Abide by the Ethics Code in any professional role, including roles outside traditional health-care provider relationships.**
- **Seek to safeguard the welfare and rights of those with whom they interact professionally and other affected persons.**  
This principle conforms to Ethics Code, Principle A: Beneficence and Nonmaleficence (<http://www.apa.org/ethics/code/index.aspx?item=3#principle-a>) : "Psychologists strive to benefit those with whom they work and take care to do no harm."
- **Seek to understand individuals' culture and ethnicity to avoid misunderstandings and potential harm.**  
Failure to understand aspects of individuals' culture and ethnicity may generate misunderstandings, compromise the efficacy of work in national security settings, and potentially result in significant mental and physical harm. (Principle E, Respect for People's Rights and Dignity (<http://www.apa.org/ethics/code/index.aspx?item=3#principle-e>) , "Psychologists are aware of and respect cultural, individual, and role differences, including those based on . . . race, ethnicity, culture, national origin . . . and consider these factors when working with members of such groups"; Ethical Standard 2.01(b), Boundaries of Competence (<http://www.apa.org/ethics/code/index.aspx?item=5#201b>) , "Where scientific or professional knowledge in the discipline of psychology establishes that an understanding of factors associated with . . . race, ethnicity, culture, national origin . . . is essential for effective implementation of their services or research, psychologists have or obtain the training, experience, consultation, or supervision necessary to ensure the competence of their services, or they make appropriate referrals . . ."; and Ethical Standard 3.01, Unfair Discrimination (<http://www.apa.org/ethics/code/index.aspx?item=6#301>) , "In their work-related activities, psychologists do not engage in unfair discrimination based on . . . race, ethnicity, culture, national origin . . .").
- **Be aware of the potential risks involved in multiple relationships, and follow the guidance contained in Standard 3.05 to minimize those risks.**  
(Ethical Standard 3.05, Multiple Relationships (<http://www.apa.org/ethics/code/index.aspx?item=6#305>) , "A psychologist refrains from entering into a multiple relationship if the multiple relationship could reasonably be expected to impair the psychologist's objectivity, competence or effectiveness in performing his or her functions as a psychologist, or otherwise risks exploitation or harm to the person with whom the professional relationship exists").
- **Be aware of and clarify their role in situations where the nature of their professional identity and professional function may be ambiguous.**  
Psychologists have a special responsibility to clarify their role in situations where individuals or other professionals may have an incorrect impression that psychologists are serving in a healthcare provider role. (Ethical Standards 3.07, Third-Party Requests for Services (<http://www.apa.org/ethics/code/index.aspx?item=6#307>) , "When psychologists agree to provide services to a person or entity at the request of a third party, psychologists attempt to clarify at the outset of the service the nature of the relationship with all individuals or organizations involved. This clarification includes the role of the psychologist . . . an identification of who is the client, the probable uses of the services provided or the information obtained, and the fact that there may be limits to confidentiality"; and 3.11, Psychological Services Delivered to or Through Organizations (<http://www.apa.org/ethics/code/index.aspx?item=6#311>) , "(a) psychologists delivering services to or through organizations provide information beforehand to clients and when appropriate those directly affected by the services about (1) the nature and objectives of the services, (2) the intended recipients, (3) which of the



individuals are clients, (4) the relationship the psychologist will have with each person and the organization, (5) the probable uses of services provided and information obtained, (6) who will have access to the information, and (7) limits of confidentiality"). Regardless of their role, psychologists who are aware of an individual in need of health or mental health treatment may seek consultation regarding how to ensure that the individual receives needed care (Principle A, Beneficence and Nonmaleficence).

- **Clarify for themselves the identity of their client.**

This policy statement conforms to Ethical Standard 3.07, Third-Party Requests for Services, "When psychologists agree to provide services to a person or entity at the request of a third party, psychologists attempt to clarify at the outset of the service the nature of the relationship with all individuals or organizations involved. This clarification includes the role of the psychologist . . . an identification of who is the client, the probable uses of the services provided or the information obtained, and the fact that there may be limits to confidentiality."

- **Retain ethical obligations to individuals who are not their clients.**

Regardless of whether an individual is considered a client, psychologists have an ethical obligation to "avoid harming their . . . organizational clients and others with whom they work, and to minimize harm where it is foreseeable and unavoidable" (Ethical Standard 3.04, Avoiding Harm (<http://www.apa.org/ethics/code/index.aspx?item=6#304>) ). Psychologists' ethical obligations are especially important where, because of a setting's unique characteristics, an individual may not be fully able to assert relevant rights and interests (Principle A, Beneficence and Nonmaleficence, "In their professional actions, psychologists seek to safeguard the welfare and rights of those with whom they interact professionally and other affected persons"; Principle D, Justice (<http://www.apa.org/ethics/code/index.aspx?item=3#principle-d>) , "Psychologists exercise reasonable judgment and take precautions to ensure that their potential biases, the boundaries of their competence, and the limitations of their expertise do not lead to or condone unjust practices"; Principle E, Respect for People's Rights and Dignity, "Psychologists are aware that special safeguards may be necessary to protect the rights and welfare of persons or communities whose vulnerabilities impair autonomous decision making"; and Ethical Standard 3.08, Exploitative Relationships (<http://www.apa.org/ethics/code/index.aspx?item=6#308>) , "Psychologists do not exploit persons over whom they have supervisory, evaluative or other authority . . .").

- **Make clear the limits of confidentiality.**

Psychologists take care not to leave a misimpression that information is confidential when in fact it is not (Ethical Standards 3.10, Informed Consent (<http://www.apa.org/ethics/code/index.aspx?item=6#310>) , and 4.02, Discussing the Limits of Confidentiality (<http://www.apa.org/ethics/code/index.aspx?item=7#402>) , "(a) Psychologists discuss with persons (including, to the extent feasible, persons who are legally incapable of giving informed consent and their legal representatives) and organizations with whom they establish a scientific or professional relationship (1) the relevant limits of confidentiality and (2) the foreseeable uses of the information generated through their psychological activities").

- **Be mindful that individuals held in national security settings may not have engaged in untoward behavior and may not have information of national security interest.**

Ethical obligations are not diminished by the nature of an individual's acts prior to detainment or the likelihood of the individual having relevant information. At all times psychologists remain mindful of and abide by the absolute prohibitions against engaging in or facilitating torture and other cruel, inhuman, or degrading treatment or punishment (Principle E, Respect for Peoples' Rights and Dignity, "Psychologists are aware that special safeguards may be necessary to protect the rights and welfare of persons or communities whose vulnerabilities impair autonomous decision making"; and 3.01, Unfair Discrimination, "In their work-related activities, psychologists do not engage in unfair discrimination based on . . . race, ethnicity, culture, national origin . . .").

- **Be aware that certain settings may instill in individuals a profound sense of powerlessness and may place individuals in considerable positions of disadvantage in terms of asserting their interests and rights.**

Psychologists are mindful that prisoners represent a vulnerable population. (Principle E: Respect for People's Rights and Dignity, "Psychologists respect the dignity and worth of all people, and the rights of individuals to privacy, confidentiality, and self-determination. Psychologists are aware that special safeguards may be necessary to protect the rights and welfare of persons or communities whose vulnerabilities impair autonomous decision making." Also, Ethical Standards 1.01, Misuse of Psychologists' Work (<http://www.apa.org/ethics/code/index.aspx?item=4#101>) , "If psychologists learn of misuse or misrepresentation of their work, they take reasonable steps to correct or minimize the misuse or misrepresentation," and 3.08, Exploitative Relationships, "Psychologists do not exploit persons over whom they have supervisory, evaluative or other authority . . .").

- **Consult with others when they are facing difficult ethical dilemmas.**

(Preamble to the Ethics Code (<http://www.apa.org/ethics/code/index.aspx?item=2>) , "The development of a dynamic



set of ethical standards for psychologists' work-related conduct requires a personal commitment and lifelong effort to act ethically . . . and to consult with others concerning ethical problems;" and Ethical Standard 4.06, Consultations (<http://www.apa.org/ethics/code/index.aspx?item=7#406>) ).

- **Be willing to take ethical responsibility for their own behavior.**
- **Abide by the APA Ethical Principles of Psychologists and Code of Conduct, in its entirety.**

## ► **Statement 7**

APA affirms that there are no exceptional circumstances whatsoever, whether induced by a state of war or threat of war, internal political instability or any other public emergency, that may be invoked as a justification for torture or cruel, inhuman, or degrading treatment or punishment (<http://www.apa.org/about/policy/chapter-3.aspx#torture-punishment>) , including the invocation of laws, regulations, or orders. This policy statement is in keeping with Article 2.2 of the UN Convention Against Torture.

## ► **Actions to be Undertaken by APA**

As a means to advance human rights in the national security context, APA shall continue to carry out the following three broad activities:

1. APA shall call upon the US government, in instances where such action is indicated, including the President, Congress, Department of Defense, Department of Justice, and the Central Intelligence Agency, to prohibit the use of torture or cruel, inhuman, or degrading treatment or punishment by individuals in interrogations and any other detainee-related operations. APA shall continue to inform relevant parties with the US government that psychologists are prohibited from participating in such methods and working in such settings (see Statement 1). In order to protect against torture and cruel, inhuman, or degrading treatment or punishment, and in order to mitigate against the likelihood that unreliable and/or inaccurate information is entered into legal proceedings, APA shall continue to call upon the US legal system to reject testimony that results from torture or cruel, inhuman, or degrading treatment or punishment.
2. APA shall offer ethical guidance and support especially to psychologists working in national security settings at the beginning of their careers, who may experience pressures to engage in unethical or inappropriate behaviors and/or work in unlawful detention settings, while making clear such behavior in any setting is prohibited, as well as working in any unlawful detention setting (with exceptions cited in Statement 1). APA shall make information available on its website from the UN and its committees and other recognized authorities relevant to the identification of unlawful detention settings to the APA membership at large and other relevant parties. The APA Ethics Committee ([/about/governance/bdcmte/ethics-committee.aspx](http://www.apa.org/about/governance/bdcmte/ethics-committee.aspx)) shall finalize and distribute a casebook and commentary, as well as additional guidance for psychologists, which is consistent with international human rights instruments, including those cited earlier, as well as guidelines developed for health professionals, as listed in the corollary to Statement 5. The Ethics Committee shall also develop a consultation process whereby psychologists whose work involves classified material may seek ethical guidance for assistance and support.
3. APA shall disseminate and publicize this reconciled APA policy against torture and other cruel, inhuman, or degrading treatment or punishment and the policy prohibiting psychologists from working in unlawful detention settings (with exceptions cited in Statement 1), both within the Association (to boards, committees, and the membership at large), to the United States government (including the President, Congress, Department of Defense, Department of Justice, and the Central Intelligence Agency) and to the wider public to safeguard individual welfare and to advance human rights.

Council also voted to receive the Report of the APA Member-Initiated Task Force to Reconcile APA Policies Related to Psychologists' Work in National Security Settings.



## ► Footnotes

- i. The American Psychological Association reaffirms unequivocally the 2006 Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (<http://www.apa.org/about/policy/chapter-3.aspx#torture-punishment>) in its entirety in both substance and content, which applies to the work of psychologists in all contexts.
- ii. It is clarified by a footnote in the Member Petition Resolution "that military clinical psychologists would still be available to provide treatment for military personnel."

A primary text for determining the intended scope of the Member Petition Resolution, given the title "Psychologists and Unlawful Detention Settings with a Focus on National Security," is found in the ballot materials distributed to the APA membership during the voting process. This text states:

The referendum is specific, provides clear context, and sets a high bar: in setting where people are detained outside of the law – places where treaties such as the Geneva Conventions and Convention Against Torture are ignored or declared not to apply – psychologists can work only for those detained. U.S. "jails, prisons, psychiatric hospitals . . ." all function within the legal system. Even if they are found to be in violation of the constitution, the finding itself demonstrates that they function within a legal framework, and thus do not meet that bar. No matter how bad conditions might be at those domestic institutions, they can be challenged openly in U.S. courts, and everyone held there holds the rights of habeas corpus; thus they differ significantly from the secret, extra-legal settings that are the subject of this referendum.

For additional information about the intended scope of the Petition Resolution, please see the Report of the APA Presidential Advisory Group on the Implementation of the Petition Resolution (</ethics/advisory-group-final.pdf>) (PDF, 74KB): How is it to be determined whether the policy applies to a particular detention setting and what is meant by the term "outside of, or in violation of, international law?"

A determination of whether a particular detention setting is "in violation of international law" is to be derived from multiple sources. The U.N. and its committees can declare a site to be in violation of international law, as can any international body that the U.N. takes to be authoritative. A setting that has been censured due to reasons reflected by this policy by the Council of Europe, the International Committee of the Red Cross (ICRC), or other internationally accepted body as "outside of, or in violation of, international law" would also be considered a proscribed or prohibited setting. The factors taken into consideration by the U.N. and other internationally accepted bodies in making such a determination may include a lack of habeas corpus rights or other forms of judicial review for detainees, denial of access to the site and to detainees by U.N. monitors, and the use of torture or other forms of cruel, inhuman, or degrading treatment or punishment. The determination of whether a particular detention setting is operating "outside of international law" rests on whether the authority governing the site declares itself to be unbound by the relevant international or constitutional law, thereby indicating its unwillingness to abide by such laws. Relevant examples include a nation stating it will treat detainees in a manner "consistent" with the law rather than in compliance with the law; a state that accepts the law in part or with reservations; and a governing authority that avoids the use of internationally accepted categories, e.g., by naming its detainees "enemy combatants," a term that does not exist in international law. The presence of any one of these conditions does not automatically mean that a site is unlawful in terms of this policy. But alone, or in combination, they do suggest the possibility that a setting fails to comply with the standards of this policy; their existence provides sufficient basis for concern and further inquiry.

- iii. Ethical Principles of Psychologists and Code of Conduct, Retrieved from <http://www.apa.org/ethics/code/index.aspx> (<http://www.apa.org/ethics/code/index.aspx>)

- iv. Defined as both unlawful enemy combatants and lawful enemy combatants as set forth in the U.S. Military Commissions Act of 2006 (Chapter 47A; Subchapter I: Â§ 948a. Definitions):

(1) UNLAWFUL ENEMY COMBATANT. -



(A) The term 'unlawful enemy combatant' means-

(i) a person who has engaged in hostilities or who has purposefully and materially supported hostilities against the United States or its co-belligerents who is not a lawful enemy combatant (including a person who is part of the Taliban, al Qaeda, or associated forces); or

(ii) a person who, before, on, or after the date of the enactment of the Military Commissions Act of 2006, has been determined to be an unlawful enemy combatant by a Combatant Status Review Tribunal or another competent tribunal established under the authority of the President or the Secretary of Defense.

(B) CO-BELLIGERENT. - In this paragraph, the term 'co-belligerent', with respect to the United States, means any State or armed force joining and directly engaged with the United States in hostilities or directly supporting hostilities against a common enemy.

(2) **LAWFUL ENEMY COMBATANT** - The term 'lawful enemy combatant' means a person who is-

(A) a member of the regular forces of a State party engaged in hostilities against the United States;

(B) a member of a militia, volunteer corps, or organized resistance movement belonging to a State party engaged in such hostilities, which are under responsible command, wear a fixed distinctive sign recognizable at a distance, carry their arms openly, and abide by the law of war; or

(C) a member of a regular armed force who professes allegiance to a government engaged in such hostilities, but not recognized by the United States.

<sup>v</sup>. Defined as both privileged belligerent and unprivileged enemy belligerent as set forth in the U.S. Military Commissions Act of 2009 (Chapter 47A; Subchapter I: § 948a. Definitions):

(6) **PRIVILEGED BELLIGERENT**. - The term 'privileged belligerent' means an individual belonging to one of the eight categories enumerated in Article 4 of the Geneva Convention Relative to the Treatment of Prisoners of War.

(7) **UNPRIVILEGED ENEMY BELLIGERENT**. - The term 'unprivileged enemy belligerent' means an individual (other than a privileged belligerent) who-

(A) has engaged in hostilities against the United States or its coalition partners;

(B) has purposefully and materially supported hostilities against the United States or its coalition partners; or

(C) was a part of al Qaeda at the time of the alleged offense under this chapter.

<sup>vi</sup>. Specifically, United States Reservation I.1 of the Reservations, Declarations and Understandings to the United Nations Convention Against Torture stating, 'the term 'cruel, inhuman or degrading treatment or punishment' means the cruel, unusual and inhumane treatment or punishment prohibited by the Fifth, Eighth, and/or Fourteenth Amendments to the Constitution of the United States."

#### **Amendment V.**

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself [sic], nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

#### **Amendment VIII.**



Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

#### **Amendment XIV.**

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

vii. It should be noted that voluntary exposure to many of these techniques as part of military training (e.g., SERE) is not defined as torture or cruel, inhuman, or degrading treatment or punishment under international law and does not constitute torture or cruel, inhuman, or degrading treatment or punishment under this reconciled policy. SERE (Survival, Evasion, Resistance, and Escape) is a program, best known by its military acronym, that provides U.S. military personnel, U.S. Department of Defense civilians, and private military contractors with training in evading capture, survival skills, and the military code of conduct.

viii. Although psychologists to which this reconciled policy applies are expected to have general knowledge of relevant legal and human rights concepts (e.g., the absolute prohibition against torture and cruel, inhuman, and degrading treatment or punishment), psychologists are not expected to have expertise in international law and human rights requirements and are thus encouraged to seek guidance from individuals with such knowledge.

ix. The reconciled policy does not amend the Ethics Code and does not constitute Ethics Committee interpretations of the Ethics Code. The APA Ethics Committee and the Ethics Office are available to members and the public for consultation.

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#### **Find this article at:**

<http://www.apa.org/about/policy/national-security.aspx>



## Position Statement on Psychiatric Participation in Interrogation\* of Detainees

Approved by the Board of Trustees, May 2006

Approved by the Assembly, May 2006

"Policy documents are approved by the APA Assembly and Board of Trustees...These are...position statements that define APA official policy on specific subjects..." – *APA Operations Manual*.

1. The American Psychiatric Association reiterates its position that psychiatrists should not participate in, or otherwise assist or facilitate, the commission of torture of any person. Psychiatrists who become aware that torture has occurred, is occurring, or has been planned must report it promptly to a person or persons in a position to take corrective action.
2.
  - a) Every person in military or civilian detention, whether in the United States or elsewhere, is entitled to appropriate medical care under domestic and international humanitarian law.
  - b) Psychiatrists providing medical care to individual detainees owe their primary obligation to the well-being of their patients, including advocating for their patients, and should not participate or assist in any way, whether directly or indirectly, overtly or covertly, in the interrogation of their patients on behalf of military or civilian agencies or law enforcement authorities.
  - c) Psychiatrists should not disclose any part of the medical records of any patient, or information derived from the treatment relationship, to persons conducting interrogation of the detainee.
3. No psychiatrist should participate directly in the interrogation of persons held in custody by military or civilian investigative or law enforcement authorities, whether in the United States or elsewhere. Direct participation includes being present in the interrogation room, asking or suggesting questions, or advising authorities on the use of specific techniques of interrogation with particular detainees. However, psychiatrists may provide training to military or civilian investigative or law enforcement personnel on recognizing and responding to persons with mental illnesses, on the possible medical and psychological effects of particular techniques and conditions of interrogation, and on other areas within their professional expertise.

d) This paragraph is not meant to preclude treating psychiatrists who become aware that the detainee may pose a significant threat of harm to him/herself or to others from ascertaining the nature and the seriousness of the threat or from notifying appropriate authorities of that threat, consistent with the obligations applicable to other treatment relationships.

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\*As used in this statement, "interrogation" refers to a deliberate attempt to elicit information from a detainee for the purposes of incriminating the detainee, identifying other persons who have committed or may be planning to commit acts of violence or other crimes, or otherwise obtaining information that is believed to be of value for criminal justice or national security purposes. It does not include interviews or other interactions with a detainee that have been appropriately authorized by a court or by counsel for the detainee or that are conducted by or on behalf of correctional authorities with a prisoner serving a criminal sentence.



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January 22, 2009

## APA Applauds New Executive Orders Signaling a Fundamental Change in the Rights and Treatment of Detainees

WASHINGTON -- The American Psychological Association applauds the executive orders issued today by President Obama related to the treatment of detainees. These orders ensure that torture and other abusive interrogation techniques will be prohibited and that the legal rights of detainees to judicial review will be upheld, signaling to the world that the new administration is committed to safeguarding basic human rights both at home and abroad.

APA strongly believes that the United States must never violate the human rights (/topics/human-rights/index.aspx) of detainees U.S. or international law, as has occurred at the Guantanamo Bay detention facility. Guantanamo detainees have been subjected to abusive treatment and were only recently granted the right by the U.S. Supreme Court to the judicial review of their detention.

As an association dedicated to human welfare and an accredited non-governmental organization at the United Nations, APA long held a clear and unequivocal position on human rights, which applies to the treatment of detainees. Specifically, any direct or indirect participation by psychologists in any act of torture or other forms of cruel, inhuman or degrading treatment or punishment is unethical and prohibited. Accordingly, APA commends the president's order requiring all U.S. personnel to follow the Army Field Manual when interrogating detainees, which will have the effect of prohibiting waterboarding and other abusive techniques.

The association would like to ensure that the Obama administration is aware that APA's members passed a resolution in 2003 stating that psychologists may not work in settings where people are held outside of, or in violation of, either international law or the U.S. Constitution, unless they are working directly for the people being detained, working for an independent third party working to protect human rights, or providing treatment to military personnel.

*The American Psychological Association (APA), in Washington, DC, is the largest scientific and professional organization representing psychology in the United States and is the world's largest association of psychologists. APA's membership includes more than 148,000 researchers, educators, clinicians, consultants and students. Through its divisions in 54 subfields of psychology and affiliations with 60 state, territorial and Canadian provincial associations, APA works to advance psychology as a scientific profession and as a means of promoting health, education and human welfare.*

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## AMERICAN PSYCHOLOGICAL ASSOCIATION

October 23, 2005

### APA President Ronald F. Levant Visits Naval Station at Guantanamo Bay

WASHINGTON—At the invitation of the Assistant Secretary of Defense for Health Affairs, APA President Ronald F. Levant, EdD, was one of a group of Department of Defense (DoD) officials and leaders from national health and mental health organizations that visited the U.S. Naval Station at Guantanamo Bay, Cuba last week.

The purpose of the visit was to learn more about the work of psychologists currently serving as part of the Joint Task Force-Guantanamo and to enter into a dialogue with DoD officials and the rest of the visiting group as to an appropriate and effective role for mental health professionals in national security investigations. APA is most interested in the role that psychologists are playing in national security investigations as part of the Joint Task Force and will continue to help advise DoD to ensure that such work by psychologists is safe, legal, ethical and effective.

"I accepted this offer to visit Guantanamo because I saw the invitation as an important opportunity to continue to provide our expertise and guidance for how psychologists can play an appropriate and ethical role in national security investigations. Our goals are to ensure that psychologists add value and safeguards to such investigations and that they are done in an ethical and effective manner that protects the safety of all involved," stated Dr. Levant upon his return.

"This trip gave me an opportunity to ask questions and observe a brief snapshot of the Guantanamo facility first hand," Levant stated. "As APA's work in studying the issues presented by our country's national security needs continues, this trip was another opportunity for the Association to inform and advise the process."

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**Find this article at:**

<http://www.apa.org/news/press/releases/2005/10/gitmo.aspx>



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## **APA Works with CIA and RAND to Hold Science of Deception Workshop**

On July 17-18, RAND Corp. and the APA hosted a workshop entitled the "Science of Deception: Integration of Practice and Theory" with generous funding from the Central Intelligence Agency (CIA). The workshop provided an opportunity to bring together individuals with a need to understand and use deception in the service of national defense/security with those who investigate the phenomena and mechanisms of deception. Meeting at RAND headquarters in Arlington, VA, the workshop drew together approximately 40 individuals including research psychologists, psychiatrists, neurologists who study various aspects of deception and representatives from the CIA, FBI and Department of Defense with interests in intelligence operations. In addition, representatives from the White House Office of Science and Technology Policy and the Science and Technology Directorate of the Department of Homeland Security were present. Following brief introductions and welcoming remarks from Kevin O'Connell, Director of the Intelligence Policy Center within RAND's National Security Research Division, workshop participants divided into break-out groups to discuss thematic scenarios following a format used in a previous conference on counterterrorism held at the FBI Academy in February 2002.

The scenarios dealt broadly with issues such as embassy walk-in informants, threat assessment, intelligence gathering, and law enforcement interrogation and debriefing. Participants were prompted in advance to think about research issues and practical considerations they wanted the broader group to consider. Across the two days, there were a number of thought-provoking discussions suggesting the need to develop both short-term and long-term research programs on deception. Workshop participants will review transcripts from the meeting toward the goal of developing a more detailed summary suitable for public consumption.

My profound thanks to both Scott Gerwehr, Associate Policy Analyst at RAND, and Susan Brandon, Program Officer for Affect and Biobehavioral Regulation at NIMH, who jointly conceived of this project while Susan was still Senior Scientist here at APA. Special thanks to Kirk Hubbard, Chief of the Research & Analysis Branch, Operational Assessment Division of the CIA, for generous financial support and for recruiting the operational expertise and to RAND for providing conference facilities and other logistical support.





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**THE LATEST**

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## APA's first Department of Defense summer fellows examine counterintelligence

In August, psychologist Sujeeta Bhatt, PhD, of Georgetown University Medical Center, and Kathleen Pierce, a fifth-year social psychology graduate student at The Ohio State University, became the first to complete an APA-sponsored research fellowship in the Department of Defense's Counterintelligence Field Activity Office (CIFA) in the Washington, D.C., area.

The fellowship program, which began in June, is a collaboration between APA and the Department of Defense. Heather O'Beirne Kelly, PhD, who directs the APA science policy fellowship programs, says the fellowships are "a perfect opportunity to extend APA's efforts to promote behavioral research within the federal government and to train psychologists in national security-related research and policy."

At CIFA, which serves as the coordinating office for the Department of Defense's counterintelligence activities, Bhatt researched various techniques to detect deception, and Pierce analyzed how competing identities affect multinational individuals. The fellows worked in the office's Behavioral Sciences Directorate under the supervision of three psychologists, Scott Shumate, PhD, Kirk Kennedy, PhD, and John Capps, PhD.

Working with other CIFA psychologists, Bhatt says, allowed her to gain insight into how Department of Defense workers--including psychologists--can use psychological research to create public policy.

"As a scientist, I'm used to moving from grant to grant," she says. "[The fellowship] allowed me to see what other options exist in neuroscience outside of academia."

Likewise, Pierce--who has had a longtime interest in current events and government--used the fellowship as an opportunity to study policy beyond the university.

"I learned what it is that people in the real world, outside of academia, want from us," she says. "And I learned how I could best communicate my work to them."

Now that the fellowship has ended, Bhatt is using a CIA postdoctoral grant to use functional magnetic resonance imaging to determine which brain regions activate when a person engages in deception. Pierce is completing her degree.

**-Z. STAMBOR**

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**Find this article at:**

<http://www.apa.org/gradpsych/2005/09/defense.aspx>



**Department of Defense Hill Day – Wednesday, June 6<sup>th</sup>, 2001**  
**Jointly sponsored by the Association of American Universities (AAU) and**  
**the Coalition for National Security Research (CNSR)**

**Purpose:** To urge policy makers to strengthen the Department of Defense's (DoD's) science and technology research program in Fiscal Year 2002.

**Activities:** Universities and science associations will bring researchers who do defense-related work to Washington, DC for a luncheon reception and afternoon appointments with Members of Congress and their staff. During the luncheon reception, AAU and CNSR will present awards to four Members of Congress who have championed DoD science and technology: Sen. Rick Santorum (R-PA), Sen. Joseph Lieberman (D-CT), Rep. Tony Hall (D-OH), and Rep. Bill Young (R-FL). Each of the military research laboratories will have a display during the luncheon featuring technologically innovative programs resulting from DoD-funded research.

**Schedule:** The luncheon reception (open to all Members of Congress) will be from 12:00 until 2:00 pm in the Rayburn Gold Room. Visits with Members of Congress, particularly those on defense appropriations and authorization committees, are scheduled in the afternoon.

**American Psychological Association's Participation:** Dr. Heather Kelly from the American Psychological Association (APA) will bring Dr. Gerald Krueger, a research psychologist currently working with the Army's Land Warrior program, to the luncheon and to appointments with his Virginia delegation on Capitol Hill. Dr. Krueger also will have with him Specialist William Donald Boyle, Jr., an Army Ranger who will be wearing the new Land Warrior technology.

The APA group currently has meetings scheduled with Senator Warner at 3:00 and Senator Allen at 3:30.

Please contact Dr. Kelly at 202.336.5932 or at [hkelly@apa.org](mailto:hkelly@apa.org) with any questions.



July 5, 2005

## Report of the APA Presidential Task Force on Psychological Ethics and National Security

*APA addressed the role of psychology and psychologists in interrogations and will further develop resources to provide ethics consultation to psychologists who work with classified information in national security-related settings.*

### Read the journal article

Report of the American  
Psychological Association  
Presidential Task Force on  
Psychological Ethics and National  
Security (</pubs/info/reports/pens.pdf>)  
(PDF, 119KB)

**NOTE:** In July 2013, APA's governing Council of Representatives adopted the "Policy Related to Psychologists' Work in National Security Settings and Reaffirmation of the APA Position Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (</about/policy/national-security.aspx>). This policy unifies into a single document prior APA policies dating to 1986 related to detainee welfare and interrogation. **As part of the policy reconciliation process, the council voted to rescind the 2005 Report of the APA Presidential Task Force on Psychological Ethics and National Security (PENS) and two other APA policies dated 2007 and 2008.** These policies had become outdated or rendered inaccurate the passage of subsequent policies, most notably a 2010 revision of the APA Ethics Code and the 2013 policy.

### Note to Correspondents

WASHINGTON — The American Psychological Association Presidential Task Force on Psychological Ethics and National Security today released its report affirming the adequacy of the current APA Ethics Code in addressing the ethical dimensions of psychologists' involvement in national security-related activities and affirming APA's continuing central role and commitment to developing policies that address the role of psychology and psychologists in investigations related to national security. The Task Force report also called for APA to develop further its resources to provide ethics consultation to psychologists who work with classified information in national security-related settings.

### The major findings of the Task Force include:

It is consistent with the APA Code of Ethics for psychologists to serve in consultative roles to interrogation- or information-gathering processes for national security-related purposes. While engaging in such consultative and advisory roles entails a delicate balance of ethical considerations, doing so puts psychologists in a unique position to assist in ensuring that such processes are safe and ethical for all participants.

The APA states emphatically that whenever psychologists serve in any position by virtue of their training, experience and expertise the APA ethics code always applies to their work.

Psychologists who serve in the role of supporting an interrogation do not use health care related information to the detriment of an individual's safety and well-being.









\*\*SPIN - APA'S SCIENCE POLICY INSIDER NEWS \*\*

April - May 2005

To access the entire issue of SPIN, April - May 2005, please visit:

[<http://www.apa.org/ppo/spin/505.html>](http://www.apa.org/ppo/spin/505.html)

In this issue:

1. Missing Issue of SPIN Found
2. Congress Acts on APA's Call to Increase Support for VA Research
3. APA Urges Congress to Increase Spending for Research, Services
4. Friends of NIDA States Its Case to Appropriations Committees
5. APA Provides Colorful Input to FDA
6. APA Members Participate in Buprenorphine Summit
7. Friends of NIDA Urge Membership in Tobacco Caucus
8. Science Policy Staff Flee to Canada
9. APA Names Summer Research Fellows in DoD Counterintelligence
10. APA Cosponsors Drug Abuse Liability Conference
11. Psychologists Talk up Basic Research at Latest Science Advocacy Workshop
12. NHTSA Alerted to Human Factors Research on Driver Distraction
13. Congress Learns About Treatment Options
14. Psychologists Appointed to APA Presidential Task Force on Psychological Ethics and National Security

#### 1. MISSING ISSUE OF SPIN FOUND

Dedicated readers of SPIN may have noticed something missing from their in-boxes last month...the April Issue. I'll dispense with the dog-ate-my-book approach and confess that we were just too busy last month to produce SPIN. And so this first, and hopefully last, double-issue. I apologize for any distress caused by a month's absence of science policy insider news.

-Geoff

#### 2. CONGRESS ACTS ON APA'S CALL TO INCREASE SUPPORT FOR VA RESEARCH

Just this week, the new Military Quality of Life and VA Appropriations Subcommittee in the House of Representatives drafted legislation that would double support for mental health research within the Department of Veterans Affairs (VA) for Fiscal Year 2006. This directly follows APA's testimony before the Subcommittee, in which Executive Director for Science Steven Breckler urged lawmakers to increase funding for the VA's Medical and Prosthetic Research Account, and the psychological research program in particular. The VA funds intramural research in support of its clinical mission to care for veterans, and VA psychological scientists conduct research in high-priority areas such as mental health, substance abuse, aging-related disorders, and physical and psychosocial rehabilitation. The proposed increase in VA research dollars comes after many years of flat funding and cuts in the Administration's budget request for the account in Fiscal Years 2005 and 2006. The draft funding legislation now will go before the whole House for a vote, and eventually will be "conferenced" with the Senate's funding bill before becoming law.

To read Dr. Breckler's testimony, please click here:

[<http://www.apa.org/ppo/issues/brecklertest05.html>](http://www.apa.org/ppo/issues/brecklertest05.html)



### 3. APA URGES CONGRESS TO INCREASE SPENDING FOR RESEARCH, SERVICES

In testimony submitted to the House and Senate Appropriation Subcommittees on Labor, Health and Human Services and Education, APA called for Congress to continue the progress begun with the doubling of NIH's budget several years ago, by increasing the NIH budget by six percent instead of the 0.5 percent requested by the Administration. APA also suggested that the National Institute of Mental Health balance its portfolio of basic behavioral research and applied, disease-related research in order to continue feeding the next generation of behavioral treatments and other interventions. Furthermore, APA urged the Appropriations Committees to continue directing the National Institute of General Medical Sciences to develop a program in basic behavioral sciences research, or training, or both. The statement read, "Much basic research is supported at NIH by the National Institute of General Medical Sciences, yet NIGMS funds very little basic behavioral research. APA asks that the committee continue to encourage or direct NIGMS, as it has for the past five years, to fill some of the gaps that now appear in NIH support of basic behavioral research and research training."

APA's statement called for an additional \$15 million for Child Abuse Prevention programs in the Department of Health and Human Services, development of additional research-based programs to prevent bullying, and additional funding for the Graduate Psychology Education program.

To read APA's testimony [PDF 100K], please click here:

<http://www.apa.org/ppo/issues/lhhstestfy06.pdf>

### 4. FRIENDS OF NIDA STATES ITS CASE TO APPROPRIATIONS COMMITTEES

On April 1, the Friends of NIDA coalition submitted written testimony for the record in support of funding for the National Institute on Drug Abuse to the Labor, Health and Human Services Appropriations Subcommittee of the Senate Appropriations Committee. The testimony, advocating for a 6% increase in NIDA's FY06 funding level, summarized a variety of programmatic initiatives and described both NIDA success stories as well as challenges and opportunities. The House version of the testimony, identical in content, was submitted April 15.

To read the FoN testimony [PDF 50K], please click here:

<http://www.apa.org/ppo/issues/fonsenatetestimonyfy06.pdf>

### 5. APA PROVIDES COLORFUL INPUT TO FDA

Following a request for comments from the Food and Drug Administration on the use of color in pharmaceutical labeling, APA collaborated with scientists from the leadership of Division 21 (Applied Experimental and Engineering Psychology) and psychologists from the Human Factors and Ergonomics Society to compile a statement for the record, submitted on April 7.

While there is empirical evidence suggesting that the use of color can enhance or degrade the quality of a communication depending on context, there appears to be a general lack of data on the use of color in pharmaceutical labeling. Therefore, we hope that a call for more research will shed light on this important public health/safety issue.

To read the FDA's request for comments [PDF 20K], please click here:

<http://www.apa.org/ppo/issues/fdacolorcoding.pdf>

To read APA's Statement on the Use of Color Coding [PDF 55K], please click here:

<http://www.apa.org/ppo/issues/apacolorcoding.pdf>



#### 6. APA MEMBERS PARTICIPATE IN BUPRENORPHINE SUMMIT

On April 11-12, Geoff Mumford, APA's Director of Science Policy (and one-time behavioral pharmacologist), was invited to participate on an Expert Panel in a summit to discuss progress on the use of buprenorphine in the treatment of opiate dependence.

To read the full article, please click here:

[<http://www.apa.org/ppo/spin/505.html#summit>](http://www.apa.org/ppo/spin/505.html#summit)

#### 7. FRIENDS OF NIDA URGE MEMBERSHIP IN TOBACCO CAUCUS

In an attempt raise awareness about the leading preventable cause of death in the U.S., and to help remind Members of Congress about the breadth of NIDA's research portfolio, the Friends of NIDA sent a letter to all Members of the House of Representatives on April 12 urging them to join the Congressional Caucus on Tobacco and Health.

Read the FoN letter to House Members [PDF 25K], please click here:

[<http://www.apa.org/ppo/issues/fonidatobaccoltr.pdf>](http://www.apa.org/ppo/issues/fonidatobaccoltr.pdf)

#### 8. SCIENCE POLICY STAFF FLEE TO CANADA

The American Educational Research Association held its annual meeting April 11-14 in Montreal, Canada. Science Policy staffer Karen Studwell participated in a session focused on the intersection of research and policy and discussed ways that researchers could ensure that their research was able to inform policy decisions. The session also included presentations by psychologists Pat Alexander, Jim Greeno, Barbara McCombs and APA's Rena Subotnik. Most of the participants were able to cite those research areas that are more likely to be supported by federal agencies, such as academic achievement and teacher quality, but there are also other opportunities that can be found by contacting program staff at the funding agencies. One way to ensure that research findings are utilized by policymakers is to produce materials for the audience of policymakers and their staff who need concise recommendations that can be understood without having to read full journal articles.

For more information on the research funding available throughout the various agencies that support education research, please see:

Institute of Education Sciences:

[<http://www.ed.gov/about/offices/list/ies/index.html?src=oc>](http://www.ed.gov/about/offices/list/ies/index.html?src=oc)

National Institute of Child Health and Human Development:

[<http://www.nichd.nih.gov/crmc/cdb/funding\\_rfa.htm>](http://www.nichd.nih.gov/crmc/cdb/funding_rfa.htm)

National Science Foundation: [<http://www.nsf.gov/funding/funding\\_results.jsp>](http://www.nsf.gov/funding/funding_results.jsp)

#### 9. APA NAMES SUMMER RESEARCH FELLOWS IN DOD COUNTERINTELLIGENCE

APA's Science Directorate and Public Policy Office are pleased to announce the selection of Sujeeta Bhatt, PhD (Georgetown University Medical Center) and Kathleen Pierce, MA (The Ohio State University) as Summer Research Fellows in Department of Defense (DoD) Counterintelligence. Bhatt and Pierce will spend eight weeks this summer working in the Counterintelligence Field Activity Office (CIFA) of DoD, headquartered in Washington, D.C. CIFA serves as the coordinating office for DoD's counterintelligence activities, and the APA Fellows will work with psychologists heading up the CIFA Behavioral Sciences Directorate on research issues related to detection of deception and the impacts of competing identities.

#### 10. APA COSPONSORS DRUG ABUSE LIABILITY CONFERENCE

On April 19-20, APA cosponsored a conference entitled "Impact of Drug Formulation on Abuse Liability, Safety, and Regulatory Decisions" to examine a range of issues



under exploration by psychopharmacologists trying to limit the abuse liability of medications by adjusting the formulation in which they are delivered. This conference served as a follow-on to a conference held in October 2002 entitled "Abuse Liability Assessment of CNS Drugs", which set forth a set of research priorities and addressed methodological issues necessary to enhance the sensitivity and predictive validity of abuse liability assessments. The proceedings of the first conference were detailed in a Supplement to Drug and Alcohol Dependence (Volume 70, Issue 3 Supplement, 2003). Likewise, a series of commissioned papers will be published from this conference in a future issue of DAD.

To read the full article, please click here:

[<http://www.apa.org/ppo/spin/505.html#drugconf>](http://www.apa.org/ppo/spin/505.html#drugconf)

11. PSYCHOLOGISTS TALK UP BASIC RESEARCH AT LATEST SCIENCE ADVOCACY WORKSHOP  
Thirteen early-career psychologists came to Washington April 30 through May 2, 2005, to talk with congressional staff about why it's so important for the National Institutes of Health (NIH) to support basic behavioral research. The workshop participants are themselves basic researchers who are all less than ten years past their doctoral degrees.

To read the full article from the APA Science Directorate's Psychological Science Agenda, please click here:

[<http://www.apa.org/science/psa/may05spin.html>](http://www.apa.org/science/psa/may05spin.html)

12. NHTSA ALERTED TO HUMAN FACTORS RESEARCH ON DRIVER DISTRACTION

In an effort to increase awareness of driver distraction research, Science Policy staff coordinated a joint letter sent to Dr. Jeffrey Runge, Administrator of the National Highway Traffic Safety Administration, on May 3 to alert him to a body of research reported in the winter issue of Human Factors (the journal of the Human Factors and Ergonomics Society).

To read the full article, please click here:

[<http://www.apa.org/ppo/spin/505.html#nhtsa>](http://www.apa.org/ppo/spin/505.html#nhtsa)

13. CONGRESS LEARNS ABOUT TREATMENT OPTIONS

On May 4, APA's Science Policy Office sponsored a congressional briefing entitled, "NIH Research in Action: Innovative Behavioral Treatments for Mental and Substance Use Disorders". To educate congressional staff about innovative treatments that have been developed with funding by the National Institutes of Health (NIH), APA brought in psychologists David H. Barlow, PhD, Professor of Psychology and Psychiatry, and Director, Boston University Center for Anxiety and Related Disorders, William R. Miller, PhD, Distinguished Professor of Psychology & Psychiatry, University of New Mexico, and Kathleen M. Carroll, PhD, Professor of Psychiatry, Yale University School of Medicine.

To read the full article, please click here:

[<http://www.apa.org/ppo/issues/btbreifing5405.html>](http://www.apa.org/ppo/issues/btbreifing5405.html)

14. PSYCHOLOGISTS APPOINTED TO APA PRESIDENTIAL TASK FORCE ON PSYCHOLOGICAL ETHICS AND NATIONAL SECURITY

APA President Ronald Levant announced the appointment of the following psychologists to serve on the Task force on Psychological Ethics and National Security (PENS): Olivia Moorehead-Slaughter (Chair), Jean Maria Arrigo, Morgan Banks, Robert A. Fein, Michael G. Gelles, Larry C. James, Bryce E. Lefever, R. Scott Shumate, Nina K. Thomas and Michael G. Wessells. Levant also asked Barry S. Anton and Gerald P. Koocher to serve as liaisons to the Task Force from the APA Board of Directors. The



mission of the PENS Task Force, which will meet in June, is to examine the ethical dimensions of psychology's involvement and the use of psychology in national security-related investigations. The overarching purpose will be to examine whether our current Ethics Code adequately addresses such activities, whether APA provides adequate ethical guidance to psychologists involved in these endeavors, and whether APA should develop policy to address the role of psychologists and psychology in investigations related to national security. Science Policy staffer Heather Kelly will help staff the Task Force.

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ANY QUESTIONS? If you have any questions regarding SPIN or specific science policy issues, please feel free to contact any of APA's Science Policy staff.

Geoff Mumford, PhD, Director of Science Policy <<mailto:gmumford@apa.org>>

Pat Kobor, Senior Science Policy Analyst <<mailto:pkobor@apa.org>>

Heather O'Beirne Kelly, PhD, Senior Legislative and Federal Affairs Officer <<mailto:hkelly@apa.org>>

Karen Studwell, JD, Legislative and Federal Affairs Officer <<mailto:kstudwell@apa.org>>

Sara Robinson, Legislative Assistant <<mailto:srobinson@apa.org>>



# A Day at Guantanamo

## November 13, 2006



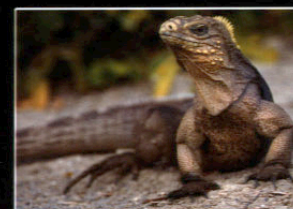
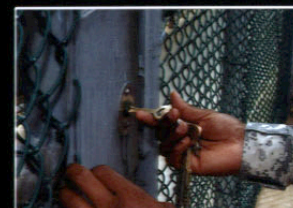
# Guest List

- **Stephen H. Behnke, PhD, JD**
  - APA Ethics Officer
- **Capt. John S. Edmondson**
  - Deputy Chief of Staff, Future Plans and Strategies, USN Bureau of Medicine and Surgery
- **Robert G. Frank, PhD**
  - Dean, College of Public Health, University of Florida
- **Edmund G. Howe, MD, JD**
  - Professor of Psychiatry and Director of Program in Medical Ethics at USUHS
- **Col. Robert R. Ireland, DMin, MD**
  - Program Director for Mental Health Policy, DoD
- **Stephen L. Jones, DHA**
  - Principal Deputy Assistant Secretary of Defense for Health Affairs
- **Lt. Gen Kevin C. Kiley, MD**
  - Army Surgeon General
- **Gerald P. Koocher, PhD**
  - APA President
- **Joseph E. Paris, MD, PhD**
  - Past President of the Society of Correctional Physicians
- **Rebecca M. Patton, MSN, RN, CNOR**
  - President, American Nurses Association
- **Pedro Ruiz, MD**
  - ApA President
- **Jack W. Smith, MD, MMM**
  - Acting Deputy Assistant Secretary of Defense, Clinical and Program Policy in the Office
- **Lt. Col. Mary M. Whitehead, MSN, USAF, NC**
  - Pentagon Branch chief, Strategies and Capabilities.
- **Eric A. Zillmer, PsyD**
  - Author: *The Quest for the Nazi Personality* (1995)





*Honor Bound to Defend Freedom*



# Joint Task Force Guantanamo

*Dr. Koocher - Thank you for visiting the Troops here in G-Two.*

*Harry Harris 11/13/06*



Rear Admiral Harry B. Harris, Jr.  
Commander, Joint Task Force Guantanamo





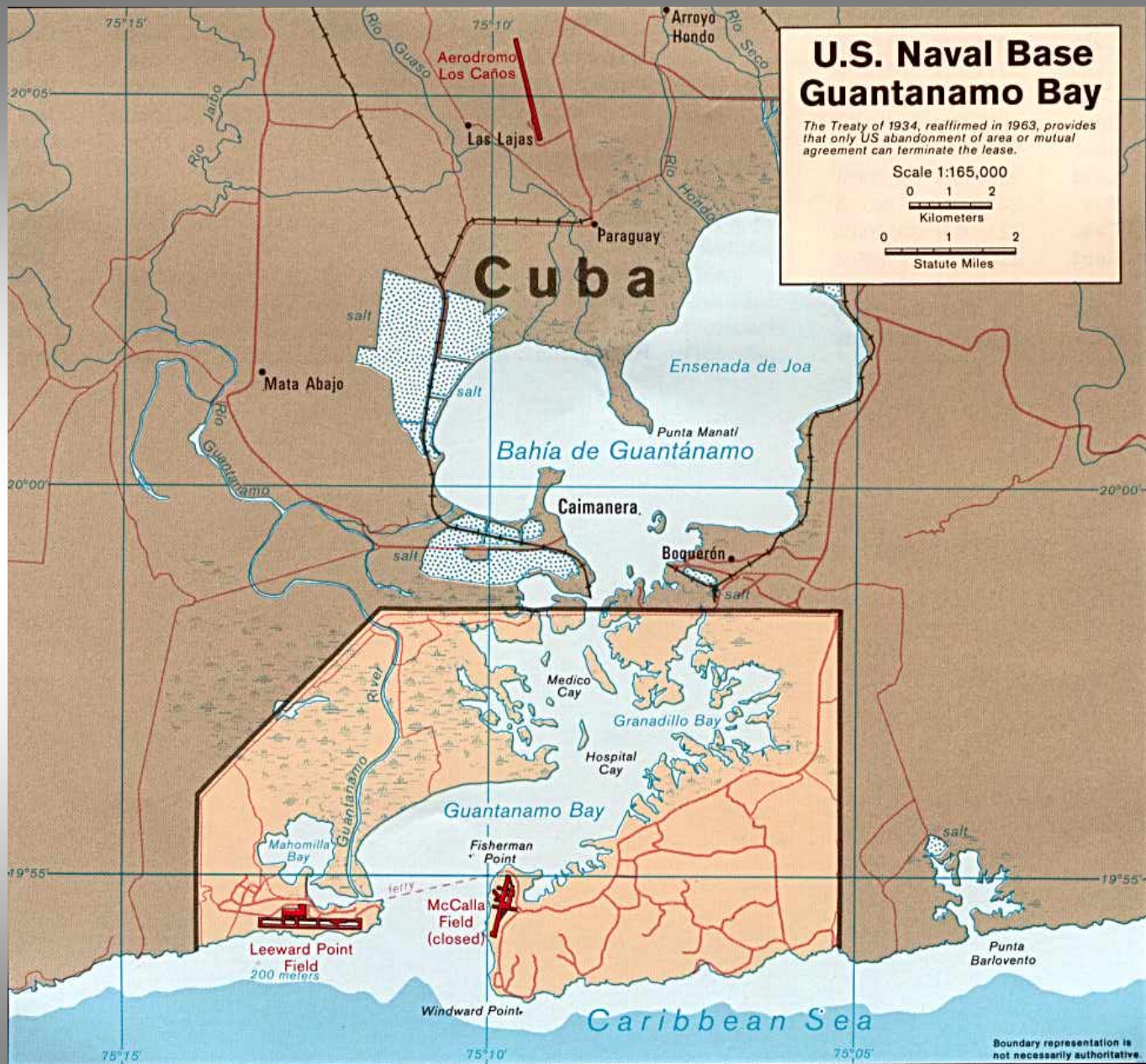




# Guantanamo Facts

- Naval fueling station
- 45 square miles
- Leased at end of Spanish-American War
  - A 1934 treaty reaffirming the lease granted Cuba free access through the bay, modified payment from \$2,000 in U.S. gold coins per year, to the 1934 equivalent value of \$4,085 in U.S. dollars, and made the lease permanent unless both governments agreed to break it or the U.S. abandoned the base property.
- Self-sufficient in water (reverse-osmosis) and power (including wind turbines)







# Government Orientation

- GWOT (Global War on Terrorism)
  - Detainees = enemies of the United States
  - Given the chance they will try to kill us
- The “law of war”
  - We have the right to detain combatants until the cessation of hostilities
- No punishment or rehabilitative intent
  - Rather, keep captured terrorists from returning to violence
  - Gather intelligence to prevent future attacks.



# Joint Task Force-Guantanamo

- JTF = 1,800-2,000 personnel
  - Joint Intel Group of 287 headed by Defense Intelligence Agency (DIA)
- Some detainees have been on site 4 years
  - 65% deemed uncooperative
    - Some committed to killing JTF personnel
    - Physical and bodily fluid assaults
    - Threats to JTF family member
  - 35% cooperate to some degree
  - Some released detainees have returned to fight US forces
  - At time of visit 9 in MH facility, 4 hunger strikers, 2 of 4 on enteral feedings
  - No allegations of torture have been validated at Guantanamo.



# Who's Detained?

- ~430 detained as of Nov.'06
- ~350 have departed
- ~100 departure pending
  - Somali, Uygur, etc
- Detainees include:
  - Terrorist trainers
  - Terrorist financiers
  - Bomb makers
  - Bin Laden bodyguards
  - Recruiters and facilitators
  - Would-be suicide bombers





# Conditions of Incarceration

- Camp X-Ray closed
- Three meals/day
  - Consistent with cultural dietary preferences (4000 calories)
- Daily exercise
  - In cell 21 hours per day
- Adequate shelter
  - Beds, mattresses, sheets, toilets, running water
- Opportunity to worship
  - Quran in native languages (N=40)
- Most are observed every three minutes
- Mail: 43k+ pieces in and out since 2002
- Books and reading materials (Agatha Christie and Harry Potter in Arabic most popular)
- Excellent medical care
- \$100 million sent on new facilities.



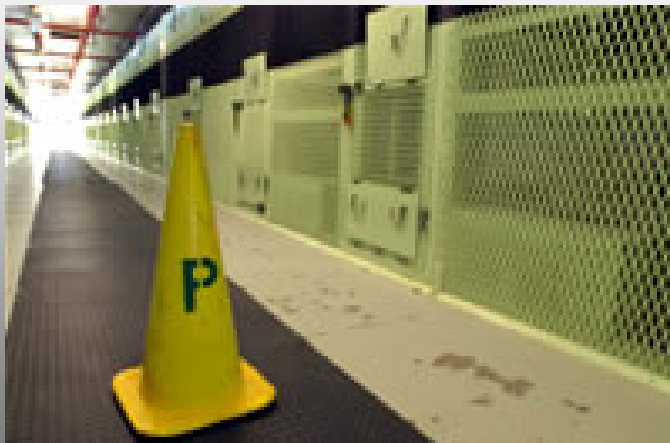
# Camps 1, 2, and 3

- Individual cells with floor toilet and sink
- Ten cell blocks with 48 cells each
- Tan uniforms and canvas sneakers
- Exercise = 30 min x2 per week with showers after exercise period
- Good behavior can qualify for transfer to camp 4





# Camps 1, 2, and 3



APA\_0005427



# Camps 1, 2, and 3





# Camp 4



- Ten man bays with access to exercise yards attached to living areas several hours per day, including recreational and sports equipment (e.g., board games, soccer, and ping pong)





# Camp 4







# Camp 4: White clothing + underclothes



APA\_0005427



# Camps 5-6

Maximum security based on federal penitentiary standards

- \$16 million facility completed in May, '04
- Camp 6 – scheduled for completion in December, 2006
- Four two story wings with individual cells in can house 100 detainees each, plus interrogation facilities
- Designed for individuals posing highest threat to selves, detainees, or guards, plus “high value intelligence assets.”



# Camps 5-6

Maximum security based on federal penitentiary standards



- Orange suits
- Constant observation
- Cells designed with grab bars and overhanging sinks
- One hour of exercise per day in 10x20 foot outdoor area





# Cultural sensitivity



- Food
- Call to prayer x5 per day with 20 minutes uninterrupted time
- Personal copies of Quran, prayer rugs, and beads
- Observation of holy periods including Ramadan
- Sensitivity training and respect enforcement on camp security personnel.



# Medical care



- Comparable to care given service members
- Immunizations
- Prostheses
- Cancer and cardiac surgery
- Screening colonoscopies offered



# Medical care



- 19 inpatient beds, expandable to 28
- 70 medical personnel
- Physical therapy facility
- Single bed OR
- Access not Naval Base Hospital





- Health screenings at higher level than Federal prisons
  - Cholesterol, diabetes, TB, etc.
- Right to refuse any medical care except for active TB infection
- 300 Surgical procedures
- 800-1,000 MH visits per month
  - MH unit for psychotic and severe personality disordered detainees
- 120 PT visits per month
  - 12 have prosthetic limbs



# International Committee of the Red Cross

- Regular unfettered access
- ICRC processes mail



# Behavioral Science Consultation Teams (BSCT)

- Part of JTF (not medical corps)
- Firewall between MH and BSCT personnel
  - Social contacts also avoided
  - MH has 100% control over medical data
- BSCT Roles
  - No direct interrogation
  - Observe interrogations from outside
  - Behavioral observations
    - How to proceed more effectively
    - Behavioral drift control



# Interrogation yield



- Organizational structure and personnel in al Qaeda and related groups
- Extent of terrorist presence in the US and elsewhere
- Al Qaeda weapons and strategies
- Terrorist skill sets
- Recruitment centers and methods
- Use of legitimate financial activities to conceal terrorist operations





**Sender:** Mumford, Geoff </O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>  
**Sent:** Wednesday, October 17, 2007 7:21:37 PM  
**Recipient:** Barnes, Tammy <tbarnes@apa.org>;Kobor, Pat <pkobor@apa.org>;Kelly, Heather <hkelly@apa.org>;Studwell, Karen <KStudwell@apa.org>;Hoffman, Elizabeth <ehoffman@apa.org>  
**Cc:** Bettesworth, Anne <abettesworth@apa.org>  
**Subject:** FW: SciLC APA Follow up Spreadsheet  
**Attachments:** SciLC Invitee Master Spreadsheet w APA followup.xls

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Thanks very much Tammy!

All - we should take a look and see if there's anything that we can contribute and copy the participants in any response to staff. There's not a whole lot that requires specific response but a couple might.

I assume Steve will have a separate agenda item on SciLC for BSA but in any case we should probably get ahead of the game in terms of discussing anything we'd want to do differently or stuff we learned from the debriefings or evaluations.

Should we cater-in lunch on Monday and do a wrap-up while its still fresh?  
-geoff

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**From:** Barnes, Tammy  
**Sent:** Wednesday, October 17, 2007 4:25 PM  
**To:** Mumford, Geoff; Phelps, Emily  
**Subject:** SciLC APA Follow up Spreadsheet

Geoff,

Attached is the spreadsheet with 2 columns titled "APA Follow up" & "Y comments."

In the Comments Column I included the Staffer Name and Office so to help with the point of contact information if we decide to take action on the additional information request.

I placed the forms back on your desk. If there are any questions about the spreadsheet, please feel free to ask me.

Tammy

---

**From:** Mumford, Geoff  
**Sent:** Wednesday, October 17, 2007 12:32 PM  
**To:** Phelps, Emily; Barnes, Tammy  
**Subject:** FW: scilc attendees

Thanks Emily. Tammy let's use this spreadsheet and just start a column called "APA followup" with an N or Y next to each name and a note as what the follow-up is if Y in a separate column. Thanks.  
-geoff

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**From:** Phelps, Emily  
**Sent:** Wednesday, October 17, 2007 12:25 PM  
**To:** Mumford, Geoff  
**Subject:** scilc attendees



Hi Geoff,

This is the most updated list from SciLC that we have currently. Participants who attended are marked "Y" , and those marked "C" canceled.

Emily

Emily Phelps  
Science Directorate  
American Psychological Association  
(202) 336-5513  
ephelps@apa.org



**Sender:** Breckler, Steve </O=APA/OU=DC/CN=RECIPIENTS/CN=SJB>  
**Sent:** Friday, February 13, 2009 8:10:21 AM  
**Recipient:** Garrison, Ellen <egarrison@apa.org>; Kelly, Heather  
<hkelly@apa.org>; Mumford, Geoff <gmumford@apa.org>; Behnke, Stephen  
<sbehnke@apa.org>; Anderson, Norman <NAnderson@apa.org>; Farberman,  
Rhea <rfarberman@apa.org>  
**Subject:** Re: Recent APA Advisory Group Document

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I think the message that needs to be communicated to ALL concerned is this: this is an advisory document, and Council is only being asked to receive it. None of the recommendations in the report are to be acted on at this point. Any that Council deems worthy of pursuit will then be fully discussed and studied, and voted on separately and at a later time. If the military psychologists (or any other group) is concerned, that's when they need to articulate their concerns.

I think Morgan does not understand this. I think some members of the advisory group don't understand this. Some are laboring under the assumption that Council is going to vote on all of the specific recommendations next week. I think the emotional rhetoric being expressed is partly the result of this misunderstanding.

If we take on Morgan's specific concerns with counterarguments and clarifications, it will only feed the angst. If we explain where we are in a reasoned process, I think it will help to settle things down.

Steve Breckler

~~~~~  
Steven J. Breckler, Ph.D.  
Executive Director for Science  
American Psychological Association  
750 First Street, NE  
Washington, DC 20002  
(202) 336-5938  
(202) 336-5953 (fax)  
sbreckler@apa.org  
www.apa.org/science  
~~~~~

----- Original Message -----

From: Garrison, Ellen  
To: Kelly, Heather; Mumford, Geoff; Breckler, Steve; Behnke, Stephen; Anderson, Norman;  
Farberman, Rhea  
Sent: Thu Feb 12 23:19:58 2009  
Subject: RE: Recent APA Advisory Group Document

Heather, we recently became aware before seeing this note of a movement afoot to stir up concern about the report among military personnel. As you can see, the heart of the concern stems mostly from the wording of the resolution itself, rather than from the implementation options offered in the report. With respect to the most central report-related concern raised in Morgan's note, the advisory group and we all here struggled to come up with some body to help determine whether a particular site was in compliance with the provisions of the resolution or not. We certainly didn't want APA to be such a body, and decided that the UN would be the best in determining compliance with international law.

All, we had decided earlier that it would be better to wait until after the Council meeting to follow up



with the psychology specialty leaders (Army, Air Force, and Navy) and DoD Office of Health Affairs regarding the report. I had last formally briefed them in November when we met before the advisory group did. Now, I'm wondering whether it would be a good idea to reach out to them sooner rather than later.

Thoughts?

Ellen

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From: Kelly, Heather  
Sent: Thu 2/12/2009 9:09 PM  
To: Mumford, Geoff; Breckler, Steve; Behnke, Stephen; Garrison, Ellen; Anderson, Norman; Farberman, Rhea  
Subject: FW: Recent APA Advisory Group Document  
Hi, all:

See below, which was sent to about 50 military and intelligence community psychologists (I have removed their names and addresses), one of whom forwarded it to me just now.

Begin forwarded message:

From: "Banks Louie M COL" <louie.morgan.banks@us.army.mil>  
Date: February 12, 2009 7:13:35 PM EST  
To:  
Subject: Recent APA Advisory Group Document  
Colleagues,

I have attached a very unpleasant document for your review, the Report of the APA Presidential Advisory Group on the Implementation of the Petition Resolution. Unfortunately, the authors of this document, an APA presidential advisory group, have seen fit to produce this document, and it will be presented to council next week. I have asked for legal review from a series of military JAGs, and I am awaiting their formal responses. So far, I have received consistent feedback that the options identified in the report for Council's consideration are inconsistent with military service. In particular, the informal legal opinions I have received imply that the recommendations in the report, if adopted as APA policy, would require a violation of your oath of office and of the UCMJ. I should note that the duties (other than mental health care to other service members) that psychologists perform are not addressed in the document, only the location of the duty. In other words, this would limit mental health care to detainees as well as limit any intelligence support at the specified locations. At this point the document is an advisory document and would become policy only if Council acts to make it such. I personally believe (consistent with the legal advice that I have so far received) that the document is incompatible with military service, and would violate our oath of office (to the US Constitution) if enacted into policy. (Paragraphs 3., 4., & 6.). As an example, the advisory report states

A determination of whether a particular detention setting is "in violation of international law" is to be derived from multiple sources. The U.N. and its committees can declare a site to be in violation of international law, as can any international body that the U.N. takes to be authoritative. A setting that has been censured due to reasons reflected by this policy by the Council of Europe, the International Committee of the Red Cross (ICRC), or other internationally accepted body as "outside of, or in violation of, international law" would also be considered a proscribed or prohibited setting.



The effect is that any one of a number of international entities would have the authority to determine where U.S. service personnel could be deployed. No military psychologist could function with such uncertainty, if an undetermined international entity could declare a site out-of-bounds. Military psychologists would face a stark choice: Remain a member of military service or resign from APA.

The report continues

The determination of whether a particular detention setting is operating ‘outside of international law’ rests on whether the authority governing the site declares itself to be unbound by the relevant international or constitutional law, thereby indicating its unwillingness to abide by such laws. Relevant examples include a nation stating it will treat detainees ‘consistent’ with the law rather than in compliance with the law; a state that accepts the law in part or with reservations...

This statement represents another insurmountable obstacle for service personnel remaining members of APA. The United States has reservations to many treaties. If anything less than full acceptance to a treaty renders a site prohibited, military psychologists are again in an untenable situation and would have to choose between remaining in military service and membership in APA.

Finally, I believe the report would impose a condition that itself runs afoul of our ethics. The report limits psychologists’ work in a prohibited setting to providing care for military personnel. Of course, I fully support providing care to military personnel. Yet, the report then says that military psychologists may not provide assistance to detainees in a setting that an undetermined international body has deemed prohibited. Taken at face value, a military psychologist who is able and willing to do so could nonetheless not provide assistance to a detainee in significant psychological distress. I believe that this position is contrary to the finest traditions of military service and is itself unethical.

Some military psychologists are much more concerned about possible changes to the ethics code than on what this document states. I agree that this is an area of significant concern. However, I also believe that we must stand up to this type of inappropriate intimidation now, and do what is right. The current APA ethics code is one of the very finest documents of its kind in existence. My strong expectation is that any change to such a document would be very carefully considered by the APA, and we would have ample time to address any concerns that a change would make.

You are among the very best, most ethical, most competent, and most motivated psychologists with whom I have had the pleasure of working. Continue to press on, and do not let the misinformed actions of a few demoralize you, or deter you from doing what you know to be right.

Please feel free to share this as you believe is appropriate.

Very respectfully,

Morgan Banks

COL L. Morgan Banks  
Director, Psychological Applications  
US Army Special Operations Command  
DSN 239-6833 COM (910) 432-6833

PRIVACY REDACTION

Banks1@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil















A Congressional Briefing

# **Detecting Deception:**

## **Research to Secure the Homeland**

Friday, March 19, 2004  
12 noon to 2 p.m.  
2168 Rayburn House Office Building  
Lunch will be served

Since September 11, 2001 preserving the safety and security of U.S. citizens has produced heightened interest in detecting deception on the part of potential terrorists. Are there ways to safeguard the country through the use of well-researched techniques for identifying deception *and* deceptors? Are there strategies our security agencies can use to uncover threats to the nation before they occur? Three distinguished social/behavioral scientists will discuss their research on these topics.

### **Speakers:**

Charles F. Bond, Ph.D., Texas Christian University  
"International Deception"

Judee Burgoon, Ed.D., University of Arizona  
"Automating Detection of Deception and Hostile Intent"

Mark G. Frank, Ph.D., Rutgers University  
"Practical approaches to detecting deception in counter-terrorism"

Howard J. Silver, Ph.D. (moderator), Consortium of Social Science Associations

### **Sponsored by:**

Consortium of Social Science Associations  
American Psychological Association  
National Communication Association

(with generous funding from the W.K. Kellogg Foundation)

Positive RSVP's only to **PRIVACY REDACTION** or by  
Email to **PRIVACY REDACTION**



**Sender:** Brandon, Susan <Susan\_Brandon@ostp.eop.gov>  
**Sent:** Tuesday, March 09, 2004 5:17:18 PM  
**Recipient:** Linda Demaine ; Kirk Hubbard ; Scott Gerwehr  
**Cc:** Mumford, Geoffrey </O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>  
**Subject:** current description of meeting (ITP3)  
**Attachments:** IPT3-invitation 2.doc

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It was fun to see you all today! I am especially appreciative of seeing familiar faces these days -- not that yours are not altogether always fine.

I am attaching our current description of the "intuitive policing" meeting in June (the name has morphed a little, as it probably should). We are still working on strong-arming some of the cognitive psychologists (one would think that if one has a meeting sponsored by men with guns, this wouldn't be so hard).

One thing to think about is whether we would want to ask some of the group to stay a day longer and talk about specific issues otherwise interesting. . . .so, put that in the back of your mind to chew on (guess that doesn't work does it: teeth aren't in the mind and if they are anywhere, they are in the front. . . ). (And I only had iced tea.)

Thanks again for your generosity, Geoff.

Susan

PRIVACY REDACTION



Dear Friends and Colleagues,

We are hoping that you are considering participation in the workshop that is described below.

We are glad to be able to confirm the participation of many of those invited – besides the operational participants, who have already signed on, there are several academics and researchers (Annette Bolte, Robin Dawes, Gary Hazlett, Ray Hyman, Robert Kinscherf, Paul Slovic, Andy Morgan, Andrew Silke, Aldert Vrij, and Bernd Wittenbrink, with Baruch Fischhoff as tentative) – but we are hoping that you will consider participation as well.

What is missing from our “acceptance list” are psychologists with expertise in implicit cognition and affect as measured either behaviorally or with other assays (such as neuroimaging), and how or whether such cognitions and emotions play a role in stereotyping or otherwise predisposing individuals to some environmental cues more than others. This kind of science is of fundamental importance to the issues being scrutinized by the meeting, and there are empirical data that needs to be brought to bear on the questions of concern.

The issue of “intuition” has been raised in the press recently: there was an account this month of a border protection officer, Jose E. Melendez-Perez, who reported that he prohibited Mohamed al Qahtani from entering the U.S. in August, 2001, because when al Qahtani “looked at me, I felt a bone-chilling cold effect – the bottom line, he gave me the chills” (Washington Post, February 3, 2004).

The format of this meeting offers scientists the opportunity to talk with, and listen to, people in law enforcement and intelligence gathering – both to share what they know and to hear about the concerns, beliefs and experiences of those whose professions are far afield from the rigors and quantification of scientific research. It has been our experience that having a balanced playing field – with a deliberate matching of the number of scientists with the number of operationals – encourages an exchange of information that is *mutually beneficial*. It also has been our experience that those in the operational world who are in need of advice will seek it out and find it somewhere; if good science refuses to make itself available, then poor “science” steps in.

We hope that you will be available to participate in this important and interesting meeting.

#### Invitation to a workshop on

*The Nature and Influence of Intuition in Law Enforcement: Integration of Theory and Practice*

Arlington, Virginia (likely June 22-23, 2004)

You are invited to participate in a meeting on the topic of how to improve the quality of decision-making in law enforcement. This meeting is being organized by researchers and scientists at the National Institute of Justice, the FBI's Behavioral Sciences Unit, and the American Psychological Association, and other analysts and scientists whose work focuses on human cognition, decision making, intelligence analysis and police investigative techniques.

The goal of the meeting is to shape a research agenda that will investigate and improve the decision-making tools that police use to direct suspicion, detect lies, and guide investigations. The primary topic of the workshop will be what in the operational world is referred to as



“intuitive behaviors,” or “gut responses,” which we propose are those behaviors that are shaped by our social perceptions, social contexts, expectations and attitudes that affect our perceptions of others’ and our own behaviors. Workshop participants will be police officers, behavioral and social scientists, and intelligence analysts. The two-day meeting will include (1) presentations by prominent experts in fields such as human decision-making, information and implicit cognitive processing, stereotyping, investigative profiling, and the social dynamics of investigative teams, with particular emphasis on the learning and malleability of intuitive behaviors, and (2) discussions focused on analyses of the experiences of police officers where intuitive behaviors appear to be at play.

Outcomes from the workshop will include (1) an assessment of the utility and practicality of promoting research focused on the role of “intuitive behaviors” in operations of interest, and (2) consideration of how to design and evaluate educational and training tools that might be useful for improving decision-making behaviors in everyday operations, such as to:

- + Reduce officers' reliance on sloppy reasoning (e.g., so-called racial profiling, using race alone as a marker for criminal propensity);
- + Help officers hone observational and reasoning skills to improve their ability to target attention on suspicious activities;
- + Improve officers' ability to detect deception; and
- + Reduce the tendency of officers involved in investigations to overlook critical information, misestimate the importance of evidence, and lose objectivity.

Although the format is still evolving at this stage, we hope to expand on what we think worked well in two previous workshops, one on scientific issues related to countering terrorism (see <http://www.fbi.gov/publications/counterr/counterrorism.htm>) and a second on deception detection (proceedings not yet available). We expect to provide law enforcement personnel with an opportunity to “set the stage” by describing real world situations they encounter in their work. With that background, we will ask the scientist-participants briefly to describe their research and how it relates (directly or indirectly) to the meeting topic and to these scenarios. The scientists will then be asked to form “expert panels” that would work through a variety of realistic scenarios with the law enforcement personnel and describe how (1) empirical data might apply to a particular set of operational conditions, and (2) what additional research questions might arise from a given set of situational variables. Toward the end of the meeting, selected observers would attempt to synthesize the discussion and help to define the most compelling areas of research. Lastly, we will discuss organizational issues in an attempt to link academia with agencies that might fund such research.

We anticipate that the proceedings of the workshop will be disseminated to practitioners and researchers via a series of commissioned articles in widely read professional journals such as the *NIJ Journal*, *The Police Chief* and the *FBI Law Enforcement Bulletin*.

The location of the meeting is Marymount University in Arlington, Virginia. We are not offering any honoraria, but your travel and accommodation costs (at a nearby hotel) will be covered by grants from the National Institute of Justice and the FBI Academy.

Attached to this note is a list of participants. Many of these (most notably on the more “operational side,” who are described with some biographical information to pique your interest) have agreed to attend the two-day meeting. It is our sincere hope that you will be interested as well.



Please let us know. We welcome your comments and questions (but most of all, your acceptance).

*“As the officer who spotted the alleged [drug] dealer began to yell to the other officers which of the suspects he intended to stop, another officer who was simultaneously exiting the vehicle, pointed to a different suspect. . . . While the officers were in the station house processing the prisoners and completing the necessary paperwork, the officer who originally identified the seller turned to the officer who spotted the gunman and asked, “How did you know he had a gun?” The officer who noticed the gunman hesitated for a moment and stated, “I’m not sure why; I just knew.” (Pinizzotto, A. J., Davis, E. F., & Miller, C. E. [in press]. Intuitive policing: Emotional/rational decision making in law enforcement. *Law Enforcement Bulletin*.)*

*“People sometimes report that they are influenced by feelings that they cannot explain, and they often refer to these influences as ‘gut feelings.’ . . . gut feelings may involve responses to stimuli of which people are not consciously aware. . . .” (Katkin, E. S., Wiens, S., & Ohman, A. [2001]. Nonconscious fear conditioning, visceral perception, and the development of gut feelings. *Psychological Science*, 12, 366-370.)*



*Potential researcher/scientist participants:*

**Ralph Adolphs**, Department of Neurology, University of Iowa

**John Bargh**, Psychology Department, Yale University

**Irene V. Blair**, University of Colorado

**Annette Bolte**, Institut für Psychologie, Universität Osnabrück

**Robyn Dawes**, Carnegie Mellon University

**Ray J. Dolan**, Wellcome Dept. Cognitive Neurology (London)

**Baruch Fishhoff**, Carnegie Mellon University

**Gary Hazlett**, DOD

**Frank Hicks**, Rush University Medical Center, College of Nursing

**Ray Hyman**, Department of Psychology, University of Oregon

**Daniel Kahneman**, Princeton University

**Nancy Kanwisher**, Department of Brain and Cognitive Sciences, MIT

**Edward S. Katkin**, State University of New York at Stony Brook

**Robert Kinscherff**: Massachusetts Trial Court, Harvard Medical School, Massachusetts School of Professional Psychology

**Israel Liberzon**, University of Michigan

**Andrew W. Lo**, Massachusetts Institute of Technology

**Arien Mack**, New School University

**Charles A. Morgan III**, Yale University School of Medicine

**Arne Ohman**, Department of Clinical Neuroscience, Karolinska Institute

**John Pearse**, Anti Terrorist Branch, New Scotland Yard.

**Andrew Silke**, Home Office, London

**Paul Slovic**, Decision Research, University of Oregon

**Daniel Tranel**, University of Iowa

**Daniel Weinberger**, Clinical Studies Section

**Gary Wells**, Iowa State University

**Aldert Vrij**, University of Portsmouth



**Bernd Wittenbrink**, Graduate School of Business, University of Chicago

**Participants from the operational side:**

**George Palermo, MD**

Dr. Palermo is board certified in psychiatry and forensic pathology. He is the director for the Center for Forensic Psychiatry and Risk Assessment and is currently the editor-in-chief of the International Journal of Offender Therapy and Comparative Criminology. He is the author of numerous books and articles in the fields of forensic psychiatry and forensic pathology.

**Marco Strano, PhD.**

Dr. Strano is an Italian State Police Psychologist on active service; he operates in numerous activities for the Catholic University of Rome and other Italian universities.

**Drew Outten**

Lt. Drew Outten is a member of the New Castle County Police Department in New Castle, Delaware. He has extensive experience in homicide investigations and internal affairs investigations. He is a graduate of the FBI's National Academy at Quantico, VA

**W. Louis Hennessey, Esq.**

The Honorable W. Louis Hennessey is currently a member of the Maryland State Legislature. An attorney, Mr. Hennessey is a 25-year veteran of the Metropolitan Police Department in Washington, DC. He was both a homicide investigator, and the Commander of the Homicide Unit.

**John Downs, Esq.**

Mr. Downs is currently serving as a prosecuting attorney in New Castle County, Delaware. Prior to his entrance on duty with the prosecutor's office, Mr. Downs was a homicide investigator with the New Castle County Police Department for over 10 years.

**Robert Chaney**

Mr. Chaney is a 25-year veteran of the Metropolitan Police Department in Washington, DC, where he spent the majority of his tenure in the homicide branch. He is an executive staff member of the United States Attorney for the District of Columbia (USA0/DC). He is the supervisor for the USA0/DC Law Enforcement Coordination Program, the USAO/DC Antiterrorism Advisory Council, and the USAO/DC Security Program. He is Chief Criminal Investigator for the USAO/DC Criminal Investigations Unit.

**Michael Smith**

Mr. Smith served eight years active duty with the US Army in special operations as a member of 1st Special Forces Operational Detachment—Delta. He has been involved in both Desert Storm and Enduring Freedom operations. Currently, he works for the Department of State's Bureau of Diplomatic Security Antiterrorism Assistance Program. His current position involves training foreign police officers in counter terrorist special operations.

**Wayne Koka**

Mr. Koka is a 25-year veteran of the Metropolitan Police Department in Washington, DC. Mr. Koka achieved the rank of Captain and work in various units and divisions within the MPD. Currently, he is a member of the Critical Incident Response Group (CIRG) of the FBI.

**John Ratey, MD**

Dr. Ratey is associate clinical professor of psychiatry at Harvard Medical School. He is author of A USER'S GUIDE TO THE BRAIN and co-author of DRIVEN TO DISTRACTION.

**Robert J. Loudon, PhD**

Dr. Loudon is currently the Director of the Criminal Justice Center, John Jay College of Criminal Justice. His background includes over 25 years of service with the New York City Police Department. His last assignment was Commander of the Hostage Negotiation's Unit.



**Christopher Shifflett**

Detective Christopher Shifflett has been a police officer with the Prince George's County (Maryland) Police Department for over 18 years. His assignments have included street patrol, undercover narcotics and investigations.

**Thomas Hanula**

Detective Thomas Hanula is a member of the Arlington County (Virginia) Police Department.

**James Lucey**

Chief James Lucey is currently the Chief of Operations at the National Gallery of Art. He is a 25-year veteran of the United States Secret Service. In his capacity as a Secret Service Agent, he worked in the protection of various national dignitaries and politicians. He was also the Special Agent in Charge of the Intelligence Division prior to his retirement.

**Clifford T. Keenan, Esq.**

Assistant United States Attorney Keenan is Chief of the Superior Court Division of the U.S. Attorney's Office for the District of Columbia. His current responsibilities include supervising 170 AUSAs in the prosecution of most of the adult criminal offenses occurring Washington, DC. A prosecutor for over 18 years, Mr. Keenan served as a police officer in the District of Columbia for 12 prior to his employment with the U.S. Attorney's Office.

**Shannon Bohrer**

Mr. Bohrer is currently the Range Master/Use of Force Administrator for the Maryland Police and Correctional Training Commissions. A position he has held since 1999. For approximately five years, Mr. Bohrer worked as a firearms instructor and National Academy Instructor at the FBI's Training Academy in Quantico, VA. He is a former Sergeant with the Maryland State Police where he worked for over 25 years.

**Gregory Belenky, MD.**

Colonel Belenky is director of the Division of Neuropsychiatry at Walter Reed Army Institute of Research and one of the foremost experts in the world on the impact of fatigue on human performance under stressful conditions.

**Garrett W. Zimmon**

Chief Zimmon is a 30-year veteran in law enforcement. He was appointed Chief of Police for the City of San Bernardino in 2002. Prior to assuming his position at the San Bernardino Police Department, Chief Zimmon served 29 years with the Los Angeles Police Department. For many years, he was chief of LAPD's detective division.

**John Firman, Ph.D.**

Dr. Firman is Director of Research for the International Association of Chiefs of Police, the world's oldest and largest nonprofit membership organization of police executives, with over 19,000 members in over 89 different countries. IACP's leadership consists of the operating chief executives of international, federal, state and local agencies of all sizes, the largest organization of police executives in the world.

**Laurie Fridell, Ph.D.**

Dr. Fridell is Director of Research for the Police Executive Research Forum, a national membership organization of progressive police executives from the largest city, county and state law enforcement agencies. PERF is dedicated to improving policing and advancing professionalism through research and involvement in public policy debate.

**Dennis Slocumb**

Mr. Slocumb is Executive Vice-President of the International Union of Police Associations, a position to which he was elected in 2000. He is a thirty-two year veteran of the Los Angeles County Sheriff's Department, where he worked a variety of assignments in patrol and detective units, including time with the Special Investigations unit, and attained the rank of Detective Lieutenant.



**Dotti C. James, PhD, RN**

Dr. James' current research projects are focused on improving patient care for mothers and babies during labor and birth; improving nursing care by increasing knowledge about intuitive nursing interventions; and the effect of education on nursing beliefs about survivors of family violence.

**Other governmental agencies and policy officers:**

**Gary Strong**, Science & Technology Directorate, Department of Homeland Security

Scott Gewehr, Senior Policy Analyst, RAND

Representative from OSTP

**Richards J. Heuer, Jr.**

Mr. Heuer worked for CIA for nearly 45 years, beginning in the Operations Directorate and later being transferred to the Intelligence Directorate. He is renowned for his work on intelligence analysis methods and the psychology of intelligence analysis. Many of his previously classified articles have been published as a book, *Psychology of Intelligence Analysis* (CIA, 1999).

***Organizing committee:***

**Brett Chapman**, social science analyst, National Institute of Justice's Crime Control and Prevention Division

**Ed Davis**, Behavioral Science Unit, FBI Academy

**Geoffrey K. Mumford**, Director of Science Policy for the American Psychological Association (APA)

**Akiva Liberman**, Social Science Analyst , Office of Research and Evaluation, National Institute of Justice

**Susan Brandon**, Program Officer, National Institute of Mental Health

**Bryan Vila**, Director, Crime Control and Prevention Research Division , National Institute of Justice.

**Anthony J. Pinizzotto**, Senior Scientist and clinical forensic psychologist , Behavioral Science Unit, FBI Training Academy



**Sender:** Mumford, Geoffrey </O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>  
**Sent:** Thursday, March 11, 2004 8:05:17 AM  
**Recipient:** 'Robert Kinscherff' [REDACTED]; Behnke, Stephen  
<sbehnke@apa.org>  
**Cc:** 'Kirk Hubbard' [REDACTED]  
**Subject:** Ethics and National Security

---

Robert and Steve,

I'm writing to put you in touch with my colleague, Kirk Hubbard, Ph.D., at the CIA. His title has morphed slightly but until recently he was Chief, Research and Analysis Branch, Operation Assessment Division. He'd like to discuss some issues related to the ethics codes that govern psychologists and psychiatrists in settings where our national security interests are at stake. Kirk's copied here and his telephone number is: [REDACTED]

Kirk, as we discussed yesterday, Steve is our Ethics Director and he can be reached by email or at (202) 336-6006.

Robert's affiliation is with the Massachusetts Trial Court, Harvard Medical School, Massachusetts School of Professional Psychology, he's a forensic psychologist and attorney who currently administers a statewide system of court clinics for the Trial Court in Massachusetts. He also serves as Director of the Forensic Specialization Track at the Massachusetts School of Professional Psychology and teaches in areas of law and psychiatry at Boston University School of Law and Harvard Medical School. His areas of professional interest include physical and sexual violence risk assessment and management, processes of coercive persuasion, malingering and deception in forensic settings, stalking, and legal and ethical issues in professional practice. I have Robert's business phone listed as: [REDACTED]

Robert, you'll likely remember Kirk as the generous sponsor of the Deception Workshop you participated in at RAND last summer. He is also overseeing the work of this year's APA Science Policy Fellow, Linda Demaine, J.D., Ph.D.

So I'll let you folks figure out how to coordinate. I'm pleased to remain in the loop to the extent you think it's useful...the intelligence/defense community faces some very interesting challenges and I'll be interested to learn more about them and to continuing this conversation.

Best,  
-geoff

Geoff Mumford, PhD  
Director of Science Policy  
American Psychological Association  
750 First Street, NE  
Washington, DC 20002-4242  
(202) 336-6067 phone  
(202) 336-6063 fax  
gmumford@apa.org



**Sender:** Brandon, Susan <Susan\_Brandon@ostp.eop.gov>  
**Sent:** Wednesday, March 24, 2004 4:09:01 PM  
**Recipient:** Mumford, Geoffrey </O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>  
**Subject:** RE: staying another day for good science?

---

Geoff, we should compose an invitation letter but I suppose we might first have to think about an agenda, even very vaguely? I am also wondering if we might want to check in with Gary and with Bob M., to see if there are people they might want there. . . . They could also kick in \$ if they do. And, that we should do this soon.

Congrats on creating the money route; when you are in debtors prison I will bring you food (grilled cheese OK?).

Susan

-----Original Message-----

From: Mumford, Geoffrey [<mailto:gmumford@apa.org>]  
Sent: Wednesday, March 24, 2004 3:56 PM  
To: kirk hubbard; Brandon, Susan  
Cc: **Scott Gerwehr**  
Subject: RE: staying another day for good science?

RAND would be fabulous and another possibility for that size group is our APA Board room which I have reserved just in case;) But I'm open to any and all suggestions. -geoff

-----Original Message-----

From: kirk hubbard [<mailto:PRIVACY REDACTION>]  
Sent: Wednesday, March 24, 2004 3:50 PM  
To: Susan\_Brandon@ostp.eop.gov; Mumford, Geoffrey  
Cc: **Scott Gerwehr**  
Subject: RE: staying another day for good science?

Thanks for the info Geoff. If we are only talking about \$5-6K, I think the best way would be to add a task and \$5K to Scott's contract. What about the conference room? Would you conduct this at Rand Hq?

This sounds better and better. I get to rub shoulders with friends and luminaries and don't have to do a damn thing to help out! Kind of like the last conference we had!

Best to all,

Kirk

>From: "Brandon, Susan" <Susan\_Brandon@ostp.eop.gov>  
>To: "Mumford, Geoffrey" <gmumford@apa.org>, "kirk hubbard"  
>**PRIVACY REDACTION**>  
>CC: **Scott Gerwehr** >



>Subject: RE: staying another day for good science?  
>Date: Wed, 24 Mar 2004 15:30:09 -0500  
>  
>What about those C rations that I hear about? And camping out (it will  
>be late June) --  
>  
>When the money stuff is more or less decided, Geoff and I will send a  
>note out to the Group 2 list folks: is there anyone else you think  
>might/should be there, too?  
>  
>Susan  
>  
>-----Original Message-----  
>From: Mumford, Geoffrey [<mailto:gmumford@apa.org>]  
>Sent: Wednesday, March 24, 2004 3:24 PM  
>To: kirk hubbard  
>Cc: Brandon, Susan; **Scott Gerwehr**  
>Subject: RE: staying another day for good science?  
>  
>  
>Hi Kirk,  
>  
>To answer the latter questions. NIJ and FBI Academy are the  
>co-sponsors. Yes, the third day folks would be a subset of those from  
>our Intuitive Policing workshop and a few add-ons as indicated in the  
>Group1/Group2 designations from Susan's note. Cost would run around 20  
>room-nights (~\$3000) if everyone comes (with some minimalistic meals,  
>breakfast gruel, ramen noodles for lunch, and a power bar for dinner  
>around \$20 bucks total) or something a little higher end probably  
>around \$1500/\$2000 for meals for the group. That's a guess, I could  
>come up with actual numbers by tomorrow. -geoff  
>  
>-----Original Message-----  
>From: kirk hubbard [<mailto:>**PRIVACY REDACTION**]  
>Sent: Wednesday, March 24, 2004 3:15 PM  
>To: Mumford, Geoffrey  
>Cc: Susan\_Brandon@ostp.eop.gov; **Scott Gerwehr**  
>Subject: RE: staying another day for good science?  
>  
>  
>Excellent ideas from both Geoff and Scott. Neither would require much  
>effort on my part. (I know I am sounding very lazy and unprofessional,  
>but I have to do battle with the bureaucracy on a daily basis--it is  
>like trying  
>to get rid of ants in your house. As soon as you rid them from one  
>area,  
>they appear someplace else!)

>  
>I have a couple of questions. Who is the current sponsor of the  
>conference, ie paying for it? Would just a select group of people be  
>invited to attend  
>the third day? And what is your best guess as to the total cost of a  
>third  
>day.  
>  
>Kirk  
>  
>



>>From: "Mumford, Geoffrey" <gmumford@apa.org>  
>>To: "kirk hubbard" [mailto:PRIVACY REDACTION]  
>>CC: <Susan\_Brandon@ostp.eop.gov>, Scott Gerwehr  
>>Subject: RE: staying another day for good science?  
>>Date: Wed, 24 Mar 2004 12:17:47 -0500  
>>  
>>Hi Kirk,  
>>  
>>I'm really fine with carrying the balance for however long it  
>>takes...I wonder if it would be easier the second time around (I just

>>don't want  
>>to  
>>create headaches for you), but going to an alternate source is fine  
>>too.  
>>  
>>The DoJ uses a contractor at the Institute for Law and Justice...I  
>>wonder if transferring funds to them as an existing government  
>>contractor  
>>might  
>>offer an additional option. I could put whoever is interested in  
>>funding  
>>that day in touch with our DoJ contacts.  
>>-geoff  
>>

>>-----Original Message-----

>>From: kirk hubbard [mailto:PRIVACY REDACTION]  
>>Sent: Wednesday, March 24, 2004 12:06 PM  
>>To: Susan\_Brandon@ostp.eop.gov; Scott Gerwehr  
>>Cc: Mumford, Geoffrey  
>>Subject: RE: staying another day for good science?  
>>  
>>  
>>Hi Susan, Pretty impressive bunch of people! I think I would like  
>>to attend just to rub shoulders with them. I would be happy to  
>>support a third day....if I didn't have to do anything to transfer  
>>money. I have  
>>  
>>the money,  
>>but figuring out how to get it to people not on specific contracts is

>>a pain. Witness the problems we had with reimbursing APA.  
>>  
>>I would try Bob or Gary for starters, but I will talk to our finance  
>>folks to determine if there isn't an easier way to handle this. I  
>>doubt it, though. If it isn't "routine" people just scratch their  
>>heads around this place.  
>>  
>>Kirk  
>>  
>>

>>>From: "Brandon, Susan" <Susan\_Brandon@ostp.eop.gov>  
>>>To: Kirk Hubbard, Scott Gerwehr  
>>>CC: <GMumford@apa.org>  
>>>Subject: staying another day for good science?  
>>>Date: Wed, 24 Mar 2004 09:16:20 -0500  
>>>  
>>>March 23, 2004  
>>>  
>>>  
>>>



>>>Dear Kirk and Scott,  
>>>  
>>>  
>>>  
>>>As you know, Geoff and I are part of the "advisory group" for the  
>>>meeting to be held June 22 & 23, 2004 (in Arlington, VA), that is  
>>>bringing some interesting people together to discuss behaviors  
>>>based on what is sometimes called "intuitive knowledge" (see  
>>>attached -- you have both seen this already). Several of these  
>>>individuals also have data and expertise relevant to the broad  
>>>domain of deception. These people are listed below (Group 1).  
>>>  
>>>  
>>>  
>>>We are wondering if (1) if your office would like to provide  
>>>support to extend these individual's visit for an additional day,  
>>>to give us an opportunity to talk with them about deception and  
>>>deception detection; this would mostly likely mean room and board  
>>>for an additional day or two, and (2) whether you would like to  
>>>invite some  
>  
>>>additional folks in for that conversation.  
>>>  
>>>  
>>>  
>>>There are several researchers in the area of social and/or emotion  
>>>processing that we know that might be interested in such a meeting  
>>>- of course, whether schedules permit is another matter. These  
>>>people are listed below as Group 2. They are all U.S. residents,  
>>>which would make them less expensive to move around: would you like  
>>>  
>>>to consider inviting these people, or others, to the proposed  
>>>one-day meeting?  
>>>  
>>>  
>>>  
>>>The UK folks need to know soon whether to plan to extend their  
>>>stay, so this is something that we would need to decide on without  
>>>too much  
>  
>>>time to deliberate.  
>>>  
>>>  
>>>  
>>>Let us know your thoughts: we could also ask Bob Meriscko and/or  
>>>Gary  
>  
>>>Strong (DHS). Some of the people in Group 2 are being supported by  
>>>  
>>>the ITIC and DARPA folks -- however, these are mostly behavioral  
>>>sorts, so we thought we should see if either of you are interested  
>>>first, before we check with them.  
>>>  
>>>  
>>>  
>>>  
>>>Susan (& Geoff)  
>>>  
>>>  
>>>  
>>>  
>>>



>>>  
>>>  
>>>  
>>>  
>>>Group 1 (already part of the "Intuition" meeting):  
>>>  
>>>  
>>>  
>>>John Pearse, New Scotland Yard, UK  
>>>  
>>>Dr. Pearse is a Detective Superintendent (pro active operations) in  
>>>the Anti Terrorist Branch at New Scotland Yard. He is a member of  
>>>the  
>>>  
>>>British Psychological Society, an associate fellow of the Division  
>>>of  
>>>  
>>>Forensic Psychology and he is a Chartered Psychologist. He is an  
>>>Honorary Lecturer at the Institute of Psychiatry, University of  
>>>London, and has been employed as a consultant forensic psychologist  
>>>by the  
>>>National Police Training College. His published work is primarily  
>>>in  
>>>the field of police interviewing and the legal, psychological and  
>>>social issues associated with the detention, treatment and welfare  
>>>of  
>>>  
>>>persons arrested by the police. He has developed a unique  
>>>framework, the Police Interviewing Analysis Framework (PIAF) that  
>>>succeeded in measuring 'oppressive' police interviewing tactics.  
>>>Current research projects include (1) assessing the role of  
>>>participants within the police suspect interview scenario, and (2)  
>>>  
>>>an examination of the dynamics and effectiveness of police  
>>>interviews with terrorist suspects.  
>>>  
>>>A forthcoming multi agency project that seeks to examine the  
>>>effectiveness of the use of micro facial expressions as a means of  
>>>detecting inappropriate responses within a law enforcement  
>>>environment is directly relevant to the subject matter under  
>>>discussion. This represents an opportunity to create an empirical  
>>>study to examine the work of Ekman (1985) on the detection of  
>>>deceit.  
>>>  
>>>  
>>>  
>>>Aldert Vrij, Professor of Social Psychology, University of  
>>>Portsmouth, UK  
>>>  
>>>Dr. Vrij is a Professor of Social Psychology in the Department of  
>>>Psychology. His main fields of interest are social and criminal  
>>>psychology. His research interests are deception, police officers'  
>>>shooting behaviour, interviewing suspects, interviewing children,  
>>>and  
>>>  
>>>ethnic prejudice. Most of his research deals with deception. He  
>>>investigates both nonverbal correlates of deception and verbal  
>>>correlates of deception, and has received research grants from  
>>>ESRC, Leverhulme Trust and Dutch Ministry of Justice. Dr. Silke  
>>>has published more than 190 articles and 5 books. His recent book



>>>'Detecting lies and  
>>>deceit: The psychology of lying and its implications for  
>>>professional practice' (Chichester: John Wiley & Sons, published  
>>>2000) is the  
>first  
>>>book which incorporates research on both nonverbal and verbal cues  
>>>to deception.  
>>>  
>>>  
>>>  
>>>Ray Hyman, Professor Emeritus, University of Oregon (Psychology)  
>>>  
>>> Professor Hyman has a long history of research in the  
>>>area of deception detection.  
>>>  
>>>  
>>>  
>>>Andrew Silke, Home Office, UK  
>>>  
>>>Dr. Silke is a forensic psychologist who has worked both in  
>>>academia and for government. He has published extensively on  
>>>terrorists and terrorism in journals, books and the popular press,  
>>>and his most recent book on the subject was Terrorism Research:  
>>>Trends, Achievements, Failures (2003). He is an Honorary Senior  
>>>Research Associate of the Centre for the Study of Terrorism and  
>>>Political Violence at the University of St. Andrews and is a Fellow  
>>>of the University of Leicester. His work has taken him to Northern  
>>>Ireland,  
>>>  
>>>the Middle East and Latin America. He is a member of the  
>>>International Association for Counter-terrorism and Security  
>>>Professionals and serves on the United Nations Roster of Terrorism  
>>>Experts.  
>>>  
>>>  
>>>  
>>>Martha Davis, John Jay College of Criminal Justice, The City  
>>>University of New York  
>>>  
>>>Dr. Davis is conducts nonverbal and verbal analyses of deception in  
>>>criminal suspect videotapes, and research on nonverbal  
>communication  
>>>in various contexts such as psychotherapy.  
>>>  
>>>  
>>>  
>>>Emma Barrett, University of Birmingham, UK  
>>>  
>>>Ms. Barrett has worked for over a decade with UK law enforcement  
>>>agencies and government departments, and is currently employed as a  
>>>  
>>>Behavioural Science Advisor with the UK government. In addition to  
>>>various work-related projects, Emma is also carrying out research  
>>>on the development of investigator expertise, in conjunction with  
>>>several UK police forces, as part of a PhD at the University of  
>>>Birmingham, UK. The focus of this research is the cognitive  
>>>mechanisms underlying investigative situation assessment, the  
>>>process



>  
 >>>by which investigators make sense of information available during  
 >>>complex criminal investigations. Her other research interests  
 >>>include  
 >  
 >>>interview strategies for informants and suspects and issues  
 >>>relating to the psychology of terrorism.  
 >>>  
 >>>  
 >>>  
 >>>Group 2 (possible additions):  
 >>>  
 >>>  
 >>>  
 >>>John J. B. Allen, University of Arizona  
 >>>  
 >>>John Allen's research interests are in the use of  
 >>>psychophysiological  
 >  
 >>>measures to understand "psychologically interesting phenomena,"  
 >>>including assessment of deception and malingering.  
 >>>  
 >>>  
 >>>  
 >>>John Cacioppo, University of Chicago (current NIMH; on Center grant  
  
 >>>in  
 >>>BE-A)  
 >>>  
 >>>John Cacioppo is a social neuroscientist who uses multi-level  
 >>>integrative analyses that span molar and molecular levels of  
 >>>analysis  
 >  
 >>>in order to provide an understanding of social processes and  
 >>>behavior. [John was on the NRC Committee that eventually developed  
 >>>the NAS polygraph report.]  
 >>>  
 >>>  
 >>>  
 >>>Simon Baron-Cohen, Developmental Psychopathology, University of  
 >>>Cambridge in the Departments of Experimental Psychology and  
 >>>Psychiatry  
 >>>  
 >>>Simon Baron-Cohen research interests are on autism spectrum  
 >>>conditions at the psychological, diagnostic, and neuroscientific  
 >>>levels.  
 >>>  
 >>>  
 >>>  
 >>>Richard J. Davidson, University of Wisconsin  
 >>>  
 >>>Richie Davidson's research focuses on cortical and subcortical  
 >>>substrates of emotion and affective disorders, including depression  
  
 >>>and anxiety. He uses quantitative electrophysiology, positron  
 >>>emission tomography and functional magnetic resonance imaging to  
 >>>make  
 >  
 >>>inferences about patterns of regional brain function.  
 >>>  
 >>>



>>>  
>>>Mark Frank, Department of Communications, Rutgers University  
>>>  
>>>Mark Frank's research is on nonverbal communication, with a focus  
>>>on understanding the complexities of facial expressions and  
>>>deception in  
>  
>>>meaningful real world settings. [Works with Paul Ekman & Maureen  
>>>O'Sullivan]  
>>>  
>>>  
>>>  
>>>Steven Kosslyn, Harvard University  
>>>  
>>>Steve Kosslyn's research includes the neural substrate underlying  
>>>visual mental imagery, visual display design, the neural bases of  
>>>deception and the neural bases of individual differences in  
>>>information processing abilities and in "cognitive style."  
>>>  
>>>  
>>>  
>>>Daniel D. Langleben, University of Pennsylvania  
>>>  
>>>Daniel Langleben's research focuses on the use of fMRI as a  
>>>diagnostic tool (including for ADHD)  
>>>  
>>>See Langleben D, Schroeder L, Maldjian J, Gur R, McDonald S,  
>>>Ragland,  
>  
>>>JD, O'Brien CP, Childress AR. (2002). Brain activity during  
>>>simulated  
>>>deception: An event-related functional magnetic resonance study.  
>>>Neuroimage, 15, 727-732.  
>>>  
>>>  
>>>  
>>>Christopher J. Patrick, Department of Psychology, University of  
>>>Minnesota  
>>>  
>>>Christopher Patrick's research is concerned with investigating  
>>>basic emotional and cognitive processes, and the role of affect in  
>>>psychological disorders, through the use of psychophysiological and  
>>>behavioral measures. He focuses on the clinical phenomena of  
>>>psychopathy, antisocial behavior, substance abuse, and pathological  
>>>anxiety. He has a particular interest in paradigms and measures  
>>>that  
>  
>>>permit inferences about underlying brain systems involved in  
>>>processing and reacting to emotional stimuli.  
>>>  
>>>  
>>>  
>>>Don Tucker, Chief Scientist, Electrocal Geodesics Inc.  
>>>  
>>>Don Tucker has developed the use of dense array  
>>>methods to study brain electrical activity and the neural  
>>>mechanisms of motivation and emotion.  
>>>  
>>>



>>>  
>>>Jennifer Vendemia, Department of Psychology, University of South  
>>>Carolina  
>>>  
>>>Jennifer Vendemia's research is on cognitive models of deception.  
>>>She  
>  
>>>uses high density ERPs, fMRI, and reaction time measures in a  
>>>variety  
>  
>>>of paradigms designed to study deception across types of memory.  
>>>  
>>>  
>>>  
>>>Thomas Zeffiro, Director, Center for Functional and Molecular  
>>>Imaging, Georgetown University.  
>>>  
>>>Tom Zeffiro's research is on the development of novel techniques  
>>>for structural and functional brain imaging, with a focus on the  
areas of  
>>>language processing and developmental disorders. He is currently  
>>>investigating deception using neural and other biological imaging  
>>>tools.  
>>>  
>>>  
>>>  
>>>  
>>>  
>>>  
>>>  
>>>  
>>><< IPT3Invitation032304.doc >>  
>>  
>>  
>>  
>>Free up your inbox with MSN Hotmail Extra Storage. Multiple plans  
>>available.  
>><http://join.msn.com/?pgmarket=en-us&page=hotmail/es2&ST=1/go/onm00200>  
>>36  
>>ave/direct/01/  
>>  
>  
>  
>  
>MSN Toolbar provides one-click access to Hotmail from any Web page -  
>FREE download! <http://toolbar.msn.com/go/onm00200413ave/direct/01/>  
>

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ave/direct/01/



**Sender:** Robert Kinscherff  
**Sent:** Sunday, April 04, 2004 7:18:12 PM  
**Recipient:** Behnke, Stephen  
</O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>;Anderson, Norman  
</O=APA/OU=DC/CN=RECIPIENTS/CN=NBA>;Honaker, Michael  
</O=APA/OU=DC/CN=RECIPIENTS/CN=MYH>  
**Cc:** Mumford, Geoffrey </O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>  
**Subject:** Psychology, Ethics and National Security

---

Hello,

It was good to see you at the recent Consolidated meetings. This is to follow up on our brief conversations regarding the interest expressed by Kirk Hubbard about the intersection among psychology/psychiatry, national security functions by psychologists/psychiatrists, and professional ethics.

Dr. Mumford sent out a first email to Dr. Behnke and myself, and then I exchanged emails with Kirk Hubbard (copied below for your review). My guess is that Dr. Mumford has been the perfect facilitator for this contact from Kirk Hubbard given his role as a key liaison for the previous meetings held under the auspices of the Rand Corporation. Dr. Mumford, this email is in no way intended to "back channel" you in your crucial role, but only an effort to bring this extraordinary opportunity to the attention of key organizational leadership in APA in an effort to secure their backing and thoughts about how to best proceed.

As I mentioned to Dr. Anderson, I think that this is an extraordinary opportunity to actively engage with the law enforcement and national security communities regarding some very challenging issues. I also think that these are live and timely issues for them and that if we do not engage with them then an opportunity will be lost. I appreciate that there may be various organizational/political sensitivities that need to be thoughtfully considered and addressed. I would be very pleased to participate in any way that APA thought would be useful and appropriate, but would also understand if APA elected to proceed in some other way. For example, I could appreciate that initial communication might best be done in a "staff to staff" approach. Just let me know what, if anything, you might want me to do from this point going forward.

Regards,

Robert Kinscherff

First Email from Dr. Mumford  
Robert and Steve,

I'm writing to put you in touch with my colleague, Kirk Hubbard, Ph.D., at the CIA. His title has morphed slightly but until recently he was Chief, Research and Analysis Branch, Operation Assessment Division. He'd like to discuss some issues related to the ethics codes that govern psychologists and psychiatrists in settings where our national security interests are at stake. Kirk's copied here and his telephone number is: [REDACTED]

My First Response to Kirk Hubbard's email (I cannot retrieve his forward to you)

Hi Kirk (and colleagues),

My initial response is that the application of the Codes are likely to be fact sensitive, but that in many of the cases to which you allude the "client" is not the suspect/target individual but rather the law enforcement or intelligence agency that employs/contracts with the mental health professional. I will have to look again at the code for psychiatrists, but the APA Ethics Code for psychologists is generally written in such a way as to permit for the interpretation that the "client" is not the suspect/target individual, etc.

The code for psychologists does essentially require that where a psychologist is explicitly identified as such to a third party, it must be clear to the third party that the third party is not the client of the psychologist and what the role of the psychologist would be (e.g., not the third party's therapist; a consultant/employee, etc. of the real client). However, in situations where a third party has no reasonable expectation to believe that the psychologist is there with the third party as the "client," it is not necessarily the case that an ethical problem arises at all. For



example, if a psychologist is with a group of law enforcement officers but does not identify him/herself as a psychologist, there is no potential role confusion for the third party. If a psychologist is assisting law enforcement in apprehending a suspect who has never met the psychologist, there is no potential role confusion for the third party. If a psychologist is conducting a psychological assessment but informs the subject that the work product belongs to the real client (e.g., Court, police, FBI, other), then there is no problem just like when forensic psychologists conduct court-ordered evaluations.

I think that in many of the kinds of situations that you are contemplating, the psychologist is permitted to do whatever may be of assistance that is within U.S. law or international human rights law. (This, of course, may have its own interesting implications depending upon the location of the psychologist's activity, the location of the activity to which the psychologist is consulting or otherwise offering assistance, status of the target individual (prisoner of war, hostile combatant, criminal suspect on U.S. territory, etc.), and so forth.

There may, of course, be interesting variations that the codes simply did not contemplate. For example, under what circumstances might a psychologist deceive a third party by identifying him/herself as the treating professional for the third party, assure the usual protections of confidentiality and privilege, and then provide otherwise protected information to law enforcement or intelligence? Permit the sessions to be secretly recorded? Use the sessions to introduce false or misleading information to the person who believes him/herself to be the patient of the psychologist?

Under what circumstances might a psychologist act openly in role as a psychologist--but also secretly for U.S. interests--penetrate for intelligence purposes a foreign university, health care system, business, research operation, military?

Or, at what point does the advice that a mental health professional provides in consulting on coercive interrogation technique begin to push the boundaries of what would be acceptable?

The codes simply did not contemplate circumstances where the law enforcement/national security interests might trump the ethical/legal interests of the identified patient/third party/target individual.

I am sure that there are other circumstances worth careful consideration, and precisely because the world of terrorists and international criminal conspiracies was not what tended to shape the thinking behind the ethics codes, I am certain that they would be worth revisiting in light of the new challenges.

Regards,

Robert Kinscherff

#### My Second Email to Kirk

Hi Kirk (and colleagues) again,

I realized that I did not respond to your question about how to begin to address the challenges and complexities within the relevant mental health professional communities. I think that you have started to do that with your efforts here. My thought would be that if it were possible to gather together some of your staff with staff of the American Psychiatric Assn and American Psychological Assn responsible for ethics code issues, and some member psychologists and psychiatrists familiar with professional ethics and the complexities of their application, this would serve a couple of purposes. First, it would permit you to begin assessing what the general thinking would be among these associations, their members, and those in the associations closest to professional ethics. Second, it would permit a sharpening of the issues and specific identification of the values/interests at stake. This in turn, would permit a high level discussion of the circumstances in which values/interests come in conflict, and perhaps evolution of a consensus that might eventually be reflected in the professional ethical codes of the professions. I am thinking that this kind of discussion could occur and be helpful without improper disclosure of operational details or other sensitive information.

These are my initial thoughts. I hope they are helpful.

Regards,

Robert Kinscherff



**Sender:** Brandon, Susan <Susan\_Brandon@ostp.eop.gov>  
**Sent:** Thursday, April 22, 2004 6:32:22 PM  
**Recipient:** Mumford, Geoffrey </O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>  
**Subject:** RE: New contact for Deception Conference

---

You are going to get arrested and then how will we ever visit the Arboretum? I'll bring you bouquets in prison, I guess.

Susan

-----Original Message-----

From: Mumford, Geoffrey [<mailto:gmumford@apa.org>]  
Sent: Thursday, April 22, 2004 6:25 PM  
To: Brandon, Susan  
Cc: Kirk.Kennedy@cifa.mil; kirk hubbard  
Subject: RE: New contact for Deception Conference

Susan,

I would think so...especially if he's an APA member;) -geoff

-----Original Message-----

From: Brandon, Susan [[mailto:Susan\\_Brandon@ostp.eop.gov](mailto:Susan_Brandon@ostp.eop.gov)]  
Sent: Thursday, April 22, 2004 4:55 PM  
To: kirk hubbard; Mumford, Geoffrey  
Cc: Kirk.Kennedy@cifa.mil  
Subject: RE: New contact for Deception Conference

Geoff, do you think we can make an Executive Decision here? It is good with me. (Kirk, didn't we meet Kirk when Bob Sternberg was talking to your group?) Susan

-----Original Message-----

From: kirk hubbard [<mailto:kmhubbard@msn.com>]  
Sent: Thursday, April 22, 2004 4:01 PM  
To: gmumford@apa.org; Brandon, Susan  
Cc: Kirk.Kennedy@cifa.mil  
Subject: New contact for Deception Conference

Dear Geoff and "White House Susan",

One of my friends and colleague recently left the Agency to head up a research unit similar to mine in DOD. If possible, I would like to get him an invitation to the Deception Conference on June 22-23. Could you arrange that or does the FBI and Justice folks have a limit on participants?

Here's his particulars:

Kirk Kennedy, Ph.D.  
Chief, National Center for the Study of Counterintelligence and



Operational  
Psychology  
Dept of Defense Counterintelligence Field Activity

tele: 703-414-9575  
fax: 703-416-8310  
email: Kirk.Kennedy@cifa.mil

Kirk K. (we call him K2) has similar interests that we have and will also have money to fund projects. Plus he is good to work with.

Thanks for your help!

Best, Kirk

---

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FREE  
download! <http://toolbar.msn.com/go/onm00200413ave/direct/01/>



**Sender:** Brandon, Susan <Susan\_Brandon@ostp.eop.gov>  
**Sent:** Wednesday, March 17, 2004 3:55:11 PM  
**Recipient:** Mumford, Geoffrey </O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>  
**Subject:** FW: a question from Susan about spending \$2M  
**Attachments:** Social Science Research on terrorism and counter-terrorism.doc; Social Science Research on terrorism and counter-terrorism.doc

---

Geoff, from Andrew.  
Susan

-----Original Message-----

From: Brandon, Susan (NIH/NIMH) [<mailto:sbrandon@mail.nih.gov>]  
Sent: Sunday, February 29, 2004 10:27 AM  
To: Brandon, Susan  
Subject: FW: a question from Susan about spending \$2M

-----Original Message-----

From: Silke Andrew [<mailto:Andrew.Silke@homeoffice.gsi.gov.uk>]  
Sent: Wednesday, February 25, 2004 8:48 AM  
To: Brandon, Susan (NIH/NIMH)  
Subject: RE: a question from Susan about spending \$2M

Dear Susan,

Find attached a document which lists some of the key research priorities we think are in the area at the moment (this was produced with the UK situation in mind but most of it applies further afield as well). If we had \$2m, I would favour those projects which tackle the areas relating to 'Terrorists' and 'Constituent Communities'. These are probably the more difficult areas to research, but they are also the ones where our current knowledge is the most limited. New research which can be done here I think is especially valuable.

I am currently working on a revised version of this list with an eye to possible methodologies and costings for each area. I'll send you on a copy of that as well when it is ready - though that will likely be in a few weeks time. Any comments or views you have on the list would be most welcome.

I hope this helps.

Cheers,

Andrew

> -----Original Message-----

> From: Brandon, Susan (NIH/NIMH) [<mailto:sbrandon@mail.nih.gov>]



> Sent: 21 February 2004 03:01  
 > To: 'Silke Andrew'  
 > Subject: a question from Susan about spending \$2M  
 >  
 >  
 > Dear Andrew,  
 >  
 > Here's a question that I am hoping you will give me a quick  
 > response to, and  
 > then put in the back of your mind and let me know your  
 > further thoughts as  
 > they come up:  
 >  
 > If you had \$2M for 3 years to study terrorism, what would you  
 > focus on? How  
 > would you spend the money?  
 >  
 > This is of course a hypothetical question. But you have  
 > several times said  
 > (in chapters in various books and in journal articles), that  
 > there are few  
 > data relevant to the behavioral science/psychological science  
 > analysis of  
 > terrorism. This leads me to think that you could spend that money --  
 >  
 > Would you mind giving me your thoughts?  
 >  
 > Thanks lots,  
 >  
 > Susan  
 >  
 > -----Original Message-----  
 > From: Silke Andrew [<mailto:Andrew.Silke@homeoffice.gsi.gov.uk>]  
 > Sent: Wednesday, February 18, 2004 10:15 AM  
 > To: Brandon, Susan (NIH/NIMH)  
 > Subject: FW: Resilience or Panic? The public and terrorist attack  
 >  
 >  
 > Dear Susan,  
 >  
 > You might be interested in the attached papers which Bill  
 > Durodie passed on  
 > to me. I think they may be of some value for our chapter.  
 >  
 > I hope all else is well with you?  
 >  
 > Talk to you soon.  
 >  
 > Cheers,  
 >  
 > Andrew  
 >  
 >  
 >  
 > -----Original Message-----  
 > From: Bill J L Durodie [<mailto:PRIVACY REDACTION>]  
 > Sent: 30 January 2004 15:40  
 > To: Silke Andrew  
 > Subject: Re: Resilience or Panic? The public and terrorist attack  
 >  
 >



> Dear Andrew,  
>  
> Please find the paper you requested along with a few related pieces  
> attached for your information.  
>  
> I can send you more if you are interested, including a couple of  
> longer papers on attitudes to the Blitz.  
>  
> Please do not hesitate to contact me should you wish to discuss any of  
  
> the issues raised.  
>  
> Regards,  
>  
> Bill Durodie  
> Senior Research Fellow & Project Co-ordinator  
> Domestic Management of Terrorist Attacks Programme  
> Centre for Defence Studies  
> International Policy Institute  
> King's College London  
> Strand  
> London WC2R 2LS  
> UK  
>  
> Tel: +44 (0)20 7848 2065 (office)  
> **PRIVACY REDACTION**  
>  
> Fax: +44 (0)20 7848 2748  
>  
> E-mail: **PRIVACY REDACTION**  
> Web: <http://www.kcl.ac.uk/depsta/wsg/cds/staff/bd.html>  
> Conference: <http://www.terrorismresearch.net>  
>  
>  
>  
>  
> \*\*\*\*\*  
> This email and any files transmitted with it are private and intended  
> solely for the use of the individual or entity to whom they  
> are addressed.  
> If you have received this email in error please return it to  
> the address  
> it came from telling them it is not for you and then delete  
> it from your  
> system.  
>  
> This email message has been swept for computer viruses.  
>  
> \*\*\*\*\*  
>  
>  
>  
> The original of this email was scanned for viruses by the  
> Government Secure  
> Intranet (GSI) virus scanning service supplied exclusively by  
> Energis in  
> partnership with MessageLabs.  
>  
> On leaving the GSI this email was certified virus-free  
>  
> PLEASE NOTE: THE ABOVE MESSAGE WAS RECEIVED FROM THE INTERNET.



>  
> On entering the GSi, this email was scanned for viruses by  
> the Government Secure Intranet (GSi) virus scanning service  
> supplied exclusively by Energis in partnership with MessageLabs.  
>  
> Please see  
> <http://www.gsi.gov.uk/main/notices/information/gsi-003-2002.pdf>  
f for further details.

In case of problems, please call your organisational IT helpdesk

\*\*\*\*\*

This email and any files transmitted with it are private and intended solely for the use of the individual or entity to whom they are addressed.

If you have received this email in error please return it to the address

it came from telling them it is not for you and then delete it from your system.

This email message has been swept for computer viruses.

\*\*\*\*\*

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On leaving the GSi this email was certified virus-free



**Sender:** Brandon, Susan <Susan\_Brandon@ostp.eop.gov>  
**Sent:** Friday, May 14, 2004 10:16:13 AM  
**Recipient:** Mumford, Geoffrey </O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>  
**Subject:** RE: Psychology, Ethics and National Security

---

Geoff, thanks. Wonder what Bob K. does in his spare time.

Susan

-----Original Message-----

**From:** Mumford, Geoffrey [mailto:gmumford@apa.org]  
**Sent:** Friday, May 14, 2004 9:52 AM  
**To:** Brandon, Susan  
**Subject:** FW: Psychology, Ethics and National Security

Susan,

Here's the exchange we'd been having...

-geoff

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**From:** Mumford, Geoffrey  
**Sent:** Thursday, May 13, 2004 9:01 PM  
**To:** Breckler, Steven J.  
**Subject:** FW: Psychology, Ethics and National Security

Steve,

Not to harp on this but I would urge you to follow-up as its another "teachable moment" and may represent an opportunity to be out front in a collaborative effort (with ApA) at a time when collaboration with CIA on other fronts carries with it a significant liability.

-geoff

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**From:** Behnke, Stephen  
**Sent:** Wednesday, April 28, 2004 10:52 AM  
**To:** Mumford, Geoffrey; Honaker, Michael  
**Subject:** RE: Psychology, Ethics and National Security

Okay--I'm on a conference call at the moment, but I definitely shall...

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**Sent:** Wednesday, April 28, 2004 10:52 AM  
**To:** Honaker, Michael  
**Cc:** Behnke, Stephen  
**Subject:** RE: Psychology, Ethics and National Security

I think there are some interesting opportunities for discussion, perhaps taking an informal approach to flesh out some of the issues first...but I'd want to get Steve's input too. So Steve, please feel free to weigh in.

-geoff

-----Original Message-----

**From:** Honaker, Michael  
**Sent:** Wednesday, April 28, 2004 10:48 AM



**To:** Mumford, Geoffrey  
**Cc:** Behnke, Stephen  
**Subject:** RE: Psychology, Ethics and National Security

I don't know if he did or not and he has been out for the last week and a half. What do you recommend?

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**Sent:** Wednesday, April 28, 2004 10:32 AM  
**To:** Honaker, Michael  
**Cc:** Behnke, Stephen  
**Subject:** FW: Psychology, Ethics and National Security

Mike,

Just wondered if this raised any discussion internally or whether you know if Norman replied to Robert?

-geoff

-----Original Message-----

**From:** Mumford, Geoffrey  
**Sent:** Monday, April 05, 2004 8:31 AM  
**To:** Robert Kinscherff  
**Cc:** Behnke, Stephen; Anderson, Norman; Honaker, Michael  
**Subject:** RE: Psychology, Ethics and National Security

Robert,

Thanks for copying me on this. I see myself primarily as the messenger here but would be pleased to play whatever supportive role I can as warranted. I have added (in blue) the remainder of my note to you and Steve just to provide a little more background as well as Kirk's initial introduction from 3/23 in the sequence below to complete the exchange. As always, thank you for your thoughtful input.

Steve, Norman and Mike, I have a lunch meeting scheduled with Kirk here on 4/14 (about an unrelated workshop we're putting together in June) so if any of you would like to meet with him, that would be a convenient date. Alternatively, we can schedule for another time if you'd like.

As a point of information, Dr. Andy Morgan, referred to in Kirk's note below is a psychiatrist on the faculty of the Yale School of Medicine who conducts research with DoD Special Operations personnel to 1) to establish valid, reliable models for acute uncontrollable stress in humans; 2) assess stress induced alterations in human physiology, cognition, and neuroendocrinology as well as the relationship between these variables; 3) to test whether specific psychological and biological variables successfully predict operators' future performance under conditions of extreme stress; and finally 4) to determine whether historically employed methods of deception detection and assessment (such as polygraph testing [Guilty Knowledge Testing]) are sensitive and specific within a context of realistic stress. Andy now works half-time with Kirk's Division at CIA.

-geoff

-----Original Message-----

**From:** Robert Kinscherff [mailto:PRIVACY REDACTION]  
**Sent:** Sunday, April 04, 2004 7:18 PM  
**To:** Behnke, Stephen; Anderson, Norman; Honaker, Michael  
**Cc:** Mumford, Geoffrey  
**Subject:** Psychology, Ethics and National Security



Hello,

It was good to see you at the recent Consolidated meetings. This is to follow up on our brief conversations regarding the interest expressed by Kirk Hubbard about the intersection among psychology/psychiatry, national security functions by psychologists/psychiatrists, and professional ethics.

Dr. Mumford sent out a first email to Dr. Behnke and myself, and then I exchanged emails with Kirk Hubbard (copied below for your review). My guess is that Dr. Mumford has been the perfect facilitator for this contact from Kirk Hubbard given his role as a key liaison for the previous meetings held under the auspices of the Rand Corporation. Dr. Mumford, this email is in no way intended to "back channel" you in your crucial role, but only an effort to bring this extraordinary opportunity to the attention of key organizational leadership in APA in an effort to secure their backing and thoughts about how to best proceed.

As I mentioned to Dr. Anderson, I think that this is an extraordinary opportunity to actively engage with the law enforcement and national security communities regarding some very challenging issues. I also think that these are live and timely issues for them and that if we do not engage with them then an opportunity will be lost. I appreciate that there may be various organizational/political sensitivities that need to be thoughtfully considered and addressed. I would be very pleased to participate in any way that APA thought would be useful and appropriate, but would also understand if APA elected to proceed in some other way. For example, I could appreciate that initial communication might best be done in a "staff to staff" approach. Just let me know what, if anything, you might want me to do from this point going forward.

Regards,

Robert Kinscherff

First Email from Dr. Mumford on 3/11/04

Robert and Steve,

I'm writing to put you in touch with my colleague, Kirk Hubbard, Ph.D., at the CIA. His title has morphed slightly but until recently he was Chief, Research and Analysis Branch, Operation Assessment Division. He'd like to discuss some issues related to the ethics codes that govern psychologists and psychiatrists in settings where our national security interests are at stake. Kirk's copied here and his telephone number is: (703) 613-7173

Kirk, as we discussed yesterday, Steve is our Ethics Director and he can be reached by email or at PRIVACY REDACTION.

Robert's affiliation is with the Massachusetts Trial Court, Harvard Medical School, Massachusetts School of Professional Psychology, he's a forensic psychologist and attorney who currently administers a statewide system of court clinics for the Trial Court in Massachusetts. He also serves as Director of the Forensic Specialization Track at the Massachusetts School of Professional Psychology and teaches in areas of law and psychiatry at Boston University School of Law and Harvard Medical School. His areas of professional interest include physical and sexual violence risk assessment and management, processes of coercive persuasion, malingering and deception in forensic settings, stalking, and legal and ethical issues in professional practice. I have Robert's business phone listed as: PRIVACY REDACTION.



Robert, you'll likely remember Kirk as the generous sponsor of the Deception Workshop you participated in at RAND last summer. He is also overseeing the work of this year's APA Science Policy Fellow, Linda Demaine, J.D., Ph.D.

So I'll let you folks figure out how to coordinate. I'm pleased to remain in the loop to the extent you think it's useful...the intelligence/defense community faces some very interesting challenges and I'll be interested to learn more about them and to continuing this conversation.

Best,

-geoff

First Email from Dr. Hubbard on 3/23

Greetings gentlemen. Geoff Mumford provided your names as potential resources to provide guidance on the APA's code of ethnics and some of the new and unique demands being placed on psychologists in response to countering terrorism.

By way of introduction, I am the Chief of the Behavioral Sciences Staff at the Central Intelligence Agency. Our mission is to conduct applied behavioral and social science research to support the collection and analysis of human intelligence and to support special projects involving counterterrorism efforts.

One of my staff, Andy Morgan, M.D. (cc'd above) have been discussing a problem that is experienced by both psychiatrists and psychologists, alike. Both specialties are being asked to provide consultation to law enforcement, the military, and other organizations that have a role in national security.

Unfortunately, some of what they are asked to do runs counter to the American Psychological Association and American Psychiatric Association's code of ethics. For example, military psychologists are often asked to assist in questioning or "interrogating" foreigners detained in Afghanistan and Iraq. Psychiatrists are often consulted by law enforcement to provide consultation on apprehending and/or questioning subjects suspected of committing major crime.

Andy and I were wondering if both our APA's (Andy is a psychiatrist) shouldn't begin to examine our respective code of ethics to account for these new situations where the subject is not the client/patient, and the subject's rights can arguably be subordinate to the needs of national security. Do either of you have any thoughts on this issue, and how we might pursue this in the professional community? Any comments or observations, pro or con, would be appreciated.

Regards,

Kirk Hubbard, Ph.D.  
Chief, Behavioral Sciences Staff  
CIA

PRIVACY REDACTION  
PRIVACY REDACTION

My First Response to Kirk Hubbard's email (I cannot retrieve his forward to you) on 3/24

Hi Kirk (and colleagues),  
My initial response is that the application of the Codes are likely to be fact



sensitive, but that in many of the cases to which you allude the "client" is not the suspect/target individual but rather the law enforcement or intelligence agency that employs/contracts with the mental health professional. I will have to look again at the code for psychiatrists, but the APA Ethics Code for psychologists is generally written in such a way as to permit for the interpretation that the "client" is not the suspect/target individual, etc.

The code for psychologists does essentially require that where a psychologist is explicitly identified as such to a third party, it must be clear to the third party that the third party is not the client of the psychologist and what the role of the psychologist would be (e.g., not the third party's therapist; a consultant/employee, etc. of the real client). However, in situations where a third party has no reasonable expectation to believe that the psychologist is there with the third party as the "client," it is not necessarily the case that an ethical problem arises at all. For example, if a psychologist is with a group of law enforcement officers but does not identify him/herself as a psychologist, there is no potential role confusion for the third party. If a psychologist is assisting law enforcement in apprehending a suspect who has never met the psychologist, there is no potential role confusion for the third party. If a psychologist is conducting a psychological assessment but informs the subject that the work product belongs to the real client (e.g., Court, police, FBI, other), then there is no problem just like when forensic psychologists conduct court-ordered evaluations.

I think that in many of the kinds of situations that you are contemplating, the psychologist is permitted to do whatever may be of assistance that is within U.S. law or international human rights law. (This, of course, may have its own interesting implications depending upon the location of the psychologist's activity, the location of the activity to which the psychologist is consulting or otherwise offering assistance, status of the target individual (prisoner of war, hostile combatant, criminal suspect on U.S. territory, etc.), and so forth. There may, of course, be interesting variations that the codes simply did not contemplate. For example, under what circumstances might a psychologist deceive a third party by identifying him/herself as the treating professional for the third party, assure the usual protections of confidentiality and privilege, and then provide otherwise protected information to law enforcement or intelligence? Permit the sessions to be secretly recorded? Use the sessions to introduce false or misleading information to the person who believes him/herself to be the patient of the psychologist?

Under what circumstances might a psychologist act openly in role as a psychologist--but also secretly for U.S. interests--penetrate for intelligence purposes a foreign university, health care system, business, research operation, military?

Or, at what point does the advice that a mental health professional provides in consulting on coercive interrogation technique begin to push the boundaries of what would be acceptable?

The codes simply did not contemplate circumstances where the law enforcement/national security interests might trump the ethical/legal interests of the identified patient/third party/target individual.

I am sure that there are other circumstances worth careful consideration, and precisely because the world of terrorists and international criminal conspiracies was not what tended to shape the thinking behind the ethics codes, I am certain that they would be worth revisiting in light of the new challenges.

Regards,

Robert Kinscherff

My Second Email to Kirk on 3/24

Hi Kirk (and colleagues) again,

I realized that I did not respond to your question about how to begin to address the challenges and complexities within the relevant mental health professional communities. I think that you have started to do that with your efforts here. My



thought would be that if it were possible to gather together some of your staff with staff of the American Psychiatric Assn and American Psychological Assn responsible for ethics code issues, and some member psychologists and psychiatrists familiar with professional ethics and the complexities of their application, this would serve a couple of purposes. First, it would permit you to begin assessing what the general thinking would be among these associations, their members, and those in the associations closest to professional ethics. Second, it would permit a sharpening of the issues and specific identification of the values/interests at stake. This in turn, would permit a high level discussion of the circumstances in which values/interests come in conflict, and perhaps evolution of a consensus that might eventually be reflected in the professional ethical codes of the professions. I am thinking that this kind of discussion could occur and be helpful without improper disclosure of operational details or other sensitive information.

These are my initial thoughts. I hope they are helpful.

Regards,

Robert Kinscherff



**Sender:** Brandon, Susan <Susan\_Brandon@ostp.eop.gov>  
**Sent:** Friday, May 14, 2004 11:02:37 AM  
**Recipient:** Mumford, Geoffrey </O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>  
**Subject:** RE: Psychology, Ethics and National Security

---

Of course -- I always like to talk with Heather --  
Susan

-----Original Message-----

**From:** Mumford, Geoffrey [mailto:gmumford@apa.org]  
**Sent:** Friday, May 14, 2004 10:42 AM  
**To:** Brandon, Susan  
**Subject:** RE: Psychology, Ethics and National Security

Thanks Susan...part of the pushback might be coming from Stephen Behnke only because we've (he) just finished re-writing the ethics code and probably sees this as a can of worms.

FYI, I let Heather and Pat know your thoughts on the letter/meeting with Jack. Heather really feels the relevant infrastructure has been eviscerated and so there is an argument to be made about whether they do in fact have the capacity to do the necessary research, etc... Do you mind if she gives you a call to briefly plead her case? It may be that I've just drafted the wrong letter.  
-geoff

-----Original Message-----

**From:** Brandon, Susan [mailto:Susan\_Brandon@ostp.eop.gov]  
**Sent:** Friday, May 14, 2004 10:37 AM  
**To:** Mumford, Geoffrey  
**Subject:** RE: Psychology, Ethics and National Security

Sure -- given the parties involved, moving slowly is a good idea. I'll wait to hear from you. I know that this kind of effort is very onerous and moves very slowly even when it is pushed, yes? and even when it only involves our APA.

I am curious to hear about reactions to the announcement re reorg at NIMH's open Council meetings today, and to get reports back. Am hoping to talk with Howard Kurtzman this afternoon.

Susan

-----Original Message-----

**From:** Mumford, Geoffrey [mailto:gmumford@apa.org]  
**Sent:** Friday, May 14, 2004 10:34 AM  
**To:** Brandon, Susan  
**Subject:** RE: Psychology, Ethics and National Security

Susan,

Thanks for your read on it but let me ask you to hold off circulating it just yet. I'd like to let Steve see your positive take on it and get a sense of whether and how we can get APA moving forward. It'll involve more than Science Directorate and I'd just like to get a sense from him that he's willing to help champion it before we get too many people whipped up. He'll be back from NIMH in a little while and I'll go have a chat with him and let you know what comes of that. Thanks.  
-geoff



-----Original Message-----

**From:** Brandon, Susan [mailto:Susan\_Brandon@ostp.eop.gov]  
**Sent:** Friday, May 14, 2004 10:27 AM  
**To:** Mumford, Geoffrey  
**Subject:** RE: Psychology, Ethics and National Security

Geoff, this is pretty timely I'd say. Perhaps OSTP can be helpful with this -- Rachel Levinson was part of the panels that led up to the recent Bioethics Rules (or whatever it was called) for the use/control of biological agents that could be considered "dual use" in labs across the country. There was (as you know) an NAS panel convened, which might be along the lines of what Bob K. is suggesting here.

It's not exactly the same except as part of the "new world" we are having to navigate given terrorism threats. I will send it on to Rachel and see what she thinks, if that is ok with you. And perhaps to Bill Jeffrey, for the homeland security relevance?

Susan

-----Original Message-----

**From:** Mumford, Geoffrey [mailto:gmumford@apa.org]  
**Sent:** Friday, May 14, 2004 9:52 AM  
**To:** Brandon, Susan  
**Subject:** FW: Psychology, Ethics and National Security

Susan,

Here's the exchange we'd been having...  
-geoff

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**Subject:** FW: Psychology, Ethics and National Security

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-geoff

-----Original Message-----

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**Sent:** Wednesday, April 28, 2004 10:52 AM  
**To:** Mumford, Geoffrey; Honaker, Michael  
**Subject:** RE: Psychology, Ethics and National Security

Okay--I'm on a conference call at the moment, but I definitely shall...

-----Original Message-----

**From:** Mumford, Geoffrey  
**Sent:** Wednesday, April 28, 2004 10:52 AM  
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**Cc:** Behnke, Stephen  
**Subject:** RE: Psychology, Ethics and National Security

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taking an informal approach to flesh out some of the issues first...but I'd want to get Steve's input too. So Steve, please feel free to weigh in.  
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**Cc:** Behnke, Stephen  
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**Cc:** Behnke, Stephen  
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**Cc:** Mumford, Geoffrey

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Regards,

Kirk Hubbard, Ph.D.  
Chief, Behavioral Sciences Staff  
CIA

tel: 703-613-7173  
fax: 703-613-7799

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My initial response is that the application of the Codes are likely to be fact sensitive, but that in many of the cases to which you allude the "client" is not the suspect/target individual but rather the law enforcement or intelligence agency that



employs/contracts with the mental health professional. I will have to look again at the code for psychiatrists, but the APA Ethics Code for psychologists is generally written in such a way as to permit for the interpretation that the "client" is not the suspect/target individual, etc.

The code for psychologists does essentially require that where a psychologist is explicitly identified as such to a third party, it must be clear to the third party that the third party is not the client of the psychologist and what the role of the psychologist would be (e.g., not the third party's therapist; a consultant/employee, etc. of the real client). However, in situations where a third party has no reasonable expectation to believe that the psychologist is there with the third party as the "client," it is not necessarily the case that an ethical problem arises at all. For example, if a psychologist is with a group of law enforcement officers but does not identify him/herself as a psychologist, there is no potential role confusion for the third party. If a psychologist is assisting law enforcement in apprehending a suspect who has never met the psychologist, there is no potential role confusion for the third party. If a psychologist is conducting a psychological assessment but informs the subject that the work product belongs to the real client (e.g., Court, police, FBI, other), then there is no problem just like when forensic psychologists conduct court-ordered evaluations.

I think that in many of the kinds of situations that you are contemplating, the psychologist is permitted to do whatever may be of assistance that is within U.S. law or international human rights law. (This, of course, may have its own interesting implications depending upon the location of the psychologist's activity, the location of the activity to which the psychologist is consulting or otherwise offering assistance, status of the target individual (prisoner of war, hostile combatant, criminal suspect on U.S. territory, etc.), and so forth.

There may, of course, be interesting variations that the codes simply did not contemplate. For example, under what circumstances might a psychologist deceive a third party by identifying him/herself as the treating professional for the third party, assure the usual protections of confidentiality and privilege, and then provide otherwise protected information to law enforcement or intelligence? Permit the sessions to be secretly recorded? Use the sessions to introduce false or misleading information to the person who believes him/herself to be the patient of the psychologist?

Under what circumstances might a psychologist act openly in role as a psychologist--but also secretly for U.S. interests--penetrate for intelligence purposes a foreign university, health care system, business, research operation, military?

Or, at what point does the advice that a mental health professional provides in consulting on



coercive interrogation technique begin to push the boundaries of what would be acceptable?  
The codes simply did not contemplate circumstances where the law enforcement/national security interests might trump the ethical/legal interests of the identified patient/third party/target individual.  
I am sure that there are other circumstances worth careful consideration, and precisely because the world of terrorists and international criminal conspiracies was not what tended to shape the thinking behind the ethics codes, I am certain that they would be worth revisiting in light of the new challenges.  
Regards,

Robert Kinscherff

My Second Email to Kirk on 3/24

Hi Kirk (and colleagues) again,  
I realized that I did not respond to your question about how to begin to address the challenges and complexities within the relevant mental health professional communities. I think that you have started to do that with your efforts here. My thought would be that if it were possible to gather together some of your staff with staff of the American Psychiatric Assn and American Psychological Assn responsible for ethics code issues, and some member psychologists and psychiatrists familiar with professional ethics and the complexities of their application, this would serve a couple of purposes. First, it would permit you to begin assessing what the general thinking would be among these associations, their members, and those in the associations closest to professional ethics. Second, it would permit a sharpening of the issues and specific identification of the values/interests at stake. This in turn, would permit a high level discussion of the circumstances in which values/interests come in conflict, and perhaps evolution of a consensus that might eventually be reflected in the professional ethical codes of the professions. I am thinking that this kind of discussion could occur and be helpful without improper disclosure of operational details or other sensitive information.  
These are my initial thoughts. I hope they are helpful.  
Regards,  
Robert Kinscherff



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Friday, May 21, 2004 12:05:51 PM  
**Recipient:** Mumford, Geoffrey <gmumford@apa.org>  
**Subject:** RE: FW: request for ideas

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Yes, and is A LOT of fun...

-----Original Message-----

**From:** Mumford, Geoffrey  
**Sent:** Friday, May 21, 2004 12:02 PM  
**To:** Behnke, Stephen  
**Cc:** Breckler, Steven J.; Honaker, Michael; Kelly, Heather  
**Subject:** RE: FW: request for ideas

Thanks Steve, we'll make a point to do that. He sounded like he had all the right connections and experience from your description of him the other day.  
-geoff

-----Original Message-----

**From:** Behnke, Stephen  
**Sent:** Friday, May 21, 2004 12:00 PM  
**To:** Mumford, Geoffrey  
**Cc:** Breckler, Steven J.; Honaker, Michael; Kelly, Heather  
**Subject:** RE: FW: request for ideas

Thanks, Geoff--by the way, I'm having dinner with Reid Meloy next week. He'll be out at Quantico with the FBI, and so probably won't make it into DC, but you and Steve should definitely meet him at some point. He's someone we would very much want to have involved in these discussions (he does a significant amount of research and is very active in consulting on issues related to national security).

Steve

-----Original Message-----

**From:** Mumford, Geoffrey  
**Sent:** Friday, May 21, 2004 11:50 AM  
**To:** Behnke, Stephen  
**Cc:** Breckler, Steven J.; Honaker, Michael; Kelly, Heather  
**Subject:** FW: FW: request for ideas

Steve,

Just forwarding a couple of more notes to serve as background. This stems from an inquiry Susan Brandon sent out asking for ideas for a 10 year homeland security research agenda...see towards the end.  
-geoff

-----Original Message-----

**From:** Brandon, Susan [mailto:Susan\_Brandon@ostp.eop.gov]  
**Sent:** Friday, May 14, 2004 9:58 AM  
**To:** Mumford, Geoffrey  
**Subject:** FW: FW: request for ideas

Geoff, this is the note from Martha. See APA toward the end.  
Susan



-----Original Message-----

**From:** Martha Davis [mailto:PRIVACY REDACTION]

**Sent:** Monday, May 10, 2004 11:50 AM

**To:** Brandon, Susan

**Subject:** Re: FW: request for ideas

FROM: Martha Davis, John Jay College of Criminal Justice, NYC

Dear Susan,

From my walk in the woods which is devoted to detecting deception from conversational behavior and real high stakes interviews:

2006 we (researchers in this area) have the beginnings of a list of cues or at least characteristics of cues to deception and how to identify them in real interactions and we (a very few of us) are focusing on behavioral typology of lies and truths, multivariant profiles of demeanor and content features that give a better picture of truth-telling and lying patterns. I suspect by 2006 this will have moved from a preliminary to a "mid-way" level of development.

2007-2010 Need many more studies of real world contexts -- about three years of tweaking, refining, pushing such micro coding analyses up to 90% accuracy level for witness interviews, suspect interrogations, suspect confessions, etc. During this period need much more research on evasions, concealments, and the grey areas or gradations of responses, i.e. progress beyond a simplistic True vs. False model. More work on presence of cues to true responses....(currently stress is on false cues while "true" because "absence of false cues" or something as vague as that is the general rule.) Big challenge is to expand the study to innocent subjects..Study of false confessions is critical but need permission to study them from exonerated prisoners (if there are enough taped confessions of them by then). Also need to compare false denials of guilty suspects with accurate denials but videotaped interviews of acquitted and presumed innocent suspects are sealed with their records. Need permission from these subjects. Second big challenge is linguistic. Most work on English speakers. Third big challenge--assuming the science has progressed adequately--is on how to train interviewers and investigators and those charged with assessing credibility in various contexts. Fourth big challenge is how to prevent research on the "neurophysiology of deception" --brain imaging, etc.--from going on its own trajectory divorced from advances in the observational studies of high stakes interactions.

2015 Because I work with highly trained and ethical prosecutors and criminal investigators, and do my research in an institution that sponsors research on the criminal justice system including its potential abuses, I can do research on criminal suspects and deception reassured by the legal protections within the judicial system as well as the myriad protections of human subjects insured by my profession. The skies the limit for research on deception detection in real world contexts and I have no doubt critical methodological and technical challenges of the research will be worked out by 2015. That leaves the political and ethical issues surrounding a subject that is exquisitely vulnerable to distortion, oversimplification and abuse. I trust that by keeping the research results in the public domain and continuing to strengthen legal protections and professional ethics guidelines and procedures which is the pattern of organizations such as the American Psychological Association, these issues will be addressed rigorously during the 2004-2010 interval. But what feels well beyond my realm as a researcher are the political forces which can push the research forward, shaping and potentially exploiting it in ways that are empirically and ethically suspect. Please excuse the soapbox tone, but for this research subject, I think these are the questions that we still will not have the tools to answer by 2015.



**Sender:** Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>  
**Sent:** Wednesday, May 19, 2004 2:36:08 PM  
**Recipient:** Mumford, Geoffrey <gmumford@apa.org>  
**Subject:** FW: APA response to torture

---

Geoff, I could do the Monday time...  
H

Heather O'Beirne Kelly, Ph.D.  
Senior Legislative and Federal Affairs Officer  
Science Public Policy Office  
American Psychological Association  
750 First Street, N.E., 5th Floor  
Washington, D.C. 20002  
phone 202.336.5932  
fax 202.336.6063  
email hkelly@apa.org

-----Original Message-----

**From:** Honaker, Michael  
**Sent:** Wednesday, May 19, 2004 2:32 PM  
**To:** Mumford, Geoffrey; Behnke, Stephen  
**Cc:** Breckler, Steven J.; Kelly, Heather  
**Subject:** RE: APA response to torture

I can't make that time but am free after 3:30 Thurs. or 1 - 2:30 on Monday. After that, I hope to take some time off....

-----Original Message-----

**From:** Mumford, Geoffrey  
**Sent:** Wednesday, May 19, 2004 12:52 PM  
**To:** Behnke, Stephen  
**Cc:** Honaker, Michael; Breckler, Steven J.; Kelly, Heather  
**Subject:** RE: APA response to torture

Thanks Steve, as best I can tell most of us are available for a 10:00-11:00 this Friday.

Mike, can you make that? If so, can we meet in your office?  
-geoff

-----Original Message-----

**From:** Behnke, Stephen  
**Sent:** Wednesday, May 19, 2004 11:55 AM  
**To:** Mumford, Geoffrey  
**Cc:** Honaker, Michael; Breckler, Steven J.  
**Subject:** RE: APA response to torture

Hi Geoff,

That all sounds good; yes, let's definitely include Robert Kinscherff, since he's worked with with both the FBI and, I believe, the CIA as well.



Perhaps you, Steve, Mike, Heather, and I could find a time to sit together and think through where we'd ideally like things to head.

Steve

-----Original Message-----

**From:** Mumford, Geoffrey  
**Sent:** Wednesday, May 19, 2004 11:50 AM  
**To:** Behnke, Stephen  
**Cc:** Honaker, Michael; Breckler, Steven J.  
**Subject:** RE: APA response to torture

Steve,

It seems to me we should try to schedule a time to bring my colleagues from CIA into this discussion. Kirk is more involved in recruiting assets so I'm not sure what he can tell us so much about interrogation practices but maybe. However, Andy Morgan trains DoD Special Ops to resist interrogation (sort of the obverse) so he may know more about the PsyOps stuff and is the one who really wanted to see this be an APA/ApA collaboration (Andy is the psychiatrist). I didn't copy Diane or Ron here because I thought it might be better for us to think about this in-house first. Because Heather is our formal DoD liaison, I really need to bring her into this loop too...is that ok with you? I think we should convene a small meeting ASAP, do you agree? If so can you suggest some candidate dates and I'll check with Kirk and Andy...maybe we could teleconference Bob Kinscherff in as well.  
-geoff

-----Original Message-----

**From:** Behnke, Stephen  
**Sent:** Wednesday, May 19, 2004 10:18 AM  
**To:** Breckler, Steven J.; Mumford, Geoffrey  
**Cc:** Ronald Levant; Halpern, Diane; Honaker, Michael  
**Subject:** FW: APA response to torture

Hello Steve and Geoff,

I am forwarding to you an exchange between Diane Halpern, Ron Levant, and myself, concerning psychology's role in investigations regarding national security, stimulated by the initial message to Diane (below) regarding torture/abuse by US service personnel. Given our recent exchanges, I thought it made good sense to include everyone in a further discussion of how to move forward on this issue.

Steve

-----Original Message-----

**From:** Ronald F. Levant, Ed.D., M.B.A., ABPP [mailto:PRIVACY REDACTION]  
**Sent:** Wednesday, May 19, 2004 6:04 AM  
**To:** Behnke, Stephen; Halpern, Diane; Strassburger, Judith  
**Cc:** Honaker, Michael  
**Subject:** RE: APA response to torture

OK WITH ME

Ronald F. Levant, Ed.D., M.B.A., ABPP  
Dean and Professor  
Center for Psychological Studies

APA\_0020325



Nova Southeastern University  
3301 College Avenue  
Ft. Lauderdale, FL 33324

PRIVACY REDACTION

[www.DrRonaldLevant.com](http://www.DrRonaldLevant.com) website

President-Elect, American Psychological Association, 2004  
"Making Psychology a Household Word"

-----Original Message-----

**From:** Behnke, Stephen [mailto:sbehnke@apa.org]

**Sent:** Tuesday, May 18, 2004 9:48 PM

**To:** Ronald F. Levant, Ed.D, M.B.A., ABPP; Halpern, Diane; Strassburger, Judith

**Cc:** Honaker, Michael

**Subject:** RE: APA response to torture

Hi Diane and Ron,

I think it would be helpful to include Steve Breckler and Geoff Mumford in our exchanges, since I know the science directorate is very interested in this issue as well, and is actively thinking about how to address questions that are arising for psychologists. May I share with them our messages below?

Steve

-----Original Message-----

**From:** Ronald F. Levant, Ed.D, M.B.A., ABPP

PRIVACY REDACTION

**Sent:** Tuesday, May 18, 2004 9:12 PM

**To:** Halpern, Diane; Behnke, Stephen; Strassburger, Judith

**Cc:** Honaker, Michael

**Subject:** RE: APA response to torture

Good ideas, Diane

Ronald F. Levant, Ed.D., M.B.A., ABPP  
Dean and Professor  
Center for Psychological Studies  
Nova Southeastern University  
3301 College Avenue  
Ft. Lauderdale, FL 33324

PRIVACY REDACTION

[www.DrRonaldLevant.com](http://www.DrRonaldLevant.com) website

President-Elect, American Psychological Association, 2004  
"Making Psychology a Household Word"

-----Original Message-----



**From:** Halpern, Diane  
[mailto:PRIVACY REDACTION]  
**Sent:** Tuesday, May 18, 2004 11:49 AM  
**To:** 'Ronald F. Levant, Ed.D, M.B.A., ABPP'; 'Behnke, Stephen'; 'Strassburger, Judith'  
**Cc:** 'Honaker, Michael'  
**Subject:** RE: APA response to torture

We've been in similar situations before--e.g. psychologists who work for tobacco companies, although it was less visible and emotional. Steve's response is good and not likely to end to the sorts of inquiries we will be getting. I will call the head of the military division and ask some questions about honoring resisters at the convention and a few other topics as well. I have good relations with them. There are lots of issues involved. It would be good to get some information. I don't know anything about PsyOps. I am adding Norman to this list because I think the issues being raised could get very hot very fast and he should be in this loop. (Sorry Norman)

Diane

-----Original Message-----

**From:** Ronald F. Levant, Ed.D, M.B.A., ABPP  
[mailto:PRIVACY REDACTION]  
**Sent:** Monday, May 17, 2004 5:38 PM  
**To:** 'Behnke, Stephen'; 'Halpern, Diane'; 'Strassburger, Judith'  
**Cc:** 'Honaker, Michael'  
**Subject:** RE: APA response to torture

Good points, Steve

Ronald F. Levant, Ed.D., M.B.A., ABPP  
Dean and Professor  
Center for Psychological Studies  
Nova Southeastern University  
3301 College Avenue  
Ft. Lauderdale, FL 33324  
PRIVACY REDACTION

[www.DrRonaldLevant.com](http://www.DrRonaldLevant.com) website

President-Elect, American Psychological Association,  
2004  
"Making Psychology a Household Word"

-----Original Message-----

**From:** Behnke, Stephen  
[mailto:sbehnke@apa.org]  
**Sent:** Monday, May 17, 2004 4:20 PM  
**To:** Halpern, Diane; Ron Levant; Strassburger, Judith  
**Cc:** Honaker, Michael



**Subject:** RE: APA response to torture

These are, obviously, complicated issues, and psychologists working for various parts of the government are involved in investigations that implicate national security. In the past few months, our folks in the Science Directorate (Geoff Mumford) have been approached by people in government wanting to discuss the ethics of psychological techniques being used in government investigations. I think there are appropriate and inappropriate ways for psychology to be involved, and would suggest a cautious approach, where we, as an organization, look at the issues in a considered and thoughtful manner, perhaps by way of a task force.

At the moment, there are intense feelings about this issue. I would recommend a reply that conveys our appreciation of the seriousness of the matter and our interest in identifying the ethical issues that arise when psychology is used as an investigative tool. I would recommend against a reply that casts a shadow on psychologists who work for government agencies in investigative roles, or a reply that suggests that, by virtue of recent events, such psychologists are under some sort of suspicion. Rather, I would suggest that it is in everyone's interest that as an organization we are as helpful as we can be in promoting the ethical role of psychology in investigations, including investigations to protect our national security, and that we want to do what we can as an organization to discourage investigative techniques that are not consistent with our ethics.

I would also agree wholeheartedly that APA should promote treatment for the victims of torture.

Steve

-----Original Message-----

**From:** Halpern, Diane

**Sent:** Monday, May 17, 2004 1:10 PM

**To:** Ron Levant; Halpern, Diane;  
Strassburger, Judith

**Cc:** Behnke, Stephen

**Subject:** RE: APA response to torture

Hi Judy:



I copied below a letter to Ron and me. We need to coordinate a response. It has several parts. I don't know what if any involvement we have with PsyOps or what our military division is doing. Steve Behnke was copied on this letter. What do you suggest for getting started on a response.  
Diane

Dear Drs. Halpern and Levant:

I have three concerns that are directly related to the APA regarding the recent reports of torture/abuse of Iraqi civilians by US servicemen.

1. Nowhere have I read of provisions being made for the welfare of the survivors of this torture/abuse. I believe the APA, possibly in conjunction with the International Society for Traumatic Stress Studies, would be able to provide some guidance in this area.
2. Various reports have referred to the torture/abuse as having been part of a wider program instituted by the military "PsyOps" or the "Psychological Operations" division. As a member of the APA, I would like to see us, as a professional



organization, be  
disassociated from any  
such "Psychological  
Operations" program.

3. If the torture/abuse in Iraq was carried out as part of "Psychological Operations" I would like to know if any psychologists were directly (through planning or conducting interrogations) or indirectly (by "looking the other way") involved. If psychologists were involved the ethical dimensions of that behavior must be addressed.

We have a professional responsibility to examine each of the above areas. Additionally, we have the expertise to make informed statements on both the proper treatment of the torture survivors and how the behavior of professionals involved in any aspect of this should be addressed.

Thank you for your consideration of these issues.

Bob McMackin

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For more information, connect to <http://www.F-Secure.com/>



**Sender:** Brandon, Susan <Susan\_Brandon@ostp.eop.gov>  
**Sent:** Friday, May 21, 2004 8:41:28 AM  
**Recipient:** Mumford, Geoffrey </O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>  
**Subject:** Fw: June 22-23 conference  
**Attachments:** Tacit knowledge.doc

---

Geoff, I'd like to propose that we invite Bob -- because he is a listener and because of his extensive connections to the tech world -- is this ok with you? He would be one of our's.

I am in the cafeteria of the Defense Policy Institute - who ever knew there were such beings in the world. But 4 hours of sleep and separation from my suitcase (which is rumored to be on its way) probably makes most of the world seem strange.  
Susan

blackberry message  
Susan E. Brandon

-----Original Message-----

From: robjm <robjm@ucia.gov>  
To: kirk hubbard [REDACTED]; Brandon, Susan <Susan\_Brandon@ostp.eop.gov>  
Sent: Thu May 20 09:35:01 2004  
Subject: Re: June 22-23 conference

K <<Tacit knowledge.doc>> irk and Susan,  
The conference looks interesting to me for both my Deception Detection (DecDet) and Analyst of the Future (AoF) programs. Can I get an invitation? I have attached a short note from Mark Happel (MITRE) that touches on tacit knowledge/intuition. Also, you may want to consider the research of Barbara (Bobbie) Spellman at UVA (see <http://www.people.Virginia.EDU/~bas6g/>). She has both a JD and PhD degrees, and I am funding her under the AoF program.

Bob Mericksko

ITIC

[REDACTED]

kirk hubbard wrote:

Hi Bob,

Attached is an early description of the conference we talked about. It is about Intuitive Policing, i.e. police decision-making based on intuition. Hits on deception in a slightly different way. It is sponsored by the National Institute of Justice and the FBI's Behavioral Science Unit. Susan Brandon is involved in coordinating this so you might talk with her if you want additional info and an invitation.

On June 24, I am sponsoring a third day meeting that will only include a select group from the above conference. Scott Gerwehr from RAND will conduct this one day meeting to garner input on deceptive practices from law enforcement and criminal behavior experts. Not sure if this is of interest to you, but you are certainly welcome to attend. It will be held at RAND Corp. in Crystal City.

Regards, Kirk



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Name: IPT3-invitation2[1].doc  
IPT3-invitation2[1].doc Type: Winword File (application/msword)  
Encoding: base64



**Sender:** Mumford, Geoffrey </O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>  
**Sent:** Monday, March 15, 2004 10:05:44 AM  
**Recipient:** 'Brandon, Susan (NIH/NIMH)' <sbrandon@mail.nih.gov>  
**Subject:** RE: when we talk

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Hi Susan,

Our PI folks were the ones most involved in HR 2370 (Dan Dodgen)...not sure who is pushing it most now.

Interesting that you've been tagged as the education person and the meetings with the Israeli contingent sound like they must have been interesting...I hope you recorded Marburgers comments for posterity;)

I'm around most of the day, so let me know if there's a good time to talk.  
-geoff

-----Original Message-----

From: Brandon, Susan (NIH/NIMH) [<mailto:sbrandon@mail.nih.gov>]  
Sent: Saturday, March 13, 2004 4:05 PM  
To: Mumford, Geoffrey  
Cc: 'SBrandon@ostp.eop.gov'  
Subject: when we talk

Hi again, Geoff : Mean to ask you what you know about HR 2370 and its progress. Perhaps when we talk -- ? I got a copy and pointer to this from DHS, which is rather ironic because I know of your efforts to get beh'l scientists involved in other parts of DHS (which I have failed to be helpful on, despite hopes).

Just an aside: it will take me awhile to get people at OSTP to look at me and think "behavioral science," or even, "psychology." They think, "education" (to which I say duh? or look to see who is behind me who knows something about that). I was fortunately invited to a small meeting on Friday with the Minister of S&T from Israel (and two cohorts, one of whom knows Ariel Merari) where at least John Marburger pointed out that "psychology is a science." But during discussions around counter-terrorism, using behavioral science as a strategy was clearly still not on the list with him.

Confidentially of course.

Susan



**Sender:** Kennedy, Kirk (GOV) <Kirk.Kennedy@cifa.mil>  
**Sent:** Thursday, September 23, 2004 9:21:12 AM  
**Recipient:** Mumford, Geoffrey </O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>  
**Cc:** Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>  
**Subject:** RE: October Lunch

---

Good Morning Geoff:

When I described our lunch meeting to my boss, Dr. Scott Shumate, a very good and experienced psychologist, he really wanted to attend, so I was hoping that both you and Heather can switch our lunch meeting from 10/20 change to Tue 19 Oct. Please let me know if that works for you.

Thanks, Kirk

Kirk A. Kennedy, Ph.D.  
Chief, National Center for the Study of CI and  
Operational Psychology (NCSCI-PSY)  
Directorate of Behavioral Sciences  
DoD/Counterintelligence Field Activity (CIFA)  
703.699.7575 Fax 703.699.7010 (U)  
[kirk.kennedy@cifa.mil](mailto:kirk.kennedy@cifa.mil) (U)

*This email is UNCLASSIFIED per E.O. 12958*

-----Original Message-----

**From:** Mumford, Geoffrey [<mailto:gmumford@apa.org>]  
**Sent:** Wednesday, September 22, 2004 12:45 PM  
**To:** Kennedy, Kirk (GOV)  
**Cc:** Kelly, Heather  
**Subject:** RE: Brief Summary of Intuitive Policing Workshop

Hi Kirk,

10/20 works for us and we like the idea of coming out there to get the tour. Heather suggests we eat at some tapas place called Jaleo and if that sounds ok to you, we can come to your office and figure out how to proceed from there.

Best,  
-geoff

-----Original Message-----

Kennedy, Kirk (GOV) [<mailto:Kirk.Kennedy@cifa.mil>]

Tuesday, September 21, 2004 2:39 PM

Mumford, Geoffrey

Kelly, Heather

RE: Brief Summary of Intuitive Policing Workshop

Geoff:

The best times to meet for lunch would be 11:30-1:00 on 10/12, 10/13, 10/19 or

APA\_0020824



10/20. Let me know which date works best and feel free to pick a place near a Metro stop and I'll join you there. Having said that, you are welcome to Metro over to Crystal City where there are myriad lunch choices and I could show you our office complex there.

Thanks, Kirk

Kirk A. Kennedy, Ph.D.  
Chief, National Center for the Study of CI and  
Operational Psychology (NCSCI-PSY)  
Directorate of Behavioral Sciences  
DoD/Counterintelligence Field Activity (CIFA)  
703.699.7575 Fax 703.699.7010 (U)  
[kirk.kennedy@cifa.mil](mailto:kirk.kennedy@cifa.mil) <<mailto:kirk.kennedy@cifa.mil>> (U)

*This email is UNCLASSIFIED per E.O. 12958*

-----Original Message-----

**From:** Mumford, Geoffrey [<mailto:gmumford@apa.org>]  
**Sent:** Tuesday, September 21, 2004 1:16 PM  
**To:** Kennedy, Kirk (GOV)  
**Cc:** Kelly, Heather  
**Subject:** RE: Brief Summary of Intuitive Policing Workshop

Kirk,

It turns out that the near term dates are bad for Heather...can you let us know whether any of these work for you?  
10/12, 10/13, 10/15, 10/19, 10/20 or 10/22.

I'm waiting to get the detailed debrief from Steve Behnke and then we can move forward on those issues as well.

Thanks.  
-geoff

-----Original Message-----

Kennedy, Kirk (GOV) [<mailto:Kirk.Kennedy@cifa.mil>]

Thursday, September 09, 2004 1:58 PM

Mumford, Geoffrey

Kelly, Heather

RE: Brief Summary of Intuitive Policing Workshop

Thanks Geoff! Such a quick reply from a busy man! I look forward to lunch to plan our collaboration either the last week of September or the first week of October. Dates that work for me are: 27, 30 Sep and 1 Oct and 4-8 Oct. I look forward to meeting Heather!

You are right about the passion for ethics that I possess. I attended Steve Behnke's ethics CEU workshop at APA and was very impressed. Perhaps there is a way to collaborate further on ethical issues as well.

Thanks, Kirk



Kirk A. Kennedy, Ph.D.  
Chief, National Center for the Study of CI and  
Operational Psychology (NCSCI-PSY)  
Directorate of Behavioral Sciences  
DoD/Counterintelligence Field Activity (CIFA)  
703.699.7575 Fax 703.699.7010 (U)  
[kirk.kennedy@cifa.mil](mailto:kirk.kennedy@cifa.mil) <<mailto:kirk.kennedy@cifa.mil>> (U)

*This email is UNCLASSIFIED per E.O. 12958*

-----Original Message-----

**From:** Mumford, Geoffrey [<mailto:gmumford@apa.org>]  
**Sent:** Thursday, September 09, 2004 1:46 PM  
**To:** Kennedy, Kirk (GOV)  
**Cc:** Kelly, Heather  
**Subject:** RE: Brief Summary of Intuitive Policing Workshop

Hi Kirk,

I'm sorry for that oversight, I'll certainly add your name in the final product.

Yes Scott is working on that summary but not sure how far he's gotten.

Heather Kelly handles both DoD and our Science Policy Fellowship so we should get together with her at some point and chat about networking more with your world. I'm copying Heather here so feel free to contact her directly if you like.

Emma's email address is:

**PRIVACY REDACTION**

It was great that Scott Shumate was able to make it over and I'll query Steve Behnke to see what follow-up plans he has...I know your passionate about the issues involved and I'd really like to harness that energy toward some positive outcome.

Maybe we can get together with Heather for lunch sometime? Look forward to continuing the collaboration with you.

Best,  
-geoff

-----Original Message-----

Kennedy, Kirk (GOV) [<mailto:Kirk.Kennedy@cifa.mil>]

Thursday, September 09, 2004 12:05 PM

Mumford, Geoffrey

RE: Brief Summary of Intuitive Policing Workshop

Hi Geoff:

Thanks for making the summary so accessible, brief and readable. I would only ask that my name be given in the list of participants at the end of the summary ("Kirk Kennedy, DoD/Counterintelligence Field Activity" would suffice).



The deception conference held on 24 June I believe is being summarized by Scott Gerwehr, correct? On that day, you and I discussed collaborating together in the form of creating an APA fellowship at CIFA along the same lines as was done with Kirk Hubbard at CIA. I believe you mentioned that I should discuss this issue further with "Heather" who handles DoD issues. Do you have any contact info for her? Also, I was wondering if you had any contact info for Emma Barrett, of MI-5 in the UK?

Finally, regarding the July discussion of ethics that I could not attend, my boss Scott Shumate and I decided that one of us should go and he ended up attending. Are there any future meetings in the planning stages at this point?

Thanks for all your help. Kirk

Kirk A. Kennedy, Ph.D.  
Chief, National Center for the Study of CI and  
Operational Psychology (NCSCI-PSY)  
Directorate of Behavioral Sciences  
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*This email is UNCLASSIFIED per E.O. 12958*

-----Original Message-----

**From:** Mumford, Geoffrey [<mailto:gmumford@apa.org>]

**Sent:** Friday, August 27, 2004 11:28 AM

**To:** Emma Barrett; Annette Bolte; Martha Davis; Robyn Dawes; Baruch Fischhoff; Scott Gerwehr; Gary Hazlett; Ray Hyman; Kennedy, Kirk (GOV); Robert Kinscherff; Joseph LeDoux; Ning-Ning Mahlmann; Bob Mericsko; Brian Moon; Andy Morgan; Brian Nosek; John Pearse; Ron Rensink; Andrew Silke; Aldert Vrij; Gary Wells; Bernd Wittenbrink; Shannon Bohrer; Robert Chaney; Mike Chitwood; Martha Davis; John Downs; Lew Hennessy; Cliff Keenan; Wayne Koka; Bob Loudon; Jim Lucey; Tom Morgan; Peter Ohlhausen; Drew Outten; George Palermo; Kim Rossmo; Jeff Sherman; Marco Strano; Gary Wells; Paul Whitesell; Javan Wilson; Bernd Wittenbrink

**Cc:** Brett Chapman; Bryan Vila; Susan Brandon; Anthony Pinizzotto; Alanna Lafranchi Swisher; Akiva Liberman

**Subject:** RE: Brief Summary of Intuitive Policing Workshop

Dear Colleagues,

I'm sorry so many of you had trouble opening/receiving the Word document I sent with the note below. I've mounted the document on our website here so that you can read it on-line.

<http://www.apa.org/ppo/issues/lawenforcementintuition.pdf>

Sorry for the inconvenience.

Best,



-geoff

-----Original Message-----

Mumford, Geoffrey

Monday, August 23, 2004 12:18 PM

'Emma Barrett'; 'Annette Bolte'; 'Martha Davis'; 'Robyn Dawes'; 'Baruch Fischhoff'; 'Scott Gerwehr'; 'Gary Hazlett'; 'Ray Hyman'; 'Kirk Kennedy'; 'Robert Kinscherff'; 'Joseph LeDoux'; 'Ning-Ning Mahlmann'; 'Bob Mericsko'; 'Brian Moon'; 'Andy Morgan'; 'Brian Nosek'; 'John Pearse'; 'Ron Rensink'; 'Andrew Silke'; 'Aldert Vrij'; 'Gary Wells'; 'Bernd Wittenbrink'; 'Shannon Bohrer'; 'Robert Chaney'; 'Mike Chitwood'; 'Martha Davis'; 'John Downs'; 'Lew Hennessy'; 'Cliff Keenan'; 'Wayne Koka'; 'Bob Loudon'; 'Jim Lucey'; 'Tom Morgan'; 'Peter Ohlhausen'; 'Drew Outten'; 'George Palermo'; 'Kim Rossmo'; 'Jeff Sherman'; 'Marco Strano'; 'Gary Wells'; 'Paul Whitesell'; 'Javan Wilson'; 'Bernd Wittenbrink'

'Brett Chapman'; 'Bryan Vila'; 'Susan Brandon'; 'Anthony Pinizzotto'; 'Alanna Lafranchi Swisher'; 'Akiva Liberman'

Brief Summary of Intuitive Policing Workshop

Dear Colleagues,

Attached to this email is a description of our meeting, "The Nature and Influence of Intuition in Law Enforcement: Integration of Theory and Practice," held last June here in Washington.

The purpose of this document is to interest funding agencies (and people who may have some input into funding resources and decisions) in supporting research described by the questions that are offered towards the end of the document. This is not meant as a full summary of the meeting (we have such a summary on file at DOJ and the FBI Academy). Rather, it is meant to provide a reader (who may know little about "intuition," law enforcement or intelligence gathering) with the main themes of the discussions, and express some of the urgency and interest that we recognized around further resolution of the use of "6<sup>th</sup> sense" in police and intelligence work. It's meant to pique interest.

We would appreciate your comments on this document, especially with regards to the (double column formatted) section where we tried to capture some of the exchange of information between those who practice and those who research. If there are items that you feel we missed, or are inaccurate, please let us know. Please check to make sure that we have correctly spelled your name and provided the appropriate affiliation. All comments are welcome.

We would appreciate hearing back from you within two or three weeks (Sept. 10) if possible.

Regards,

<< File: Law Enforcement Intuition v32.doc >>

Geoff Mumford, PhD  
Director of Science Policy  
American Psychological Association  
750 First Street, NE  
Washington, DC 20002-4242  
(202) 336-6067 phone  
(202) 336-6063 fax  
gmumford@apa.org

APA\_0020824







**Sender:** Breckler, Steven J. </O=APA/OU=DC/CN=RECIPIENTS/CN=SJB>  
**Sent:** Monday, July 19, 2004 11:31:20 AM  
**Recipient:** Mumford, Geoffrey <gmumford@apa.org>  
**Subject:** RE: Coercive interrogation

---

I don't know anyone in this area, let alone locally....

Yea, sounds like an interting opportunity.

Steve

Steven J. Breckler, Ph.D.  
Executive Director for Science  
American Psychological Association  
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Washington, DC 20002  
(202) 336-5938  
(202) 336-5953 (fax)  
sbreckler@apa.org  
[www.apa.org/science](http://www.apa.org/science)

~~~~~

-----Original Message-----

From: Mumford, Geoffrey  
Sent: Wednesday, July 14, 2004 4:54 PM  
To: Breckler, Steven J.  
Subject: FW: Coercive interrogation

Steve,

Please read from the bottom up. I've been trying to find someone to fit this slot for the NAS seminar described below for awhile and I'm striking out...just wondered if you knew of anybody local who might be appropriate.

Also, if you're interested Kirk Hubbard is willing to set up a meeting for us to talk to some 2 of the former CIA staff psychologists (known only to me as Jim and Bruce) who have been intimately involved in setting up the protocols for interrogation in Iraq and elsewhere. It obviously wouldn't be for attribution but might be an interesting and rare opportunity for us to have a better understanding of what goes on inside...interested?  
-geoff

-----Original Message-----

From: Mumford, Geoffrey  
Sent: Thursday, July 08, 2004 8:40 AM  
To: 'Ning Ning Mahlmann'  
Cc: [REDACTED] Kate Killham Breckler, Steven J.  
Subject: RE: Coercive interrogation

Thanks Ning-Ning. The NAS contacted us specifically looking for a psychologist so that's the dsiciplinary training we're targeting. We'll continue to stand by and wait for word from Chief Killham. Thanks again.  
-geoff

Geoff Mumford, PhD  
Director of Science Policy  
American Psychological Association  
750 First Street, NE



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gmumford@apa.org

-----Original Message-----

From: Ning Ning Mahlmann [mailto:PRIVACY REDACTION]  
Sent: Wednesday, July 07, 2004 6:12 PM  
To: Mumford, Geoffrey  
Cc: Kate Killham  
Subject: RE: Coercive interrogation

Geoff,

I checked with Unit Chief Kate Killham from the FBI Academy to see if we have anybody inside the FBI who can talk about "coercive interrogation." She told me that the FBI Academy teaches a different type of interrogation techniques which works well for our agents. But she will check into it more.

Regards,  
Ning-Ning

\*\*\*\*\*

Ning-Ning Mahlmann, Ph.D.  
Senior Technical Director  
University Affiliated Research Center/  
Center for Advanced Study of Language Oversight Board  
PRIVACY REDACTION

\*\*\*\*\*

Chief, Language Training and Assessment Unit,  
FBI  
Tel: 202-962-9071  
Fax: 202-962-9089

-----Original Message-----

From: Mumford, Geoffrey [mailto:gmumford@apa.org]  
Sent: Tuesday, July 06, 2004 3:03 PM  
To: Ning Ning Mahlmann  
Subject: FW: Coercive interrogation

Hi Ning Ning,

I've been asked to help find someone local (because they don't have much of a budget) who could speak to the issue below. Our CIA contacts who actually do the interrogation are unavailable on that date (July 30) and I'm at a bit of a loss. I'm wondering if you know of anybody in the area that might be knowledgeable enough to talk about it, even if it isn't their area of research?

Best,  
-geoff

-----Original Message-----

From: Jiron, Amy [mailto:PRIVACY REDACTION]  
Sent: Wednesday, June 23, 2004 2:13 PM  
To: Mumford, Geoffrey  
Cc: Smith, Danielle; Lightbody, Sarah; Williams, Shara  
Subject: RE: Coercive interrogation

Geoff,

Thanks so much for your help! Since our other two potential guests are



not scientists--one is an attorney and one is a VERY well-informed journalist--we hope that a psychologist will provide unbiased background information on the science surrounding coercive interrogations. We know that coercive interrogation methods often do not achieve reliable results, but we would like to know what are interrogators' other, more reliable, options for obtaining often vastly important information in a time sensitive manner? And when, if ever, are coercive methods justified? Additionally, we would like to address the issue of whether the use of interrogation/interviewing/questioning tactics should be classified as a science or an art or something else entirely.

Mostly, we are looking for a neutral scientific resource because we think that our other two panelists will advocate either for or against using coercive interrogation methods.

Let me know if you need more.

Thank you once again,  
Amy

-----Original Message-----

From: Mumford, Geoffrey [<mailto:gmumford@apa.org>]

Sent: Wednesday, June 23, 2004 1:28 PM

To: Jiron, Amy

Cc: Smith, Danielle; Lightbody, Sarah; Williams, Shara

Subject: RE: Coercive interrogation

Amy,

I'll be at a meeting with folks who know about these issues tomorrow and will probe to get recommendations from them. You mentioned wanting to have different points of view represented and that you have two of the speakers identified...so what point of view do you want the third to represent? With that information in hand I'll be able provide better recommendations.

Best,  
-geoff

-----Original Message-----

From: Jiron, Amy [<mailto:> **PRIVACY REDACTION**]

Sent: Wednesday, June 23, 2004 9:36 AM

To: Mumford, Geoffrey

Cc: Smith, Danielle; Lightbody, Sarah; Williams, Shara

Subject: RE: Coercive interrogation

Dear Geoff,

We are putting on a seminar series (every Friday in July at the National Academies Keck Building) focused on science and public policy. Our seminar, scheduled for July 30th from 12:00-2:00 PM, per Abu Ghraib, will focus on the necessity and consequences of various interrogation techniques both within and outside of our country and the scientific evidence, or lack thereof, supporting the reliability of the resulting information.

We are in search of three speakers with differing viewpoints on this



issue to stimulate a scholarly, science and policy based discussion. We are hoping to bring speakers from the Washington DC area, as we do not have a travel budget. Any insight or help you might provide as to potential speakers would be greatly appreciated.

Our semi-final speakers are Mark Bowden, author of "The Dark Art of Interrogation" (Atlantic Monthly, Oct. 2003) and Donald Salzman, Chair of the Innocence Project of the National Capital Region and pro bono attorney for Skadden, Arps.

For psychologists, we have contacted Craig Haney and Beth Higgins who will both be at the APA annual conference in Hawaii (can we come, too?). Do we have any hope for getting a psychologist from the DC area for that Friday, July 30th?

Thanks so much for your time!

Amy Jiron  
[REDACTED]

-----Original Message-----

From: Mumford, Geoffrey [<mailto:gmumford@apa.org>]  
Sent: Friday, June 18, 2004 11:20 AM  
To: Jiron, Amy  
Subject: FW: Coercive interrogation

Hi Amy,

Could you please provide a little more context for this as well as the timeline and I'll see if we can find some people for you to consider.  
Thanks. -geoff

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[gmumford@apa.org](mailto:gmumford@apa.org)

-----Original Message-----

From: Hartel, Christine [[mailto:\[REDACTED\]](mailto:[REDACTED])]  
Sent: Friday, June 18, 2004 11:09 AM  
To: Bullock, Merry; Mumford, Geoffrey  
Subject: Coercive interrogation

Hello, Merry and Geoff,

I understand you got a phone call from Amy Jiron, an intern here, who's trying find names of good scientists to contact on the topic of coercive interrogation. Her email is [REDACTED]; her phone is [REDACTED].  
Geoff: Apparently, the voicemail message Amy left for Merry wasn't clear, so Merry left me a message, asking for the right info, and asking me to send it to you too, since she's out (Hooray for her and Bruce!). Our interns are asked to arrange seminars on different topics, so I will continue to refer them to you when I don't know about the areas they call me about. You guys know everybody! Right? Chris



Christine R. Hartel, Ph.D.  
Director  
Center for Studies of  
Behavior and Development  
The National Academies  
500 5th Street, N.W.,  
Washington, DC 20001

PRIVACY REDACTION

PRIVACY REDACTION



# **Countering Terrorism**

## **Resources and Research Priorities**

**in the**

## **Social, Behavioral and Economic Sciences**



### **Report of the NSTC**

Subcommittee on Social, Behavioral and Economic Sciences

**April 29, 2004**



### ***About this Report***

This report comes from the Social, Behavioral, and Economic (SBE) Sciences Working group of the NSTC's Task Force on Anti-Terrorism Research and Development and from the NSTC Social, Behavioral and Economic Sciences (SBES) Subcommittee.

The report summarizes some of the critical resources and research opportunities in the SBE sciences related to terrorism and other national or regional crises. It should be emphasized that current Federal R&D efforts to combat terrorism are conducted at multiple agencies; thus, these recommendations are intended to provide guidance across the entire Federal research and development enterprise. The emphasis throughout is on catastrophic terrorist events—defined by the devices used, whether conventional or CBRN/cyber; and impacts, including significant loss of life, property, economic vitality, or cultural symbols of the United States.

### ***About the NSTC***

The National Science and Technology Council (NSTC) was established by Executive Order 12881 of November 23, 1993. This Cabinet-level Council is the principal means for the President to coordinate science and technology matters within the federal research and development enterprise. The NSTC is best described as a virtual science and technology coordinating agency that conducts its business by means of numerous committees, subcommittees, and interagency working groups composed of federal officials. The NSTC, while distinct from OSTP, is housed in and supported by OSTP. NSTC member agencies supply agency staff to carry out NSTC functions.

An important objective of the NSTC is the establishment of clear national goals for federal science and technology investments in areas ranging from information technologies and health research, to improving transportation systems and strengthening fundamental research. This council prepares research and development strategies that are coordinated across Federal agencies to form an investment package that is aimed at accomplishing multiple national goals.

To obtain additional information regarding the NSTC, contact the NSTC Executive Secretariat at 202-456-6101.



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## ***Highlights of the Report***

The knowledge and tools of the social, behavioral and economic sciences are immediately applicable to the construction of strategies that can enhance the Nation's capacity to predict, prevent, prepare for and recover from a terrorist attack.

- Our capacity to predict future terrorist attacks depends on our understanding of its root causes, and on how we view the nature and magnitude of the terrorist threat and the factors underlying the formation and maintenance of both domestic and international terrorist groups. Prediction capabilities will be enhanced if we understand that terrorist networks and strategies are shaped by the behaviors of both the terrorists and their targeted adversaries, which differ across time, place, and access to resources.
- Our ability to prevent a domestic terrorist attack will depend, in part, on detecting who threatens us. Behavioral methodology in conjunction with technology can be used to anticipate and detect threats during the earliest pre-incident phases. Social and behavioral science can help our police and intelligence agencies adapt to new roles and responsibilities, and advise policy-makers to ensure that we protect individuals and communities that are vulnerable to isolation and stigmatization.
- The social, behavioral and economic (SBE) sciences are integral to the development of optimal short-term and long-term preparation strategies. SBE models of threat, risk and vulnerability assessments can advise the creation and evaluation of effective response plans. SBE models of risk perception and communication can be used to appropriately modify responder and public behaviors under conditions of attack, threat and uncertainty. SBE models of community stress and resilience, developed on the basis of lessons learned in previous instances of natural and technological disasters in the U.S., can be used in the evaluation of emergency preparedness plans.
- Our capacity to recover from a terrorist attack will be enhanced by taking advantage of SBE models of terrorist attacks and other large-scale disasters that incorporate measures of community strengths and weaknesses. The treatment of acute and chronic stress can be informed by current views of the fundamental mechanisms of brain and behavior, and how stress and coping reactions are modified by experience and context. We can recover faster and better by building economic infrastructures that take into account human vulnerability and resilience factors.

This report also recognizes numerous opportunities for research in the social, behavioral and economic sciences that will further enhance our capacity to ensure that America thrives for all its citizens – not by building walls, but by building understanding; not by promoting fear, but by enhancing strengths, and not by closing doors, but by welcoming those who share our pluralistic and democratic values and aspirations.



## *The Challenge*

A terrorist attack has enormous impacts beyond the possible loss of life. These impacts have profound psychological, social, economic, political, and judicial consequences. Recovery from an attack and efforts to prevent or protect from future attacks must address all of these consequences.

Two hundred fifty-five survivors of the direct blast in the 1995 bombing of the Oklahoma City Murrah Building showed a high incidence of post-disaster psychiatric disorder (45%) and Post Traumatic Stress Disorder (34%) six months after the bombing (North et al., 1999). Mental health researchers examined the course of recovery among those individuals to produce a better understanding of the evolving course of disruptive and disabling symptoms of distress, how to identify those at risk of developing a serious mental illness after such an event, and how to offer timely interventions to reduce trauma-related distress, including depression and anxiety disorders.

Basic economic research on macroeconomics and how financial markets function was used by economic policy-makers to devise policies to cope with the severe economic shock of September 11, 2001. Their efforts kept the sharp decline in the stock market from spiraling into a broader economic crisis. Economic models and forecasting techniques were crucial tools, including time series analysis of financial data (Engle, 2001; Granger 1986), rational expectations models (Lucas, 1972; 1976), and tools for analyzing economic dynamics (e.g., Sims, 1983).

A nation-wide survey of Americans after September 11, 2001, found that the most common coping strategies among Americans on that day and several days after were talking with others (98%), religious thoughts or actions (90%), participating in group activities (60%), or making donations to relief services (36%). The most common coping behavior was to check on the safety of close family members (75%) (Schuster et al., 2001). Researchers concluded that ensuring ways for people to communicate and to participate in rescue and recovery efforts should be key components of local, State and Federal planning strategies (Silver et al., 2002).

This report is organized around how the United States can best predict, prevent, prepare for and recover from a domestic terrorist attack. It recognizes that greater national and homeland security will not be achieved only by building stronger buildings, smarter airport screening machines or more layers of protective gear. Effective strategies to combat terrorism also will have to harness our understanding of human behavior at the level of the individual and the group. There is an abundance of knowledge within the social, behavioral and economic sciences that is fundamental to such strategies. This report contains examples of these resources, as well as opportunities for research that will further enhance such efforts.



## ***Background of this Report***

In the aftermath of the September 11<sup>th</sup> attacks and the anthrax letter events, the Director of the Office of Science and Technology Policy (OSTP), through the President's National Science and Technology Council, formed the Task Force on Anti-Terrorism Research and Development. A primary purpose of the Task Force was to map out a research agenda for homeland security that would be conducted over the next several years. In addition, OSTP began to consider how the federal government should organize or re-organize itself to execute this new research agenda. These organizational and research efforts became important components for the preparation of the President's National Strategy for Homeland Security, and ultimately for the organization of the science and technology component of the new Department of Homeland Security.

The work of the Task Force on Anti-Terrorism Research and Development was assumed by the Social, Behavioral and Economics Sciences (SBES) Subcommittee, formed in November 2003 under the National Science and Technology Council Committees on Science and Homeland and National Security. The SBES Subcommittee was asked to publish this Report in order to highlight the vital role of the social, behavioral and economic sciences in the Nation's response to the events of September 11, 2001.

## ***How Can We Predict?***

Part of our capacity to predict future terrorist attacks depends on our definitions of terrorism and on our understanding of its root causes, the nature and magnitude of the terrorist threat, and the factors underlying the formation and maintenance of both domestic and international terrorist groups and networks.

*Contributing characteristics of how the problem is defined.* Consensus as to what actions define terrorism has been difficult to attain. Although the SBE sciences can and should contribute to resolution of this definitional problem, such resolution must also engage historians, military strategists, experts in international diplomacy, and others with expertise outside the SBE sciences. It also must be recognized that investigation of how terrorism takes root and grows in any particular culture and time can be affected by biases that may prevent sound scientific analyses, such as:

- how use of the term "terrorism" may be over-simplifying different types of actors, warfare and motivations to a single group or act, so that critical variables are overlooked;
- how use of the term "terrorist" denies the perpetrator all claim to legitimacy, even while we cannot come to consensus on the defining characteristics of the actor; and
- how modeling and data collection efforts in the aftermath of a terrorist incident are likely to be different than they would have been in the absence of such attacks.



Biases introduced by experience with terrorism are likely to skew the application of science to the challenges posed by terrorism. Decision science has taught us that while such biases may not be altogether avoidable, at least we can identify the biasing effects of terrorist incidents on the nature of the science we do, especially on normative and clinical longitudinal studies.

*Terrorism as a cycle, not a discrete event.* Our definition of terrorism should include more than a terrorist attack. Systematic analysis needs to be applied to the antecedent and consequent events that are part of both successful and unsuccessful plans to attack. These would include details about (i) the blueprints and plans of an attack, whether these are on paper, in computer memory, or in human memory; (ii) why some attacks were aborted; (iii) why and how some attacks were thwarted; and (iv) attack threats that were either real or feigned, but which nonetheless may have had the impact of changing the behavior of the target, such as putting it in a readiness or defensive mode that depleted resources or affected public opinion and attitudes.

*Elucidation of the root causes of terrorism* as an individual or group act depends on our understanding of behavior at all levels of analysis, from the basic biological and behavioral mechanisms of emotion, cognition, motivation, and social processes, to the behaviors of groups in small and large cultural and global contexts.

*The nature of the threat: Contributing characteristics of the culture.* The precipitating factors for engagement in terrorism as a social behavior can be understood through our knowledge of both pro- and anti-social networks and group affiliations, models of social influence and persuasion, and our understanding of how charismatic individuals emerge to lead social movements. We know that ideological, tribal, or religious affiliations, the resiliency of communities, and how strategies are adopted or created to cope with living conditions in which basic needs may or may not be met, are critical in the emergence and success of social movements. We know that education, urbanization, migration (and internal displacement), poverty, opportunities for socioeconomic growth, political development, and political participation are factors in the development of social groups. We can gain much understanding of terrorism if we analyze terrorism in the same ways as we have understood the construction, sustenance, and eventual demise of previous ideologies that mobilized individuals and groups for either good or harm.

A majority of the domestic and international terrorist threats currently challenging America appear to have strong religious fundamentalist components. We know that cultural, economic, geographic, social, political, and jurisprudential factors can both foster and inhibit the proliferation of religious extremism and associated terrorist politics and conflicts. The SBE sciences can be used to investigate:



- how the interaction of individuals within cultures and communities contribute to extremist social behaviors, including violent aggression, genocide, prejudice, and stigmatization; and
- interventions and methods for ameliorating violent action that are applicable across cultural boundaries.

*The nature of the threat: Contributing characteristics of the individual.* We know that the culture in which people are socialized has a deep and lasting influence on their social behavior and personality. Both pro- and anti-social extreme behaviors often are the result of small group dynamics. The SBE sciences can help us to understand specific instances of attitude and belief formation and change, and the interactions of attitudes and beliefs with behaviors. They also can model extremist and socially marginalized group and organizational behaviors, which can help explain why certain people become sympathizers, followers, members, or leaders of terrorist and extremist groups; and how these processes change over time. The SBE sciences can be used to investigate further:

- whether individuals who are part of terrorist groups can be identified on the basis of personal characteristics, such as how they cope with interpersonal conflict, hostility, humiliation, and aggression;
- how resident/immigrant, racial, ethnic, religious, and other important social sources of identity may contribute to the likelihood that a person joins a terrorist group; and
- similarities and dissimilarities among individuals who engage in suicide/homicide bombing strategies, and the role of ideology, family and community support in such behaviors.

*Nature of the threat: Contributing characteristics of the counter-threat.* Terrorist groups do not emerge in a vacuum but are born, grow, and die in large part depending on how their opponents react. Historical, social and political theory and data indicate that Americans' response to terrorism will help to determine how terrorism threatens America.

*Terrorists in networks.* Over the years, the organizational structures of terrorist groups have evolved from hierarchical to more horizontal and loosely affiliated network formations. In fact, certain groups, such as *al Qaeda* and its affiliates, have become a series of overlapping networks that are organized to conduct a range of activities, such as recruit new members, give and receive orders, provide training, secure weapons, and transfer funds.

Social scientists, building on work in mathematics and the physical and biological sciences, have developed a body of theoretical and empirical research on the implications of different network structures for the transfer of information and resources between individuals and within and



across boundaries of organizations. Existing network analyses and models can tell us more about:

- the dependence of terrorist networks on formal and informal institutions for the maintenance and transfer of financial assets;
- how affiliations with other networks – either legal, such as charity groups, or illegal, such as organized crime syndicates – affect the growth and resiliency of the target network;
- the circumstances in which networks change over time, and whether knowledge of these factors can be used to understand the actions of cells within networks; and
- the points of weaknesses within networks and modes of disrupting them.

*International and domestic arenas.* One of the strengths of the social sciences is the capability to systematically synthesize information about diverse locations in order to understand the links between regions and the manifestation of incident processes at different geographic scales. SBE scientists can monitor stressors and existing areas of regional instability, and help to provide continuous assessment and the prediction of terrorist insurgencies by:

- identifying the underlying circumstances that facilitate (or alternatively, hinder) state-sponsored terrorism;
- the application of linguistic methodologies, such as corpus linguistics and automatic speech recognition technology, to the challenges of understanding cultures other than our own;
- 
- identifying how a government's political control of space (or lack thereof) may foster terrorism;
- analyzing how borders function, especially with regard to the flows of goods and people, and how borders constrain or enhance trans-jurisdictional responses to issues such as immigration, disaster response, refugee movements, weapons proliferation, narco-terrorism, or environmental degradation; and
- analyzing how terrorist networks operate, thrive or languish as a function of the behaviors of the groups or people that are the targets of their actions.

### ***Prediction Capabilities Will Be Enhanced by***

Our ability to understand the root causes of terrorism and the nature of the terrorist threat depends on the creation and maintenance of large-scale data sets that are current and relevant to the terrorist networks of interest. These data sets should include data from both domestic and



international populations, and be gathered using trained members of indigenous social science communities (rather than foreign or domestic news services, out-of-country survey teams, or anecdotal sources). Such data collection efforts would be enhanced by:

- the re-invigoration of regional and country studies and the fostering of foreign area experience among SBES students and other practitioners of social sciences;
- resolution of the disparity of access of scientists in private industry and academia to data collected via our intelligence and law enforcement services, so that we can put the best scientists together with the best data – whether those data exist in the public domain or not; and
- the creation of appropriate legal and privacy protections for gathering, fusing and sharing data and information derived from such large-scale data systems.

Such systematic data collection could be used to enhance our understanding of the root causes of terrorism and the nature of the terrorist threat by illuminating:

- the role of extremist ideologies (whether religious or political) in facilitating the development and maintenance of both domestic and international terrorist movements;
- the role of state breakdown and external or internal state support in the development and maintenance of terrorist movements;
- the common and differentiating factors necessary to the development and maintenance of domestic terrorist sleeper cells, in the United States and in other Western European countries, especially those with significant immigrant populations;
- the role of economic, political, and cultural globalization, including the confrontation of non-Western, transitional societies with Western-dominated “global cultures,” in the development and maintenance of terrorist groups;
- the impact of the World Wide Web (Internet) in facilitating new virtual worldwide communications, command and control networks, and on the development and maintenance of social movements;
- the potential and actual dynamic relationships among domestic and international terrorist-related groups, and among these groups and their presumed target populations; and
- the role of the internet and other mass media in international perceptions of the United States and its role in the world, and how these perceptions affect, positively or negatively, the vulnerability of the United States to terrorism.



## *How Can We Prevent?*

Our ability to prevent a domestic terrorist attack will depend, in part, on detecting who threatens us. Our ability to detect will, in turn, depend on how we adjust to new roles and responsibilities, and on the interactions of agents and agencies developed to prevent terrorism with the American public.

*Detecting whom among us is a threat.* The behavioral sciences have developed technologies to measure biological and behavioral markers of stress and anxiety – which are assumed to covary with intent to harm – to identify individuals who might pose a threat at critical ports of entry into the U.S., large crowd events, or secure locations. Luggage screeners at the airports are trained with an understanding of human performance factors, such as vigilance and fatigue, that is based on sound behavioral science. Behavioral science and neuroscience can be used in the further development of:

- the evaluation and development of new techniques for the identification of and screening of individuals for pre-cursor behaviors or patterns of behavior, including gait and other nonverbal behaviors, that signal threat and intent to harm; and
- the use of electroencephalography (EEG), functional Magnetic Resonance Imaging (fMRI), near-infrared spectroscopy, and other bio-imaging techniques for application to the detection of deception, threat or intent to harm;

*Adjusting to new roles and rules.* Workers at all levels of local, State and Federal government are being asked to assume new roles and responsibilities, and to work together in new groups in the construction and maintenance of effective terrorist prevention and response strategies. Private industry is being asked to partner with government in infrastructure protection efforts. Private citizens are being asked to be more vigilant and to prepare for possible biological, chemical or radiological attacks both at home and in the workplace. Law enforcement, intelligence agencies and criminal justice systems, via implementation of the USA PATRIOT Act of 2002 and the integration of a multitude of diverse agencies into the Department of Homeland Security, are assuming new roles and tasks. The SBE sciences, in particular, human factors models and methods, can help us to construct and support the new roles, missions, responsibilities and challenges that are integral to domestic surveillance and detection efforts. These sciences can advise the development of roles and missions that can connect resources and infrastructure to antiterrorism efforts without violating the trust and confidence that the public requires of policing in democratic societies.

*Keeping America whole.* The nature of the terrorist acts targeted at the United States, and the people who carry out such attacks, will have differential effects on American communities. It is



possible that immigrant and ethnic minority community responses to attacks will differ from those of majority populations. It also is possible that some communities will be made to feel especially vulnerable to security measures with consequent stigmatization and isolation.

These may be communities that are likely to be of the greatest importance to the prevention of the development of terrorist networks within our own boundaries. How we respond to terrorist attacks also will have an international impact, which can, in turn, affect our immigrant and ethnic minority populations.

The SBE sciences have a wealth of knowledge and tools for an understanding of attitude and belief change; how stigmas develop and are sustained; how immigrant groups are isolated and absorbed into mainstream culture; the role of differential access to resources in community vulnerability and resilience; and the short- and long-term effects of racial and ethnic prejudice on political engagement.

### ***Prevention Capabilities Will Be Enhanced By***

The implementation of detection capabilities will be enhanced by:

- understanding the relationships between various measures of brain activity and the psychological processes of cognition, emotion, and motivation;
- further investigation of the relationships among various bio-imaging markers, intentions to behave, and behavior in both individuals and groups; and
- investigation of the variance among behavioral and biological measures as a function of gender, socioeconomic status, ethnicity, age, and experience.

Prevention capabilities will be enhanced by:

- a better understanding of the impacts of biometric and other detection and tracking methodologies on the privacy rights of the American public;
- a better understanding of the impacts of the development of large-scale databases with information about private citizens on both the American public and on the international community, in ways that will affect our ability to collect and share data and our standing in the international community;
- assessing how detection methodologies might impact specific groups of Americans or American immigrants that are integral to efforts to prevent the spread of terrorist networks within our own borders;



- the evaluation of tools such as enhanced wiretaps, new money laundering traces, and new trial processes for effectiveness, fairness, and acceptability by domestic and world opinion;
- creating new opportunities for the development of international research collaborations on effective antiterrorism interventions; and
- analysis of consequences of antiterrorism immigration policies on American immigrants' and world opinion.

### ***How Can We Prepare?***

It is not possible to ensure that we will fully predict or prevent future terrorist attacks on American soil. It is prudent, therefore, to prepare for future attacks.

The SBE sciences are integral to the development of optimal short-term and long-term preparation strategies. SBE scientists have models of threat, risk and vulnerability assessments that can be used in the creation and evaluation of response plans. These sciences have models of risk perception and communication that have the greatest likelihood of appropriately modifying responder and public behaviors. SBE models of community stress and resilience, developed on the basis of lessons learned in previous instances of natural and technological disasters in the U.S. and abroad, can be used in the evaluation of emergency preparedness and response plans.

*Risk, threat and vulnerability assessment methods* have been broadened beyond an exposure-response framework to a more holistic view that includes exposure, susceptibility, resistance, resilience, and adaptation. Preparedness efforts can take advantage of improved vulnerability science and hazards research to address the consequences of terrorist attack operations by:

- modeling the consequences of terrorism with regard to a particular group, community or operational unit, so that preparation strategies can be implemented that are specific to the needs of that group;
- modeling the short- and long-term negative economic consequences of a terrorist attack across variations in the location and nature of the attack, and the community or communities affected;
- incorporating the notion of surprise, uncertainty, confidence levels, and triggers in evaluations of vulnerability;
- identifying the motivational and targeting factors that cause certain locations, facilities, or individuals to be more susceptible than others to terrorist threats;
- delineating the vulnerability of certain locations, facilities or individuals as a function of type of threat across time, to develop comparative and early warning indicators; and



- incorporating indicators of societal or individual values, symbols, and landscapes of fear into vulnerability assessments.

*Risk communications and shaping responses to warning alerts.* A prepared public is a public more likely to recover quickly. How people assess threats and risk is a strong determinant of what preparation measures they are willing to take and how they will likely react to extreme events. Risk perception and communication strategies are two key areas where the SBE sciences can make a significant contribution to our national preparedness. Important here are issues such as:

- building basic understandings of the origins and consequences of differences between expert and lay threat and risk assessments to develop effective risk communication strategies;
- designing and evaluating national and regional warning systems to alert citizens to varied levels of threats of terrorist attacks;
- designing and evaluating messages to the public about what citizens should do in response to information about potential threats from terrorists;
- creating an effective national risk assessment and warning strategy that does not traumatize the public unnecessarily;
- educating those responsible for risk communication about the roles of public trust, designated spokespersons, the media, and the effects of living with long-term threats and uncertainties; and
- educating responders and policy-makers that risk perception and communication factors are contextually dependent and will change across time, so that communication strategies must be continually evaluated and updated.

Data collected in previous instances of natural and technological disasters, as well as data collected after the Oklahoma City bombing and the attacks on 9/11, have led to an understanding of some of the human and societal factors that determine community stress and resilience capabilities. Human performance factors scientists know what variables are important to the optimal selection and training of emergency and rescue worker personnel, health care workers, and civil defense personnel who must deal with new threat scenarios, such as the deliberate release of biological or chemical toxins. Experience with SARS has led to some understanding of what happens under conditions of quarantine for health threats and the saturation of health facilities with patients exhibiting physical and psychosomatic symptoms. More than fifty years of research in many kinds of disasters has led to an understanding of crowd collective and convergent behaviors so that we can begin to predict what people do in instances of radiological, biological or chemical attacks. This wealth of data and models can be used to:



- design biometric systems, sensors and screening machines, and protective gear in ways that optimize performance and are sensitive to the needs of the individual who operates such systems as well as to the community in which they function;
- advise planning for mass evacuations and building egress with knowledge of crowd and convergent behaviors, and the determinants of panic and helping behaviors;
- design emergency response systems with regard to the needs of families and friends of rescue workers, and the social and emotional characteristics of people in conditions of quarantine; and
- understand how interpersonal and mediated communication within and across communities in the event of an attack will affect the impact of an attack.

***Preparation Capabilities Will Be Enhanced By:***

*Infrastructure development.* Central to the development of a robust capability to conduct threat assessment and prepare for terrorism is the creation of a solid SBES infrastructure that can be used to inform preparation strategies. Essential to this enterprise are geospatial, demographic, economic, and health-related longitudinal data. These data should be collected:

- in instances of homeland security exercises and other threat scenario exercises;
- from both national and international sources, in order to capture global financial, labor, and trade impacts;
- via distributed (and perhaps, redundant) data resources, in order to avoid source-dependent biases; and
- maintained on a long-term basis in the absence of an attack or any other calamity, in order to have information on a community or group in the absence of stress or disaster (that is, to have baseline measures).

*Models of community stress and resilience* in instances of previous terrorist attacks, natural disasters and industrial accidents can be used to understand the impacts of an attack so as to help us prepare for the next attack, disaster or accident. Ongoing health surveillance data can be used to detect behavioral and other diagnostic trends that could provide early evidence of biological attacks. Such models can be used to determine the conditions that affect the diffusion of purposely introduced diseases among populations of humans, animals, and plants. The destruction by fire of the Emergency Operations Center in World Trade Center Building 7 demonstrated the need for the creation of a distributed data infrastructure. The usefulness of such models will depend on the extent to which the data and models are:



- maintained and distributed across user communities;
- linked with local, State and Federal public health infrastructure;
- leveraged for an understanding of other disasters (e.g., a San Andreas or Madrid earthquake; a hurricane strike directly on one of the east coast metropolises, or a medical pandemic);
- linked with vulnerability and risk assessments of specific locations, facilities, and populations to terrorism or other environmental threats; and
- structured to reflect the interdependence of infrastructure sectors (e.g., electric power grids and communications networks), so as to minimize contagion of one sector by another as a result of the occurrence of an extreme event.

### ***How Can We Recover?***

A terrorist attack is successful when its impact is felt well beyond the immediate location of the event. To the extent that a community is able to mitigate the effects of an attack, recover quickly, and isolate the impact of the attack to the attack site, terrorism becomes a less effective strategy. Shoring up our local health and emergency responder networks is, therefore, a strategy not only for recovery, but can be an effective (although long-term) defense against terrorism.

We know that vulnerability to short- or long-term psychological distress in the case of a terrorist attack or other significant traumatic event is a function of degree of exposure to the event, previous experience with similar events, and mental health status at the time of the event. We know that whereas most individuals recover from such events and exhibit no long-term distress, chronic exposure to stress depletes individual neuroendocrinological and neuroimmunological resources and increases the vulnerability of brain systems that play a primary role in resilient behaviors.

The challenge to isolate the effects of an attack is made greater by the fact that as news information is shared more and more rapidly via television broadcasts and the Internet, media coverage of an attack is one way that the attack may affect nation-wide and world-wide opinion and policy. If “there was an attack and no one came,” terrorism would be a less useful tool in what is referred to as technologically “asymmetric” struggles such as that between *al Qaeda* and the United States (and its allies).

*Dealing with psychological and social trauma.* Victims of terrorism will endure some measure of psychological trauma. In addition, the physical destruction resulting from terrorist acts may lead to an escalation in unemployment, displacement from housing, loss of public transportation and communication facilities, and widespread economic hardship (for individuals, families, organizations, industries, and government). The SBE sciences are beginning to provide:



- acute and longitudinal analyses of the effects of traumatic psychological stress, including mental health and substance abuse consequences, in survivors, family members, and witnesses following terrorist acts, and in personnel assigned to emergency response activities and disaster mitigation and cleanup efforts;
- determination of psychobiological mechanisms by which trauma infers both vulnerability and resilience to adverse outcomes in children and adults;
- an understanding the conditions that are optimal for the delivery of psychological first aid and of those variables that can best identify individuals who are at risk for the development of long-term mental illness following exposure to a terrorist incident;
- description of how children are affected by exposure to terrorist attacks and repeated media coverage of such attacks;
- how different local community resources – schools, places of worship, community centers, the local library and video store – play a pivotal role in community resilience;
- an understanding of coping strategies and positive response outcomes (e.g., “pulling together,” increased compassion, sensitivity, and helpfulness) following traumatic incidents, and how these vary as a function of local culture and mores;
- an understanding of convergent and collective behavior in the face of immediate threat or diffuse threat and uncertainty; and
- an understanding of the role of spontaneous and civic memorials to those killed in response and recovery activities in building and sustaining both responder and citizen resilience.

### ***Recovery Capabilities Will Be Enhanced By***

*Understanding economic infrastructure and vulnerabilities.* One of the primary goals of a terrorist attack is to disrupt key infrastructure systems that are essential to the workings of everyday life in order to spread as much fear and panic throughout society as possible. Financial markets are especially vulnerable to such disruption, with catastrophic economic consequences that could span the globe.

The SBE sciences can provide resources for recovery and intervention efforts related to terrorism and other extreme events. Economic interventions require a basic understanding of the trade-offs between security and other forms of government expenditures and the effects of security measures on the economy. More broadly, SBE sciences can help us understand the appropriate roles of the public and private sectors in pre-attack economic intervention, so that the government is not doing things that can be more effectively addressed by private sector entities,



or the private sector attempting forms of intervention better suited to the scope and resources of the government.

With respect to current threats, our capacity to recover from an attack would be facilitated by including the SBE sciences in strategies designed to address:

- vulnerabilities in various economic sectors to different types of terrorist attacks, and the potential for negative spillover effects from one sector to another;
- monetary policy in times of acute economic disruption;
- the present risk to the economy of loss of confidence in economic institutions, particularly financial markets, but also with respect to a generalized loss of confidence in market mechanisms;
- the effects of current regulations and security measures on specific industries; and
- the design of regulatory systems and insurance mechanisms to encourage optimal private sector investment in infrastructure resiliency.

*Understanding how to highlight individual and group resilience.* The prevalent response of individuals and communities to trauma is an initial period of coping and possible bereavement, followed by recovery and a return to normal. In some instances – as has been documented already for the effects of the attacks of September 11 – people report that they have a more positive attitude towards life than they did before the attacks. The SBE sciences can contribute to recovery efforts by a greater understanding of:

- the basic neural mechanisms of fear and hope, vulnerability and resilience, and how these are modified by context and experience;
- the origins of the putative “culture of fear” that is pervasive among Americans, and how fear and risk are situation and group specific;
- the predictive variables for full recovery from trauma and for resilience, where the positive impact of a traumatic event eventually is greater than the negative impact;
- how Americans might be made to act vigilantly and be prepared for further attacks, by emphasis on capacity, resilience, and individual and societal strengths, and
- the role of the mass media in preventing or contributing to people’s responses to traumatic events.

*Psychological impacts of various kinds of attacks must be part of ongoing scenario assessments.* It is not sufficient to develop a vaccine or antidote for a biological agent or contaminant: we also



need to know whether people will accept vaccination procedures, what it might mean to vaccinate health workers but not their families or the general public, and how the efficacy of treatments will depend on the behaviors of the people involved. Terrorism is not a threat that can be met by missiles in silos; it is a threat that is met by people in communities.

Comprehension of the effects of threats and crises on individuals, organizations, and societies will help us design assessment tools to collect the most useful information about the effects of terrorist incidents (in individuals directly and indirectly harmed, in emergency response personnel, and in the public at large) and develop behavioral and biological markers to predict those most at risk for adverse mental and physical reactions to traumatic events. Knowledge of the pathways underlying negative and positive psychological and behavioral outcomes will allow us to target those pathway components most amenable to intervention. Questions to be addressed further include:

- clinical assessment and management of short-term anxiety reactions and longer-term vulnerabilities to post-traumatic stress disorder;
- how behavioral aspects of resilience, anxiety and stress reactions are mediated by cultural variables;
- optimization of early psychological intervention for mitigating adverse consequences, and interventions that hold promise to reduce the risk of long-term disorders and disabilities; and
- identification of the factors that promote resilience at the individual and community level.

## ***Conclusion***

This report reflects an initial attempt by a National Science and Technology Council to formulate research priorities for the Social, Behavioral and Economic Sciences to address issues related to terrorism and terrorist attacks. Although this report signifies an important first step in this domain, it is by no means comprehensive. This research agenda must evolve as the United States moves forward with efforts to enhance homeland security and as security needs and challenges change.

*Special challenges for the SBE sciences.* The social, behavioral and economic sciences investigate the behavior of extremely complex systems. Controlled experiments often are difficult to do. Furthermore, the application of what is learned is appropriately constrained by civic and privacy rights of the American and international publics.

The necessity of substantive research in the social sciences for the creation of effective counter-terrorism strategies cannot be overstated, but it also must be recognized that these sciences face considerable challenges in both practice and application. Ongoing efforts within the SBE



sciences on the following issues need to be continued and expanded in order to make the most use of what these sciences have to offer:

- How to determine critically important variables of interest. For example, what is the role of poverty, wealth or access to resources in the recruitment of individuals to terrorist networks?
- The definition of key constructs and determination of how to measure the most meaningful aspects of groups/incidents.

For example, different academic communities define terrorism differently. While we may not reach consensus on a definition, the role of how we define the problem in the strategies we devise to face the problem must be recognized. If we view terrorism as attacks only on civilians, and not military personnel, then our counter-terrorism strategies will reflect that assumption.

- How to gain access to groups of interest.

Important information about a terrorist incident can be gained only immediately post-incident. However, for obvious reasons, the collection of data is not of paramount importance in rescue efforts. Providing scientists access to terrorist incident sites remains a challenge that needs creative solutions.

- How to gain access to data of interest.

The majority of SBE scientists do not have security clearances that will give them access to terrorist activity data that are collected via our law enforcement and intelligence agencies. In many instances, these data are unique because of the unique access such agencies have to people of paramount interest. On the other hand, there is some concern whether such data – collected for reasons of national security rather than science – would be useful in the larger SBES context. Communities within each domain need to talk about this problem and find ways to deal with it.

- The development of representative and reliable samples.

Terrorism research is notable for the scarcity of data and the challenges it faces in data collection. But it is not only active terrorists that are difficult to access; so also are their victims. Given the low incidence of such attacks, issues of reliability and validity must be addressed using the most sophisticated SBE methodology available.

- The ability to make decisions with imperfect information.

SBE scientists will need to establish confidence intervals for recommendations they may have to make with imperfect or incomplete information. Under certain conditions, time pressures will require scientists to make tradeoffs between analytical purity and the necessity of providing practical and actionable suggestions to policy makers.



Terrorism frequently is a tool of groups with access to little military or technological might. The aircraft that were flown into the World Trade Center, Pentagon, and fields of Pennsylvania on September 11, 2001, were a product of American technology. What made them bombs rather than planes was the ideology, individual and group psychology, social engineering and organized behaviors of a group of men determined to damage America.

We will not win against terrorism by military might alone. We will win because we will learn where and when terrorist networks develop and flourish; how to detect threatening individual and group behaviors; how to make our communities thrive so that terrorism cannot, and how to nourish the resilience that always has been our strength.



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October 1-3, 2004

Agenda Item No.

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**Task Force on the Psychological Effects of Efforts to Prevent Terrorism****Issue**

The Task Force on the Psychological Effects of Efforts to Prevent Terrorism requests that APA boards and committees review the *Report of the Task Force on the Psychological Effects of Efforts to Prevent Terrorism* and provide suggestions for modification. Boards and committees are asked to submit their suggestions for modification in writing to Gabriele Clune, staff liaison to the Task Force and send a representative to attend a conference committee to discuss the *Report*.

**Background**

At its February 2002 meeting, Council voted to allocate \$5,000 from its 2003 contingency funds to support the formation of the Task Force on Psychological Effects of Efforts to Prevent Terrorism and the publication and distribution of a report from this Task Force. By March 2003, the Task Force was fully funded and members were appointed by APA President Robert Sternberg, PhD. Appointed Task Force members were Paul Kimmel, PhD, Chair; Daniel J. Christie, PhD; Leila Dane, PhD; Victoria Esses, PhD; Steven Fabick, EdD; Margaret Heldring, PhD; Arthur Kendall, PhD; Bernice Lott, PhD; Clark McCauley, PhD; Ilene Serlin, PhD; Chris E. Stout, PsyD; Nina Thomas, PhD; Rhoda Unger, PhD; Richard Wagner, PhD; Michael Wessells, PhD; Philip Zimbardo, PhD. Task Force members met by email and conference call. Members attending the 2003 APA Convention in Toronto also met there.

As terrorism continues to be a concern for U.S. citizens, psychology can make important contributions to the consequences of terrorism prevention efforts. Recent APA initiatives have been responses to the problems created by terrorism in general (e.g. APA Task Force on Promoting Resilience in Response to Terrorism; the public education campaign “Resilience in a Time of War”) and by the events of 9/11 specifically. In order to focus on the way our responses to terrorism prevention efforts may amplify these problems, the Council of Representatives of the American Psychological Association (APA) established the Task Force on the Psychological Effects of Efforts to Prevent Terrorism. The mission of the group is to consider the effects that current strategies to prevent terrorism are having on acts of terrorism and on the American public, which may fail or lead to unintended consequences due to a lack of psychological insights.

Included in the work process of the Task Force was a) the consideration of psychological processes that provoke terrorism such as stereotyping, compartmentalization, enemy images, attribution error, self-fulfilling prophecies, and group think; b) the assessment of current strategies in terms of the tensions and fears caused by these processes with the goal of assisting both potential perpetrators and victims of terrorism in finding the best ways to resolve their problems; c) critique of current strategies and examination of new strategies based on the latest scientific and clinical information; and d) an examination of programs in restorative justice, non-violence, mediation, and citizen diplomacy to generate the new strategies

Task Force members attending the 2003 APA Convention in Toronto met there to discuss development of the Task Force report. Subsequent meetings via email and conference call were held. These meetings resulted in the *Report of the Task Force on Psychological Effects of Efforts to Prevent Terrorism*.



The Report of the Task Force was submitted to Council at its July 2004 meeting. Council approved a motion referring the Report of the Task Force on Psychological Effects of Efforts to Prevent Terrorism to boards and committees at the fall 2004 consolidated meetings for review and input, requesting that the item come back to Council in February 2005. In addition, Council extended the authorization of the Task Force through August 2005 and allocated \$1200 from the 2004 Council Discretionary Fund to cover related expenses in 2004.

#### **Organization of the Report**

The Report is organized into one main section and five appendices. The main section provides an overview and integration of the manuscripts submitted by Task Force members and contains recommendations for psychologists and APA. The manuscripts that form Appendix E can be accessed by members at <http://members.apa.org/pi/terrorismapp>.

#### **Implementation Plan**

Input from APA governance boards and committees will be incorporated into the final version of the *Report of the Task Force on Psychological Effects of Efforts to Prevent Terrorism* which will be submitted to the Board of Directors for review and consideration at its meeting in February, 2005.

#### **Fiscal Implications**

Not applicable.

#### **Main Motion**

That boards and committees submit their suggestions for modification to the *Report of the Task Force* in writing and send a representative to attend a conference committee to discuss the *Report*.

#### **Recommendation**

None

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#### **Exhibits**

1. *The Report of the Task Force on Psychological Effects of Efforts to Prevent Terrorism* dated May 3, 2004.

Gabriele Clune  
Henry Tones, PhD  
Public Interest Directorate



**Report of the Task Force on  
Psychological Effects of Efforts to Prevent Terrorism**

May 3, 2004

American Psychological Association  
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## Introduction

Paul Kimmel, PhD

The mission of the Task Force on the Psychological Effects of Efforts to Prevent

Terrorism is to assess the emotional and behavioral effects of processes initiated in the United States to safeguard American lives and property and prevent future acts of terrorism. The work of the Task Force is a further step in the comprehensive efforts of psychologists and the American Psychological Association (APA) to address the impact of terrorism on society. As terrorism continues to be a concern for United States citizens, psychology can make important contributions to the consequences of terrorism prevention efforts. Recent APA initiatives have responded to the problems created by terrorism in general (e.g. APA Task Force on Promoting Resilience in Response to terrorism; the public education campaign “Resilience in a Time of War”) and by the events of 9/11 specifically, by focusing on those directly and indirectly affected by acts of terrorism. In contrast, The Task Force on Psychological Effects of Efforts to Prevent Terrorism focused on how responses to terrorism prevention efforts may amplify these problems due to a lack of psychological insights and concentrated on assessment of current strategies for the prevention of terrorism in terms of the tensions and fears they cause with the “goal of assisting both potential perpetrators and victims of terrorism in finding the best ways to resolve their problems.”

The tasks of the group included: a) consideration of psychological processes that provoke terrorism such as stereotyping, compartmentalization, enemy images, attribution error, self-fulfilling prophecies, and group think; b) assessment of current strategies in terms of the tensions and fears caused by these processes with the goal of assisting both potential perpetrators and victims of terrorism in finding the best ways to resolve their problems; c) critique of current



strategies and examination of new strategies based on the latest scientific and clinical information; and d) an examination of programs in restorative justice, non-violence, mediation, and citizen diplomacy to generate the new strategies. These tasks were accomplished by: a) reviewing the psychological literature available; b) conducting exploratory studies of some of the effects of anti-terrorism policies and procedures; c) studying news media accounts of reactions to anti-terrorism measures; and d) gathering and analyzing relevant case studies.

Thirteen of the sixteen members of the Task Force submitted papers on their specific areas of expertise that were integrated into this report and the additional Task Force members assisted with planning, process, and editing. This report is the result of the dedication and expertise of these 16 psychologists. The Task Force members are a distinguished group with a great deal of experience in conflict studies and, in most cases, with terrorism and its effects. In addition to clinical practice, research, and writing, members have done applied work in Bosnia, Israel, Iraq, Egypt, Afghanistan, Sierra Leone, Angola, East Timor, and Kosovo. Some have served in disaster preparedness organizations and trauma units. Two provided clinical services in New York City after 9/11.

In addition to summary information, this report contains recommendations for improving responses to terrorism and ameliorating their negative effects. Through this report, it is the hope of the Task Force to propose realistic ways to break out of the negative, mutually provocative cycles of violence and retaliation that characterize terrorism.

In addition, the Task Force on Psychological Effects of Efforts to Prevent Terrorism hopes that the insights and recommendations presented here lead the way to more diverse and



effective responses to potential terrorist activities and to needed research on and evaluations of those responses.

### The War on Terrorism

In his paper, "Jujitsu Politics", Clark McCauley notes that the "state response to terrorism can be more dangerous than the terrorists" (McCauley, Task Force, 2004). McCauley points out the following:

Two kinds of discourse are commonly used to frame the U.S. response to terrorism: criminal justice and war. ... Much depends upon which frame is dominant. When the response to terrorism is criminal justice, terrorists are seen as relatively few and atypical of their ethnic or national group; terrorism is understood as a problem to be controlled rather than eliminated; civil rights are seen as part of an effective response; and terrorism is seen as one of many problems with claims on state resources.

When the dominant response is a "war on terrorism", as it has been in the United States since 9/11, there are adverse effects. The enemy is seen as many people who represent various ethnic or national groups. Terrorism is understood as a battle that can be "won". Civil rights may be seen as an impediment to effective responses. Other problems become invisible or subordinated for the duration of the war (p. 3).

Smith (2002) and Sarbin (2003) have made similar observations about our "war on terrorism". Both note that the metaphor is misleading, as the outcomes and processes implied do not apply to the situations we have encountered since 9/11. Mobilizing the public for a war has the immediate effect of preparing citizens for sacrifice and loss, moving terrorism to the top of the national agenda, and increasing the authority of political leaders and the resources that may be



expended. However, with no identifiable target (in most wars the target is a state), all out victory or literal defeat are hard to conceive and a negotiated settlement is impossible. Moreover, giving terrorists the status of a military target can recruit more terrorists to resist what they see as a crusade against Islam.

This transformation of metaphor to myth to reality has led to demonization of a nebulous enemy, patriotic wartime morale, and the expectation that "citizens will be called on to make sacrifices, including restrictions on their civil liberties" (Sarbin, p. 151). While such responses could be useful in a traditional war situation, they are less appropriate for facing the problems created by terrorists. In fact, as McCauley has pointed out, these responses may promote rather than reduce terrorism. The Task Force has concluded that the metaphor stimulates cognitions, emotions, and behaviors in the public and in officials that promote conflict escalation and violence and inhibit conflict management and resolution.

### Psychological Effects of Current Strategies

*There is evidence of negative psychological effects associated with living in a nation "at war" in all of the papers of the Task Force. These effects include: stereotyping of foreigners; biased news coverage; increased domestic hate crimes, fear, depression, and helplessness in previously traumatized individuals and groups; growing militant patriotism and belligerence, especially among students; and stronger enemy images and ethnocentrism in the general public. This stressful environment leads many to overestimate the threat and consequences of terrorist activities and to make poor decisions in trying to prevent these activities (Risk Analysis, 2003). In examining the effects of the "war on terror", the emotions, beliefs, and behaviors of the American public have been affected in ways typical of situations characterized by uncertainty, extreme stress, and fear (Risk Analysis, 2003). Heldring (Task Force, 2004) reports a national study of primary care environments conducted one year after 9/11 that found anxiety, depression, and family stress the most common psychological complaints, and sleep disorders, headaches, and gastrointestinal distress the most common physical complaints. Both Serlin (Task Force, 2004) and Thomas (Task Force, 2004) found that their patients and those of colleagues reported more depression and anxiety related to the war in Iraq and American policies about asylum seekers. Refugees and Vietnam veterans in counseling were particularly likely to report recurring symptoms associated with flashbacks related to what they saw in the media and heard on the street and in the classroom. Thomas notes that "in the post 9/11*



*environment, many immigrants tended to become even more isolated within their homes. They became fearful of venturing out lest they re-experience the traumas that had occasioned their flight to the United States. One refugee worker likened their isolation to 'internal internment, just without the government having to build camps and feed people, because of the fear they have of simply being visibly Muslim in post 9/11 America'" (p. 4). Data from the Physicians for Human Rights report (2003) on the health of asylum seekers in detention shows a significant incidence of symptoms of depression (86% of detainees), anxiety (77%), and Post Traumatic Stress Disorder (PTSD) (50%). The significant incidence of reported psychological symptoms and complaints raises major concerns about the effects of detention on the mental state of detainees and of flashbacks on refugees and veterans.*

Weine et al. (Task Force, 2004) point out that law enforcement authorities in Illinois are singling out several ethnic and racial groups in addition to Muslim youth in the United States, in their efforts to prevent terrorism. Middle Easterners, South Asians, and African Americans are among the minority ethnic and religious groups that are more likely to suffer from "profiling" and stereotyping as a result of the "war on terrorism". Programs in public and mental health in Illinois designed to train authorities to be more aware of cultural and ethnic differences are losing funding or not in place. There is concern that the programs most needed to insure against harassment of those being profiled are being curtailed.

Similar programs for security officials who have been recently hired and/or given more authority to deal with the public are nonexistent. Without proper training, their efforts to prevent terrorism can lead to anger, frustration, bullying, fear, and distrust in encounters with the public. Examples range from harassment of passengers using airplane bathroom facilities (Kimmel, Task Force, 2004) to intimidation of high school students by Secret Service agents in Oakland (Rodriguez, 2003). Recent reports of the FBI compiling information on peace demonstrators and police attacks on their gatherings also suggest the profiling and stereotyping that can result when untrained personnel are given new authority in stressful situations (Lichtblau, 2003).

#### Students and Patriotism



Studies of students by Unger (2004) and Esses et al. (Task Force, 2004) found an increased focus on national identity and renewed attachment to the nation since 9/11. There was an increase in the salience of the psychological boundaries between people perceived as members of the in-group versus out-groups and a narrowing of the psychological boundaries defining the national in-group. As a result, there was a decreased acceptance of "foreigners" (Esses, Dovidio, & Hodson, 2002). Unger reports that for American college students, commitment to patriotic militarism is strongly associated with support for the current administration's efforts to prevent terrorism. Attitudes associated with militant patriotism are inversely related to the willingness to support international organizations. Among American and Canadian students, there has been decreased support for immigration. There has also been more fear and sense of persecution among scholars from other countries studying in the United States since 9/11. This suggests that conformity pressures are stifling international exchange programs and increasing prejudice and stereotyping. Public fear of disapproval for having divergent views plus group pressure on deviants, squashes alternate opinions and minority viewpoints and creates an illusion of unanimity. In this atmosphere, evidence contrary to current decisions and programs can more easily be denied, rationalized, or overlooked.

#### Media coverage

Lott (Task Force, 2004) and Serlin (Task Force, 2004) looked at the U.S. media's coverage of the wars in Iraq and Afghanistan. Serlin comments on how embedded reporters and real time coverage of the war in Iraq created traumatic and unchallenged images of the events taking place there. The Jimirro Center for the Study of Media Influence at Pennsylvania State University (2003) reported that the media influences Americans' perceptions of terrorism by the stories covered and not covered, but does not motivate us to become more prepared to deal with the terrorism portrayed. Thus the psychological effect of media coverage of terrorism, especially in times of announced crises, is often to confuse or panic readers and viewers. Without any context such as historical information on



similar crises or data on the impact of specific terrorist attacks, readers or viewers must depend on the reporters for their perceptions.

Lott (2004) found instances of name-calling, derision, belittling, accusations of identifying with the enemy, breaking solidarity, and threats directed at those who disagreed with the pre-emptive war. Serlin (2004) calls for studies of the effects of media coverage of the war on terrorism on the public's psychological health. Lott suggests class discussions about pressures for uniformity, definitions of deviance, reactions to non-conformity, and the role of the media in enforcing conformity. These pressures and reactions also reduce the expression of alternate opinions about important events. Students should also be helped to identify techniques that induce conformity and encourage their independence. Classroom training, like training of security personnel, can help reduce the negative processes of stereotyping, pressures for conformity, compartmentalization, negative attributions, and enemy images. "US & THEM" (Fabick, Task Force, 2004) is an example of a program to help students understand and manage these negative processes. This program for moderating group conflict and promoting independence will be discussed at the upcoming APA Convention in Hawaii. Additional information about the program is available from the author.

#### Malignant conflict spirals

To study the effects of state responses in deterring potential terrorists, Wessells (Task Force, 2004) obtained information in Afghanistan from focus groups of young men and in Iraq from mixed gender and age groups. He found that the war in Iraq and its aftermath were not deterring terrorists, but having just the opposite psychological effect. Terrorist motivations were increasing in Kabul and Baghdad. Most of those interviewed (July to October 2003) felt that the Iraq war was unjustified and the occupation badly handled. They believed that the United States



intends to gain access to oil and to dominate Muslims. They often cited U.S. policies in other parts of the Middle East, such as Israel, to support their beliefs. Many Iraqi respondents expressed profound anger at what they regarded as the deliberate failure by the United States to meet their basic needs. They had more negative views of reconstruction efforts by the United States than they had of the war. Youth in both Afghanistan and Iraq were beginning to favor joining the jihad. This radicalization of young men supports McCauley's (2004) thesis that U.S. efforts to prevent terrorism abroad are increasing rather than decreasing terrorist motivation.

Polling data supports Wessells' findings. The Pew Research Center (2002) reports a drop in Muslim countries since 9/11 from 75% to 15% in favorability to the United States. The Iraq Center for Research and Strategic Studies (2003) reports a shift in Iraqi attitude: 67% of Iraqis who previously viewed the United States as an army of liberation now see the same troops as an army of occupation. The effects of these efforts to prevent terrorism seem to be increasing support for the very groups the United States aims to quell.

Christie (Task Force, 2004) found an increase in domestic hate crimes after 9/11 followed by a growth in anti-bias curricula designed to reduce the violence that Arabs and Muslims in the United States were experiencing. The frequency of such hate crimes increased significantly after other international terrorist events (e.g., the Achille Lauro hijacking; the Oklahoma City bombing; the Gulf War). After 9/11, Arab and Muslim groups reported more than two thousand backlash incidents. The FBI reported a seventeen-fold increase in anti-Muslim crimes nationwide during 2001. A Council on American Islamic Relations (2002) poll of 945 Muslim Americans found that 48% of those polled reported that their lives had changed for the worse after 9/11.



These negative psychological processes of attack-retaliation-counterattack, or, as Deutsch (1973) has called it, “the malignant (spiral) process of hostile interaction”, are not being regularly monitored. Without such monitoring, reality becomes what the media presents. Systematic opinion sampling at the state and local levels is one way to counter the spiral process. McCauley (2004) suggests that the U.S. should support regular tracking polls among those likely to sympathize with the causes terrorists claim to represent. These polls should assess attitudes toward the terrorist group, moral judgment of terrorist acts, and how “most others” in the community would answer the same questions. They also should assess attitudes toward the United States, moral judgment of U.S. anti-terrorist policies, and how 'most others' in the community would answer the same questions.

#### Psychological Processes That Exacerbate Negative Responses to Terrorism

As McCauley (2004) points out, many experiences since 9/11 relative to terrorism are a function of the way that government policies and media programming have framed perceptions. Metaphors and rhetoric that begin as illustrative can become reality (Sarbin, 2003). The programs associated with the “war on terrorism” and responses to those programs are complex and bi-directional. For example, Esses, Hodson, and Dovidio (Task Force, 2004) found that efforts to prevent terrorism led to increased support for more restrictive and aggressive policies to protect the nation and also resulted from such policies. The public pressures of groupthink (Janis, 1982) can be seen at a variety of levels in our society. Even those who are not necessarily deviant may be attacked. By applying the psychological concepts of groupthink, attribution theory, enemy imaging, prospect theory, compartmentalization, stereotyping and self-fulfilling prophecies, a better understanding of U.S. society since 9/11 can be attained.



### *Trauma and fear*

Terrorism and the war against terrorism have increased levels of fear in the United States. A national longitudinal study indicated that these fears are not limited to those individuals directly affected by terrorism. The study found that objective measures of exposure could not predict the degree of response to or loss from the trauma of 9/11 (Silver, Holman, McIntosh, Poulin, & Gil-Rivas, 2002). This study also found that responses involving denial and “giving up” were more predictive of longer lasting negative effects. Proximity to a threat may be less important than how the individual perceives it. Thus, college students who perceived terrorist threats personally felt more helpless and hopeless than those who perceived terrorism as a threat to their group felt (Renfro & Stephan, 2002).

Ongoing threats affect some groups more than others. For example, they especially affect those individuals who have suffered past traumas. "Clinicians I interviewed noted the heightened fearfulness of their clients in the aftermath of September eleventh, citing significant increases in symptoms of major depression as well as of PTSD (insomnia, isolation, hyper-vigilance)" (Thomas, Task Force, 2004, p. 2). Individuals from the Middle East and South Asia, as well as refugees from other states where there is a great deal of internal and external conflict, are more affected. One refugee counselor remarked that her patients had been speaking much more softly since that date, almost as though they were fearful of being heard at all. Another refugee counselor said “nobody protested”, referring to clients' sense of abandonment by the larger population's capitulation to the highly restrictive policies begun in the wake of the attacks (Thomas, 2004). Members of inner city urban communities in Chicago were found to be



particularly vulnerable to fear more than two years after the original terrorist events (Weine, Stout, Cintron, & Fayle, 2004).

Focusing on our vulnerabilities can create self-fulfilling prophecies. Fearful individuals take a more cautionary orientation to the future with a greater emphasis upon risk and uncertainty (Risk Analysis, 2003). As clinical studies have shown, providing reassurance to anxious and threatened clients is much more difficult. Strategies, such as the color-coded alert system of the Homeland Securities Department without any explanation of the alerts either during their application or after their lifting, build a sense of apprehension in the risk averse. This effort to prevent terrorism increases anxieties and reduces a sense of security, especially in fearful or traumatized individuals (Heldring, 2004; Zimbardo, Task Force, 2004).

#### *Threats and ethnocentrism*

There is considerable evidence in the literature on enemy imaging that perceptions of threat systematically influence behavior toward those believed to be the source of threat. Threats to personal and group well being produce negative attitudes and behaviors toward members of threatening groups (Esses, Jackson, & Armstrong, 1998; Fiske & Ruscher, 1993). In addition, threats that challenge values and principles evoke intense defensive reactions (Esses, Haddock, & Zanna, 1993; Stephan & Stephan, 2000). There is increased support for policies and procedures to protect the in-group in such situations. These responses are positively correlated with the tendency to make internal attributions for the attacks, with increased suspicion of foreigners, and with a desire for military retaliation (Anthony, Rosselli & Caparyan, 2003).

National crises increase the focus on national identity and renew the attachment to the nation (Citrin, Reingold, & Green, 1990; Jaret, 1999). International threats increase the salience



of the psychological boundaries between people perceived as members of the in-group versus out-groups. These threats also narrow the psychological boundaries defining the national in-group (Rothgerber, 1997). As a result of this compartmentalization, there is a decreased acceptance of "foreigners" (Citrin et al., 1990; Esses, Dovidio, & Hodson, 2002; Stephan & Stephan, 2000). These psychological processes increase support for keeping foreigners out of the United States and willingness to attack those seen as the source of threat (Esses, Dovidio, & Hodson, 2002). Enemy images are formed and ethnocentrism is reinforced as national crises continue. Thus, efforts to prevent terrorism are exacerbating existing negative attitudes toward out-groups and foreigners.

Response to an international threat since 9/11 has been greater in the United States than in other countries. In the United States, but not Canada, perceptions of threat and a narrow national representation are related to support for both surveillance of the in-group and military action against out-groups (Esses, Hodson, & Dovidio, 2004). Unger (2004) found that U.S. students were more militantly patriotic than students in five other nations were. Their attitudes were inversely related to their willingness to support international organizations and nonviolent conflict resolution.

In sum, these data show that close personal contact with terrorism is not necessary for the development of fear and prejudicial attitudes; growing support for discrimination against others; and curtailment of their civil and personal liberties. Rhetoric about and media reports of the "war on terror" which emphasize ideas about "us" versus "them", the importance of loyalty to a central authority, and the belief that our cultural norms are universal truths contribute to these psychological effects. They also increase the sense of threat in the United States independent of



terrorist activity. Prospect theory cautions us that in crisis situations we tend to overestimate the probability and destructiveness of unlikely events such as terrorist activity and underestimate more statistically probable dangers like automobile injuries (Jervis, 2004).

The Task Force recommends looking further into research on responding to situations of uncertainty in crises, malignant conflict spirals, ethnocentrism, and enemy images. The available information on these topics can be used to encourage the divergent thinking and articulation of alternative scenarios that are often missing in decision-making under stress. Just as having a better understanding of pressures toward conformity leads to independence, changes in perspective on our sense of threat should mitigate the pervasiveness of our anxiety and fears about terrorism.

#### *Recommendations*

The Task Force on Psychological Effects of Efforts to Prevent Terrorism believes that psychology has a critical role to play in ameliorating the negative psychological effects that some aspects of U.S. efforts to prevent terrorism are promoting. In light of our findings, we recommend the following:

***More research is needed on the psychological effects of U.S. measures to combat current and prevent future terrorism.***

- Evaluate specific existing measures, including Homeland Security alerts, immigration policies, the surveillance of citizens, and the security classification of information.
- Assess media reports on terrorist activities in terms of their impact on mental health and ethnocentrism.

***There is a lack of data on the results of psychology's efforts to increase individuals' resilience and its success in the promotion of positive mental health and the reduction of intergroup conflict***

- Evaluate existing APA programs that promote resilience in the American public,



including the application of APA guidelines on resilience, the Adults and Children Together Against Violence (ACT) and the Global Psychology Project.

- Develop innovative avenues of assessment research, including hospitals, clinics, schools, and churches.

*New programs, training, guidelines, and policies around issues of security are being implemented throughout the United State. Most of these have no input from or assessment by psychologists.*

- Make psychologists aware of opportunities to participate in the development, implementation, and evaluation of these programs,

*An interdisciplinary approach to the work on issues related to the psychological effects of efforts to prevent terrorism is needed*

- Sponsor a series of meetings of diverse groups of social scientists working on issues related to the psychological effects of efforts to prevent terrorism. Encourage the coordination and integration of their knowledge and research efforts.
- As a result of these meetings, develop guidelines and recommendations that will assist national, state, and local leaders in tailoring their public communications about terrorism to most effectively deliver their message and minimize the potential deleterious effects upon the populace.
- Encourage meeting participants to summarize and publicize what is known about communication and decision-making in crises, and risk taking under stress. Common processes that result in misunderstandings and misperceptions during crises could be



identified and made public. Examples of techniques that have worked to encourage the flow of accurate information in such situations could be collected.



## Abstracts

Abstracts of each paper submitted by Task Force members are presented below.

**Nationalism, intolerance, and the development of peace education and anti-bias curricula**  
***Daniel J. Christie***

An important psychological effect of the U.S. government's efforts to prevent terrorism was a wave of hate crimes in the United States. A counter reaction took place among U.S. activists and scholars who demonstrated and argued for non-coercive approaches to international politics, a greater understanding of the roots of terrorism, a deepening of democracy, and peace education efforts. When examining peace education efforts in the post 9-11 context, two major thrusts are apparent: one addresses international issues and provides educational units and curricula designed to teach about nonviolent ways of managing conflicts; a second focuses on domestic issues and seeks to reduce bias and hate crimes. The author describes some exemplars of both types of peace education and advances policy implications for psychologists.

Perceptions of threat, national representation, and support for policies and procedures to protect the national group.

**Victoria M. Esses, Gordon Hodson, & John F. Dovidio**

In this paper the authors discuss how perceptions of threat from outgroups and a narrow representation of the national in-group can both lead to restrictive and aggressive policies and procedures to protect the national in-group, and result from such policies and procedures. To demonstrate these relations, the authors present data from Colgate University in the United States and from University of Western Ontario in Canada collected in the fall and winter of 2001 - 2002. The authors conclude by suggesting that the mutually reinforcing nature of perceptions and policies ensures that once initiated, a status quo of fear and aggression is maintained.



*US & THEM: Moderating Group Conflict. A Track III Diplomacy Program*  
***Stephen Fabick***

Two ways of coping with the threat of terrorism are: emotion-focused and problem-directed. The former emphasizes dealing with the past, i.e., trauma reduction, while the latter emphasizes the future, i.e., action that can reduce the incidence of future terrorist attacks. This paper focuses on a community-level conflict resolution program, US & THEM: Moderating Group Conflict, a problem-directed coping approach.

Mental Health and primary care in a time of terrorism: The psychological effect of public communication about risk

***Margaret Heldring***

Effective risk communication to the public is both a top down and bottom up issue. Ignoring the psychological aspect of living in these stressful times is harmful to the individual and it is harmful to the whole nation. Providing inaccurate, incomplete, or silly information adds anxiety. Failing to establish credible, trustworthy leadership undermines any message. Failure to employ the public as a partner is unimaginative. This failure delays public acceptance and appropriate public behavior.

Understanding where people turn naturally for help and strengthening those resources will increase sensitivity to the public's health and mental health needs and minimize the negative impact of poorly conceived and delivered public health messages about terrorism and disasters.

*Case study of airline efforts to prevent terrorism: Potential for conflict escalation*  
***Paul Kimmel***

In their efforts to prevent terrorist attacks on airlines, airline officials have overlooked the extra training in interpersonal relations that their personnel need to handle crises. When guards, terminal personnel, and flight crews are given more or new authority, they may use it inappropriately in dealing with the public. As studies of students given control



over others have shown, those with the power often depersonalize and harass those they control.

Two of the members of this Task Force recently experienced such depersonalization and harassment on U.S. airline flights. This paper details those experiences and analyzes them in terms of current psychological constructs and theories. These case studies illustrate the potential for conflict escalation that currently exists in the public transportation industry. The need for additional training and evaluation of security personnel in this industry is discussed.

Punishing dissent since 9/11: The social psychology of negative reactions to anti-war views in the United States

***Bernice Lott***

This paper examines the reactions of persons with assenting views to those with dissenting views about a pre-emptive war against Iraq. Pre-emptive war was presented to the public in the United States and abroad as a necessary antiterrorist strategy following the violence of 9/11. A qualitative examination of media reports of such reactions resulted in the identification of common themes. A description and illustration of these themes precede a discussion of relevant social psychological concepts and processes, focusing especially on conformity and stigmatization. Research and policy recommendations based on recognition of the problems inherent in conformity pressures call for optimizing conditions for independent thinking and autonomy and for including discussions of these issues in the education of children and adults.

*Jujitsu politics: Terrorism and reaction to terrorism*

Clark McCauley

Terrorists aim to elicit a state response that will mobilize terrorist sympathizers. Their jujitsu politics means that the primary audience for terrorist attacks is not the enemy but the in-



group. For Al Qaeda, the most important goal of attacks on the United States is not making Americans fearful but instigating an American response that a billion Muslims will understand as a crusade against them. The U.S. war on terrorism, not only in Afghanistan and Iraq, but in treatment of Arabs and Muslims in the United States, is helping Al Qaeda toward the 'clash of civilizations' it seeks.

*Postmodern war: The effect of media coverage on mental health*

**Ilene Serlin**

The central question of this paper is: what is the effect of the media coverage of the war in Iraq on mental health? Using a narrative/archival research method, the author collected local newspaper reports and then interviewed patients about the effects of the coverage. Clinical observations suggest that increasing rates of depression and anxiety may be related to political and cultural factors like the war in Iraq and the American news coverage of that war. The paper explores the effect of the media on mental health of three people in psychotherapy during the 2003 Iraq war. It asks how the unprecedented use of media, from embedded reporters to media "infotainment", affects their mental health, specifically, their views of themselves and their sense of humanity. Future studies should expand the sample size and propose clinical interventions that realistically address the effects of the media's coverage of political events on mental health.

*Cities of fear, cities of hope: Public mental health in the age of terrorism*

***Stevan Weine, Chris Stout, Ralph Cintron, & Vaughn Faye***

On September 11, 2003, the UIC International Center on Responses to Catastrophes University of Illinois at Chicago Department of Psychiatry released a white paper containing the findings and recommendations of a summit meeting. The overall finding is that in Chicago and Illinois, although there is general concern about public mental health regarding terrorism and



bioterrorism, many of the more important lessons from New York have not as yet been absorbed, and there are serious gaps in preparedness and response capabilities that require further actions. This paper is an excerpt from that report relevant to the Task Force on the Psychological Effects of Efforts to Prevent Terrorism. It discusses vulnerable urban communities, the media, sources of fear and hope and collaborative efforts between mental and public health.

*Psychological effects of efforts to prevent terrorism: Impact on immigrant groups*

**Nina Thomas**

This paper presents the results of interviews with mental health counselors for refugees and other immigrants, as well as political and community advocates for the same groups. It focuses on the effects on Arabs and Muslims of the immigration practices of the Federal government in the aftermath of the violence of September 11. A review and assessment is made of the psychological impact of policies and practices intended to combat potential terrorism. Of particular significance is the consequence of fear as a retraumatizing factor for a population already vulnerable by virtue of the dislocation they have suffered. Further consideration is given to the assault on the identity of many in the community of refugees and immigrants as a consequence of their status as "other". This status results from being targeted for questioning, or in some cases, detention, by virtue of their country of origin. Being identified as "other" contributes to becoming the object of hate crimes as well as the depressive states that typically follow self-loathing.

*Them and us: The influence of hidden ideologies on students' reactions to September 11, 2001*

**Rhoda Unger**

This paper looks at the relationship between students' covert ideology and their response to several current sociopolitical crises-the events of September 11, 2001 and the outbreak of the war in Iraq. It summarizes several studies: One study compared students close to the



destruction of the World Trade Towers and students 200 miles from the terrorism shortly after the events and six months later. A second study compared the responses of students from nine colleges located in various regions of the United States with university students from several countries during and just after the recent war in Iraq. These studies indicated a connection between a positivist view of reality and support for militantly patriotic U. S. policy. Those students who were more in favor of such policies also perceived causes for these events differently than those who were less favorable toward them. Militant patriotism was stronger among U. S. students than those in other countries were. This paper also surveys recent research on the relationship between conservative religious and political ideology, the relationship of situational threat to the strengthening of this connection, and the potentially harmful psychological consequences of conservative ideation for both the individual and society.

The impact of U.S. anti-terrorism interventions on terrorist motivation: A preliminary study in Afghanistan and Iraq

***Michael Wessells***

This report presents the results of two pilot studies of the impact of two U. S. antiterrorism interventions, namely, the war in Iraq and the postwar reconstruction effort-on terrorist motivation in the general population in Afghanistan and Iraq. Using qualitative methods, the studies probed local people's perceptions of whether the war had been justified, how they understood U. S. motivations, how well the United States had handled the post-conflict intervention, and how these perceptions affected terrorist motivation. Both studies found that both the war and the post-Saddam interventions had strongly increased terrorist motivations among people in Kabul and Baghdad, respectively.

The political psychology of terrorist alarms

***Philip Zimbardo***

This paper focuses on the ways in which the current administration has “weaponized fear” in the “war against terrorism”, just as the 9/11 terrorists did in the destruction of the World Trade Center. The central thesis is that by issuing nine vague terror alerts, from nonspecific sources, with no debriefing when they failed to have any predictive validity, our government has been doing the terrorists’ work for them since each alert costs many millions of dollars and puts citizens in a state of “Pre-traumatic stress disorder.”



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### **Authors**

**Daniel J. Christie** is Professor of Psychology at Ohio State University. He is past president of Psychologists for Social Responsibility and The Society for the Psychological Study of Peace, Conflict, and Violence: Division of Peace Psychology of the American Psychological Association. He is editor (along with Richard V. Wagner and Deborah D. Winter) of *Peace, Conflict, and Violence: Peace Psychology for the 21st Century* (2001). At Ohio State University - Marion campus, he teaches a wide variety of courses, including Peace Studies, Stereotypes and Prejudice, and related courses.

**Ralph Cintron** is an Associate Professor, Department of English, University of Illinois-Chicago, and Core Faculty, UIC International Center on Responses to Catastrophes (ICORC) University of Illinois at Chicago Department of Psychiatry.

**Leila F. Dane** has been involved with terrorism and its victims since 1979 and the Iranian hostage taking. A clinician specializing trauma to victims of political violence, she has trained in various "hotspots" worldwide. The APA Public Interest Directorate recognizes her as an expert on violence and on ethno-political warfare. She is a Fellow and a former President of the Society for the Study of Peace, Conflict and Violence, Division 48 of the American Psychological Association. She is currently a member of the Peace Commission of the Washington National Cathedral, where she works with sociologists and economists known for their ethics and with former Ambassadors who are now able to harbor thoughts of peace.



**John F. Dovidio** (MA, PhD in social psychology from the University of Delaware) is Charles A. Dana Professor of Psychology at Colgate University, where he is currently serving as Interim Provost and Dean of the Faculty. At Colgate, he has also served as the Director of the Division of University Studies, Director of the Division of Natural Sciences and Mathematics, and Chair of the Psychology Department. Dr. Dovidio is currently Editor of the *Journal of Personality and Social Psychology B Interpersonal Relations and Group Processes*. He has been Editor of *Personality and Social Psychology Bulletin* and Associate Editor of *Group Processes and Intergroup Relations*. He is a Fellow of the American Psychological Association and of the American Psychological Society. Dr. Dovidio has been President of the Society for the Psychological Study of Social Issues (SPSSI), Division 9 of APA, and Chair of the Executive Committee of the Society for Experimental Social Psychology. Dr. Dovidio's research interests are in stereotyping, prejudice, and discrimination; social power and nonverbal communication; and altruism and helping. He has published over 100 books, articles, and chapters on these topics. He shared the 1985 and 1998 Gordon Allport Intergroup Relations Prize with Samuel L. Gaertner for their work on aversive racism and ways to reduce bias, and the 2000 Prize with Kerry Kawakami for their research on reducing spontaneous stereotyping.

**Victoria Esses** (PhD in psychology from the University of Toronto, 1986) is Professor of Psychology at the University of Western Ontario, Canada. She is Associate Editor of *Group Processes and Intergroup Relations*, and is on the editorial board of *Journal of Personality and Social Psychology: Interpersonal Relations and Group Processes*. She has also served as Associate Editor of *Personality and Social Psychology Bulletin*, and on the editorial boards of *Journal of Personality and Social Psychology: Attitudes and Social Cognition*, and *Canadian*



*Journal of Behavioural Science*. Dr. Esses is a Fellow of the American Psychological Association. She has served as a Council member for the Society for the Psychological Study of Social Issues and is currently Publications Chair. Her research interests include intergroup relations, prejudice, and discrimination, with a particular interest in attitudes toward immigrants and immigration. She also conducts research on mood regulation and social processes, and on the structure of political attitudes. Dr. Esses received the 1992 Otto Klineberg Intercultural and International Relations Award with Geoffrey Haddock and Mark Zanna for their work on values, stereotypes, and emotions as determinants of intergroup attitudes. Dr. Esses consults for Citizenship and Immigration Canada, and recently designed two government courses on public attitudes toward immigration and cultural diversity, one for an academic audience and one for government workers and NGOs.

**Steve Fabick** is past President of Psychologists for Social Responsibility. He is author of the award winning *US & THEM: The Challenge of Diversity*. He has just completed *US & THEM: Moderating Group Conflict*. He is Editor of the revised *Dismantling the Mask of Enmity*, an educational resource manual of Psychologists for Social Responsibility. Dr. Fabick has a consulting and clinical practice in Birmingham, Michigan, with a special interest in conflict resolution at a variety of system levels.

**Vaughn Fayle**, Associate Director, UIC International Center on Responses to Catastrophes (ICORC) University of Illinois at Chicago Department of Psychiatry. Adjunct Professor of Philosophy, Catholic Theological Union, Chicago.



**Margaret Heldring** is president of America's HealthTogether which leads a national initiative called Facing Fear Together: Mental Health and Primary Care in a Time of Terrorism.

Supported by the Robert Wood Johnson Foundation, the Richard and Rhoda Goldman Fund, and the Pfizer Corporation, the initiative is a partnership of the nation's major physician, nurse practitioner, public and community health, and mental health groups that work to support primary care capacity to address mental health issues, especially ones related to homeland terrorism.

Dr. Heldring is a past president of the Washington State Psychological Association, past chair of the American Psychological Association's Committee of State Leaders, and is currently president of Division of State, Provincial, and Territorial Psychological Associations of the American Psychological Association (Division 31).

**Gordon Hodson** completed his PhD at the University of Western Ontario and a postdoctoral fellowship at Colgate University and the University of Western Ontario. At present he is a Lecturer (Assistant Professor) at the University of Wales Swansea. His research interests involve stereotyping, prejudice, and discrimination, with a particular interest in individual differences, social identity, and perceived threat. He has served as an *ad hoc* reviewer for such journals as the *Journal of Personality and Social Psychology*, *Personality and Social Psychology Bulletin*, and the *Journal of Experimental Social Psychology*.

**Arthur J. Kendall** is President of Social Research Consultants in University Park, MD. His career has focused on applying social science and statistical methods to social and policy issues. He recently retired from a position as Senior Mathematical Statistician at the U.S. General



Accounting Office, the evaluation and investigative arm of the U.S. Congress. He has followed issues of national security as a charter member of the International Society of Political Psychology, as a member of GAO's Terrorism Knowledge Network, and in his work at GAO. He is President of the Capital Area Social Psychological Association and a Fellow of APA and SPSSI. He is a member of the American Statistical Association, a founding member of its Section on National Defense and Homeland Security, and a member of its Task Force on Terrorism.

**Paul Kimmel** has done research, training and advocacy in conflict management and resolution. As the first APA Public Policy Fellow, he campaigned for the Federal legislation that resulted in the establishment of the U.S. Institute of Peace. He was a Fellow at the Institute, studying the influence of cultural factors on international negotiation and a Senior Associate at a multinational, minority research firm, evaluating international education and development programs. He was on the Board of the National MultiCultural Institute and the Project on Pre-negotiation and represented the Society for the Psychological Study of Social Issues and the Division of Peace Psychology at the APA. He is a Past President of the American Psychological Association's Division of Peace Psychology and the in-coming President of the Psychologists for Social Responsibility.

**Bernice Lott** is Professor Emerita of Psychology and Women's Studies at the University of Rhode Island and is a former Dean of its University College. She has taught at the University of Colorado and Kentucky State College and was a visiting scholar/professor at Brown University's Center for Research and Teaching on Women, Stanford University's Institute for Research on Women and Gender, the Department of Psychology in Waikato University, New Zealand, and



the University of Hawaii at Manoa. She received her university's Excellence Award for scholarly achievement, served as president of APA's Division 35 (The Psychology of Women), and has been honored for scholarly, teaching, and social policy contributions by APA's Committee on Women, Division 35, and the Association for Women in Psychology. In 1999, The University of Rhode Island awarded her the honorary degree of Doctor of Humane Letters. She is the author of numerous theoretical and empirical articles, chapters and books in the areas of social learning, gender, poverty and other social issues and is a Fellow of APA and of Divisions 1, 8, 9, and 35. Her areas of interest are interpersonal discrimination; the intersections among gender, ethnicity, and social class; the social psychology of poverty; and multicultural issues. Currently, she represents Division 9 (SPSSI) on APA's Council of Representatives; is a member of an Interdivisional Minority Pipeline Project working on strategies to increase the recruitment and retention of graduate students of color; and represents Division 9 on the coalition of Divisions for Social Justice.

**Clark McCauley** is Professor of Psychology at Bryn Mawr College, and a Director of the Solomon Asch Center for Study of Ethnopolitical Conflict at the University of Pennsylvania. He received his PhD in social psychology from the University of Pennsylvania in 1970. His research interests include stereotypes and the psychology of group identification, group dynamics and intergroup conflict, and the psychological foundations of ethnic conflict and genocide. His recent work includes a new measure of intergroup contact, the "exposure index".

**Ilene Serlin** is Council Representative, and past President from Division 32 and Chair of CODAPAR. She worked with the Red Cross during the San Francisco earthquake, and as a member of the San Francisco Disaster Preparedness Committee won a citation for her relief work

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during the 1995 Oakland fire. She has written and worked in the area of a humanistic perspective on trauma, including: *Action Stories; A Humanistic Approach to the Psychology of Trauma; Living with Terror, Working with Trauma: A Clinician's Handbook*; Psychologists working with trauma: a humanistic approach (*APA Monitor*); Comfort After Crisis (*San Francisco Chronicle*); and Reconstructing Lives (*San Francisco Examiner*).

**Chris E. Stout** is a clinical psychologist and is a Clinical Professor at the University of Illinois College of Medicine's Department of Psychiatry, and a Core faculty in their International Center on Responses to Catastrophes. He is Founding Director of the Center For Global Initiatives, a Fellow of the American Psychological Association, past-President of the Illinois Psychological Association, and is a Distinguished Practitioner in the National Academies of Practice. He produced the critically acclaimed four volume set *The Psychology of Terrorism*.

**Nina Thomas** is a supervisor in the NYU Postdoctoral Program in Psychotherapy and Psychoanalysis and Co-Coordinator of its Training Center for Trauma and Disaster Intervention. She has made several trips to Bosnia at the invitation of Catholic Relief Services to provide consultation and training to local mental health workers. In the aftermath of the September 11 attacks she provided direct clinical services to many rescue and recovery workers, has worked as part of a firehouse clinician project of the New York City Fire Department, and co-chaired the American Group Psychotherapy Association's Disaster Outreach Task Force. She is a psychoanalyst in private practice in New York City and in Morristown, NJ where she is a past president of the New Jersey Psychological Association as well as an active APA governance member.



**Rhoda Unger** is a professor emerita of psychology at Montclair State University and a resident scholar at the Women's Studies Research Center at Brandeis University. She has been president of the Society of the Psychology of Women (Division 35) and, more recently, president of the Society for the Psychological Study of Social Issues (Division 9 of APA). She is currently the inaugural editor of SPSSI's electronic journal and print journal *Analyses of Social Issues and Public Policy (ASAP)* whose web address is [www.asap-spssi.org](http://www.asap-spssi.org). In that capacity she edited the special issue "Terrorism and its consequences" which appeared on the web just two months after September 11, 2001. She has also written and/or edited nine books on the psychology of women and gender. The most recent are *Women and gender, 4th edition* (2004) and *the Handbook of the psychology of women and gender* (2001). She has been a Fulbright senior scholar at the University of Haifa in Israel, a visiting fellow for the British Psychological Society, and a noted scholar at the University of British Columbia. In spring, 2004 she will be a visiting professor at Ochanomizu University in Tokyo.

**Richard V. Wagner**, Professor of Psychology at Bates College, Maine, is Editor of *Peace and Conflict: Journal of Peace Psychology*. He has served as a member and Chair of the SPSSI Task Force on Peace (1982-86), on the APA Council of Representatives, and as President of Division 48. He is co-editor of *Peace, Conflict, and Violence: Peace Psychology for the 21st Century* (Prentice-Hall, 2001). His research has focused on the promotion of positive approaches to peace and the resolution of conflict.

**Stevan Weine**, MD, Associate Professor of Psychiatry, University of Illinois-Chicago, and Director, UIC International Center on Responses to Catastrophes (ICORC) University of Illinois at Chicago Department of Psychiatry.



**Michael Wessells**, is Senior Child Protection Specialist for Christian Children's Fund and Professor of Psychology at Randolph-Macon College. He has served as President of the Division of Peace Psychology of the American Psychological Association and of Psychologists for Social Responsibility. His research on children and armed conflict examines child soldiers, psychosocial assistance in emergencies, and post-conflict reconstruction for peace. He regularly advises U. N. agencies, donors, and governments on the situation of children in armed conflict and issues regarding child protection and well-being. He has extensive experience in post-conflict reconstruction in countries such as Afghanistan and East Timor. In countries such as Afghanistan, Angola, Sierra Leone, East Timor, Kosovo, and Afghanistan, he helps to develop community-based, culturally grounded programs that assist children, families, and communities affected by armed conflict.

**Philip Zimbardo**, Professor of Psychology at Stanford University (since 1968) is internationally recognized as an innovative researcher in many areas of psychology. He has won numerous awards for his distinguished teaching, writing, research, and media productions. Zimbardo has been called the voice and image of modern psychology because of his popular PBS-TV series, *Discovering Psychology* (shown nationally and internationally for the past decade). He has been President of the American Psychological Association (2002) and twice of the Western Psychological Association. Zimbardo is a generalist, although his major focus is in social psychology. He has authored more than 300 professional publications, including 50 scholarly, text and trade books.



**New Business Item Passed by APA Council of Representatives, February 2003**

**Subject:** Task Force on the Psychological Effects of Efforts to Prevent Terrorism

**Mover:** Paul Kimmel, Ph. D.

**Representing:** Division 48

**Issue:** Terrorism continues to be a concern for U.S. citizens. Psychology can contribute to the prevention of terrorism and the concerns that it causes. We propose an APA sponsored Task Force on the Psychological Effects of Efforts to Prevent Terrorism. The Task Force will consider the effects that current strategies to prevent terrorism are having on acts of terrorism and on the American public. Current strategies may fail or lead to unintended consequences due to a lack of psychological insights.

The Task Force will consider psychological processes that provoke terrorism such as stereotyping, compartmentalization, enemy images, attribution error, self-fulfilling prophecies, and group think. It will assess current strategies in terms of the tensions and fears caused by these processes with the goal of assisting both potential perpetrators and victims of terrorism in finding the best ways to resolve their problems. Current strategies will be critiqued and new strategies suggested based on the latest scientific and clinical information. The Task Force will examine programs in restorative justice, non-violence, mediation, and citizen diplomacy to generate the new strategies. The Task Force will be organized by the APA Board of Directors in consultation with Divisions 9 and 48.



**Estimated Costs/Staff Resources:** Costs are for conference calls, photocopying, recording, postage and staff support. The Office of Public Interest and the Public Policy Office will distribute the Task Force's final report. The Task Force will meet by e-mail and conference calls before and after the meetings in Toronto. Members present at the Convention will also meet there.

**Main Motion:** To approve the expenditure of \$5000 from C/R contingency funds for on-line and conference call meetings of a Task Force on the Psychological Effects of Efforts to Prevent Terrorism and the publication and the distribution of a report from this Task Force. These funds will cover phone calls, reproduction and distribution of printed materials and the presentation of the Task Forces' findings.

**Expected Outcomes/Products and Appropriate Governance Structure for Implementation:**

A publication that will suggest realistic ways to break out of the negative, mutually provocative cycles of violence and retaliation that characterize terrorism to be distributed to all interested APA members, all Boards and Committees, APA Divisions and affiliated State and Regional Associations and the general public. To be distributed and publicized by the Office of Public Interest and the Public Policy Office of the APA.

**Referee:** BAPPI

**Co-Sponsors:**

Coranne Okorodudu, Division 48

Bernice Lott, Division 9

Irma Serrano-Garcia, Division 9

Ken Mayton, Division 27



Ilene Serlin, Division 32

Lillian Comas-Diaz, Division 35

Neil Altman, Division 39

Nina K. Thomas, N.J. Psychological Assoc.



**Sender:** Jordan, Sarah </O=APA/OU=DC/CN=RECIPIENTS/CN=SJJ>  
**Sent:** Friday, October 29, 2004 9:28:00 AM  
**Recipient:** Mumford, Geoffrey <gmumford@apa.org>  
**Subject:** RE: Starting a new APA division

---

I love it -- boy that would make APA cutting edge wouldn't it??

Sarah Jordan  
Division Services Office  
American Psychological Association  
750 First Street, NE  
Washington, DC 20002-4242  
(202) 336-6022  
FAX: (202) 218-3599  
Email: sjordan@apa.org

-----Original Message-----

Mumford, Geoffrey  
Friday, October 29, 2004 9:15 AM  
Jordan, Sarah  
RE: Starting a new APA division

I suggested: Division of Counterterrorism, Tradecraft, and Cool Gadgets ;)

-----Original Message-----

Jordan, Sarah  
Friday, October 29, 2004 8:35 AM  
Mumford, Geoffrey  
RE: Starting a new APA division

Whew, that's a mouthful. Can't wait to hear what your friend decides to title it!

Sarah Jordan  
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-----Original Message-----

Mumford, Geoffrey  
Friday, October 29, 2004 8:27 AM  
Jordan, Sarah  
RE: Starting a new APA division

Sure Sarah, I guess I'd characterize it as the use of psychological and behavioral science in devising intelligence, counterintelligence, and counterterrorism strategies to advance homeland and national security.  
-geoff



-----Original Message-----

Jordan, Sarah

Friday, October 29, 2004 8:20 AM

Mumford, Geoffrey

RE: Starting a new APA division

Okay, thanks Geoff. Can you tell me how to characterize the interest area? Would it be something like the psychology of defense or security, something like that. I generally put a listing of member inquiries regarding possible new divisions in my annual report.

Sarah Jordan  
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-----Original Message-----

Mumford, Geoffrey

Friday, October 29, 2004 5:44 AM

Jordan, Sarah

RE: Starting a new APA division

Thanks very much Sarah! I provided some cautionary background and forwarded this to my colleague and invited him to contact you with questions. Here's his contact info in case you get a call, you'll know where he's coming from:

Kirk A. Kennedy, Ph.D.  
Chief, National Center for the Study of CI and  
Operational Psychology (NCSCI-PSY)  
Directorate of Behavioral Sciences  
DoD/Counterintelligence Field Activity (CIFA)  
703.699.7575 Fax 703.699.7010 (U)  
[kirk.kennedy@cifa.mil](mailto:kirk.kennedy@cifa.mil) (U)

Thanks again,  
-geoff

-----Original Message-----

Jordan, Sarah

Thursday, October 28, 2004 3:21 PM

Mumford, Geoffrey

Starting a new APA division

Hi Geoff:

This is the very first letter that I would send to an inquiry.

Hello Dr. XX:

At the bottom of this message is a link to the section of the Handbook for Division



Officers that speaks to establishing a new division. The process can be quite difficult so the first thing that I would suggest is to find colleagues who are willing to work on this project, thus forming a steering committee. At this time a petition for a new division requires the signatures of 833 APA Members and Fellows before it can be presented to the Council of Representatives for establishment.

The first step by the steering committee for a new division is to inform Central Office of its intention by means of a letter of intent of (1) its interest in forming a new division; (2) progress toward the formation of the division; (3) evidence of financial and organizational viability; and (4) evidence and materials supporting the need for a new division. Members interested in establishing a new division are invited to attend the annual Division Leadership Conference. An announcement inviting participation is published in the October issue of The APA Monitor each year.

The other thing that I always advise members interested in starting a new division to do is to review the list of existing divisions to see if their areas might be addressed initially as a subgroup of a current division. Some of the more recently formed divisions began their existence as a section of a division. It allows the group to develop an organizational structure and add members while doing more substantive activities. I will also put a link to the APA web page on divisions for you to review -- although I believe you may have already located that page.

Please feel free to ask me any questions that you might have after reading through the material.

Best regards,  
Sarah Jordan

Establishing a division...  
<http://www.apa.org/about/division/chapter1b.html#8>

Existing APA Divisions...  
<http://www.apa.org/about/division.html>

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# **The Nature and Influence of Intuition in Law Enforcement: Integration of Theory and Practice**

Sponsored by

National Institute of Justice

U.S. Department of Justice

and

Behavioral Science Unit

Federal Bureau of Investigation Training Academy

U.S. Department of Justice

June 22-23, 2004

Marymount University

Arlington, Virginia

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On June 22 and 23, 2004, in Arlington, Virginia, approximately 50 representatives of law enforcement, academia, and the intelligence community met to discuss police decision-making—in particular, the phenomenon of intuition or gut feelings. The meeting’s objective was to shape a research agenda for investigating the means that police use to direct their suspicions, detect lies, and guide investigations. Participants discussed the utility and practicality of promoting research focused on intuitive behavior in police operations. They also considered how to design and evaluate educational and training tools that might improve decision-making behaviors in everyday operations. The goal of such research and tool development is to do the following:

- Help officers hone observational and reasoning skills to improve their ability to target attention on suspicious activities.
- Improve officers’ ability to detect deception.
- Reduce the tendency of officers to overlook critical information, underestimate the importance of evidence, and lose objectivity.

The meeting consisted of several plenary addresses, two breakout periods in which participants split into three groups to discuss general issues and specific case studies, and roundtable discussion by the whole assembly. Because the discussions and plenary addresses influenced each other repeatedly over the course of the day and a half, this report will present the meeting’s highlights in chronological order.

## **Introductory Remarks**

### **Sarah Hart, Director, National Institute of Justice**

NIJ and the FBI Behavioral Science Unit collaborated to produce this workshop because its subject matter is an issue of importance to both organizations. Both sponsors hope to benefit from the insights of researchers, law enforcement practitioners, and intelligence analysts who are experts in the field.

Policing is an information business. One usually thinks of information in concrete terms—for example, getting the right information (such as a criminal record) to the right person and the right place and on time so the person can make a good decision. However, much policing is done on gut and intuition. Without being able to articulate why, an officer may not believe



a person's statements or may find a certain activity suspicious. Such intuition is a part of good policing, but how does it work? Can we teach it to others? Can we study it and evaluate it scientifically? Effective use of intuition helps law enforcement focus its resources on actual crimes, not false alarms, and on signs of terrorism.

### **Stephen Band, Chief, Behavioral Science Unit, FBI Academy**

When he was a police officer in Elizabeth, New Jersey, a certain Sergeant Eddie owned the wisdom of the street. In his understanding of the importance of intuition, Sergeant Eddie was ahead of his time. He would say, "If you have to look at something twice, something is wrong." He also observed, "Things tell you things." Now, 30 years later, it may be possible to begin to understand what Sergeant Eddie meant.

The mission of the FBI Behavioral Science Unit is training, research, consultation, and the creation of new bodies of knowledge. The unit has had a hand in such matters as developing ideas for tracking serial killers and studying police intuition.

### **Robert Kinscherff, Director, Court Clinical Services, Massachusetts Trial Court**

**Dr. Kinscherff** directed participants' attention to a set of questions about the intuitive process (see Appendix). He urged participants to address those questions during their small-group discussions. Among the questions that he hoped could be considered at the meeting were the following:

- Does intuition exist?
- Is it innate, or is it learned, and are some people better at it than others?
- Is it a process with parts that one can identify?
- Can one teach deliberately teach people the elements of intuition?
- Can teachers sharpen the skill in those they teach?
- What do researchers and practitioners know and not know about intuition?

Because the meeting's objective was to develop a research agenda for the future, **Dr. Kinscherff** urged participants to consider how to research the subject of intuition and how to maintain the present dialogue between the represented communities.



He observed that the breakout session facilitators would try to center discussions on the meeting binder's case studies, which he said were based on real experiences. The case studies would serve as a medium for addressing the central questions (in the Appendix).

## Breakout Session Reports

Participants attended their assigned breakout sessions for two hours, took lunch, and then attended different breakout sessions (with different participants) for two hours more.

### Morning Group A

Facilitator **Wayne Koka**, Major Case Specialist, Critical Incident Response Group, National Center for the Analysis of Violent Crime, FBI Academy, said the consensus in his group was that intuition does in fact exist, and several law enforcement members of the group gave examples of situations in which they had used their intuition. Some group members, however, were uncomfortable with term "intuition," feeling it might not be well received in courts and in law enforcement generally, and that use of the term might imply that a decision was not based on facts. Maybe, some said, NIJ should consider using a different term in the course of guiding research.

**Susan Brandon**, Assistant Director, Social, Behavioral and Educational Sciences, Office of Science & Technology Policy, Executive Office of the President, served as the group's scribe. She said the group defined intuition as error prone, working at an unconscious level, and often occurring in fearful situations. A sign of intuition is when the hair on the back of one's neck stands up. **Dr. Band** referred to the work of Daniel Kahneman, who was awarded the 2002 Nobel prize in economics for having integrated insights from psychological research into economic science, especially concerning human judgment and decision-making under uncertainty. **Dr. Band** described intuition as implicit, emotional, slow to develop, hard to unlearn, fast-acting, accessible, and error prone. **Mr. Koka** observed that intuition can be a negative force as well as a positive one. As for whether intuition is innate or learned, the group generally felt it was a combination. Some people have better intuition than others, but intuition can also be learned. In other words, a young police officer can learn it or strengthen his or her skills in it by working with a more experienced officer.



The process of intuition can be identified and taught to others, and doing so is important and worthwhile. Intuitive officers who make many arrests are successful for a reason, even if they cannot articulate that reason. However, once those reasons are articulated, they could be passed to younger officers. **Dr. Brandon** noted that a neuropsychologist in the group observed that some memory systems are more cognitive and others more emotive; different memory systems may accordingly be learned differently by different people. Also, it was suggested that the term “intuition” be replaced with “complex pattern recognition.”

### **Morning Group B**

Amanda Sims, Intern, Office of Research and Evaluation, Crime Control and Prevention Division, NIJ, said her group wondered whether intuition might actually be heightened vigilance. For example, sometimes more experienced officers are described as having developed good intuition. Perhaps, being more experienced, they are calmer on the job than newer officers, and, being calmer, are more observant. Further, it could be that what appears as variation in degrees of intuition is actually the normal variation in intelligence and alertness. Group members emphatically stated that they were not talking about paranormal intelligence or perception when they discussed intuition. **Bryan Vila**, Chief, Crime Control and Prevention Research Division, NIJ, suggested approaching intuition like a “complex emergent process.” **Ray Hyman**, Professor Emeritus, Department of Psychology, University of Oregon, said another factor is the background issue. In analyzing intuitions, there are not many instances of a certain crime or risk. One might have an intuition about stopping a truck, but what about the trucks one did not stop? Perhaps the best place to conduct intuition research today would be in Iraq. **Dr. Kinscherff** observed that intuition may differ significantly across contexts. Another complexity is that sometimes intuition tells one to act, other times not to act. **Akiva Liberman**, Social Science Analyst, Justice Systems Research Division, Office of Research and Evaluation, NIJ, noted that another characteristic of intuition is that the determinants of the decision were not consciously known at the time.

### **Morning Group C**

**Andrew Silke**, Crime and Policing Group, United Kingdom Home Office, observed that one tends to hear about the cases where intuition worked or was successful, but not where it led people astray or got the wrong people arrested. In other words, the hits are recorded, but not the



misses. A different issue regards the different types of intuition: the kind that takes place in a split second versus the kind that presents itself after a long period of analysis.

Practitioners who have very good intuition tend also to have good social skills and great enthusiasm for their jobs, and to be extroverted and highly motivated. Participants did not generally think that intuition could be taught in a classroom, though it could perhaps be learned on the job in a mentoring relationship. **Robyn Dawes**, University Professor, Department of Social and Decision Sciences, Carnegie Mellon University, said there is also some question as to whether police officers who have a reputation for great intuition actually perform better than others.

### **Afternoon Group A**

**Charles Morgan**, Senior Research Scientist, Behavioral Science Staff, Central Intelligence Agency, mentioned a possible framework for dividing any intuition research: (1) intuition that is a gut response to life-threatening or otherwise dangerous situations; (2) intuition that aids in interpreting deception (with some amount of time allowed); and (3) intuition that occurs after a longer period—that is, intuition that leads one back to a problem (with a possible solution). The categories are not perfect, as the situation in which a border guard must decide whom to check would fit between types one and two.

**Dr. Morgan** asked whether, in studying intuition, it would make sense to ask officers which of their colleagues have good intuition and in what domains. The breakout group for which he was reporting felt that likely characteristics of a person with good intuition would include social skills, common sense, and situational awareness. Venues in which to begin the research might include self-initiated vehicle stops or airport security checkpoints.

The group also discussed what would be a useful assessment battery, how to create good liaisons with police agencies (so that researchers would not just take information but also give some back through a feedback loop), and how to assure police that the data gathered by researchers would be kept confidential.

### **Afternoon Group B**

**Dr. Liberman** said his group discussed the definition of intuition further. Intuition may resemble common sense, but it is also non-conscious, unconscious, or unaware. Group members



were skeptical as to whether it would be possible to train people to become aware of inputs that people are not aware of when they are using intuition. The issue is also complicated by restraints on police regarding the need for probable cause. Also, people are imperfect reporters of their own behavior; they may think they know why they did something, but they could be wrong.

It was suggested that much police training and mentoring used to take place in two-person patrol cars, but now it is more common to have one-person patrol cars, so intuition skills are not being passed down.

A useful area of research would be to find out whether the people deemed to be greatly intuitive are accurate in their intuition. Then, if they are accurate, researchers could attempt to find out what they do—what makes them so successful—and try to teach those skills.

An additional topic discussed by the group was that intuition often drives quick action. It might be useful to study the context and the uncertainty that officers have when they are trying to make quick decisions.

**Dr. Band** added a call for research that might remove the mystique of the term “intuition”—to separate it from any paranormal capabilities. Such research could also attempt to discover any specific characteristics of intuitive people, find ways to identify such people, and then use them as mentors.

### **Afternoon Group C**

**Robert Loudon**, Professor, Department of Public Management, John Jay College of Criminal Justice, City University of New York, said his group did not create an operational definition of intuition but felt that intuition was based on observational skills and sensory inputs. The difficulty is how to measure intuition and transfer it to others. Self-reporting is not a useful tool, as it has many validity problems. **Dr. Brandon** added that self-reporting suffers from a substantial hindsight bias and from officers’ need to report their actions as being fully legal. What is needed first is laboratory-based, prospective research to give subsequent research a footing. A particular challenge is the time lag in learning about incidents of intuition. Many police agencies are reluctant to open themselves up to research, particularly in a matter with many legal ramifications. However, such research is important, not only for developing new knowledge but



also for contributing to safer operations for police. With better intuition, perhaps fewer police officers would be hurt or killed.

## General Discussion of Breakout Sessions

**Dr. Kinscherff** provided several observations based on what he had heard in the various breakout sessions. Most groups were uncomfortable with the word “intuition.” However, most participants agreed that intuition or whatever it may be called is pre-conscious but based on sensory input. Intuition employs cues that are not readily articulable but could be articulated with practice. Intuition is also heuristic. After using intuition, people report that they pieced together items without knowing quite what they were doing, but they could see or feel the answer. Intuition is also emotional—people may feel dread. (It is not always clear which comes first: the understanding or the dread.) Intuition may also be autonomic; for example, some people are better than others at detecting their own heart rate. Experience is a key component of developing the capacity for intuition, but that capacity may not transfer across contexts. In other words, one might have good intuition in one setting but not in another (though a person may wrongly think he or she has good intuition in all contexts). A further distinction should be made between intuitively responding in a way that is consistent with previous training and intuitively responding in a way that is contrary to previous training. Also, being moved to act and moved not to act may reflect different types of intuition.

**Dr. Kinscherff** also identified four contexts of law enforcement intuition: survival situations (requiring an immediate response); nondangerous situations (also requiring an immediate response); crime scenes (allowing the officer days for intuition to strike); and long-term investigations (which may take days or years).

There was some consensus that experience somehow sharpens intuition. Perhaps some people can be taught to monitor their own physiological responses (such as heart rate), to improve their “observational cueing,” and to reconstruct their memories in a way that minimizes biases. Mentoring may also be a means of sharpening intuition. In addition, perhaps there is some type of pre-situation processing or rehearsal that can be taught or performed. **Dr. Dawes** added that research may have to examine whether intuition is teachable.



An implicit hypothesis is that people with good intuition are those who keep their hypothesis open. However, research should also look at people who have to make an intuitive decision immediately or they will be dead.

**Gary Wells**, Distinguished Professor, Department of Psychology, Iowa State University, noted that to study intuition scientifically, one must be able to measure it. Therefore, the first step is to develop a greater understanding of intuition and develop means of measuring it.

**Dr. Kinsherff** said researchers may need to find and study people who have the attributes that are thought to be important. **Dr. Brandon** said it may also be useful to identify people who seem to be poor at intuition and study them. **Dr. Kinsherff** said that environments to study might include corrections and airport screening. It would be useful to know whether law enforcement practitioners regard a person as being good at intuition mainly because he or she acts or refrains from acting, or because he or she acts or does not act in contravention of training.

## Day 1 Recap

On the second day of the meeting, **Dr. Brandon** offered a summary of the first day's discussion. She grouped her comments under several questions, and her observations were supplemented by comments from other participants:

**Does intuition exist?** There was a general consensus that it does, but one cannot be sure; people have been wrong before.

**What is intuition?** As was observed earlier, “things tell you things.” Intuition is implicit and unconscious but depends on the five senses; emotional but has a strong cognitive component; error prone; slow to learn and hard to unlearn; susceptible to verbal articulation (but self-reporting is unreliable); and associated with social skills, common sense, situational awareness, motivation, confidence, assertiveness, empathy, focus, integrity, and dedication to and enthusiasm for the role of police officer. Further, intuition may lead to action or inaction, and it can occur in split-second situations or develop slowly. Some people have intuition when they start their careers, but the ability can also grow with experience. Intuition might also be called complex pattern recognition, a complex emergent process, or the ability to detect discrepancies.



Other descriptions of intuition come from D. G. Myers:<sup>1</sup> immediate insight without observation or reason; perception-like, rapid, effortless cognition leading to action; social intuition: sensing that something is not right; and unconscious learning.

Intuition at times relies on vision, but it is not the same as a normal visual experience.<sup>2</sup>

Intuition can also be wrong and be associated with undesirable characteristics, such as being untrusting. An officer may have an intuition that someone has done something wrong, but maybe the person has not.

**Where and when does intuition occur?** Intuition occurs when people are calm (and can observe more); when they are in a survival situation and need an immediate decision; during crime scene investigations (which can go on for days or months); when officers remain open to alternative hypotheses; in law enforcement, medicine, and airport and border security; and when people are hunting and feel an animal's eyes on them.

**Is intuition learned or innate?** By some estimates, 20 percent of people have intuition, but in FBI National Academy classes, 90 percent of students report experiencing an “intuitive event.” People seem to get better at intuition with experience and mentoring, yet some remain clueless even after years on the job. The degree to which intuition is learned or innate has implications for training and assessment.

**How can we research intuition?** Intuition can be studied in controlled settings (through, for example, priming studies), in descriptive studies (the who, when, and where of intuition), in retrospective studies (via self-reporting, memory, talking through, or thinking aloud), in correlational studies (linking intuition to stress, calm, or other conditions or characteristics), and in experimental studies (which manipulate antecedents and measure behavior). Self-reporting is also affected by officers' need to write reports. They cannot say they stopped someone on a hunch, so they must state a reason, and then that statement colors their memory.

It may also be useful to study criminals who possess intuition.

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<sup>1</sup> D.G. Myers (2002). *Intuition: Its Powers and Perils*. New Haven: Yale University Press.

<sup>2</sup> R. A. Rensink (2004). “Visual Sensing Without Seeing,” *Psychological Science* 15, 27-32.



## Further Discussion

**Dr. Kinscherff** urged participants to help develop a research agenda regarding intuition. **Dr. Vila** said NIJ might be able to fund that agenda to some degree through its budget for officer performance, health, and safety. He asked participants to develop two- to three-page concept papers that NIJ could show to major funding agencies as examples of what researchers are interested in doing. The Department of Homeland Security may be the best body to approach. Anything one can do to help the country's 800,000 law enforcement officers identify when something is out of place will help in fighting terrorism and other crimes.

**Dr. Band** said the FBI Behavioral Science Unit is directing substantial resources at intuition. The primary mission of the FBI, he observed, is to prevent the next terrorist act. The FBI wants to partner with researchers.

**Dr. Dawes** said that unconscious recognition (which occurs, for example, when one drives) is already well known. The meeting's discussion should not neglect the question of whether there is just as much bad or false intuition as good or true intuition. One hears the success stories only. Is it necessarily true that some people have better intuition than others? Maybe there is nothing special going on. **Dr. Dawes** recommended that researchers first examine whether intuition exists at all.

Another participant observed that intuition is considered important because it might lead to better decision making. However, perhaps intuition steers people in the wrong direction just as much as it steers them in the right direction. Instead of concluding that intuition is desirable, it would be better to decide what skills law enforcement officers should have, and then study how to impart or develop those skills.

Another participant recommended bringing other groups into the discussion: law enforcement command staff, researchers in academic disciplines, and people involved in critical incident decision making, such as hostage negotiators. Future research should examine not just training but also selection—that is, hiring and assigning people on the basis of their intuitive abilities. However, there is a quagmire of legal considerations if one makes a practice of encouraging people to work on hunches.



**Dr. Morgan** discussed his research at the CIA. He found that before and some time after stress, people can copy patterns well, but within 15 minutes after a major stress, the copying goes poorly. However, some people can draw well even in the immediate post-stress period. They tend to draw the main elements first and then fill in details. Maybe they are just smart people who can see the big picture even under stress. The research did not find any personality variables associated with that ability.

**Baruch Fischhoff**, Howard Heinz University Professor, Department of Social and Decision Sciences, Carnegie Mellon University, said that a little more sophisticated knowledge of intuition may be useful. It may be that organizations are more able to weed out very unintuitive people from certain positions rather than put intuitive people in place.

**Ronald Rensink**, Associate Professor, Department of Psychology, University of British Columbia, said there is probably more than one aspect or subsystem to intuition. Some people may have one strong subsystem but be normal in others. Nonintuitive people may reach the same results as intuitive people by thinking hard and fast. He would like to study hunters, radiographers, and perhaps practitioners of martial arts, in which people are trained to sense when someone is around. Does that technique work, or is it just a case of shifting one's bias in favor of assuming someone is there?

**George Palermo**, President, Center for Forensic Psychiatry and Risk Assessment, felt that intuition had not yet been defined well enough to be properly studied. He also called for research on the importance of experience or training—in other words, exposure to various situations.

**Kim Rossmo**, Research Professor, Department of Criminal Justice, Texas State University at San Marcos, said one should study the accuracy of intuition. Intuition may often be wrong, but it may be more accurate than random selection. On the other hand, in a criminal investigation, if police let intuition overinfluence their careful, rational, objective analysis, then intuition could be harmful. It would be interesting to study whether intuition is more valuable in crises than in follow-up investigations.

**Brian Nosek** Assistant Professor, Department of Social Psychology, University of Virginia, gave a presentation titled "Measurement of Implicit Attitudes." He called explicit attitudes aware, controllable, intentional, and endorsed, and he called implicit attitudes unaware, uncon-



trollable, unintentional, and unendorsed. He led a demonstration to see how fast participants could complete a course of right hand or left hand tapping that links white with good and black with bad and then switches those associations. His point was that unconscious biases may affect a person's decision making—sometimes for good, sometimes for ill.

**Bernd Wittenbrink**, Associate Professor Behavioral Science, Center for Decision Research, Graduate School of Business, University of Chicago, showed participants a computer-based, first-person shooting game. The player must decide whether to shoot at images of various people, based on whether the person appears to be a threat. Some of the images were of black people and some were of white people. Some of those people were holding guns, some were holding cell phones, and some held nothing at all. The task was to shoot the armed people and not shoot the unarmed people. The research showed that the race of the target makes a difference in how fast the player can decide whether to shoot. For armed targets, players could decide faster when the target (person) was black. The research also studied the error rate. Both white and black players made fewer errors for the stereotypic target (armed black) than for armed whites, and they made more errors for unarmed blacks than unarmed whites. The conclusion was that implicit associations or intuitions may be useful in some situations but not in others.

**Dr. Silke** said much of his work has focused on terrorism. Regarding the need to define intuition before studying it, he noted that in his field there is no perfect definition of “terrorist,” yet people study terrorists and terrorism anyway. It is rare in science that, at the beginning, there is great agreement on definitions. He recommended starting by learning the characteristics, motivations, and origins of law enforcement officers or customs officials who seem to have great intuition.

**Robert Mericksko**, Senior Scientist, Intelligence Technology Innovation Center, Central Intelligence Agency, said he would like to find ways to help people improve their judgment making, a skill that is certainly important in the intelligence community. It would be valuable to bring many people up to a better level of intuitive judgment making.

Another participant noted that if people are aware that intuition can steer them in the wrong direction, they may be able to countermand their intuition immediately and make the right decision.



**Emma Barrett**, Psychologist, United Kingdom Ministry of Defense, said that in her research she gives investigators scenarios and asks how they would start their investigation. Experienced officers seem to know where to start and what to do first. They have certain expectations about the crime report, and they also focus on a small number of cues. Law enforcement officers tend to know which of their colleagues are really good at knowing what to do—in other words, which ones have intuition.

**Annette Bolte**, Institute for Psychology, Braunschweig University of Technology, studies mood effects. She has found that a positive mood supports intuitive decision making. When people are depressed, they have a more narrow way of seeing the world. That is not to say police officers must be happy to make more correct intuitive decisions, but a good mood does support good decision making.

**Aldert Vrij**, Social Psychologist and Director, Department of Psychology, University of Portsmouth, said his research has looked at how people behave when they are lying and when they are telling the truth. The research shows that it is more difficult to lie than to tell the truth. Therefore, police may benefit from making interviews difficult and from encouraging people to talk and to elaborate. The more they have to say, the more difficult it will be to lie convincingly. It is also fruitful to ask people to repeat what they just said. If they just made their story up, they find it hard to remember the lie they told. **Dr. Vrij's** organization also looks at implicit lie detection. Researchers showed some people a video of other people lying and telling the truth. Most people were not very successful at guessing who was lying and who was not. The researchers then asked the viewers to look for cues (such as whether the speaker on video had to think hard before answering), and the viewers were then better at detecting lies.

**Martha Davis**, Clinical Psychologist and Visiting Scholar, John Jay College of Criminal Justice, City University of New York, said the research that says people are no better than chance at guessing whether a person is lying may not actually show that. However, it is also true that the widely known cues about lying are not necessarily accurate. The cues her organization has found through research are different than the commonly known ones (like fidgeting). Tests are not finding that people have a stable talent for lie-detection, but they are finding that people are able to detect lying at a rate better than chance. At the impression level, people are 60-65 percent accurate at lie detection, and at the analytic level they may be 70 percent accurate, but oper-



ating at the analytic level takes time. Her organization wants to find ways of helping people detect lies quickly—preserving the gestalt—and not burdening people with many clues to look for.

**John Pearce**, Detective, Anti-Terrorist Branch, Metropolitan Police, said his group has found that some customs officers in airports have a much better hit rate (successful stops) than others. He asked whether it might be possible to compare their activity with that of others. As a research venue, airports have certain practical advantages. They are already supplied with closed-circuit television, so researchers could monitor what takes place. To learn why customs officers select or do not select particular people, researchers could put microphones on the officers so they could verbalize their thoughts at the time. The setting lends itself to many forms of analysis, and the setting also is associated with terrorism, which might open some doors.

**Brian Moon**, Research Associate II, Klein Associates, said his organization received a grant from the U.S. Army to study decision making in high stress situations. Since it was not possible to experiment on Army command staff, the researchers turned to fire fighters. The fire fighters said that they do not make decisions—they take actions. That response raised the question of how to help people articulate how they came to make a decision or to take or not take an action. The researchers found people willing to talk about their actions once they were given help in articulating their thoughts.

In decision making, experts emphasize assessing the situation by looking at what has led up to it and what may follow it. However, such analysis may or may not lead to an obvious action. Klein Associates has studied decision making among computer hackers, buyers of detergent, and people in other real-world situations. The company also recommends organizational redesigns, training, and doctrine. He recommended that participants look into “naturalistic decision making” as practiced in the Department of Defense.

Experts in decision making engage in deliberate practice and exercises, try alternative task strategies, obtain vicarious experience, and gather feedback. There may be some organizational redesign that police departments should do based on these ideas.

**James Lucey**, Chief of Protection, National Gallery of Art, said that when he was with the U.S. Secret Service, people were in life-and-death situations, and they made good decisions. Now he works with an art gallery, where the staff do not have to make life-and-death decisions,



and they make terrible decisions. He said he does not know whether the difference exists because of training differences, lower pressure, lower stakes, or some other factor.

**Dr. Wells** said that error and wrong outcome are not the same. A person could make the right choice and still get a bad outcome. For example, if a person is asked to pull a card from a deck and guess whether it is a face card, the person should guess no. If a face card comes up, that does not mean the person made a wrong decision; he or she just got the wrong outcome.

His organization conducted research on alibis. When asked to provide alibis, innocent people innocently provide mistaken information on their whereabouts and schedules about 25 percent of the time. However, police consider an inconsistent alibi to be evidence of lying.

His organization also studies face recognition and law enforcement lineups. Such recognition is holistic; people cannot articulate how they do it. In fact, eyewitnesses' certainty seems to be influenced by outcome or hindsight. If police later confirm eyewitnesses' choice, they will say they picked up on the face immediately. If police contradict eyewitnesses' choice, they will say they had not been sure and that the decision took some time and was difficult. To **Dr. Wells**, that finding suggests that what appears to be intuition may be just the correct cases. Intuition may be a kind of reconstructive memory of positive outcomes. People say they had a gut feeling when it turns out they were right. They rarely say, "I had a gut feeling, and boy was I wrong."

**Dr. Wells** recommended studying short-term and long-term intuition separately. Long-term intuition is not dangerous. A person can engage in it with the advice of others, and the crisis is past. Short-term intuitive decisions are more dangerous. The person making such decisions must act alone, fast, and in the middle of a crisis. **Dr. Wells** said he prefers to call intuition "rapid complex pattern recognition that is holistic and somewhat automatic." It should be thought of as a potential skill—that is, if it exists.

It would be useful to study so-called "experts" at intuition to discern whether they really are better and whether their expertise is limited to particular settings. If intuition is a skill, it may only be teachable in the same way other automatic skills are taught—with much feedback through hundreds and hundreds of trials.

**Dr. Hyman** said he has studied hiding and detecting deception. Meeting participants have been emphasizing the need to be able to measure the subject, but it is important to make



sure the measures are not just what is convenient but what is really meant by intuition. What do law enforcement and intelligence officers mean by intuition? Once researchers determine that, they can develop measures that are multidimensional, unidimensional, or whatever is best.

**Dr. Dawes** said he has studied predictive judgment—that is, predicting how well people will do in graduate school, how long people will stay out of jail, etc. He studied people who were deemed to be good clinical predictors, and it turned out that one could predict better just using statistics, even if the clinician had more information than the statistical model did. Even when parole interviewers make use of their access to a person’s criminal record, and a statistical model does not, the interviewers are still worse predictors than statistical analyses are. Bankruptcy is especially easy to predict (by examining a person’s ratio of assets to liabilities). In that field, the statistics are definitely better than live analysts. Likewise, **Dr. Dawes**’s research has taken real students with real past and future grade point averages (GPAs). Even for minority students, the best predictor of a person’s next semester GPA is his or her past overall GPA. Many interview styles were tried, and none predicted better than overall GPA. In fact, interviewers were equally likely to be random in their success of guessing regardless of whether the interviewees gave truthful or random answers.

**Dr. Dawes** has also conducted research on memory and “unrationality.” If researchers ask people whether they remember something, and the researchers use a very specific question, the people are more likely to remember the event, even if it did not happen.

The National Transportation Safety Board used to erase the flight tapes of successful flights. Later, it realized that it should study successful landings as well as crashes. In the present context, if a person is called intuitive, one really must say, “compared to what?” When studying a plane crash, a person knows the plane crashed, knows some data, and thus “makes sense of it.” That is the irrationality of retrospection.

## Research Agenda

**Dr. Vila** presented the following draft research questions. He said he would send a copy to all participants, and he urged participants to respond with comments.



## **1. How do police officers define what we have been calling “intuition”?**

- What are the minimum number of dimensions of intuition?
- What are the measurable indicators of this concept?
- Is it reasonable to use this as a working definition in our research?
  - If it fits with existing literature?
  - If it doesn't?

## **2. Do individual officers vary in their intuitive capabilities?**

- In their propensity to use intuitive processes?
- In their reliance on intuition?
- In their beliefs about intuition?
  - Useful vs. unprofessional?
  - One tool in the kit vs. best/worst tool?

## **3. If there are differences in individual officers' intuitive capabilities, how much of the variation is innate, learned, or acquired early in the life course (pre-, peri-, post-natal, early abuse, etc.)?**

3a: Are there relationships between self-reports about intuition and peer-reports about intuition? Prospectively vs. retrospectively?

## **4. To what extent can officers' intuitive capabilities be improved – or degraded?**

- Through training?
- Through mentoring?
- By educating them about decision making?
- Through pre-employment screening?

## **5. Do officers' intuitive abilities and their propensity to use intuition vary with:**

- Physical environment and type of task?
  - E.g., tactical vs. investigative vs. interrogation
- Level of uncertainty?
- Perceived threat or stakes associated with decision?



- Mood or affective state?
- Time available for decision?

#### **6. How consistent (reliable) are officers' intuitive abilities?**

- Compared to previous performance?
- Across domains, threats, etc. from question 5?

#### **7. What are the correlates of intuitive performance?**

- Personality dimensions
- Gender and sex
- Personal history
- Enthusiasm
- Confidence in abilities
- Physical state
  - Fatigue, fear, anger, interest, etc.
- Various forms of intelligence

#### **8. How closely linked are intuition and inaccurate stereotypes?**

- What do these findings tell us about hazards associated with intuitive thinking?
- Can links between intuition and stereotyping be changed?
- In a way that does not impair appropriate intuitive performance?

#### **9. How much variation is there in individual ability to detect:**

- Deception?
- Discontinuities?
- Other potential confounds to accurate decision making?
- Is this different from intuition?

#### **10. What are the cues that trigger intuition?**

- Do they vary between individuals, situations, domains, etc.?
- Do they vary depending on officers' base levels of situational awareness?



## **11. Are the cues people report using to make intuitive decisions different from those they actually use?**

- Face, voice, body language,
- Status markers (dress, posture, diction)

11a: Can the triggers people report being associated with intuitive insight be measured physiologically?

- Could physiological indicators be used to sensitize?

## **12. Do the same dynamics apply for police patrol officers, investigators, customs officers, intelligence analysts, interrogators, undercover agents, investigators, and other law enforcement positions?**

- Other first responders?
- Comparability between cops & crooks?

**Dr. Vila** also listed several other key issues:

### **Threats to validity?**

- Denominator of threat perception?
- Examples: (maximum likelihood ratio, etc.)

$$\frac{\text{Number of Intuitive "Hits"}}{\text{Number of Targets}}$$

or

$$\frac{\text{Number of Correct Intuitive Hits}}{\text{Number of Incorrect Hits}}$$

### **Generalizability**

- How can we increase the generalizability of experimental studies of police intuition?
  - Using field tapes, etc.
  - Raising stakes for research subjects in simulated situations



## Research Methods

- What exemplary research designs and methods used in other studies can be replicated using police subjects?
- How can we best integrate research about police intuition with existing research in this area?

## An Expert Resource

- [www.nobel.se/economics/laureates/2002/Kahnemann-lecture.pdf](http://www.nobel.se/economics/laureates/2002/Kahnemann-lecture.pdf)

**Dr. Band** closed the meeting and handed out certificates of participation.



# Appendix

## **The Nature and Influence of Intuition in Law Enforcement:**

### **Integration of Theory and Practice**

Please consider and discuss these questions as they pertain to your scenario in small groups.

We ask that you think about these issues and questions over the next day and a half. Please share your reflections with us at any time during this conference. We also would appreciate your sharing with us any thoughts you may have when you leave the conference regarding any of this material.

Thank you.

### **QUESTIONS ABOUT INTUITIVE PROCESS**

1. How representative within the law enforcement or intelligence community are these incidents of intuition? Is the frequency of the experiences of intuition on which individuals take action and receive positive results greater than chance, or do we tend to remember only the experiences on which we've acted and had positive results? How do we define and measure "accuracy" for these experiences?
2. Are such instances experienced equally among individuals? Are there differences due to gender, age, and years of experience on the job?
3. What distinguishes "common sense" observations that are processed quickly and acted on—but not thought through—from intuition? Are they different, the same, seen as a continuum? Can one process lead one into the other?
4. What role does "context" play in the intuitive process? Is the phenomenon determined by familiarity with the scenario, the emotional nature of the scenario (for example, high risk), or the specific details of the scenario (e.g., stolen cars; "man with a gun")? Will these same reactions occur outside these contexts (e.g., working stolen guns vs. working "recovering illegal guns from the street"; recognizing suspi-



cious/threatening behavior on the streets of a large city vs. recognizing suspicious/threatening behavior at an airport; working a high-crime drug area vs. a low-crime, non-threatening or less threatening area)?

5. Are there “top down” (cognitive) aspects to intuitive reactions and/or “bottom up” (visceral) aspects to intuition, or is this an artificial distinction? If these are separable processes, which one begins first? Do they remain separate? Does one guide/trigger/override the other? Can one be more accurate than the other? Does it matter which is fired first? Does one trigger more “threatening” situations than the other?
6. If this process of intuition is an “evolutionary” residual, is it connected to the autonomic nervous system? If so, could this produce in officers a constant state of “hyper vigilance”? If so, could this have negative physiological affects on officers after years of law enforcement work?
7. Can individuals be taught to recognize these internal processes, understand them, identify them, and develop them? Can they be taught to reflect on these experiences in such a way as to be able to recall accurately what “caught their attention” and triggered their actions? Can they be taught to clearly articulate these experiences?
8. What are the legal implications of this process?
9. What kind of research is needed to validate the phenomenon across contexts and determine how it might be taught?



**Invitees for Ethics and National Security Forum**  
**July 20, 2004**  
**APA Boardroom**  
**12:00-2:00**

Stephen R. Band  
Kristen Beyer  
Susan E. Brandon  
Lindsay Childress-Beatty  
Patrick DeLeon  
Robert Fein  
Mark S. Frankel  
Michael G. Gelles  
Melvin A. Gravitz  
Kirk M. Hubbard  
Jeffrey S. Janofsky  
Robert Kinscherff  
C.A. Morgan III  
Judith Philipson  
Robert T.M. Phillips  
Anthony Pinizzotto  
R. Scott Schumate

APA Staff Attending:

Stephen Behnke  
Steve Breckler  
Mike Honaker  
Heather O'Beirne Kelly  
Nathalie Gilfoyle  
Geoff Mumford  
Russ Newman  
Sara Robinson







**Sender:** Breckler, Steven J. </O=APA/OU=DC/CN=RECIPIENTS/CN=SJB>  
**Sent:** Thursday, July 01, 2004 11:47:30 AM  
**Recipient:** Mumford, Geoffrey <gmumford@apa.org>  
**Subject:** RE: Iraq prison torture

---

Good idea. The reference may have been wrong or poorly informed.  
Steve

Steven J. Breckler, Ph.D.  
Executive Director for Science  
American Psychological Association  
750 First Street, NE  
Washington, DC 20002  
(202) 336-5938  
(202) 336-5953 (fax)  
sbreckler@apa.org  
[www.apa.org/science](http://www.apa.org/science)

~~~~~

-----Original Message-----

From: Mumford, Geoffrey  
Sent: Thursday, July 01, 2004 11:46 AM  
To: Breckler, Steven J.  
Subject: RE: Iraq prison torture

Steve,

I'm having trouble tracking down anybody on AAA staff who knows of any effort by AAA on this issue. How about if I write directly to Floyd and see if he can provide a contact or some additional context?  
-geoff

-----Original Message-----

From: Breckler, Steven J.  
Sent: Tuesday, June 15, 2004 9:39 AM  
To: Mumford, Geoffrey; Behnke, Stephen; Farberman, Rhea K.  
Subject: FW: Iraq prison torture

It's starting...this inquiry came into the science email alias. We should talk about how to respond to such inquiries. We should also check into what the anthropologists are doing.  
Steve

Steven J. Breckler, Ph.D.  
Executive Director for Science  
American Psychological Association  
750 First Street, NE  
Washington, DC 20002  
(202) 336-5938  
(202) 336-5953 (fax)  
sbreckler@apa.org  
[www.apa.org/science](http://www.apa.org/science)

~~~~~



-----Original Message-----

From: Kelleher, Jean  
Sent: Tuesday, June 15, 2004 9:34 AM  
To: Breckler, Steven J.  
Subject: FW: Iraq prison torture

Steve,

Would you like to respond to this inquiry or let me know where to refer it?

Thanks!

-Jeanie

-----Original Message-----

From: Floyd Rudmin [[mailto:PRIVACY REDACTION](#)]  
Sent: Tuesday, June 15, 2004 8:08 AM  
To: Science Email  
Subject: Iraq prison torture

Good morning,

I may be writing to the wrong APA committee, so please excuse me if that is the case.

I have been concerned about the use of expert cultural knowledge in the design of the torture that the US military has been employing. As a cross-cultural psychologist, it is clear to me that the actions displayed are not the pornographic interests of some West Virginia reservists, but tailored actions targeted at Islamic men.

Is APA looking into the role of professional psychologists or APA members in designing torture techniques? It seems unlikely that the US Army could come up with these techniques without expert advisement.

I should point out that the American Anthropological Association is looking in to this matter, and it would seem appropriate that APA does so as well. Perhaps a joint investigation would be in order.

Sincerely,

Floyd Rudmin  
Professor of Social & Community Psychology  
University of Tromso, Norway



**Sender:** Kennedy, Kirk (GOV) <Kirk.Kennedy@cifa.mil>  
**Sent:** Thursday, December 09, 2004 10:12:34 AM  
**Recipient:** Mumford, Geoffrey </O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>  
**Subject:** RE: NYTimes.com Article: Red Cross Finds Detainee Abuse in Guantánamo

---

Hi Geoff:

I realized after I sent my response that I failed to hit the "reply all" button, so I did indeed send another reply including Drs. Breckler and Behnke. I look forward to further dialogue -- and most importantly, action -- on these issues.

Thanks, Kirk

Kirk A. Kennedy, Ph.D.  
Chief, National Center for the Study of CI and  
Operational Psychology (NCSCI-PSY)  
Directorate of Behavioral Sciences  
DoD/Counterintelligence Field Activity (CIFA)  
703.699.7575 Fax 703.699.7010 (U)  
kirk.kennedy@cifa.mil (U)

This email is UNCLASSIFIED per E.O. 12958

-----Original Message-----

From: Mumford, Geoffrey [<mailto:gmumford@apa.org>]  
Sent: Thursday, December 09, 2004 10:10 AM  
To: Kennedy, Kirk (GOV)  
Subject: RE: NYTimes.com Article: Red Cross Finds Detainee Abuse in Guantánamo

Hi Kirk,

Thanks for your quick response. I'll forward your thoughts up the chain of command for reaction immediately. I think it would be great to get a Monitor article together (especially with the intelligence overhaul bill out of the way now; precious little mention of research in there by the way). I'll get back to you as soon as I hear from other staff. Thanks again.  
-geoff

-----Original Message-----

From: Kennedy, Kirk (GOV) [<mailto:Kirk.Kennedy@cifa.mil>]  
Sent: Thursday, December 09, 2004 10:05 AM  
To: Mumford, Geoffrey  
Subject: RE: NYTimes.com Article: Red Cross Finds Detainee Abuse in Guantánamo

Hi Geoff:

I think it behooves APA's Ethics office to put out a statement that both guides and supports military psychologists. Can you imagine a poor Navy psych intern being assigned to GTMO thinking they were going down there to provide psychological support to soldiers only to be diverted to consulting on interrogations? What would APA do to support a psychologist in this situation? This is just one example of why APA and DoD need to have a rapprochement. The main reason however is that DoD is probably the largest employer of psychologists in the U.S.

However, I think an APA Ethics statement would have a minimal impact if issued in isolation. Context, as you know is so important. I would advocate for such a position paper to be embedded in an APA Monitor devoted to Psychology in the Dept. of Defense. We could contribute an article on the CI psychology community in DoD. I could suggest names of psychologists, including a past president of APA, who could provide erudite comments to interview questions on military psychology issues. An APA Monitor might go a long way to building the rapprochement.

Re: the article you so kindly sent, I think it is right on target for pointing out the critical nature of the social context in



which these abusive behaviors are occurring. (By the way, if you haven't checked it out already, go see [zimbardo.com](http://zimbardo.com)). The article's authors give a nice summary of the relevant social psych literature and they tie it into specific examples of great concern to the nation. Speaking of which, I'm sort of surprised by the lack of outrage by the public over the prisoner abuse scandals. I'm even more surprised that the law enforcement community hasn't more overtly condemned the actions of military interrogators.

What say ye?

Thanks, Kirk

Kirk A. Kennedy, Ph.D.  
Chief, National Center for the Study of CI and  
Operational Psychology (NCSCI-PSY)  
Directorate of Behavioral Sciences  
DoD/Counterintelligence Field Activity (CIFA)  
703.699.7575 Fax 703.699.7010 (U)  
[kirk.kennedy@cifa.mil](mailto:kirk.kennedy@cifa.mil) (U)

This email is UNCLASSIFIED per E.O. 12958

-----Original Message-----

From: Mumford, Geoffrey [<mailto:gmumford@apa.org>]  
Sent: Thursday, December 09, 2004 9:30 AM  
To: Kennedy, Kirk (GOV)  
Cc: Breckler, Steven J.; Kelly, Heather; Behnke, Stephen  
Subject: RE: NYTimes.com Article: Red Cross Finds Detainee Abuse in Guantánamo

Hi Kirk,

Thanks for this update...Heather actually knew about Debra's deployment to GTMO but we weren't sure about what she was doing down there. At this point I'm doubtful we'll be doing anything proactive because there's a sense that we don't really have enough detailed info to comment. Steve Behnke was working on a position statement to issue to members if they asked. The last I saw of it, it was still in draft form but I'll follow-up and see if I can send it along to you. You might be interested in the attached article from the 11/26 issue of Science as it pertains to the social psychology of the situations described at Abu Ghraib and GTMO. I'd be interested in your take on that.

Best,  
-geoff

-----Original Message-----

From: Kennedy, Kirk (GOV) [<mailto:Kirk.Kennedy@cifa.mil>]  
Sent: Thursday, December 09, 2004 9:20 AM  
To: Mumford, Geoffrey  
Subject: RE: NYTimes.com Article: Red Cross Finds Detainee Abuse in Guantánamo

Hi Geoff:

I thought that you would be very interested to learn that Russ Newman's wife is an Army Lt. Col. Psychologist currently stationed at "GTMO" and is currently a member of the "JTF BSCT" per note (from a source that will remain anonymous--sort of spooky huh?) below:

"Russ Newman is married to Debra Dunivin. She is a LTC, a prescribing psychologist (graduate of the psychopharmacology demonstration project), and a trained SERE psychologist. She provided Phase III repatriation duties at Walter Reed for OIF. Her military experience is all clinical, and she has been a member of many APA task forces and committees. She may be the current Division 19 representative to the APA. She was hand picked for a direct commission into the psychopharmacology demonstration project by Pat DeLeon. I'm not sure exactly when her short tour will end, but it should be soon. The Army has sent a number of guys/gals there, none just out of internship. There have, however, been a couple of AF or Navy guys/gals there, I'm not sure of their tasking, training, or experience levels."

APA\_0021862



Please do me a favor and let me know what you learn about any APA plans to respond to the Red Cross article.

Thanks, Kirk

Kirk A. Kennedy, Ph.D.  
Chief, National Center for the Study of CI and  
Operational Psychology (NCSCI-PSY)  
Directorate of Behavioral Sciences  
DoD/Counterintelligence Field Activity (CIFA)  
703.699.7575 Fax 703.699.7010 (U)  
kirk.kennedy@cifa.mil (U)

This email is UNCLASSIFIED per E.O. 12958

-----Original Message-----

From: Mumford, Geoffrey [<mailto:gmumford@apa.org>]  
Sent: Wednesday, December 01, 2004 12:36 PM  
To: Kennedy, Kirk (GOV)  
Cc: Shumate, Scott (GOV)  
Subject: RE: NYTimes.com Article: Red Cross Finds Detainee Abuse in Guantánamo

Thanks Kirk...I'll pass along the suggestion about the service chiefs. And yes thanks I had a good holiday too.

Best,  
-geoff

-----Original Message-----

From: Kennedy, Kirk (GOV) [<mailto:Kirk.Kennedy@cifa.mil>]  
Sent: Wednesday, December 01, 2004 8:42 AM  
To: Mumford, Geoffrey  
Cc: Shumate, Scott (GOV)  
Subject: RE: NYTimes.com Article: Red Cross Finds Detainee Abuse in  
Guantánamo

Hi Geoff:

I wish I did. I have no idea what is going on down at GTMO. Recently, I attended an annual conference of cleared psychologists and there was a Navy psychologist who expressed concern about some of her colleagues who had been assigned to GTMO right after completing their psychology internships. She said that once they got down there, that they were diverted from providing mental health care services to the American military to help with the detainees, but she didn't have any details. Sorry I couldn't be more helpful. Perhaps a query to the military's psychology service chiefs would yield more information.

Thanks, I did enjoy a pleasant Thanksgiving. And yours?

Take care, Kirk

Kirk A. Kennedy, Ph.D.  
Chief, National Center for the Study of CI and  
Operational Psychology (NCSCI-PSY)  
Directorate of Behavioral Sciences  
DoD/Counterintelligence Field Activity (CIFA)  
703.699.7575 Fax 703.699.7010 (U)  
kirk.kennedy@cifa.mil (U)

This email is UNCLASSIFIED per E.O. 12958

-----Original Message-----

From: Mumford, Geoffrey [<mailto:gmumford@apa.org>]



Sent: Tuesday, November 30, 2004 3:40 PM  
To: Kennedy, Kirk (GOV)  
Subject: FW: NYTimes.com Article: Red Cross Finds Detainee Abuse in Guantánamo

Hi Kirk,

Do you know anything more about the composition of the Behavioral Science Consultation Team a.k.a. "Biscuit" referred to in the NYT piece below? As you can imagine we're preparing for negative press. Hope you had a nice thanksgiving.

Best,  
-geoff

-----Original Message-----

From: Behnke, Stephen  
Sent: Monday, November 29, 2004 10:55 PM  
To: Honaker, Michael; Gilfoyle, Nathalie; Childress-Beatty, Lindsay;  
Farberman, Rhea K.; Mumford, Geoffrey; Breckler, Steven J.  
Subject: NYTimes.com Article: Red Cross Finds Detainee Abuse in  
Guantánamo

I was just putting together a panel for Convention on the ethics of national security-related investigations and research, when I saw this article from the New York Times. I think it's likely there will be some fallout, but very difficult to predict what it will be.

I am on jury duty tomorrow, but will be back later in the day.

Steve

#### Red Cross Finds Detainee Abuse in Guantánamo

November 30, 2004  
By NEIL A. LEWIS

WASHINGTON, Nov. 29 - The International Committee of the Red Cross has charged in confidential reports to the United States government that the American military has intentionally used psychological and sometimes physical coercion "tantamount to torture" on prisoners at Guantánamo Bay, Cuba.

The finding that the handling of prisoners detained and interrogated at Guantánamo amounted to torture came after a visit by a Red Cross inspection team that spent most of last June in Guantánamo.

The team of humanitarian workers, which included experienced medical personnel, also asserted that some doctors and other medical workers at Guantánamo were participating in planning for interrogations, in what the report called "a flagrant violation of medical ethics."

Doctors and medical personnel conveyed information about prisoners' mental health and vulnerabilities to interrogators, the report said, sometimes directly, but usually through a group called the Behavioral Science Consultation Team, or B.S.C.T. The team, known informally as Biscuit, is composed of psychologists and psychological



workers who advise the interrogators, the report said.

The United States government, which received the report in July, sharply rejected its charges, administration and military officials said.

The report was distributed to lawyers at the White House, Pentagon and State Department and to the commander of the detention facility at Guantánamo, Gen. Jay W. Hood. The New York Times recently obtained a memorandum, based on the report, that quotes from it in detail and lists its major findings.

It was the first time that the Red Cross, which has been conducting visits to Guantánamo since January 2002, asserted in such strong terms that the treatment of detainees, both physical and psychological, amounted to torture. The report said that another confidential report in January 2003, which has never been disclosed, raised questions of whether "psychological torture" was taking place.

The Red Cross said publicly 13 months ago that the system of keeping detainees indefinitely without allowing them to know their fates was unacceptable and would lead to mental health problems.

The report of the June visit said investigators had found a system devised to break the will of the prisoners at Guantánamo, who now number about 550, and make them wholly dependent on their interrogators through "humiliating acts, solitary confinement, temperature extremes, use of forced positions." Investigators said that the methods used were increasingly "more refined and repressive" than learned about on previous visits.

"The construction of such a system, whose stated purpose is the production of intelligence, cannot be considered other than an intentional system of cruel, unusual and degrading treatment and a form of torture," the report said. It said that in addition to the exposure to loud and persistent noise and music and to prolonged cold, detainees were subjected to "some beatings." The report did not say how many of the detainees were subjected to such treatment.

Asked about the accusations in the report, a Pentagon spokesman provided a statement saying, "The United States operates a safe, humane and professional detention operation at Guantánamo that is providing valuable information in the war on terrorism."

It continued that personnel assigned to Guantánamo "go through extensive professional and sensitivity training to ensure they understand the procedures for protecting the rights and dignity of detainees."

The conclusions by the inspection team, especially the findings involving alleged complicity in mistreatment by medical professionals, have provoked a stormy debate within the Red Cross committee. Some officials have argued that it should make its concerns public or at least aggressively



confront the Bush administration.

The International Committee of the Red Cross, which is based in Geneva and is separate from the American Red Cross, was founded in 1863 as an independent, neutral organization intended to provide humanitarian protection and assistance for victims of war.

Its officials are able to visit prisoners at Guantánamo under the kind of arrangement the committee has made with governments for decades. In exchange for exclusive access to the prison camp and meetings with detainees, the committee has agreed to keep its findings confidential. The findings are shared only with the government that is detaining people.

Beatrice Mégevand-Roggo, a senior Red Cross official, said in an interview that she could not say anything about information relayed to the United States government because "we do not comment in any way on the substance of the reports we submit to the authorities."

Ms. Mégevand-Roggo, the committee's delegate-general for Europe and the Americas, acknowledged that the issue of confidentiality was a chronic and vexing one for the organization. "Many people do not understand why we have these bilateral agreements about confidentiality," she said. "People are led to believe that we are a fig leaf or worse, that we are complicit with the detaining authorities."

She added, "It's a daily dilemma for us to put in the balance the positive effects our visits have for detainees against the confidentiality."

Antonella Notari, a veteran Red Cross official and spokeswoman, said that the organization frequently complained to the Pentagon and other arms of the American government when government officials cite the Red Cross visits to suggest that there is no abuse at Guantánamo. Most statements from the Pentagon in response to queries about mistreatment at Guantánamo do, in fact, include mention of the visits.

In a recent interview with reporters, General Hood, the commander of the detention and interrogation facility at Guantánamo, also cited the committee's visits in response to questions about treatment of detainees. "We take everything the Red Cross gives us and study it very carefully to look for ways to do our job better," he said in his Guantánamo headquarters, adding that he agrees "with some things and not others."

"I'm satisfied that the detainees here have not been abused, they've not been mistreated, they've not been tortured in any way," he said.

Scott Horton, a New York lawyer, who is familiar with some of the Red Cross's views, said the issue of medical ethics at Guantánamo had produced "a tremendous controversy in the committee." He said that some Red Cross officials believed



it was important to maintain confidentiality while others believed the United States government was misrepresenting the inspections and using them to counter criticisms.

Mr. Horton, who heads the human rights committee of the Bar Association of the City of New York, said the Red Cross committee was considering whether to bring more senior officials to Washington and whether to make public its criticisms.

The report from the June visit said the Red Cross team found a far greater incidence of mental illness produced by stress than did American medical authorities, much of it caused by prolonged solitary confinement. It said the medical files of detainees were "literally open" to interrogators.

The report said the Biscuit team met regularly with the medical staff to discuss the medical situations of detainees. At other times, interrogators sometimes went directly to members of the medical staff to learn about detainees' conditions, it said.

The report said that such "apparent integration of access to medical care within the system of coercion" meant that inmates were not cooperating with doctors. Inmates learn from their interrogators that they have knowledge of their medical histories and the result is that the prisoners no longer trust the doctors.

Asked for a response, the Pentagon issued a statement saying, "The allegation that detainee medical files were used to harm detainees is false." The statement said that the detainees were "enemy combatants who were fighting against U.S. and coalition forces."

"It's important to understand that when enemy combatants were first detained on the battlefield, they did not have any medical records in their possession," the statement continued. "The detainees had a wide range of pre-existing health issues including battlefield injuries."

The Pentagon also said the medical care given detainees was first-rate. Although the Red Cross criticized the lack of confidentiality, it agreed in the report that the medical care was of high quality.

Leonard S. Rubenstein, the executive director of Physicians for Human Rights, was asked to comment on the account of the Red Cross report, and said, "The use of medical personnel to facilitate abusive interrogations places them in an untenable position and violates international ethical standards."

Mr. Rubenstein added, "We need to know more about these practices, including whether health professionals engaged in calibrating levels of pain inflicted on detainees."

The issue of whether torture at Guantánamo was condoned or encouraged has been a problem before for the Bush administration.



In February 2002, President Bush ordered that the prisoners at Guantánamo be treated "humanely and, to the extent appropriate with military necessity, in a manner consistent with" the Geneva Conventions. That statement masked a roiling legal discussion within the administration as government lawyers wrote a series of memorandums, many of which seemed to justify harsh and coercive treatment.

A month after Mr. Bush's public statement, a team of administration lawyers accepted a view first advocated by the Justice Department that the president had wide powers in authorizing coercive treatment of detainees. The legal team in a memorandum concluded that Mr. Bush was not bound by either the international Convention Against Torture or a federal antitorture statute because he had the authority to protect the nation from terrorism.

That document provides tightly constructed definitions of torture. For example, if an interrogator "knows that severe pain will result from his actions, if causing such harm is not his objective, he lacks the requisite specific intent even though the defendant did not act in good faith," it said. "Instead, a defendant is guilty of torture only if he acts with the express purpose of inflicting severe pain or suffering on a person within his control."

When some administration memorandums about coercive treatment or torture were disclosed, the White House said they were only advisory.

Last month, military guards, intelligence agents and others described in interviews with The Times a range of procedures that they said were highly abusive occurring over a long period, as well as rewards for prisoners who cooperated with interrogators. The people who worked at Camp Delta, the main prison facility, said that one regular procedure was making uncooperative prisoners strip to their underwear, having them sit in a chair while shackled hand and foot to a bolt in the floor, and forcing them to endure strobe lights and loud rock and rap music played through two close loudspeakers, while the air-conditioning was turned up to maximum levels.

Some accounts of techniques at Guantánamo have been easy to dismiss because they seemed so implausible. The most striking of the accusations, which have come mainly from a group of detainees released to their native Britain, has been that the military used prostitutes who made coarse comments and come-ons to taunt some prisoners who are Muslims.

But the Red Cross report hints strongly at an explanation of some of those accusations by stating that there were frequent complaints by prisoners in 2003 that some of the female interrogators baited their subjects with sexual overtures.

Gen. Geoffrey Miller, who commanded the detention and intelligence operation at Guantánamo until April, when he took over prison operations in Iraq, said in an interview



early this year about general interrogation procedures that the female interrogators had proved to be among the most effective. General Miller's observation matches common wisdom among experienced intelligence officers that women may be effective as interrogators when seen by their subjects as mothers or sisters. Sexual taunting does not, however, comport with what is often referred to as the "mother-sister syndrome."

But the Red Cross report said that complaints about the practice of sexual taunting stopped in the last year. Guantánamo officials have acknowledged that they have improved their techniques and that some earlier methods they tried proved to be ineffective, raising the possibility that the sexual taunting was an experiment that was abandoned.

<http://www.nytimes.com/2004/11/30/politics/30gitmo.html?ex=1102786607&ei=1&en=4e97f0b753cbf66f>

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**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Tuesday, November 30, 2004 2:23:08 PM  
**Recipient:** Mumford, Geoffrey <gmumford@apa.org>; Gilfoyle, Nathalie  
<ngilfoyle@apa.org>; Farberman, Rhea K. <rfarberman@apa.org>; Honaker,  
Michael <mhonaker@apa.org>; Breckler, Steven J. <SBreckler@apa.org>  
**Cc:** Anderson, Norman <NAnderson@apa.org>  
**Subject:** RE: NYTimes.com Article: Red Cross Finds Detainee Abuse in Guantánamo

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We have not submitted an item to the Board or Council; we discussed the July meeting at the Ethics Committee meeting, with Barry Anton (our Board liaison) present, and the Ethics Office information item for the December Board meeting makes mention of it, but nothing as explicit as what Geoff has (very eloquently) written below.

-----Original Message-----

From: Mumford, Geoffrey  
Sent: Tuesday, November 30, 2004 2:03 PM  
To: Gilfoyle, Nathalie; Behnke, Stephen; Farberman, Rhea K.; Honaker,  
Michael; Breckler, Steven J.  
Cc: Anderson, Norman  
Subject: RE: NYTimes.com Article: Red Cross Finds Detainee Abuse in  
Guantánamo

Rhea and Steve(s),

Was the Board or Council informed of our July meeting? I wonder if we might want to note that we've at least attempted to take some leadership role in initiating a dialogue on the issue:

The APA is deeply concerned about the extent to which ethical codes of conduct are observed by mental health professionals and others operating in national security settings. For that reason, the APA convened a meeting last July to initiate a dialogue with leaders of other mental health associations as well as operational staff from the intelligence community to better understand the role of psychologists, psychiatrists and other mental health professionals working in such settings. [of course this begs the question "what next?" to which I haven't got a good answer].

The American Anthropological Association has been quite vocal on this and its September edition of Anthropology News was devoted to a series of essays related to the situation uncovered at Abu Ghraib. One of our members contributed the attached.

-geoff

-----Original Message-----

From: Gilfoyle, Nathalie  
Sent: Tuesday, November 30, 2004 1:56 PM  
To: Behnke, Stephen; Farberman, Rhea K.; Honaker, Michael; Mumford,  
Geoffrey; Breckler, Steven J.  
Cc: Anderson, Norman  
Subject: RE: NYTimes.com Article: Red Cross Finds Detainee Abuse in  
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Nathalie Gilfoyle  
General Counsel



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750 First Street, N.E.  
Washington, D.C. 20002  
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## Red Cross Finds Detainee Abuse in Guantánamo

November 30, 2004

By NEIL A. LEWIS

WASHINGTON, Nov. 29 - The International Committee of the Red Cross has charged in confidential reports to the United States government that the American military has intentionally used psychological and sometimes physical coercion "tantamount to torture" on prisoners at Guantánamo Bay, Cuba.

The finding that the handling of prisoners detained and interrogated at Guantánamo amounted to torture came after a visit by a Red Cross inspection team that spent most of last June in Guantánamo.

The team of humanitarian workers, which included experienced medical personnel, also asserted that some doctors and other medical workers at Guantánamo were participating in planning for interrogations, in what the report called "a flagrant violation of medical ethics."

Doctors and medical personnel conveyed information about prisoners' mental health and vulnerabilities to interrogators, the report said, sometimes directly, but usually through a group called the Behavioral Science Consultation Team, or B.S.C.T. The team, known informally as Biscuit, is composed of psychologists and psychological workers who advise the interrogators, the report said.

The United States government, which received the report in July, sharply rejected its charges, administration and military officials said.

The report was distributed to lawyers at the White House, Pentagon and State Department and to the commander of the detention facility at Guantánamo, Gen. Jay W. Hood. The New York Times recently obtained a memorandum, based on the report, that quotes from it in detail and lists its major findings.

It was the first time that the Red Cross, which has been conducting visits to Guantánamo since January 2002, asserted in such strong terms that the treatment of detainees, both physical and psychological, amounted to torture. The report said that another confidential report in January 2003, which has never been disclosed, raised questions of whether "psychological torture" was taking place.

The Red Cross said publicly 13 months ago that the system of keeping detainees indefinitely without allowing them to know their fates was unacceptable and would lead to mental health problems.

The report of the June visit said investigators had found a system devised to break the will of the prisoners at



Guantánamo, who now number about 550, and make them wholly dependent on their interrogators through "humiliating acts, solitary confinement, temperature extremes, use of forced positions." Investigators said that the methods used were increasingly "more refined and repressive" than learned about on previous visits.

"The construction of such a system, whose stated purpose is the production of intelligence, cannot be considered other than an intentional system of cruel, unusual and degrading treatment and a form of torture," the report said. It said that in addition to the exposure to loud and persistent noise and music and to prolonged cold, detainees were subjected to "some beatings." The report did not say how many of the detainees were subjected to such treatment.

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The International Committee of the Red Cross, which is based in Geneva and is separate from the American Red Cross, was founded in 1863 as an independent, neutral organization intended to provide humanitarian protection and assistance for victims of war.

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Beatrice Mégevand-Roggo, a senior Red Cross official, said in an interview that she could not say anything about information relayed to the United States government because "we do not comment in any way on the substance of the reports we submit to the authorities."

Ms. Mégevand-Roggo, the committee's delegate-general for Europe and the Americas, acknowledged that the issue of confidentiality was a chronic and vexing one for the organization. "Many people do not understand why we have these bilateral agreements about confidentiality," she said. "People are led to believe that we are a fig leaf or worse, that we are complicit with the detaining



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The Pentagon also said the medical care given detainees was first-rate. Although the Red Cross criticized the lack of confidentiality, it agreed in the report that the medical care was of high quality.

Leonard S. Rubenstein, the executive director of Physicians for Human Rights, was asked to comment on the account of the Red Cross report, and said, "The use of medical personnel to facilitate abusive interrogations places them in an untenable position and violates international ethical standards."

Mr. Rubenstein added, "We need to know more about these practices, including whether health professionals engaged in calibrating levels of pain inflicted on detainees."

The issue of whether torture at Guantánamo was condoned or encouraged has been a problem before for the Bush administration.

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A month after Mr. Bush's public statement, a team of administration lawyers accepted a view first advocated by the Justice Department that the president had wide powers in authorizing coercive treatment of detainees. The legal team in a memorandum concluded that Mr. Bush was not bound by either the international Convention Against Torture or a federal antitorture statute because he had the authority to protect the nation from terrorism.

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<http://www.nytimes.com/2004/11/30/politics/30gitmo.html?ex=1102786607&ei=1&en=4e97f0b753cbf66f>

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**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Tuesday, November 30, 2004 2:12:30 PM  
**Recipient:** Gilfoyle, Nathalie <ngilfoyle@apa.org>;Farberman, Rhea K. <rfarberman@apa.org>;Honaker, Michael <mhonaker@apa.org>;Mumford, Geoffrey <gmumford@apa.org>;Breckler, Steven J. <SBreckler@apa.org>  
**Cc:** Anderson, Norman <NAnderson@apa.org>  
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---

Yes, I do hope I will get picked, ideally for the appeal in the Scott Peterson case.

I think our ethics program has gotten pretty good at avoiding "yes-no" type responses (except in clear cases, e.g., it's not acceptable to become sexually involved with a patient), and I think that should be our first line of approach here. I would encourage us to be mindful that we are a scientific organization, so that as an initial matter we look to the science (e.g., what data do we have to indicate that this technique is effective? Do we have data to indicate that this technique is more effective than other techniques that would present less risk of harm?) I would point out that since some of the research in this area is classified, we do not have all the information we may need for a complete ethical analysis. In any instance, we would want to understand the facts, circumstances, and context surrounding a particular behavior before we could determine whether it was ethically appropriate. Consider the following: We do NOT need context to determine whether a sexual involvement with a current client is wrong. It is, in all instances. But regarding certain therapeutic techniques, such as intentionally inducing anxiety in a patient, such a technique may be ethical or not depending upon a host of factors, such as whether the psychologist is competent to use that particular technique and whether there is data that the technique is effective. In the same manner, we need to have a context before we can determine whether a particular behavior is ethically appropriate or problematic in national security-related context.

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**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Monday, September 20, 2004 8:35:52 PM  
**Recipient:** Mumford, Geoffrey <gmumford@apa.org>  
**Cc:** Breckler, Steven J. <SBreckler@apa.org>; Kelly, Heather <hkelly@apa.org>  
**Subject:** RE: Brief Summary of Intuitive Policing Workshop

---

Hi Geoff,

It was very interesting. Basically, the forensic psychiatrists had the same meeting we had in July. Michael Gelles and Andy Morgan were there and spoke. Their purpose, as ours, is to explore the ethical questions that the work raises. I'm out of town at the moment, but I'll give you a call when I'm back in DC.

Steve

-----Original Message-----

Mumford, Geoffrey  
Monday, September 20, 2004 11:48 AM  
Behnke, Stephen  
Breckler, Steven J.; Kelly, Heather  
RE: Brief Summary of Intuitive Policing Workshop

Hey Steve,

Just wondering how that meeting turned out?  
-geoff

-----Original Message-----

Behnke, Stephen  
Thursday, September 09, 2004 2:24 PM  
Mumford, Geoffrey  
Breckler, Steven J.; Kelly, Heather  
RE: Brief Summary of Intuitive Policing Workshop

Hi Geoff,

Yes, the meeting is this Saturday afternoon, here in DC. Paul Appelbaum asked that I attend, so I'll let you know how it goes,

Steve

-----Original Message-----

Mumford, Geoffrey  
Thursday, September 09, 2004 2:05 PM  
Behnke, Stephen  
Breckler, Steven J.; Kelly, Heather  
FW: Brief Summary of Intuitive Policing Workshop

Steve Be.,



See the last bullet about follow-up to the July meeting. I recall that one of the other groups (one of the psychiatry groups?) was going to be addressing this at their annual meeting which was happening soon or may have just happened? Maybe it would be a good to check in with them? Did you have any relevant discussions or interactions on the topic at Convention?

You may know there are Senate hearings today on Abu Ghraib and with all the talk about the reorganization of the intel community the controversies aren't going away. So I guess I'd vote to stick with this to the extent our schedules permit. I know Kirk is passionate about the issues raised and he and others in the community have been very impressed that APA is doing this and other types of outreach.  
-geoff

-----Original Message-----

Kennedy, Kirk (GOV) [<mailto:Kirk.Kennedy@cifa.mil>]

Thursday, September 09, 2004 12:05 PM

Mumford, Geoffrey

RE: Brief Summary of Intuitive Policing Workshop

Hi Geoff:

Thanks for making the summary so accessible, brief and readable. I would only ask that my name be given in the list of participants at the end of the summary ("Kirk Kennedy, DoD/Counterintelligence Field Activity" would suffice).

The deception conference held on 24 June I believe is being summarized by Scott Gerwehr, correct? On that day, you and I discussed collaborating together in the form of creating an APA fellowship at CIFA along the same lines as was done with Kirk Hubbard at CIA. I believe you mentioned that I should discuss this issue further with "Heather" who handles DoD issues. Do you have any contact info for her? Also, I was wondering if you had any contact info for Emma Barrett, of MI-5 in the UK?

Finally, regarding the July discussion of ethics that I could not attend, my boss Scott Shumate and I decided that one of us should go and he ended up attending. Are there any future meetings in the planning stages at this point?

Thanks for all your help. Kirk

Kirk A. Kennedy, Ph.D.  
Chief, National Center for the Study of CI and  
Operational Psychology (NCSCI-PSY)  
Directorate of Behavioral Sciences  
DoD/Counterintelligence Field Activity (CIFA)  
703.699.7575 Fax 703.699.7010 (U)  
[kirk.kennedy@cifa.mil](mailto:kirk.kennedy@cifa.mil) <<mailto:kirk.kennedy@cifa.mil>> (U)

*This email is UNCLASSIFIED per E.O. 12958*

-----Original Message-----

**From:** Mumford, Geoffrey [<mailto:gmumford@apa.org>]

**Sent:** Friday, August 27, 2004 11:28 AM

**To:** Emma Barrett; Annette Bolte; Martha Davis; Robyn Dawes; Baruch Fischhoff; Scott Gerwehr; Gary Hazlett; Ray Hyman; Kennedy, Kirk (GOV); Robert Kinscherff; Joseph LeDoux; Ning-Ning Mahlmann; Bob Mericksko; Brian Moon; Andy Morgan; Brian Nosek; John Pearse;

APA\_0022045



Ron Rensink; Andrew Silke; Aldert Vrij; Gary Wells; Bernd Wittenbrink; Shannon Bohrer; Robert Chaney; Mike Chitwood; Martha Davis; John Downs; Lew Hennessy; Cliff Keenan; Wayne Koka; Bob Loudon; Jim Lucey; Tom Morgan; Peter Ohlhausen; Drew Outten; George Palermo; Kim Rossmo; Jeff Sherman; Marco Strano; Gary Wells; Paul Whitesell; Javan Wilson; Bernd Wittenbrink

**Cc:** Brett Chapman; Bryan Vila; Susan Brandon; Anthony Pinizzotto; Alanna Lafranchi Swisher; Akiva Liberman

**Subject:** RE: Brief Summary of Intuitive Policing Workshop

Dear Colleagues,

I'm sorry so many of you had trouble opening/receiving the Word document I sent with the note below. I've mounted the document on our website here so that you can read it on-line.

<http://www.apa.org/ppol/issues/lawenforcementintuition.pdf>

Sorry for the inconvenience.

Best,  
-geoff

-----Original Message-----

Mumford, Geoffrey

Monday, August 23, 2004 12:18 PM

'Emma Barrett'; 'Annette Bolte'; 'Martha Davis'; 'Robyn Dawes'; 'Baruch Fischhoff'; 'Scott Gerwehr'; 'Gary Hazlett'; 'Ray Hyman'; 'Kirk Kennedy'; 'Robert Kinscherff'; 'Joseph LeDoux'; 'Ning-Ning Mahlmann'; 'Bob Mericsko'; 'Brian Moon'; 'Andy Morgan'; 'Brian Nosek'; 'John Pearse'; 'Ron Rensink'; 'Andrew Silke'; 'Aldert Vrij'; 'Gary Wells'; 'Bernd Wittenbrink'; 'Shannon Bohrer'; 'Robert Chaney'; 'Mike Chitwood'; 'Martha Davis'; 'John Downs'; 'Lew Hennessy'; 'Cliff Keenan'; 'Wayne Koka'; 'Bob Loudon'; 'Jim Lucey'; 'Tom Morgan'; 'Peter Ohlhausen'; 'Drew Outten'; 'George Palermo'; 'Kim Rossmo'; 'Jeff Sherman'; 'Marco Strano'; 'Gary Wells'; 'Paul Whitesell'; 'Javan Wilson'; 'Bernd Wittenbrink'

'Brett Chapman'; 'Bryan Vila'; 'Susan Brandon'; 'Anthony Pinizzotto'; 'Alanna Lafranchi Swisher'; 'Akiva Liberman'

Brief Summary of Intuitive Policing Workshop

Dear Colleagues,

Attached to this email is a description of our meeting, "The Nature and Influence of Intuition in Law Enforcement: Integration of Theory and Practice," held last June here in Washington.

The purpose of this document is to interest funding agencies (and people who may have some input into funding resources and decisions) in supporting research described by the questions that are offered towards the end of the document. This is not meant as a full summary of the meeting (we have such a summary on file at DOJ and the FBI Academy). Rather, it is meant to provide a reader (who may know little about "intuition," law enforcement or intelligence gathering) with the main themes of the discussions, and express some of the urgency and interest that we recognized around further resolution of the use of "6<sup>th</sup> sense" in police and intelligence work. It's meant to pique interest.

We would appreciate your comments on this document, especially with regards to the (double column formatted) section where we tried to capture some of the exchange of information between those who practice and those who research. If there are items that you feel we missed, or are inaccurate, please let us know. Please check to make sure that we have correctly spelled your name and provided the appropriate affiliation. All comments are welcome.

We would appreciate hearing back from you within two or three weeks (Sept. 10) if possible.



Regards,

<< File: Law Enforcement Intuition v32.doc >>

Geoff Mumford, PhD

Director of Science Policy

American Psychological Association

750 First Street, NE

Washington, DC 20002-4242

(202) 336-6067 phone

(202) 336-6063 fax

gmumford@apa.org



**Sender:** Mumford, Geoffrey </O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>  
**Sent:** Wednesday, October 20, 2004 6:09:30 PM  
**Recipient:** 'Brandon, Susan' <Susan\_Brandon@ostp.eop.gov>  
**Subject:** RE: Next meeting?

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I'm home...I thought you were a telemarketer, I'll answer if you try again as long as you don't try to sell me anything;) -geoff

-----Original Message-----

**From:** Brandon, Susan [mailto:Susan\_Brandon@ostp.eop.gov]  
**Sent:** Wednesday, October 20, 2004 6:07 PM  
**To:** Mumford, Geoffrey  
**Subject:** RE: Next meeting?

Hi -- just called your office and your home but no answer (didn't leave a message).

I just erased on my comments. . . . we should talk about this when I see you. . . .or else a midnight call. . . .

S.

-----Original Message-----

**From:** Mumford, Geoffrey [mailto:gmumford@apa.org]  
**Sent:** Wednesday, October 20, 2004 5:54 PM  
**To:** Brandon, Susan  
**Subject:** RE: Next meeting?

Susan,

I think Breckler could get behind it, I think Behnke is just busy.

If you're in the office, I can call to talk about the other thing or it can wait if you prefer....don't want to get pushy;) -geoff

-----Original Message-----

**From:** Brandon, Susan [mailto:Susan\_Brandon@ostp.eop.gov]  
**Sent:** Wednesday, October 20, 2004 5:45 PM  
**To:** Mumford, Geoffrey  
**Subject:** RE: Next meeting?

Geoff, no, he did not, so I am just checking to be sure by asking you this. I guess I don't have a good sense of Steve (B.) yet, but am sure you have more than I.

I haven't heard back from Behnke again, so will wait for him to respond.

Thanks for the offer re the report: sounds like a good contact. Will be interested in hearing more details -- at this point, I am sure we are holding to the schedule as is. . . . perhaps we can talk about this, too, when I see you.

Oh yes the right answer is "report? what report?"



Susan

-----Original Message-----

**From:** Mumford, Geoffrey [mailto:gmumford@apa.org]

**Sent:** Wednesday, October 20, 2004 5:09 PM

**To:** Brandon, Susan

**Subject:** RE: Next meeting?

Hi Susan,

I didn't read any reticence in Steve's correspondence...did he convey that by phone?  
-geoff

-----Original Message-----

**From:** Brandon, Susan [mailto:Susan\_Brandon@ostp.eop.gov]

**Sent:** Wednesday, October 20, 2004 9:01 AM

**To:** Mumford, Geoffrey

**Subject:** RE: Next meeting?

Geoff,

Sure, I will wait to hear back from Stephen and then try to arrange a time: given Behnke's reticence, do you think Breckler is sufficiently willing to push (we don't need one reticent and one undecided) -- will leave this up to you.

I heard the same from Scott and Kirk. . . .

Susan

-----Original Message-----

**From:** Mumford, Geoffrey [mailto:gmumford@apa.org]

**Sent:** Wednesday, October 20, 2004 5:48 AM

**To:** Brandon, Susan

**Subject:** RE: Next meeting?

Susan,

That would be great and in fact it might be good to include Steve Breckler because he can help keep the pressure on to do something. Scott Schumate expressed some disappointment yesterday that APA wasn't more public about convening such a meeting and I'm with him on that...so maybe we can talk about the value of demonstrating leadership more openly.  
-geoff

-----Original Message-----

**From:** Brandon, Susan [mailto:Susan\_Brandon@ostp.eop.gov]

**Sent:** Tuesday, October 19, 2004 6:55 PM

**To:** Mumford, Geoffrey

**Subject:** FW: Next meeting?

Geoff, I didn't copy you to Stephen Behnke but will gladly if you

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tell me to. I asked if he is free for lunch either Nov. 1 or Nov. 5. Let me know what you would like to do -- would be good (from my point of view) to have you be part of that conversation.

Very good, in fact.

Was nice to talk to you today: thanks for calling. Forgive me if I sound too strange on the phone because I can't have real conversations in this glass bowl (actually, at least a glass bowl might be a better acoustic shield).

Susan

-----Original Message-----

**From:** Behnke, Stephen [mailto:sbehnke@apa.org]

**Sent:** Friday, October 15, 2004 10:34 AM

**To:** Brandon, Susan

**Subject:** RE: Next meeting?

Susan,

Thank you very much for your note. I am sorry for not having responded sooner; it's been a particularly busy few weeks. I would very much welcome your participation and help in this project. Could we make a plan for lunch a day in the near future?

Stephen

-----Original Message-----

**From:** Brandon, Susan

[mailto:Susan\_Brandon@ostp.eop.gov]

**Sent:** Thursday, September 23, 2004 1:33 PM

**To:** Behnke, Stephen

**Subject:** Next meeting?

Dear Stephen,

I am wondering if we will have an opportunity to pursue some of the issues and concerns expressed at the meeting APA convened last July 20 with the people from law enforcement, intelligence and DOD.

I met recently with two psychologists who are at DOD Counter Intelligence Field Activities (CIFA), one of whom was at that meeting (Scott Schumate). Both are looking for ways to engage good psychology -- and good science -- in what they and their colleagues do. Part of that is confronting some of the issues raised at that meeting.

If there were a way for me to help with this effort, I would welcome this. As I mentioned when I saw you in Union



Station, my understanding is that if "I don't make myself available to help, or even, do it, it is likely that no one else will." This is not something I thought before I moved to Washington and took the jobs I have. I also justify my job here at the EOP as offering me a way to make sure -- as much as I can -- that the best science happens. The controversies around the issue of science-to-policy in general, and for this Administration, do not convince me that this is not worth my best efforts (as a staunch, life-long and still, Democrat). It also was my experience while at APA, that when I wrote to various scientists whom I did not know, for help with questions (such as the project for OSTP, where we listed research relevant to counter-terrorism, or when someone from the intelligence community would write to me and ask for information about cybersecurity), I never had anyone respond back and say, "for political reasons, I refuse to help." (And in truth, though my sample was admittedly small, I never had anyone not write back.) Psychologists uniformly helped as best they could.

It would be good not to let those skills and that good science slip away. So, let me know if/how I might help.

Kind regards,

Susan

Susan E. Brandon  
Asst. Director Social, Behavioral & Educational Sciences  
Office of Science and Technology Policy  
Executive Office of the President

PRIVACY REDACTION



**Sender:** Mumford, Geoffrey </O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>  
**Sent:** Wednesday, July 14, 2004 7:53:59 PM  
**Recipient:** 'Brandon, Susan' <Susan\_Brandon@ostp.eop.gov>  
**Subject:** RE: Meeting in DC July 8-11

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Hmmm, replacing Kirk will be a challenge, especially since psychologists have trouble passing the screening process. Kirk is arranging a meeting with Jim and Bruce to chat with Steve and I about interrogation practices...I'm sure he'd be pleased if you could join us but no date/time yet (born of the NAS seminar request for us to find someone who could speak to coercive interrogation).

Was the Raslear presentation part of a public portion of the meeting or is it all behind closed doors? Anyway, glad he did well.

I was running the competing "Friends of NIDA" event in Rayburn this morning but hope (in the spirit of collegiality) that Howard's went well...but do tell (in the spirit of idle gossip).. how many people do you think were there? We were standing room only;)

Hope you had fun in New York.  
-geoff

-----Original Message-----

From: Brandon, Susan [[mailto:Susan\\_Brandon@ostp.eop.gov](mailto:Susan_Brandon@ostp.eop.gov)]  
Sent: Wednesday, July 14, 2004 7:31 PM  
To: Mumford, Geoffrey  
Subject: RE: Meeting in DC July 8-11

Thanks, Geoff; he doesn't sound like a crazy person. . . .

I don't regularly read the NY Times these days but always think I should (and I am right -- ?!). Enjoyed reading the Sunday Times last weekend.

We did not meet for lunch: Scott is falling out of the sky in California, and Kirk is getting stuck in elevators in California (and had to be rescued via the roof). I say we stay on the east coast.

Kirk says he is retiring in May of next year: how can we replace him in that important position?

Heard a presentation by an APA member, Thomas Raslear, today: about HF/E in regulatory agencies. Was quite good. (This was in the Human Subjects Research Subcommittee -- NSTC). Also went to COSSA's briefing this morning and rather enjoyed walking from Union Station over to Independence (it was still cool in the AM) . . . and seeing all the new "construction."

Hope you are good --

Susan

-----Original Message-----

From: Mumford, Geoffrey [<mailto:gmumford@apa.org>]  
Sent: Wednesday, July 14, 2004 6:59 PM  
To: Brandon, Susan  
Subject: RE: Meeting in DC July 8-11

Susan,

Did you see this NYT piece (unrelated) from yesterday quoting Furedi?



July 13, 2004  
Britain's Stiff Upper Lip Is Being Twisted Into a Snarl  
By SARAH LYALL

ONDON, July 12 - Once Britons wore their stoicism on their sleeves, acting almost as if they would rather die than complain. "For my own sake I do not regret this journey," the great failed explorer Capt. Robert Falcon Scott wrote in the journal found beside his frozen corpse in Antarctica in 1912, "which has shown that Englishmen can endure hardships, help one another, and meet death with as great a fortitude as ever in the past."

But there is a growing sense that the famous British habit of stoutly taking it on the chin is going the way of the farthing, the gentleman in the bowler hat and the empire. Just as in the United States, whose citizens have never been shy about sticking up for themselves, complaining is becoming a way of life in Britain.

"There seems to be a general acceptance that there is something going on in society which is really eating away at personal responsibility," said David Hooker, director of claims at Norwich Union, one of Britain's largest insurers. "It seems now that anything that happens to you in your life, someone else has got to take the blame."

That is certainly the case in Manchester, Britain's third-largest city, which last year spent £2.5 million, or \$4.6 million, defending itself against American-style personal-injury lawsuits.

"The philosophy used to be that you would take things in your own hands and deal with them in your own way," said Paul Murphy, a member of the City Council. "You'd stand in the queue - that was the British way." Now, he said, would-be litigants take photographs of sidewalks undergoing repairs and then make trip-and-fall claims against the city - nearly 90 percent of which end up being dismissed as spurious.

Much of the new "compensation culture," as it is disparagingly called in the populist tabloids, has to do with the introduction, in 2000, of a "no win, no fee" payment structure, similar to that in the United States, in personal-injury cases. But the change is also in attitudes.

Britons used to revere stiff-upper-lip figures like Lord Uxbridge, who, hit by a cannonball at Waterloo, is said to have remarked to the Duke of Wellington, "By God, sir, I've lost my leg" - and then, it was said, buried it with full military honors. Now, the new heroes are moody celebrities like the soccer star David Beckham.

Rather than suffer in silence when he was hit above the eye by a soccer shoe in a locker-room fracas in 2003, he pulled his hair back in a girly hair band and flaunted his wound. More recently, he blamed Real Madrid, the team that pays him a reported 5.5 million euros a year, for his poor performance in the European Cup soccer tournament, saying it failed to train him properly.

"The sense of externalizing responsibility is very powerful, and it's being encouraged in a lot of ways," said Frank Furedi, a professor of sociology at the University of Kent and a specialist in litigation in British society. He said his university was being sued by a student who, having been caught plagiarizing, contended that he had been doing so for three years and that his teachers were at fault for failing to catch him sooner.

"There's a continuous incitement to go down this particular road," Mr. Furedi said. "If you don't blame someone else, they think you're bizarre."

Mr. Furedi says the new attitude dates from the 1980's, when Margaret Thatcher, then the prime minister, tried to wean the country from the welfare state by privatizing government services, introducing consumers' charters and promoting the idea of Britons as clients rather than as citizens.

"At the same time, it became more fashionable to achieve in the courts what you couldn't do in politics," Mr. Furedi said. "We've pretty much achieved in 20 years what took the United States 50 years."

The result is a society where people are more likely to ask, "What can you do for me?" than, "What can I do for you?" In fact, in a recent survey, 96 percent of Britons who responded said people were more likely to claim compensation for injury today than they were 10 years ago.

"One of the things that people said was that the community spirit and the idea of the stiff upper lip was decreasing at the same rate as individualism and greed were increasing," said Mr. Hooker of Norwich Union, which commissioned the study.

But one person's outrageous lawsuit can be another's justified assertion of rights. Consumer advocates say that the trend is a



welcome exercise in self-assertiveness by a nation that used to be too meek.

"We used to say, 'Don't rock the boat,' but people are more confident now," Janice Allen, a spokeswoman for the National Consumer Council, an advocacy group, said in an interview. "The stiff upper lip - that is a day that has gone now. People are much less deferential than they were 50 years ago and less prepared to put up with poor service."

Colin Ettinger, president of the Association of Personal Injury Lawyers, scoffed at a notion that Britain was awash in frivolous American-style lawsuits. A recent report, he said, concluded that just two-thirds of motorists, and one-third of workers, filed complaints after accidents. Although there have been steady increases in these complaints in recent years, he said, government statistics show that claims in some areas actually decreased over the last year.

As far as there is a cultural shift toward complaining, he said it was a phenomenon of the younger, more assertive generations. "It's not a bad thing if people do question," he said. "Everybody needs to be accountable."

The effect of the change on British society is hard to quantify, in part because the government did not keep comprehensive records of claims before 2000 and because most cases are dropped before a formal complaint is made. But according to a 2002 report by the Institute of Actuaries, £10 billion, or \$18.6 billion, in compensation is paid out annually. The Local Government Association, which represents councils across England and Wales, said 68 percent of its member councils had experienced increases in tenuous claims since 2000.

The National Health Service recently reported that its 2002 bill for clinical negligence claims, including legal costs and settlements, was £466 million, or \$867 million, compared with £1 million in 1974, or £6.3 million adjusted for inflation. In March 2003, the estimated value of all outstanding claims against the health service was nearly £6 billion.

The threat of lawsuits has driven up insurance premiums and caused institutions like schools and local governments to alter the way they go about their business.

Some schools have canceled sports like rugby and soccer; others have closed playgrounds. Still others have abolished recess altogether, said Martin Ward, deputy general secretary of the Secondary Heads Association, which represents principals and other secondary-school officials.

Newspapers delight in publishing outrageous examples of how the compensation culture is said to be ruining childhood pastimes. Some schools, for instance, have banished as too dangerous the traditional game of conkers, in which players stage fights with chestnuts tied to strings.

"It's now increasingly difficult to contemplate doing anything that might in any sense be deemed dangerous," Mr. Ward said, and parents and students are becoming more likely to blame the schools for students' failings. "There are an increasing number of instances where children are claiming, for instance, that they've been hit by teachers, when in fact they're just upset at being disciplined," he said.

"Back in the 1970's, at a parents' evening, if you said, 'John's doing rather well, but perhaps he could work a little harder,' Dad would support the system, as it were," he added. "Now if you say something like that, you're likely to get the reaction: 'It must be your fault. What are you going to do about it?'"

-----Original Message-----

From: Brandon, Susan [[mailto:Susan\\_Brandon@ostp.eop.gov](mailto:Susan_Brandon@ostp.eop.gov)]

Sent: Wednesday, July 14, 2004 5:42 PM

To: Mumford, Geoffrey

Subject: RE: Meeting in DC July 8-11

Thanks.

One of those times when being a fly on the wall is actually just what one might want to be.

Susan

-----Original Message-----



From: Mumford, Geoffrey [<mailto:gmumford@apa.org>]  
Sent: Wednesday, July 14, 2004 2:57 PM  
To: Brandon, Susan  
Subject: FW: Meeting in DC July 8-11

Susan,

FYI...I haven't had a chance to debrief with Tamara yet but it sounds like Mike valued the experience. -geoff

-----Original Message-----

From: Barnett, Michael [<mailto:Michael.Barnett@mail.house.gov>]  
Sent: Friday, July 09, 2004 5:14 PM  
To: Mumford, Geoffrey  
Subject: RE: Meeting in DC July 8-11

Thank you for facilitating the meeting. It was a pleasure to meet these individuals and I hope we can work together as I am planning on taking our terrorism bill (HR 3774) and expanding it somewhat into a new bill for the next Congress.

Mike

Michael D. Barnett, M.D.  
Office of Congressman Patrick J. Kennedy  
407 Cannon House Office Building  
Washington, DC 20515  
202.225.4911  
202.225.3290 (fax)

-----Original Message-----

From: Mumford, Geoffrey [<mailto:gmumford@apa.org>]  
Sent: Tuesday, June 29, 2004 3:43 PM  
To: Barnett, Michael  
Subject: RE: Meeting in DC July 8-11

Thanks Mike, I'll confirm with Bill that the 10:00 slot on 7/9 still works for them and will get back to you ASAP. Thanks for making the time to meet with them.

Best,  
-geoff

-----Original Message-----

From: Barnett, Michael [<mailto:Michael.Barnett@mail.house.gov>]  
Sent: Tuesday, June 29, 2004 3:16 PM  
To: Mumford, Geoffrey  
Subject: RE: Meeting in DC July 8-11

Geoff:

Thanks for your email. I am very interested in meeting these folks. I am available on Friday,  
available at 10 AM. Let me know if that works for you.

7/9/04/. I am

Mike

Michael D. Barnett, M.D.  
Office of Congressman Patrick J. Kennedy  
407 Cannon House Office Building



Washington, DC 20515  
202.225.4911  
202.225.3290 (fax)

-----Original Message-----

From: Mumford, Geoffrey [<mailto:gmumford@apa.org>]  
Sent: Tuesday, June 29, 2004 2:53 PM  
To: Barnett, Michael  
Subject: FW: Meeting in DC July 8-11

Dear Dr. Barnett,

I'm trying to facilitate some meetings for colleagues in the UK who are conducting work that might be relevant to your focus on resilience. My colleagues Bill Durodie and Frank Furedi will be in town July 8-11 and were hoping to make some contact with appropriate Hill staff on either the afternoon of 7/8 or the morning of 7/9. Attached are a few recent papers Bill sent along to give a sense of what he's been up to. I was wondering if you'd be available and interested in meeting with them during either time slot? If you know of fellow staffers with similar interests, it's my hope they might be available too.

Regards,  
-geoff

Geoff Mumford, PhD  
Director of Science Policy  
American Psychological Association  
750 First Street, NE  
Washington, DC 20002-4242  
(202) 336-6067 phone  
(202) 336-6063 fax  
[gmumford@apa.org](mailto:gmumford@apa.org)

-----Original Message-----

From: Bill J L Durodie [<mailto:PRIVACY REDACTION>]  
Sent: Thursday, June 17, 2004 10:20 AM  
To: [PRIVACY REDACTION](mailto:PRIVACY REDACTION) Mumford, Geoffrey  
Subject: Re: Meeting in DC July 8-11

Dear Geoff,

Further to our earlier conversation, this is to confirm that Thursday PM and Friday AM would be the best times for us. As some background I have attached a few short articles. Professor Furedi and I are working together on one of the main UK research council funded projects that examines responses to 9/11.

I very much look forward to meeting you.

Regards,

Bill Durodié  
Director  
International Centre for Security Analysis  
King's College London  
Strand  
London WC2R 2LS  
UK

Tel: +44 (0)20 7848 2065 (office)  
[PRIVACY REDACTION](mailto:PRIVACY REDACTION)

Fax: +44 (0)20 7848 2748

APA\_0022534



**PRIVACY REDACTION**

Web: <http://www.kcl.ac.uk/depsta/wsg/cds/staff/bd.html>



**Sender:** Mumford, Geoffrey </O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>  
**Sent:** Wednesday, June 02, 2004 1:59:48 PM  
**Recipient:** 'Kirk Hubbard' [PRIVACY REDACTION]; 'Andy Morgan' [PRIVACY REDACTION]; 'Steve Band' [PRIVACY REDACTION]; 'Kirk Kennedy' <kirk.kennedy@cifa.mil >; 'Susan Brandon' <susan\_Brandon@ostp.eop.gov>  
**Subject:** FW: Meeting Randy briefly discussed with you

---

Dear Colleagues,

Some of you know that we've been engaged in internal discussions about convening a group to begin grappling with ethical issues that face psychologists/psychiatrists and other mental health professionals involved in various aspects of our National Security. I want to start sorting through some candidate dates for an informal meeting here at APA HQ so that we can start talking about what role we and other professional associations can play as convening authorities for a broader discussion. We'd like to meet before the APA convention at the end of July and I believe Andy is down here the first half of most weeks so if we set a meeting for 12:00-2:00 on a Monday, Tuesday or Wednesday can you folks let me know which days DO NOT work for you (I've removed a few dates that I already know won't work):

June 7,8,9,14,15,16,21,28,29,30

July 6,7,12,13,14,19,20,21,26,27

Below is a note Steve Behnke, our APA Ethics Director sent to Russ Newman, Executive Director of the Practice Directorate that I think provides some good context...but please do not redistribute. Thanks.

-geoff

-----Original Message-----

Behnke, Stephen

Tuesday, June 01, 2004 1:36 PM

Newman, Russ

Honaker, Michael; Breckler, Steven J.; Mumford, Geoffrey; Phelps, Randy

Meeting Randy briefly discussed with you

Russ,

I spoke with Randy, who said you had some questions about a meeting that I had described to him. Briefly, in the past few months, the Science Directorate has been approached by people in government wanting to discuss the ethics of psychological techniques being used in government investigations. In addition, Diane Halpern and Ron Levant included me in a set of email exchanges that had been initiated by a psychologist troubled by the prospect of psychologists having been involved in the prison situation in Iraq. Together, 9/11 and the Abu Ghraib have stimulated a great deal of interest in the ethics of psychology as a tool in national security investigations.

A group of us met this past week (Mike Honaker, Steve Breckler, Geoff Mumford, Rhea Farberman, Heather Kelly, and myself) and discussed having a lunch in which we brought a group of people together in a very low-key way to identify what the issues are. The purpose of the meeting would not be to assess what has occurred nor to have any type of investigative component whatsoever; rather, the purpose would be to bring together people with an interest in the ethical aspects of investigations, to identify what the important questions are, and then to assess how well our current ethics helps psychologists who do this work sort out appropriate from inappropriate uses of psychology. My strong sense is that the Ethics adjudication process should not be used as a mechanism to put people on notice about what is acceptable behavior for psychologists conducting national security investigations--we should find out from individuals involved in the work what the salient issues are, and then if more or better guidance is needed, engage in discussions about how best to provide such guidance (e.g., ethics consultations).

I would like to take a forward looking, positive approach, in which we convey a sensitivity to and appreciation of the important work psychologists are doing in the national security arena, and in a supportive way offer our



assistance in helping them navigate through thorny ethical dilemmas, if they feel that need (my informal conversations with people in the field suggest the need is there). (At the same time, I would also want to be clear that APA does not take responsibility for anything that any agency may have directed its psychologists to do that is unethical or inappropriate.)

The idea is to have a group of people to APA for a lunch, both from the government (e.g., FBI, CIA), and other mental health professions (little apa, APS), for an informal discussion to start thinking about how to be most helpful, and we want to ensure that Practice is included in the discussion, if you would like. Please let me know what questions you have.

Thanks,

Steve



**Sender:** Mumford, Geoffrey </O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>  
**Sent:** Tuesday, July 06, 2004 11:05:21 AM  
**Recipient:** [REDACTED] Robert Kinscherff  
**Subject:** RE: FW: Coercive interrogation

---

Thanks Robert, I'll follow-up with Steve.

Best,  
-geoff

-----Original Message-----

**From:** [REDACTED] Robert Kinscherff  
**Sent:** Monday, July 05, 2004 10:17 PM  
**To:** Mumford, Geoffrey  
**Subject:** Re: FW: Coercive interrogation

Hi,

You might contact Stephen Behnke and ask him if he has contact information for Richard Gelles and for Robert Fein. Richard Gelles is, I believe, from the D.C. area. Robert Fein is from Secret Service and lives [REDACTED], but he is often in Washington, D.C. on business. Other than that, how about our colleague Tony P. from FBI-Behavioral, or somebody he might know?

Sorry to not have more precise information....

Regards,

Robert K



**Sender:** Mumford, Geoffrey </O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>  
**Sent:** Wednesday, September 22, 2004 9:13:21 PM  
**Recipient:** Baruch Fischhoff (E-mail) **PRIVACY REDACTION**  
**Subject:** FW: Charting the Course of Homeland Security Strategic Studies - September 15 Meeting Outcomes  
**Attachments:** HS Conference Agenda 9-20-04.doc;HSSS Planning Meeting Summary 9.15.04.doc;HS Invitees 9.20.04.xls

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Hi Baruch,

Here's the latest stuff...but recognizing you won't be able to open the attachments, I'll fax tomorrow or have it mounted on the web. It looks like 3 pretty full days although the workshops (where I imagine we could have the most impact) are all day on the 17th and first half of the 18th. I must say that although I have no idea whether or not this will bear fruit...it may be a remarkable opportunity as we are the only scientific discipline explicitly represented...so having some really bright bulbs there might be enough to light a fire for behavioral science...who knows, small steps. Look forward as always to your thoughts.

Best,  
-geoff

-----Original Message-----

From: Newman, Patrick [<mailto:PNewman@cga.uscg.mil>]

Sent: Monday, September 20, 2004 3:08 PM

To: Harwood, Michael J; Peabody, John; Duncan, Steve; Hill, David B.; Bert Tussing; Chris Bellavita; Chuck Howell; Corey Gruber; Cynthia Ayers; Dan Kaniewski; Darrell Darnell; David Goldfischer; Dr. Gary Holt; Frank Cilluffo; Mumford, Geoffrey; Jeff Gaynor; Jim Bamberger; Laurence Raine; Melvin Bernstein; Newman, Patrick; Paul Stockton; Pauletta Otis; Richard Matthew; Roxanne Cohen Silver; Stanley Supinski; Stephen Sharro; Breckler, Steven J.; Stump, Gregory LCDR; Susan Brandon; Todd Stewart; Vorbach, Joseph CDR (.edu) (CGA); Wayne Blanchard

Subject: Charting the Course of Homeland Security Strategic Studies - September 15 Meeting Outcomes

All,

Thank you for participating in the second Charting the Course of Homeland Security Strategic Studies Conference planning meeting. For those of you who were unable to make the meeting, I encourage your active participation and input, and please call me if you need clarification on the meeting outcomes.

I truly appreciate the collaborative spirit that all brought to the table. I believe we made good (albeit, sometimes painful) progress on the conference agenda and on the workshops. As you will see, I made significant changes to the conference agenda based on our discussion. Please let me know if I misinterpreted the meeting's major outcomes. In addition, I ask that co-sponsoring/planning representatives that represent the community/focus of the workgroups we identified on Wednesday provide their final conference participants list no later than Friday, September 24, in order to promptly send out invitation letters. I do not anticipate further changes to the conference program; of course, our keynotes and panelists may change depending on their availability. Invitation letters to our VIPs will be sent in the next day or so. I will periodically update the planning committee as I receive confirmations. I'd also like to recognize Mike Doyle and Bill Jones for framing the approach for the workshops and I have included those



changes discussed at the meeting into the conference agenda, as well.

I have attached: 1) the revised conference agenda; 2) an updated invitee list (draft, owing to the receipt of workgroup lists); and, 3) a brief summary of the meeting discussion and outcomes. Again, please let me know if I hit the mark. In addition, here is an additional link that provides an interesting international/European perspective on meeting security challenges:

<http://www.lse.ac.uk/Depts/global/StudyGroup/HumanSecurityReport.pdf>

I anticipate one additional planning meeting before showtime; the major focus of that meeting will be the post-conference report, and follow on events, as well as a detailed brief on the "state of the conference". I anticipate a mid-October time frame for this meeting. I will follow-up with more detailed information in the upcoming two weeks.

Thanks again,

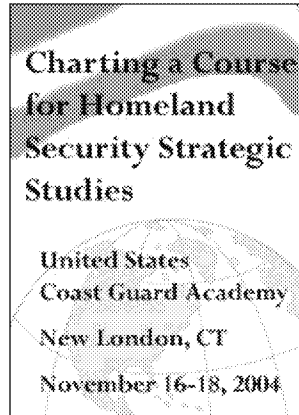
Patrick

Patrick Newman, J.D.  
Program Manager,  
MTS/WWM Initiative (Coast Guard Office of Strategic Analysis)  
USCG Academy (WWM)  
15 Mohegan Ave.  
New London, CT 06320  
Ph: 860-701-6803  
Fax: 860-701-6104

**PRIVACY REDACTION**

<<HS Conference Agenda 9-20-04.doc>> <<HSSS Planning Meeting Summary  
9.15.04.doc>> <<HS Invitees 9.20.04.xls>>





***“ Charting a Course for Homeland Security Strategic Studies”***

***A Conference Sponsored by:***

***Department of Homeland Security***

***United States Coast Guard Academy***

***George Washington University***

***American Psychological Association***

***NORTHCOM HS/HD Education Consortium***

***University of California Irvine, Center for Unconventional Security Affairs***

***Naval Postgraduate Center for Homeland Defense and Security***

***National Academic Consortium on Homeland Security (NACHS—at Ohio State University)***

***National Defense University***

**Background**

No national forum has been assembled to investigate and define what the future of HS education should be. To date, the primary emphasis of the multitude of national conferences and fora has been on technology, general homeland security policy and events with highly specific objectives that range the complete HLS training and education spectrum. These events have typically been co-sponsored by a federal agency within DHS and appropriate trade associations and interest groups, and have focused primarily on surveillance and communications technologies and first responder needs. Although the importance of these areas of inquiry cannot be overstated, it is only through integrated, well-focused educational programs that inform and exercise the national capability and its state and local components that meaningful and effective HS readiness will be achieved. The convening of “*Charting a Course for Homeland Security Strategic Studies*” will provide a coordinated and integrated approach to meet national HS Education needs is an essential first step.



### **Conference Purpose and Outcomes**

Traditional strategic studies programs currently offered by academe or by senior military service schools draw their analytical methods from a variety of academic disciplines and teach the context, theory, and application of military power and the use of force.

Before the terrorist attacks of September 11, the Armed Forces focused on deterrence, stability, and warfighting missions arising in overseas theaters. The U.S. homeland was regarded as a rear area, not a front line, and the job of securing it was primarily a task for civilian law enforcement agencies at the Federal, state, and local levels. The attacks on the World Trade Center and the Pentagon, and the bioterrorist acts that followed, have prompted a review that reaffirms the Constitutional role of the Federal Government as protector of the states against foreign aggression and restores defense of the American homeland as the primary mission of the Department of Defense (DOD).

Of course, with the passage of the Homeland Security Act of 2002, the creation of the Department of Homeland Security instituted a parallel structure with the mandate to protect the homeland. The debate over the differences between Homeland Defense and Homeland Security, though not the focus of this conference, inform the spectrum of military and civil law enforcement options and approaches the nation possesses to combat asymmetric threats. These options, and those responsible for carrying them out require a full appreciation of that spectrum when making critical security decisions. Homeland security should not be viewed as exclusively or even primarily a military task. Securing the "domestic battlespace" – a highly complex environment –requires Federal departments and agencies, state and local governments, the private sector, and individual citizens to perform many strategic, operational, and tactical level tasks in an integrated fashion. These actions must be synchronized with others that are being taken on the international front to prosecute the war against global terrorism. The challenges and demands associated with this undertaking are immense. Success will depend largely upon the Nation's ability to achieve unity of effort at all levels of government.

Unfortunately, current strategic studies programs have yet to settle on how best to address the recent changes in the security environment with curriculum and policy research programs that prepare both military and civilian leaders to effectively decide on the optimal courses of action when faced with a terrorist threat. Once more, the distinctions between a law enforcement-centric or military response have become increasingly blurred since September 11 and now require a rethinking of what a more responsive strategic studies program curriculum would look like, one that factors in the potential for an active domestic battlespace.

Accordingly, the conference co-sponsors, along with our academic, military and private-sector partners, are committed to a national dialogue on the future of Homeland Security Strategic Studies. The conference's purpose is to establish a forum in which to discuss this important issue and to provide a framework for the direction of Strategic Studies for senior decision-makers from all sectors to consider. The outcome of this Conference will be the development of a list of recommendations and strategies concerning education curricula for strategic studies. The resulting body of work from this conference will also inform the discussion of future HS education and training planning.



**Conference Agenda**

**MONDAY EVENING (November 15<sup>th</sup>, 2004):**

- |             |                                                                                  |
|-------------|----------------------------------------------------------------------------------|
| Check-In    | Mystic Marriott                                                                  |
| 5:30 – 7:30 | Dinner for Conference Co-Sponsors, The Octagon Restaurant at the Mystic Marriott |
| 7:00        | Booth Setup Begins                                                               |
| 7:30 – 9:00 | Welcome Reception (Hors d'oeuvres and Cocktails) at the Mystic Marriott          |

**TUESDAY (November 16<sup>th</sup>, 2004):**

- |              |                                                                                                                           |
|--------------|---------------------------------------------------------------------------------------------------------------------------|
| 7:00 – 8:00  | Continental Breakfast – Exhibition Hall Open                                                                              |
| 8:00 – 8:05  | Welcoming Remarks<br>Rear Admiral Robert Olsen, Jr.<br>Superintendent, United States Coast Guard Academy                  |
| 8:05 – 8:20  | Introduction of Co-sponsors and Conference Overview<br>Admiral Thomas H. Collins<br>Commandant, United States Coast Guard |
| 8:20 – 10:10 | Developing a HLS Strategic Studies Program Framework: (Academic, Private and Public)                                      |

Panelists:

Dr. Stephen E. Flynn, Panel Moderator  
Jeanne J. Kirkpatrick Senior Fellow for National Security Studies, Council on Foreign Relations

Frank Cilluffo  
Associate Vice President for Homeland Security  
George Washington University  
Member, Homeland Security Advisory Council

Lieutenant General Patrick M. Hughes, U.S. Army (Ret.)  
Assistant Secretary for Information Analysis, Department of Homeland Security

Dr. John Gannon  
Majority Staff Director  
House Select Committee on Homeland Security

Dr. Richard Falkenrath  
Visiting Fellow: Foreign Policy Studies



Brookings Institute

Juliette N. Kayyem  
Acting Executive Director for Research  
Belfer Center for Science and International Affairs  
Kennedy School, Harvard University

Michael Wermuth  
Senior Policy Analyst  
RAND Corporation

10:10 – 10:30 Question and Answer Session for Panelists

10:30 – 10:45 Break – Exhibition Hall Open

10:45 – 12:15 Workshop Introduction and Assignments

12:15 – 1:30 LUNCH SPEAKER: Senator Joseph Lieberman (Dem. Connecticut)

1:30 – 1:50 Break – Exhibition Hall Open

1:50 – 2:00 Introduction to Panelists by

1:50 – 3:50 HLS Strategic Studies Program Models: (Academic, Private and Public)

Panelists:

Major General Todd Stewart, USAF, Panel Moderator  
Executive Director, National Academic Consortium for Homeland Security

Lieutenant General Michael M. Dunn, USAF  
President, National Defense University

Dr. Ruth David  
President and CEO, ANSER (Analytic Services Inc.)  
Member, Homeland Security Advisory Council

Rear Admiral Patrick W. Dunne, USN  
Superintendent, Naval Postgraduate School

Ambassador Prudence Bushnell  
Dean of Leadership and Management School  
Department of State, Foreign Service Institute

Dr. Robert L. Pfaltzgraff, Jr.  
Founder and President, Institute for Foreign Policy Analysis  
The Fletcher School, Tufts University

5:00 – 6:00 Cocktail Hour – Exhibition Hall Open

6:30 – 8:30 KEYNOTE DINNER SPEAKER: Gov. Tom Ridge



**WEDNESDAY (November 17<sup>th</sup>, 2004):**

7:00 – 8:00 Continental Breakfast

8:00 – 9:00 Conference Objectives and Process

9:00 – 11:00 Workshops:

Needs and Best Practices of:

1. Senior Military Service Schools/Institutes
2. Intelligence Community
3. Academic - Research Institutions and Think Tanks
4. International Organizations
5. Private and Corporate Sector
6. State and Local Governments
7. Academic – Education and Training

Questions to be addressed in working sessions:

1. What competencies are required of senior homeland security leaders?
  - a. What combination of knowledge, performance and multiple domain awareness competencies is needed?
    - (1) Knowledge competencies
    - (2) Performance competencies
    - (3) Multiple domain awareness competencies
  - b. Are there positions/assignments (by general definitions or descriptions) within homeland security that should require formal education via a strategic studies program?
2. Who currently operates homeland security strategic studies programs? Answers should include:
  - a. Who
  - b. Program descriptions by:
    - (1) Targeted audiences
    - (2) Intended outcomes
    - (3) Practices and processes
  - c. Homeland security applications:
    - (1) Knowledge competencies
    - (2) Performance competencies
    - (3) Domain awareness
  - d. Provider needs to improve/integrate homeland security strategic studies into their current offering



3. What is the best framework, to include both institutional models and study programs, for the development of short-term and long-term strategic studies programs?

11:00 – 12:00 LUNCH SPEAKER: Arthur K. Cebrowski  
Director, Force Transformation, Office of the Secretary of Defense  
  
“Force Transformation Implications on Homeland Security and Defense Strategic Studies”

12:00 – 1:30 Workshops Resume

1:30 – 1:45 Break

1:45 – 3:45 Workshops Resume

5:00 – 6:00 Cocktail Hour

**THURSDAY (November 18<sup>th</sup>, 2004):**

7:00 – 8:00 Continental Breakfast

8:00 – 11:00 Group Presentation Preparation

11:00 – 12:00 Working Lunch

12:00 – 1:00 Finalize Group Presentations

1:00 – 2:55 Report Out: Establishing a Framework for a Department of Homeland Security Strategic Studies Program

Group Presentations:

|         |             |
|---------|-------------|
| Group 1 | 1:00 – 1:10 |
| Group 2 | 1:15 – 1:25 |
| Group 3 | 1:30 – 1:40 |
| Group 4 | 1:45 – 1:55 |
| Group 5 | 2:00 – 2:10 |
| Group 6 | 2:15 – 2:25 |
| Group 7 | 2:30 – 2:40 |
| Group 8 | 2:45 – 2:55 |

2:55 – 3:10 Break

3:10 – 4:10 Panelist Comments

Panelists:

Gov. M. Jodi Rell



State of Connecticut

Fran Townsend  
Assistant to the President for Homeland Security

Dr. Jared Cohon  
President of Carnegie Mellon University  
Academe and Policy Research Senior Advisory Committee Chair

Joseph J Grano, Jr.  
Chairman, Homeland Security Advisory Council (HSAC)  
Chairman and CEO, Wealth Management at UBS AG (USA)

Peter Verga  
Principal Deputy Assistant Secretary of Defense for Homeland Defense

4:10 – 4:30    Closing Remarks:    Admiral James Loy  
                                                         Deputy Secretary of Homeland Security



**Sender:** Honaker, Michael </O=APA/OU=DC/CN=RECIPIENTS/CN=MYH>  
**Sent:** Tuesday, January 25, 2005 2:32:35 PM  
**Recipient:** Behnke, Stephen <sbehnke@apa.org>  
**Cc:** Kelly, Heather <hkelly@apa.org>; Mumford, Geoffrey <gmumford@apa.org>  
**Subject:** RE: letter to CIFA

---

Okay.

-----Original Message-----

Behnke, Stephen  
Tuesday, January 25, 2005 2:27 PM  
Honaker, Michael  
Kelly, Heather; Mumford, Geoffrey  
FW: letter to CIFA

Mike,

Heather and Geoff have drafted this excellent letter. May I sign it? (It offers our expertise to the Pentagon as they draft guidelines for mental health professionals involved in investigations related to national-security)

Steve

-----Original Message-----

Kelly, Heather  
Tuesday, January 25, 2005 1:47 PM  
Behnke, Stephen  
Mumford, Geoffrey  
letter to CIFA

Hi, Steve:

Geoff and I put this together -- let me know what you think and I can take it to Mike for final approval if you want.

Heather

<< File: CIFA letter re DoD Interrogation Policy.doc >>

Heather O'Beirne Kelly, Ph.D.  
Senior Legislative and Federal Affairs Officer  
Science Public Policy Office  
American Psychological Association  
750 First Street, N.E., 5th Floor  
Washington, D.C. 20002  
phone 202.336.5932  
fax 202.336.6063  
email hkelly@apa.org



January 25, 2005

Dr. R. Scott Shumate  
Director, Behavioral Sciences  
Department of Defense Counterintelligence  
Field Activity  
251 – 18<sup>th</sup> Street  
Crystal Square 5, Suite 1200  
Arlington, VA 22202

Dear Dr. Shumate:

I am writing to you on behalf of the American Psychological Association (APA), a scientific and professional organization that represents psychology in the United States. As you know, with more than 150,000 members, APA is the largest association of psychologists worldwide. Our mission is to advance psychology as a science and profession and as a means of promoting health, education, and human welfare; a vital component of this mission is establishment and maintenance of the highest standards of professional ethics and conduct of the members of the Association.

It is my understanding that the Office of the General Counsel within the Department of Defense (DoD) may be reviewing or drafting a policy on the involvement of mental health professionals in interrogation settings. APA has been examining psychologists' roles within the national security context more broadly, and we are particularly interested in ethical issues related to the role of psychologists serving as consultants or participants in interrogation settings. I would like to offer the expertise of our disciplinary association as a resource to DoD throughout this process, in any way that may be helpful in addressing this complex issue.

I look forward to discussing the matter with you in more detail, and can be reached by email ([sbehnke@apa.org](mailto:sbehnke@apa.org)) or telephone (202.336.6006).

Sincerely,

Stephen Behnke, JD, PhD

Ethics Director

American Psychological Association







**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Monday, January 24, 2005 2:06:33 PM  
**Recipient:** Mumford, Geoffrey <gmumford@apa.org>  
**Cc:** Farberman, Rhea K. <rfarberman@apa.org>  
**Subject:** RE: [COR] Report to Council

---

Geoff--I might reformulate just a bit. I might emphasize that that APA and DoD have discussed possible areas of collaboration, and that such collaboration is particularly timely given recent reports of activities at Abu Ghraib and Guantanamo Bay. I would say that psychologists at CIFA approached APA as a resource to explore the ethical aspects of psychologists' involvement and the use of psychology in national security-related investigations, and that ethical considerations will of course be front and center in any exploration or discussion of these issues, to the extent that ethics are relevant to the subject matter of the collaboration.

I think that's more where his concern lies...

-----Original Message-----

**From:** Mumford, Geoffrey  
**Sent:** Monday, January 24, 2005 1:46 PM  
**To:** Behnke, Stephen  
**Cc:** Farberman, Rhea K.  
**Subject:** RE: [COR] Report to Council

Steve,

Does this answer look ok from your perspective (read from bottom up for context):

Hi Dr. Nightingale,

Assuming your question is in reference to this bullet from the COR Report:

On October 19th, Science Policy staffers Geoff Mumford and Heather Kelly held an initial meeting with high-ranking psychologists within the Department of Defense (DoD) Counterintelligence Field Activity (CIFA) to discuss possible areas of collaboration. CIFA is designed to serve as a defense-wide coordinator of counterintelligence activities, resource allocation, budget planning, and policy implementation. The 2002 DoD directive establishing CIFA describes the mission more specifically as to develop and manage "programs and functions that support the protection of...DoD personnel, resources, critical information, research and development programs, technology, critical infrastructure, economic security, and U.S. interests against foreign influence and manipulation, as well as to detect and neutralize espionage against the Department."

We, on the science policy staff engage in a range of outreach efforts to federal agencies to encourage their support and application of psychological research. Our meeting with CIFA at DoD is just a recent example of such outreach and we will be sponsoring summer fellowships to allow APA scientists to work on a range of research questions of interest to the counterintelligence community: <http://www.apa.org/ppo/funding/cifafellow.html>

This is a follow-on to other Executive Branch Fellowship opportunities offered through the Science Directorate:  
<http://www.apa.org/ppo/funding/scifell.html>



The last of which was featured in the March 2004 Monitor:  
<http://www.apa.org/monitor/mar04/adding.html>

Much to their credit, two APA psychologists who serve on staff at CIFA were among the first to ask that APA consider examining issues such as those outlined in Dr. Levant's proposed Task Force to explore the ethical aspects of psychologists' involvement and the use of psychology in national security-related investigations.

-----Original Message-----

**From:** Anderson, Norman  
**Sent:** Monday, January 24, 2005 12:41 PM  
**To:** 'Edmund.Nightingale@med.va.gov'  
**Cc:** Mumford, Geoffrey  
**Subject:** RE: [COR] Report to Council

Hi Ed,

I don't think there is any connection but I will let Geoff Mumford give you more detail about the work with DOD.

Norman

Norman Anderson, Ph.D.  
Chief Executive Officer  
American Psychological Association  
750 First Street, NE  
Washington, DC 20002  
(202) 336-6080  
(202) 336-6069 (fax)  
[www.apa.org](http://www.apa.org)

---

**From:** Edmund.Nightingale@med.va.gov [mailto:Edmund.Nightingale@med.va.gov]  
**Sent:** Monday, January 24, 2005 12:26 PM  
**To:** Anderson, Norman  
**Subject:** RE: [COR] Report to Council

Great report, Norm, much substance and progress. Thank you!

Can you tell me what relationship there is if any, between the mentioned invitation for APA to be involved in "counterterrorism" with DOD and the issue recently raised by Dr. Shapiro re: psychologists being involved in guiding interrogations at Abu Ghareib?



Edmund J. Nightingale, Ph.D.,L.P., ABPP

Director for Psychology

Minneapolis VA Medical Center &

Departments of Psychiatry and Psychology

University of Minnesota

-----Original Message-----

**From:** Council of Representatives [mailto:COR@LISTS.APA.ORG] **On Behalf Of** Anderson, Norman

**Sent:** Saturday, January 22, 2005 1:50 PM

**To:** COR@LISTS.APA.ORG

**Subject:** [COR] Report to Council

Hi,

Here is the latest report to Council on activities at the Central Office. See you next month.

Norman

Norman B. Anderson, Ph.D.

Chief Executive Officer

American Psychological Association (APA)

750 First Street, NE

Washington, DC 20002

(202) 336-6080

(202) 336-6069

[www.apa.org](http://www.apa.org)



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Tuesday, January 18, 2005 5:07:42 PM  
**Recipient:** 'Ronald F. Levant, Ed.D, M.B.A., ABPP' **PRIVACY REDACTION**  
**Cc:** O'Brien, Maureen <mobrien@apa.org>; Mumford, Geoffrey <gmumford@apa.org>; Kelly, Heather <hkelly@apa.org>  
**Subject:** RE: Psychology, Ethics, and National Security  
**Attachments:** TaskForcelist.doc

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Hi Ron,

The agenda item has been completed and we have a list of names for your review. (Geoff Mumford, Heather Kelly, and Maureen have worked very hard to put these materials together).

The list of names is attached. Maureen tells me that funds will allow for 10 people to attend a one-time, three-night meeting. The list contains more than 10 names; we have put an asterisk next to our top choices. I would be happy to speak with you about why we have called your attention to these 10 names; some have been referred by a division, while others have expertise uniquely relevant to the task force.

Maureen has a question about whether the item should indicate that the names of the task force members will be provided at the time the Board reviews the agenda item. That will give you approximately four weeks to identify the individuals you would like to serve; on the other hand, you may not want to be constrained in this manner. Please let us know what you would like, that is, whether you would like the agenda item to indicate that an exhibit with names will be provided for the Board discussion.

Given the sensitivity of this issue, we may want to make clear to individuals up front that the names of the individuals on the task force will be made available to APA members, that task force members may need to take votes on particular matters, and that the task force may issue a written report. These points are important, because some individuals on active duty may not be able to participate on a task force with these conditions, and as you create the task force you will want to know who is able to participate fully.

Finally, the American Psychiatric Association is also very interested in this issue, and invited me to a meeting this fall, in September. If you would like to consider inviting an individual from their subgroup very interested in this issue, I know they would take that as a welcome sign of an interest in the two organizations finding common ground. There are two psychiatrists in Baltimore whom we could include for very little expense, but considerable political mileage. I will provide you with the names and a recommendation, if you would like.

Thanks Ron,

Steve

-----Original Message-----

**From:** Ronald F. Levant, Ed.D, M.B.A., ABPP **PRIVACY REDACTION**  
**Sent:** Friday, January 14, 2005 4:59 PM  
**To:** Behnke, Stephen  
**Cc:** O'Brien, Maureen; Mumford, Geoffrey  
**Subject:** RE: Psychology, Ethics, and National Security

Thanks Steve  
Ronald F. Levant, Ed.D., M.B.A., ABPP  
Professor  
Center for Psychological Studies  
Nova Southeastern University  
3301 College Avenue



Ft. Lauderdale, FL 33314

PRIVACY REDACTION

[www.DrRonaldLevant.com](http://www.DrRonaldLevant.com) website

President, American Psychological Association, 2005

"Making Psychology a Household Word"

-----Original Message-----

**From:** Behnke, Stephen [mailto:sbehnke@apa.org]

**Sent:** Friday, January 14, 2005 4:51 PM

**To:** Ronald F. Levant, Ed.D, M.B.A., ABPP

**Cc:** O'Brien, Maureen; Mumford, Geoffrey

**Subject:** RE: Psychology, Ethics, and National Security

Ron, just a very brief note to let you know that we have been working on the task force items this week, and with Science have been compiling a list of names with biographical information for your review. (Our list will be diverse in terms of professional background and interests, gender, and ethnicity.)

I'll be in touch next week,

Steve

-----Original Message-----

**From:** Ronald F. Levant, Ed.D, M.B.A., ABPP PRIVACY REDACTION

**Sent:** Saturday, January 08, 2005 8:35 AM

**To:** Behnke, Stephen

**Cc:** O'Brien, Maureen

**Subject:** RE: Psychology, Ethics, and National Security

Great! Thanks!

Ronald F. Levant, Ed.D., M.B.A., ABPP

Dean and Professor

Center for Psychological Studies

Nova Southeastern University

3301 College Avenue

Ft. Lauderdale, FL 33314

PRIVACY REDACTION

[www.DrRonaldLevant.com](http://www.DrRonaldLevant.com) website

President, American Psychological Association, 2005

"Making Psychology a Household Word"

-----Original Message-----

**From:** Behnke, Stephen [mailto:sbehnke@apa.org]

**Sent:** Friday, January 07, 2005 3:23 PM

**To:** Ronald F. Levant, Ed.D, M.B.A., ABPP

**Cc:** O'Brien, Maureen

**Subject:** RE: Psychology, Ethics, and National Security

APA\_0023208



Ron, just a very quick note to say that Maureen and I are working on the agenda item, and that I have been working with the Science Directorate to develop a list of names for your review for the task force. I think we will have a very strong group for you to look over.

I'll be in touch next week with more information,

Steve



### **Confidential List of Possible Task Force Names**

\* **Jean Maria Arrigo, PhD** (Recommended by Division 48) Dr. Arrigo is a social psychologist with a focus on the Ethics of Military Intelligence. She has contacts in the US military which could be a valuable source of information to the deliberations of the Task Force. She recently published an article entitled, "A Utilitarian Argument Against Torture Interrogation of Terrorists," in the July 2004 issue of *Science and Engineering Ethics*. She is also co-editor of a special issue of the *Journal of Peace and Conflict* on Military Ethics and Peace Psychology: A Dialogue.

\* **Col. Paul T. Bartone, PhD** (Recommended by Division 19) (Member, Divisions 1,8,13,52; Fellow, 19) is the former President of APA's Division 19, Society for Military Psychology, and is currently a Professor of Behavioral Sciences at the National Defense University's Industrial College of the Armed Forces at Fort McNair in Washington, DC. Previous appointments include Director of the U.S. Military Academy's Behavioral Science and Leadership Division, and Commander of the U.S. Army Medical Research Unite-Europe. Bartone's research covers a range of issues related to military personnel performance, including stress, leadership and coping with POW conditions.

\* **John M. Darley, PhD**, (Member, Divisions 7 and 41; Fellow, 8 and 9) is the Warren Professor of Psychology at Princeton University. Much of his research has focused on decisions and actions that have moral components or implications. More recently, he has been looking directly at moral decisions, particularly ones involved in the decision to punish another for a transgression. He has a related interest in interpersonal power and how it plays out in social interactions, and how we attempt to manage others with incentive systems.

**CDR Anthony (Tony) P. Doran, PsyD**, (Member, Divisions 1 and 19) is a psychologist with the Navy Personnel Command's Behavioral Health Program & EFM Program in Tennessee. Division 19's President notes that Commander Doran has had very recent and intensive experience with repatriations, detainees in Cuba, and running a survival and evasion school.

\* **Debra Dunivin, PhD** (Member, Divisions 9,18,19,28,35; Fellow, Divisions 31,42,55) is deputy director of the department of psychology and director of training for the Clinical Psychology Residency Program at Walter Reed Army Medical Center in Washington, D.C. Other duties include a clinical practice in psychopharmacology and consultation to Walter Reed's Clinical Breast Care Project, conducting research in psycho-oncology and telehealth. Currently an active duty Army officer, Dunivin previously spent a year as a Fellow in the office of Sen. Daniel K. Inouye (D-HI) and participated in the Department of Defense Psychopharmacology Demonstration Project. Last year she consulted to the APA Board Task Force on Sexual Orientation and Military Service.

\* **Phil Erdberg, PhD** (Member, Divisions 12 and 39) An active duty Army psychologist from 1969 to 1974 (clinical psychology internship at Walter Reed Army



Medical Center and staff psychologist at Letterman Army Medical Center). Has continued his involvement with military psychology since leaving active duty, providing yearly training in psychological assessment for Army training programs in the United States and Europe and for the National Navy Medical Center in Bethesda, MD. Significant consultation relationship with FBI. A leading expert on the Rorschach, trained as a research psychoanalyst. Extremely reasonable and thoughtful.

\* **Michael Gelles, PsyD** (Member, Divisions 18, 30, 41) Chief Psychologist of the United States Naval Criminal Investigative Service. Co-author, "Ethical Concerns in Forensic Consultation Regarding National Safety and Security."

**Dennis Grill, PhD** (Recommended by Division 19) (Fellow, Division 19) Served on the Ethics Code Task Force as representative of Division 19.

**Joseph D. Matarazzo, PhD** (Member, Division 14; Fellow, Divisions 3,12,19,26,38,40) is a very distinguished research psychologist considered one of the "founding fathers" of health psychology. He currently serves as Professor of Behavioral Neuroscience at Oregon Health & Science University (he was chair of the medical school's Department of Medical Psychology from the late 50's through 90's, when it became the Department of Behavioral Neuroscience). Most well-known for his research in psychological testing and assessment (intelligence testing in particular), Matarazzo's current research interests relate to the domains of behavioral cardiology and of neuropsychology, including studies of neuropsychological functioning of patients following neurotoxic exposure or traumatic injury to the brain. Matarazzo has been extremely active in APA governance over the years.

**Arthur G. Miller, PhD** (Member, Divisions 8 and 9) is a Professor of Psychology at Miami University. His research interests have been focused primarily on prejudice, stereotyping, and biases in social judgment. In 1979, he was awarded an NIMH senior post-doctoral fellowship to study with Ned Jones at Princeton University. In 1986, he authored a definitive volume concerning the impact of Stanley Milgram's controversial experimental studies of obedience. He is the editor of a recent issue of the Journal of Social Issues entitled "Perspectives on Obedience to Authority: The Legacy of the Milgram Experiments" (Barry Collins of UCLA is second editor on this issue). He has recently conducted a graduate seminar on the social psychology of health, and is currently pursuing research on biases in the processing of health-relevant information. He has published on the subject of college students' attitudes and behaviors toward suntanning, and has given several presentations to the media (print and radio interviews) concerning psychological factors relating to risk-taking in the context of sun-exposure.

\* **Olivia Moorehead-Slaughter, Ph.D** (general APA Member) Vice-Chair of APA Ethics Committee. Chair of Massachusetts Licensing Board. Might be a good candidate for Task Force Chair

**Corahann Okorodudu, Ph.D.** (Member, Divisions 9, 35, 45, 48, 52). Co-sponsor of Council of Representatives item on this issue.



**Robert (Bob) Roland, PsyD (Recommended by Division 19)** (Member, Divisions 19 and 38) is a clinical psychologist and Professor of Behavioral Sciences and Information Strategy for the Industrial College of the Armed Forces at the National Defense University in Washington, DC. Roland's commissioned military career spans 30 years and includes organizational consultation, research, administration, direct service mental health and command. His assignments include the Army Medical Command Headquarters in Heidelberg, Command Medical Company Berlin Brigade, Special Operations Command, Special Forces Command, and the Army Intelligence and Security Command. He has worked extensively on clinical and operational issues related to POWs.

**R. Scott Shumate, PsyD** (general APA Member) is the Director of Behavioral Sciences for the Department of Defense's Counterintelligence Field Activity office in the Washington, DC area. Shumate's previous experiences include a long operational career in the intelligence community. He has high level security clearances and participated in the summer 2004 workshop and luncheon meeting on psychology and national security settings coordinated by APA's Geoff Mumford.

\* **Michael Wessells, PhD** (Member, Divisions 9, 48, and 52). Received an APA Presidential Citation in 2004 in recognition of his "contribution to the development of peace psychology, including his role as founder and president of Division 48...co-chair of the Joint APA-Canadian Psychological Association presidential initiative on ethnopolitical warfare, and president of Psychologists for Social Justice."

\* **Col. Tom Williams, PhD (Recommended by Division 19)** (Member, Divisions 12,19,47) is Director of the Army Physical Fitness Research Institute (APFRI) at the U.S. Army War College in Carlisle, Pennsylvania. Williams is a clinical psychologist with extensive military operations and ethics experience and comes highly recommended by Division 19.

\* **Linda M. Woolf, PhD (Recommended by Division 48)** (President-Elect, Peace Psychology Division 48, APA Secretary, Society for the Teaching of Psychology (Div. 2, APA)). Dr. Linda M. Woolf is a Professor of Psychology at Webster University where she teaches courses related to the Holocaust, genocide, terrorism, human rights, and peace psychology, and is the Coordinator of the Center for the Study of the Holocaust, Genocide, and Human Rights, which she helped found in 1999. Dr. Woolf teaches within the International Human Rights and Multicultural Studies programs at Webster. Dr. Woolf's research concerns the psychosocial roots of mass violence particularly terrorism and genocide. She is also actively involved in the development of curriculum resources related to peace, mass violence, terrorism, torture, refugee studies, and international human rights.

(Individual from the Psychiatric Community—discuss with Ron)























**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Tuesday, January 11, 2005 3:56:05 PM  
**Recipient:** Mumford, Geoffrey <gmumford@apa.org>  
**Cc:** Kelly, Heather <hkelly@apa.org>; Breckler, Steven J. <SBreckler@apa.org>  
**Subject:** RE: Task Force on ethics and national security

---

Great, Geoff, thanks--yes, let's talk tomorrow.

-----Original Message-----

Mumford, Geoffrey

Tuesday, January 11, 2005 3:18 PM

Behnke, Stephen

Kelly, Heather; Breckler, Steven J.

RE: Task Force on ethics and national security

Steve,

I may be around afterall, well see, but in any case, just a quick update following a meeting Heather and I had with Russ this morning. Russ made contact with his guy in Special Ops (Morgan Banks) who heads the psychology component of the Survival, Evasion, Resistance, Escape (SERE) training school in Washington state. Russ thought it would be helpful to include him in discussions about how we might serve as a resource to the Army Surgeon General's office. Heather is following up on that. Russ also relayed Morgan's suggestion that we include some folks with security clearances on the Task Force so that they'll be more likely to be able to sit down with that operational community and directly convey to them what the Task Force is up to. Some names he mentioned were Joe Matarazzo, Marty Seligman, Scott Schumate. We told him about Mel Gravitz. Maybe we can chat tomorrow morning.

-geoff

-----Original Message-----

Behnke, Stephen

Friday, January 07, 2005 3:14 PM

Mumford, Geoffrey

RE: Task Force on ethics and national security

okay--

-----Original Message-----

Mumford, Geoffrey

Friday, January 07, 2005 3:14 PM

Behnke, Stephen

RE: Task Force on ethics and national security

Steve,

I can't be there but I'll review with you ahead of time and Steve and/or Heather can be in on the group thing.  
-geoff



-----Original Message-----

Behnke, Stephen

Friday, January 07, 2005 3:01 PM

Kelly, Heather; Honaker, Michael; Gilfoyle, Nathalie; Mumford, Geoffrey; Farberman, Rhea K.; Breckler, Steven J.

RE: Task Force on ethics and national security

Okay, perhaps we could say 4:45, and we'll work quickly.

-----Original Message-----

Kelly, Heather

Friday, January 07, 2005 2:46 PM

Honaker, Michael; Behnke, Stephen; Gilfoyle, Nathalie; Mumford, Geoffrey; Farberman, Rhea K.; Breckler, Steven J.

RE: Task Force on ethics and national security

I'm in a 4:00 meeting that day so probably couldn't be anywhere else until at least 4:45...  
Heather

Heather O'Beirne Kelly, Ph.D.  
Senior Legislative and Federal Affairs Officer  
Science Public Policy Office  
American Psychological Association  
750 First Street, N.E., 5th Floor  
Washington, D.C. 20002  
phone 202.336.5932  
fax 202.336.6063  
email hkelly@apa.org

-----Original Message-----

Honaker, Michael

Friday, January 07, 2005 12:53 PM

Behnke, Stephen; Gilfoyle, Nathalie; Mumford, Geoffrey; Kelly, Heather; Farberman, Rhea K.; Breckler, Steven J.

RE: Task Force on ethics and national security

Wed. 4:30 on works for me.

-----Original Message-----

Behnke, Stephen

Friday, January 07, 2005 12:40 PM

Honaker, Michael; Gilfoyle, Nathalie; Mumford, Geoffrey; Kelly, Heather; Farberman, Rhea K.; Breckler, Steven J.

Task Force on ethics and national security

Could we find a time to meet next week, to review the names that we've gathered for the task force? I'd like us to review the names that we'll forward to Ron, to make sure we've not made any obvious errors or not creating any obvious problems.

Would Wednesday at 4:30 or 4:45 work, or Thursday morning at 10?



Thank you,

Steve



**Sender:** Newman, Russ </O=APA/OU=DC/CN=RECIPIENTS/CN=RSN>  
**Sent:** Monday, January 10, 2005 1:36:59 PM  
**Recipient:** Mumford, Geoffrey <gmumford@apa.org>  
**Cc:** Kelly, Heather <hkelly@apa.org>  
**Subject:** RE: NEJM article on interrogation

---

That works fine. See you then. Russ

-----Original Message-----

From: Mumford, Geoffrey  
Sent: Monday, January 10, 2005 1:36 PM  
To: Newman, Russ  
Cc: Kelly, Heather  
Subject: RE: NEJM article on interrogation

Russ,

If 9:30 tomorrow still works, Heather and I will drop by your office then.

-geoff

-----Original Message-----

From: Newman, Russ  
Sent: Monday, January 10, 2005 9:41 AM  
To: Mumford, Geoffrey  
Subject: RE: NEJM article on interrogation

That would be fine. I'm free before 10 tomorrow and 11 on Wednesday. Russ

-----Original Message-----

From: Mumford, Geoffrey  
Sent: Monday, January 10, 2005 9:29 AM  
To: Newman, Russ  
Cc: Breckler, Steven J.; Behnke, Stephen; Honaker, Michael; Kelly, Heather  
Subject: RE: NEJM article on interrogation

Thanks Russ...it might be helpful for Heather to be part of that discussion and she won't be in until tomorrow but if you want to chat in advance I'm at your disposal.

-geoff

-----Original Message-----

From: Newman, Russ  
Sent: Monday, January 10, 2005 9:01 AM  
To: Mumford, Geoffrey  
Cc: Breckler, Steven J.; Behnke, Stephen; Honaker, Michael; Kelly, Heather  
Subject: RE: NEJM article on interrogation

Geoff,

I had a conversation this morning with the Senior Army Psychologist in Special Operations. Would like to discuss when you have a chance. Russ

-----Original Message-----

From: Mumford, Geoffrey



Sent: Friday, January 07, 2005 6:13 PM  
To: Newman, Russ  
Cc: Breckler, Steven J.; Behnke, Stephen; Honaker, Michael; Kelly, Heather  
Subject: RE: NEJM article on interrogation

Thanks Russ, we'll stand by for further word from you.  
-geoff

-----Original Message-----  
From: Newman, Russ  
Sent: Friday, January 07, 2005 5:06 PM  
To: Mumford, Geoffrey  
Cc: Breckler, Steven J.; Behnke, Stephen; Honaker, Michael; Kelly, Heather  
Subject: RE: NEJM article on interrogation

Geoff,  
I've had a couple of conversations about a possible contact with the special ops psychologists and am awaiting a name. If that pans out, I will pass it along to you. Russ

-----Original Message-----  
From: Mumford, Geoffrey  
Sent: Wednesday, January 05, 2005 5:53 PM  
To: Newman, Russ  
Cc: Breckler, Steven J.; Behnke, Stephen; Honaker, Michael; Kelly, Heather  
Subject: FW: NEJM article on interrogation

Russ,

Really appreciate your candor and good humor at today's meeting. Just to close the loop, here are the 2 documents I was referencing. We'll definitely be interested in your perspective about how your Special Ops colleagues would fit into a proposed meeting with the Army Surgeon General and/or other outreach activities.  
-geoff

-----Original Message-----  
From: Mumford, Geoffrey  
Sent: Wednesday, January 05, 2005 10:40 AM  
To: Newbould, Peter; Richmond, Marilyn S.; Garrison, Ellen; Levitt, Nina  
Subject: NEJM article on interrogation

Hi All,

I wanted to make you aware of a couple of items of possible cross-directorate interest. The attached NEJM piece is coming out tomorrow (pdf). The last paragraph on page 5 indicates some on-going activity in the office of the Army Surgeon General and we (Heather Kelley) will be initiating some outreach to see if we can serve as a resource and hopefully get a meeting with him to discuss areas of mutual concern.

Further along in the same paragraph is the suggestion that an IOM study might be a useful vehicle to explore the range of issues being raised and, to the extent such a study might be congressionally mandated, we thought Tim Murphy might be someone to consult with given his friendship with Duncan Hunter.

The word attachment is a Task Force proposal aired at the last Board meeting and will be placed on the agenda for approval in February. Science staff are working with Steve Behnke and our range of DoD and intelligence community contacts to suggest nominees for the Task Force. Any concerns from any of you about this approach?  
-geoff



-----Original Message-----

From: Behnke, Stephen

Sent: Monday, January 03, 2005 10:30 PM

To: Honaker, Michael; Gilfoyle, Nathalie; Farberman, Rhea K.

Cc: Mumford, Geoffrey

Subject: FW: forthcoming NEJM & L.A. Times pieces

I think it probably makes most sense to send Gregg the statement we crafted.

I'll speak to him "off the record" (I've known Gregg for many years), but will limit my remarks to "yes, as you say in your article these issues are very complicated; our Board of Directors is very concerned and is looking into the issues; and, like the ethics code of the AMA, our ethics code was not written with these types of situations in mind and now we need very actively to examine whether our Ethics Code gives adequate guidance to psychologists in such situations, as it is my understanding the American Psychiatric Association is doing as well."

Sound okay? (I'll speak in shorter sentences)

-----Original Message-----

From: Gregg Bloche **PRIVACY REDACTION**

Sent: Monday, January 03, 2005 9:28 PM

To: Behnke, Stephen

Subject: forthcoming NEJM & L.A. Times pieces

Hi, Steve, & happy new year. Attached is a piece coming out in a few days in NEJM, on the role of docs, especially psychiatrists, in abusive interrogation practices. We're doing a related piece for this Sun.'s L.A. Times. Psychologists, it turns out, have been much more heavily involved than psychiatrists (they've been part of "Behavioral Science Consultation Teams," etc.). We'd like to address this (& the ethical rules, if any, that limit psychologists) in the L.A. Times piece. Has APA issued any relevant ethical guidance (or does it plan to)? I'd like to talk to you about this -- tomorrow if possible, given our deadline.

Best,

Gregg



**Sender:** Bullock, Merry </O=APA/OU=DC/CN=RECIPIENTS/CN=MXB>  
**Sent:** Friday, January 07, 2005 12:00:35 PM  
**Recipient:** Kelly, Heather <hkelly@apa.org>;Mumford, Geoffrey <gmumford@apa.org>  
**Cc:** Behnke, Stephen <sbehnke@apa.org>  
**Subject:** RE: names for Task Force

---

I have been asking for recommendations for the TF for people on moral reasoning. Here is the one that seems to be the most relevant:

Darcia Narvaez, Notre Dame  
<http://www.nd.edu/~psych/faculty/narvaez.htm>

I will keep asking for more if you would like mores-  
Merry

\*\*\*\*\*

Dr. Merry Bullock  
Associate Executive Director, Science Directorate  
American Psychological Association  
750 First Street NE  
Washington DC 20002-4242 USA  
(202)-336-5955; fax: (202)-336-5953;  
email: mbullock@apa.org  
[www.apa.org/science](http://www.apa.org/science); [www.decadeofbehavior.org](http://www.decadeofbehavior.org)

\*\*\*\*\*

-----Original Message-----

Kelly, Heather  
Friday, January 07, 2005 11:37 AM  
Mumford, Geoffrey  
Behnke, Stephen; Bullock, Merry  
RE: names for Task Force

Hi:

I'm hearing that Col. Paul Bartone of National Defense University (active duty Army) will be the number one recommendation of Div 19. I have a call in to him to talk about a variety of issues. He's the one with research expertise in the area, but he'll have to check legal issues because of active duty status.

Which brings us to Debra Dunivin -- I've already been through the legal round with her when she was on the recent APA Board Task Force on Sexual Orientation and Military Service. Her take on what her JAG people told her made it impossible for her to be a voting member of the Task Force, and severely limited what she could say, even off the record. So I would strongly recommend asking her to be some sort of consultant to the Task Force (this is what she had us call her before), but she should not take up an official spot on the Task Force. Obviously she has unique and vital information that's directly relevant, so we'd want her around in some capacity.

Larry James is great but he's in Hawaii, if that makes any difference! He's also active duty Army, so he'll need to check into that.

Heather

Heather O'Beirne Kelly, Ph.D.  
Senior Legislative and Federal Affairs Officer  
Science Public Policy Office



American Psychological Association  
750 First Street, N.E., 5th Floor  
Washington, D.C. 20002  
phone 202.336.5932  
fax 202.336.6063  
email hkelly@apa.org

-----Original Message-----

Mumford, Geoffrey  
Friday, January 07, 2005 11:30 AM  
Kelly, Heather  
Behnke, Stephen; Bullock, Merry  
FW: names for Task Force

Heather,

Steve and I met yesterday with Merry to talk about balancing the Task Force nominees. Please let us know what you're hearing from Div 19 and others in terms of nominations. I also made some preliminary outreach to IOM yesterday via Faith Mitchell (I'd forgotten that Brian has moved on). Faith and I played phone tag but she's supposed to get back to me.  
-geoff

-----Original Message-----

Mumford, Geoffrey  
Thursday, January 06, 2005 12:35 PM  
Behnke, Stephen  
Bullock, Merry  
names for Task Force

Steve,

As a reminder, here's who we have so far:

Michael Gelles

Olivia Moorehead-Slaughter

Larry James

Michael Wessels

Phil Erdberg

Debra Dunivin

Corann Okorududu

Possible place holders for Science:

John Cacioppo

<http://psychology.uchicago.edu/socpsych/faculty/bio.html>



Bob Cialdini

<http://www.influenceatwork.com/aboutus.html>

Merry, this is a reminder that we need **moral reasoning** person, preferably a gay muslim just to round out the diversity;)



**Sender:** Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>  
**Sent:** Friday, January 07, 2005 12:11:30 PM  
**Recipient:** Mumford, Geoffrey <gmumford@apa.org>  
**Cc:** Behnke, Stephen <sbehnke@apa.org>; Bullock, Merry <MBullock@apa.org>  
**Subject:** RE: names for Task Force

---

Just talked with Steve B., and he suggested that we also add Mel Gravitz to this list, as well as a placeholder for either Jeff Janofsky/Robert Phillips (sp?) from the psychiatric community...  
H

Heather O'Beirne Kelly, Ph.D.  
Senior Legislative and Federal Affairs Officer  
Science Public Policy Office  
American Psychological Association  
750 First Street, N.E., 5th Floor  
Washington, D.C. 20002  
phone 202.336.5932  
fax 202.336.6063  
email hkelly@apa.org

-----Original Message-----

Mumford, Geoffrey  
Friday, January 07, 2005 11:30 AM  
Kelly, Heather  
Behnke, Stephen; Bullock, Merry  
FW: names for Task Force

Heather,

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-geoff

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Thursday, January 06, 2005 12:35 PM  
Behnke, Stephen  
Bullock, Merry  
names for Task Force

Steve,

As a reminder, here's who we have so far:

Michael Gelles

Olivia Moorehead-Slaughter

Larry James



Michael Wessels

Phil Erdberg

Debra Dunivin

Corann Okorududu

Possible place holders for Science:

John Cacioppo

<http://psychology.uchicago.edu/socpsych/faculty/bio.html>

Bob Cialdini

<http://www.influenceatwork.com/aboutus.html>

Merry, this is a reminder that we need **moral reasoning** person, preferably a gay muslim just to round out the diversity;)



**Contact: Office of Public Affairs  
(202) 336-5700  
public.affairs@apa.org**

**Statement of the American Psychological Association  
Released Friday, December 3, 2004**

(Washington, DC) --- Recent reports in the media concerning interrogation activities at Guantanamo Bay and Abu Ghraib prison have raised questions about the involvement of psychologists and the use of psychology related to these activities. The American Psychological Association (APA) is concerned whenever questions concerning the ethical behavior of psychologists and appropriate use of psychology are raised. The Association's Bylaws state that APA seeks to advance psychology "by the establishment and maintenance of the highest standards of professional ethics and conduct" of its members, and APA vigorously promotes the ethical practice of psychology in numerous ways: by educating psychologists and the public about the profession's ethics, by consulting with psychologists about ethical dilemmas, and by adjudicating ethics complaints.

In response to the media reports, it is important to be mindful that ethical analyses are highly dependent on knowing the facts and circumstances surrounding a behavior. At the present time, our knowledge of what occurred and psychologists' roles is extremely limited. As a consequence, it is necessary for all the relevant facts and circumstances to emerge before we are able to assess the ethical aspects of what took place.

In addition, the APA Ethics Code addresses activities that have been long standing components of the discipline, such as therapy, assessment, research, training, and publication. Psychology, along with other mental health professions, has given less attention to the potential ethical issues raised by investigations related to national security. The APA has promoted and will continue to promote the highest standards of professional ethics and conduct by enforcing its ethics code and by ensuring that its ethical standards adequately speak to less familiar areas of practice. Toward this end, the APA is seeking to understand what roles psychologists are asked to assume in national security-related endeavors, is exploring whether our current Ethics Code adequately addresses such activities, and is engaging in ongoing discussions with psychologists involved in this work to determine whether the APA has given adequate ethical guidance for their work-related activities.

###

**APA\_0023309**







**Sender:** Scott Gerwehr [REDACTED]  
**Sent:** Wednesday, January 05, 2005 11:14:54 PM  
**Recipient:** Mumford, Geoffrey </O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>  
**Subject:** Re: Task Force Proposal

---

Hola Amigo!

Whoops! I just posted your document to the fetish listserv(s) I belong to. But unless any one you're concerned with enjoys getting <expletive deleted>, slathered in <expletive deleted>, or having their <expletive deleted> whipped with <expletive deleted> it probably isn't a problematic breach in operational security :-)

But seriously folks: there are a few names that spring to mind as slightly off the path you might have taken (I assume you've considered all the usual suspects: Zimbardo, Cialdini, Petty, Cacioppo, Eagly, Chaiken, Nisbett, Frank, O'Sullivan, Ekman, etc., etc.):

Dan Lassiter (false and coerced confessions)

Anne Peplau (problematic close relationships, gender and sexual orientation issues)

Jim Sidanius (power, authority, race)

Anthony Pratkanis (persuasion and propaganda)

etc.

Am I reading you right? I can provide more if this is what you were thinking about...

S

---

Scott Gerwehr  
RAND  
1776 Main Street, M2N  
Santa Monica, CA 90407-2138

[REDACTED]

[REDACTED]

[REDACTED]

On Jan 5, 2005, at 5:37 AM, Mumford, Geoffrey wrote:

Hola Scott (as we say in my beloved Costa Rica),

This APA Task Force proposal has not yet been approved but likely will be and I thought I'd run it by you to see if you had suggestions for relatively high profile psychologists whom we might not think of (being an outside the box...in fact well beyond the pulp mill...thinking kind of guy that you are). Please don't post in any Task Force chatrooms you may belong to.

Hope you are well.

Hugs,  
-geoffreyk.



-----Original Message-----

From: Behnke, Stephen

Sent: Tuesday, January 04, 2005 3:56 PM

To: Mumford, Geoffrey

Subject:

Hi Geoff,

Here is the proposal--just FYI, Brad will have seen a version of this, since I sent him our Convention symposium proposal (which he liked--he thought it was balanced and did not assume wrongdoing by Div. 19 members)

Steve

<<TaskForceproposal.doc>>

<TaskForceproposal.doc>



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Wednesday, January 05, 2005 2:16:12 PM  
**Recipient:** Mumford, Geoffrey <gmumford@apa.org>  
**Cc:** Breckler, Steven J. <SBreckler@apa.org>; Kelly, Heather <hkelly@apa.org>; Honaker, Michael <mhonaker@apa.org>; Farberman, Rhea K. <rfarberman@apa.org>  
**Subject:** RE: update on psychology/interrogation issues

---

Excellent, Heather--

-----Original Message-----

Mumford, Geoffrey  
Wednesday, January 05, 2005 2:14 PM  
Behnke, Stephen  
Breckler, Steven J.; Kelly, Heather; Honaker, Michael; Farberman, Rhea K.  
FW: update on psychology/interrogation issues

Steve,

As you can see, Heather hit the ground running on this one and got good intel...we can discuss how to proceed tomorrow.  
-geoff

-----Original Message-----

Kelly, Heather  
Wednesday, January 05, 2005 2:07 PM  
Mumford, Geoffrey  
update on psychology/interrogation issues

Hi, Geoff:

Here's an update on a variety of issues related to psychologists' involvement in interrogations at Guantanamo and elsewhere...

1. **NEJM Article Reference to Army Surgeon General's Office** -- In the article "When Doctors Go to War" the authors refer to some action currently being taken on the issue by the Army Surgeon General's office. Division 19 members have given me the names and contact information for the 3 top psychologists ("Clinical Psychology Consultants") in the Army, Navy and Air Force Surgeon Generals' offices for whatever contact we'd like to initiate. I know the Air Force guy from some earlier collaboration and he's great (APA Div 38) and the Army guy is also an APA member (Divs 19 and 40).

2. **NEJM Reference to a Possible IOM Report** -- The typical path towards making an Academy report happen is getting it into a congressional appropriations bill, since the request needs to be accompanied by funding. We have good connections with House and Senate Armed Services authorizing committee staff and defense appropriations staff, and this could be part of our spring defense appropriations advocacy. We might also consider going through one of our psychologist Members of Congress -- Rep. Murphy is on the VA committee and has strong ties to Duncan Hunter, Chairman of the House Armed Services Committee. I can also see Reps. Baird and Strickland being very interested in the issue.

3. **Possible Names for an APA Board Task Force on Psychologists/Interrogation** -- I've put out the



word to Div 19 and other defense types.

\* Paul Bartone's name keeps coming up -- former Div 19 President, active duty Army Colonel here in town at the National Defense University, and apparently a researcher with some published expertise in the area.

\* Ron Levant and Gerry Koocher suggested Col. Larry James, an APA member and active duty Army psychologist stationed in Hawaii; and Morgan Sammons, an active duty Navy Commander here at the Naval Academy who's also a graduate of the DoD psychopharm project and a past president of Maryland state psych association.

\* Janice Laurence (Div 19, Pentagon research head) is sending me names of some guys here at the War College and ICAF who've been involved in the issue of interrogation and psychologists.

More to come...

H

Heather O'Beirne Kelly, Ph.D.  
Senior Legislative and Federal Affairs Officer  
Science Public Policy Office  
American Psychological Association  
750 First Street, N.E., 5th Floor  
Washington, D.C. 20002  
phone 202.336.5932  
fax 202.336.6063  
email [hkelly@apa.org](mailto:hkelly@apa.org)



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Wednesday, January 05, 2005 10:56:35 AM  
**Recipient:** Mumford, Geoffrey <gmumford@apa.org>  
**Subject:** RE: FW: forthcoming NEJM & L.A. Times pieces

---

good idea. very good idea.

-----Original Message-----

From: Mumford, Geoffrey  
Sent: Wednesday, January 05, 2005 10:56 AM  
To: Behnke, Stephen  
Subject: RE: FW: forthcoming NEJM & L.A. Times pieces

Good, btw, I'm not copying the big brass because they seem a little impulsive in their use of email and we'll never get anything done...I'll report back soon with substance.  
-geoff

-----Original Message-----

From: Behnke, Stephen  
Sent: Wednesday, January 05, 2005 10:53 AM  
To: Mumford, Geoffrey  
Cc: Kelly, Heather; Breckler, Steven J.  
Subject: RE: FW: forthcoming NEJM & L.A. Times pieces

That all sounds great, Geoff--

-----Original Message-----

From: Mumford, Geoffrey  
Sent: Wednesday, January 05, 2005 10:52 AM  
To: Behnke, Stephen  
Cc: Kelly, Heather; Breckler, Steven J.  
Subject: RE: FW: forthcoming NEJM & L.A. Times pieces

Steve,

Heather is working on this...we'll explore the contacts Gerry recommends but have others in the mix too (CIFA, Pentagon, etc...), hope that's ok? OSTP has also expressed an interest in being helpful, we'll have to think about how...perhaps on the IOM end.  
-geoff

-----Original Message-----

From: Behnke, Stephen  
Sent: Wednesday, January 05, 2005 10:46 AM  
To: 'Ronald F. Levant, Ed.D., M.B.A., ABPP'; 'Gerry Koocher'  
Cc: Honaker, Michael; Farberman, Rhea K.; Gilfoyle, Nathalie; Mumford, Geoffrey  
Subject: RE: FW: forthcoming NEJM & L.A. Times pieces

Let's follow Gerry's suggestion of a back channel contact; I'll confer with Geoff Mumford in Science to make it happen.

-----Original Message-----

From: Ronald F. Levant, Ed.D., M.B.A., ABPP **PRIVACY REDACTION**  
Sent: Wednesday, January 05, 2005 10:43 AM  
To: 'Gerry Koocher'; Behnke, Stephen



Cc: 'Ronald F. Levant, Ed.D., M.B.A., ABPP'; Honaker, Michael;  
Farberman, Rhea K.; Gilfoyle, Nathalie; Mumford, Geoffrey  
Subject: RE: FW: forthcoming NEJM & L.A. Times pieces

Agree  
How best to proceed?

Ronald F. Levant, Ed.D., A.B.P.P., M.B.A.  
Dean and Professor  
Center for Psychological Studies  
Nova Southeastern University  
3301 College Avenue  
Ft. Lauderdale, FL 33314  
PRIVACY REDACTION

Website: DrRonaldLevant.com

President, American Psychological Association, 2005  
"Making Psychology a Household Word"

-----Original Message-----

From: Gerry Koocher **PRIVACY REDACTION**  
Sent: Wednesday, January 05, 2005 8:52 AM  
To: Behnke, Stephen  
Cc: Ronald F. Levant, Ed.D., M.B.A., ABPP; Honaker, Michael; Farberman,  
Rhea K.; Gilfoyle, Nathalie; Mumford, Geoffrey  
Subject: Re: FW: forthcoming NEJM & L.A. Times pieces

This is a great idea.  
I'd suggest a back channel contact via Morgan Sammons and/or Larry James

asking how best to make the offer and (for example) whether Ron might  
nominate them (or other members with security clearance, e.g. Robert  
Fein, to represent psychological ethics issues.  
Gerry

Behnke, Stephen wrote:

>Hi Ron and Gerry,  
>  
>Attached is a piece coming out in a few days in the New England Journal  
of Medicine, on the role of doctors, especially psychiatrists, in  
interrogation practices.  
>  
>In the final paragraph of page 5, the report states "The Surgeon  
General of the U.S. Army has begun a confidential effort to develop  
rules for health care professionals who work with detainees."  
>  
>APA might want to explore the possibility of collaborating with the  
Army Surgeon General in some fashion. We could explain that APA is  
actively examining the ethical aspects of mental health professionals'  
involvement in these activities and that a collaboration between health  
and mental health professionals could be very productive. The Science  
Directorate would be able to make the appropriate contacts to gauge the  
level of interest.  
>



>Steve

>

>

>

>



**Sender:** Honaker, Michael </O=APA/OU=DC/CN=RECIPIENTS/CN=MYH>  
**Sent:** Tuesday, January 04, 2005 1:05:52 PM  
**Recipient:** Behnke, Stephen <sbehnke@apa.org>;Mumford, Geoffrey <gmumford@apa.org>  
**Cc:** Gilfoyle, Nathalie <ngilfoyle@apa.org>;Farberman, Rhea K.  
<rfarberman@apa.org>  
**Subject:** RE: forthcoming NEJM & L.A. Times pieces

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Okay by me.

-----Original Message-----

From: Behnke, Stephen  
Sent: Tuesday, January 04, 2005 10:12 AM  
To: Mumford, Geoffrey  
Cc: Honaker, Michael; Gilfoyle, Nathalie; Farberman, Rhea K.  
Subject: RE: forthcoming NEJM & L.A. Times pieces

Yes--could we meet for a few minutes, at 2, in Mike's office, just to make sure we're on the same page about what all is going on (e.g., board item for the task force), and to touch base about any other issues we think may come up?

-----Original Message-----

From: Mumford, Geoffrey  
Sent: Tuesday, January 04, 2005 9:54 AM  
To: Behnke, Stephen  
Cc: Honaker, Michael; Gilfoyle, Nathalie; Farberman, Rhea K.  
Subject: RE: forthcoming NEJM & L.A. Times pieces

I'm at your disposal.. might be good to include Steve Breckler too?

-----Original Message-----

From: Behnke, Stephen  
Sent: Tuesday, January 04, 2005 9:49 AM  
To: Mumford, Geoffrey  
Cc: Honaker, Michael; Gilfoyle, Nathalie; Farberman, Rhea K.  
Subject: RE: forthcoming NEJM & L.A. Times pieces

Might it be possible for us to gather briefly today, perhaps sometime in the afternoon?

-----Original Message-----

From: Mumford, Geoffrey  
Sent: Tuesday, January 04, 2005 8:10 AM  
To: Behnke, Stephen  
Cc: Honaker, Michael; Gilfoyle, Nathalie; Farberman, Rhea K.  
Subject: RE: forthcoming NEJM & L.A. Times pieces

Steve,

When we met on this at the beginning of last month it seemed there was a sense (a hope?) among some in the room that the story would die but it has, in fact, been part of the news cycle pretty consistently for over a month now. A high profile piece like this coupled to changes in oversight of the intelligence agencies by congress are likely to keep it in the news for awhile. It seems to me APA might want to be in a position of being able to say we have something at the level of a "Task Force" (or whatever) to indicate that we, as an association, are giving the matter high priority. I could easily see the IOM review, recommended in the article, gaining traction and we'd certainly want to be represented in that effort. Finally, and I'm not quite sure how to put this, but are there issues of perception that we should be concerned about if the wife of the Practice



Directorate ED has in fact been deployed to Guantanamo? Presumably, what she does is classified in which case I would not expect Russ to have any additional insight but if our level of activity as an association on this set of issues were questioned, that may be an awkward situation to try and explain and it doesn't appear to be a secret that she's been down there. Just my 2 cents...  
-geoff

-----Original Message-----

From: Behnke, Stephen  
Sent: Monday, January 03, 2005 10:30 PM  
To: Honaker, Michael; Gilfoyle, Nathalie; Farberman, Rhea K.  
Cc: Mumford, Geoffrey  
Subject: FW: forthcoming NEJM & L.A. Times pieces

I think it probably makes most sense to send Gregg the statement we crafted.

I'll speak to him "off the record" (I've known Gregg for many years), but will limit my remarks to "yes, as you say in your article these issues are very complicated; our Board of Directors is very concerned and is looking into the issues; and, like the ethics code of the AMA, our ethics code was not written with these types of situations in mind and now we need very actively to examine whether our Ethics Code gives adequate guidance to psychologists in such situations, as it is my understanding the American Psychiatric Association is doing as well."

Sound okay? (I'll speak in shorter sentences)

-----Original Message-----

From: Gregg Bloche **PRIVACY REDACTION**  
Sent: Monday, January 03, 2005 9:28 PM  
To: Behnke, Stephen  
Subject: forthcoming NEJM & L.A. Times pieces

Hi, Steve, & happy new year. Attached is a piece coming out in a few days in NEJM, on the role of docs, especially psychiatrists, in abusive interrogation practices. We're doing a related piece for this Sun.'s L.A. Times. Psychologists, it turns out, have been much more heavily involved than psychiatrists (they've been part of "Behavioral Science Consultation Teams," etc.). We'd like to address this (& the ethical rules, if any, that limit psychologists) in the L.A. Times piece. Has APA issued any relevant ethical guidance (or does it plan to)? I'd like to talk to you about this -- tomorrow if possible, given our deadline.

Best,

Gregg











**Sender:** Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>  
**Sent:** Thursday, March 17, 2005 1:06:28 PM  
**Recipient:** Mumford, Geoffrey <gmumford@apa.org>; Behnke, Stephen <sbehnke@apa.org>  
**Subject:** FW: APA Task Force to Explore Investigations

---

Hi, guys:

This is an off the record conversation between me and Brad Johnson (Div 19), and I'll try and forward his letter to Levant with the renominated slate (Steve, you were cc'd by him on that),  
Heather

-----Original Message-----

From: Brad Johnson **PRIVACY REDACTION**  
Sent: Friday, February 25, 2005 6:12 PM  
To: Kelly, Heather  
Subject: RE: APA Task Force to Explore Investigations

Hi Heather,

If Paul looks like a contender, please go ahead and keep him in the mix. I basically just started the process anew, looking particularly for members with directly relevant line experience. Paul would be a fantastic representative and a great diplomat, but he had never been involved with the activities I believe the committee will be tasked to address. So, I would place he and Tom Kolditz in sort of separate nonclinical category.

Honestly Heather, if we only get one person on the committee, I think Tom Williams is the guy. He has so much direct experience in this area, I think he is essential. As a second tier group, I'd include Joe Matarazzo and Paul Bartone.

I have heard since submitting the list that some members of our excom have some concerns about Hibler (of course they waited to let me know this..).

Sure appreciate the support Heather. Please do convey to the President and Steve that Paul Bartone, as one of our original nominees is still a top choice.

See you soon!

Brad

>>> "Kelly, Heather" <hkelly@apa.org> 02/25/05 3:02 PM >>>  
Hi, Brad:

Thought this was a great letter. One question -- you didn't renominate Paul Bartone -- any reason I should know about?

Heather

Heather O'Beirne Kelly, Ph.D.  
Senior Legislative and Federal Affairs Officer  
Science Public Policy Office  
American Psychological Association  
750 First Street, N.E., 5th Floor  
Washington, D.C. 20002



phone 202.336.5932  
fax 202.336.6063  
email hkelly@apa.org

-----Original Message-----

From: Brad Johnson [REDACTED]  
Sent: Thursday, February 24, 2005 1:13 PM  
To: Behnke, Stephen; [REDACTED]  
Cc: Kelly, Heather; Born@USAF.AF.mil  
Subject: RE: APA Task Force to Explore Investigations

Dear Dr. Levant,

I am pleased you have taken the initiative to create a Task Force to explore ethical issues related to intelligence gathering, interrogation, and broader national security issues. This is a timely topic and all psychologists will benefit from greater clarity and ethical guidance in these areas.

The Executive Committee of Division 19 (Society for Military Psychology) strongly supports your efforts in this area. To that end, I have attached a document containing two slates of Task Force nominees for your consideration. The first slate includes senior military psychologists with direct and recent experience in work with prisoners. They can offer the military officer perspective. The second slate contains two senior nominees with extensive experience in both military psychology operations and other U.S. intelligence agencies. We request that one person from each slate be selected for the Task Force. It is difficult to imagine the Task Force accomplishing its mission without the first-hand perspective of psychologists with these experiences. These psychologists were selected from a large pool of nominees.

Although we appreciate the fact that the Task Force focus is intended to be broader than just military psychology, it is no secret that media accusations about medical provider wrong-doing at military facilities in Iraq and Cuba played a role in generating this Task Force. For this reason, we believe it essential that psychologists with extensive military experience be represented on the Task Force. In fact, I believe the credibility of any recommendations from the Task Force (at least among active duty psychologists) will hinge on this.

Finally, I want you to know that Division 19 is simultaneously considering its own Task Force on this issue. The concerns are quite important to all military psychologists and we plan further study and guideline development in this complex area of practice.

Thank you for the opportunity to make nominations. Please notify me if I can offer any additional assistance.

Cordially,

Brad

W. Brad Johnson, PhD  
Associate Professor  
Dept. of Leadership, Ethics & Law  
United States Naval Academy  
[REDACTED]  
Annapolis, Maryland 21402



PRIVACY REDACTION





## **Division 19 Nominees for APA Presidential Task Force on Ethical Aspects of Investigations Related to National Security**

### ***Slate 1: Active Duty (Uniformed) with Recent Prisoner Experience***

Thomas J. Williams, Ph.D., currently serves as the Director, Army Physical Fitness Research Institute as a member of the faculty and leadership at the U.S. Army War College, Carlisle, PA. Dr. Williams served for four years as the Command Psychologist for the Army's largest Counterintelligence unit, providing assessments and consultations worldwide in support of some of our Nation's most sensitive national security operations involving multidiscipline counterintelligence and counterespionage operational activities. Dr. Williams has also served for two years as the Deputy Director, Policy Analysis, Office of the Assistant Secretary of Defense, Health Affairs, The Pentagon, where he evaluated and developed DoD health policies related to medical malpractice and personnel, along with legislative proposals to address these issues. He has worked on Department of the Army-level medical policy issues as a member of the Army Staff. Dr. Williams has also served as chief psychologist at Walter Reed Army Medical Center with oversight for both a Clinical Psychology Internship and Neuropsychology Fellowship. Dr. Williams served as the last Director of the Congressionally-mandated Psychopharmacology Demonstration Project, the profession's first program to train psychologists to administer psychotropic medications, guiding this program's final report into a format conducive to providing an accurate representation of the relative merits and issues involved. He recently returned from a deployment in Northern Iraq with the 10<sup>th</sup> Special Forces Group. Dr. Williams has served on active duty in the U.S. Army for 24 years and holds the rank of colonel. He currently serves as the associate editor of Military Psychology, and is a member of Divisions 12 and 19, as well as the Society for Personality Assessment.

[thomas.williams@carlisle.army.mil](mailto:thomas.williams@carlisle.army.mil)

PRIVACY REDACTION

#### Bryce Lefever, Ph.D., ABPP

Please consider my qualifications for participation in this important task force. I have a strong interest and a very strong background in these topics. I believe that I can make a significant contribution.

Please consider the following: I am the only Navy psychologist to have been assigned to the SERE (survival) school and the Naval Special Warfare Development Group where I held a TS-SCI security clearance. I have been through all of the Joint Personnel Recovery Agency (JPRA) training—both classified and unclassified. I am well-versed in interrogation issues. I have lectured on Brainwashing and The Psychology of Captivity for many years.

While deployed to Afghanistan as the Joint Special Operations Task Force psychologist shortly after 9-11, I coached interrogations of Taliban and al Qaida prisoners at the detention facility. I also provided a series of lectures on methods pertaining to difficult resistors.

I have consulted ethics experts on matters of screening of personnel and other matters pertaining to National Defense including Joe Matarazzo.

I have nearly 18 years of active duty in the United States Navy and will be promoted to Captain in June. I presently serve as Head of the Substance Abuse Rehabilitation Program in Norfolk, VA.

[belefever@mar.med.navy.mil](mailto:belefever@mar.med.navy.mil)

PRIVACY REDACTION

#### Colonel Thomas A. Kolditz, Ph.D. (nonclinical nominee)

Tom Kolditz is the Head of the Department of Behavioral Sciences and Leadership at the United States Military Academy. He has served in tactical assignments worldwide, and as a human resources policy analyst in the Pentagon. Colonel Kolditz's most recent troop assignment was commander of a battalion in Korea. He is responsible for Psychology, Sociology, Leadership, and Management programs at West Point.



He holds a Bachelor's in Psychology and Sociology from Vanderbilt University, three masters degrees, and a Ph.D. in Social Psychology from the University of Missouri. He has published across an array of academic, military, and leadership trade publications, and serves on the advisory boards of several academic journals. He is a member of the Academy of Management, the American Psychological Association, and a Fellow in the Inter-University Seminar on Armed Forces and Society. Colonel Kolditz worked on major Army studies, including the Secretary of the Army Senior Review Panel on Sexual Harassment (1997) and the Chief of Staff, Army Study Group on Well-being in the US Army (2000). His professional interests center on applied psychology and leadership. In 2003, he traveled throughout Iraq to study cohesion in small units during hostilities.

PRIVACY REDACTION

## ***Slate 2: Retired from Active Duty with Substantial Experience in National Security Work Broadly Defined***

Joseph D Matarazzo, Ph.D.

- 1) A career- spanning set of experiences in interviewing and related psychological assessment, plus a published book and dozens of peer reviewed, published articles on the anatomy and structure of the interview.
- 2) Two decades of concurrent experience as the National Civilian Consultant in Clinical Psychology to the Surgeon General of the U.S. Navy (1976 - 1996 ); Surgeon General of the U.S. Army (1976 - 1992); and Surgeon General of the U.S. Air Force ( 1976 - 2000 ). I was privileged to visit with active duty psychologists and their hospital commanding officers at numerous DOD facilities, and had the opportunity on many occasions to discuss with these psychologist practitioners how to try best to balance adherence to a psychologists code of ethical conduct with the needs and demands of the military requirement.
- 3) Active duty, U.S. NAVY (1943 - 1947 ) and U.S. Navy Ready Reserve (1947 - 1988), with rank of Navy Captain 1974 - 1988.
- 4 ) APA President (1989 - 1990 )
- 5) APA Board of Directors Liaison to the APA Ethics Committee ( 1985- 1988 ).
- 6) Member, Advisory Panel on Psychological Assessment, Central Intelligence Agency ( 1966 - 1970 )
- 7) Member, Psychological Advisory Council, Central Intelligence Agency ( 2001 - 2004 ) In these last two assignments I had experience relevant to the issues of interest to this new APA Presidential Task Force.

PRIVACY REDACTION

Neil S. Hibler, Ph.D., ABPP

For some time now I have been following Jeff Mumford's initiatives to ensure our profession's role in national security. This task force promises to be another success for APA in defining how psychologists can contribute to legitimate, legal and effective practices in this time of risk. I am in Fairfax (VA) which would perhaps add to the convenience of my involvement, but more importantly I offering what I believe to be an unusual background that is relevant to the need.

I am a retired Air Force clinical psychologist, who was also a special agent and counterintelligence officer. In the course of my duties I have been an instructor in interviewing and interrogating, directed the federal government's program for using hypnosis to enhance memory and directed the nation's espionage research program.

As the Command Clinical Psychologist for the Air Force Office of Special Investigations I have participated in thousands of investigations by supplying behavioral science support. In that regard, I have conducted a significant amount of investigative and operational activity as an Agent, and when later becoming a psychologist conducted casework, mindful of the ethical implications of our profession. Now that I am retired from the military I believe I there may be an advantage in that I don't have a career to protect, meaning that my views would not be influenced by having to be in agreement with military policy.



At this time I am as yet deeply involved in psychological activities that support our national security. My top secret clearance is current. I am the psychologist used by the U.S. Secret Service for examining uniformed and special agent personnel, to include the team that protects the President. Additionally, I am the consultant used by the FBI for their employees, as well as being their internal security consultant. There are a number of these consultant positions, many obtained after efforts by other psychologists failed. For example, I am the psychologist now used by the Federal Air Marshal program, after their initial consultant proved unable to provide viable services. These agencies typically find me due to my role as a psychology consultant to the Department of Health and Human Services (HHS) and the Office of Personnel Management (OPM).

**PRIVACY REDACTION**



**Sender:** Mumford, Geoffrey </O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>  
**Sent:** Tuesday, November 30, 2004 2:39:47 PM  
**Recipient:** Behnke, Stephen <sbehnke@apa.org>; Gilfoyle, Nathalie <ngilfoyle@apa.org>; Farberman, Rhea K. <rfarberman@apa.org>; Honaker, Michael <mhonaker@apa.org>; Breckler, Steven J. <SBreckler@apa.org>  
**Cc:** Anderson, Norman <NAnderson@apa.org>  
**Subject:** RE: NYTimes.com Article: Red Cross Finds Detainee Abuse in Guantánamo  
**Attachments:** national security forum meeting notes.doc; Invitees for Ethics and National Security Forumgkm.doc

---

Sara Robinson drafted some notes from the meeting which are still a rough transcript but in case they weren't circulated, I've attached them here to remind us of what we talked about and separately attached the names and affiliations of those present (the Hopkins and U. of MD psychiatrists were representing ApA and another psychiatric group but I can't remember which).  
-geoff

-----Original Message-----

From: Behnke, Stephen  
Sent: Tuesday, November 30, 2004 2:23 PM  
To: Mumford, Geoffrey; Gilfoyle, Nathalie; Farberman, Rhea K.; Honaker, Michael; Breckler, Steven J.  
Cc: Anderson, Norman  
Subject: RE: NYTimes.com Article: Red Cross Finds Detainee Abuse in Guantánamo

We have not submitted an item to the Board or Council; we discussed the July meeting at the Ethics Committee meeting, with Barry Anton (our Board liaison) present, and the Ethics Office information item for the December Board meeting makes mention of it, but nothing as explicit as what Geoff has (very eloquently) written below.

-----Original Message-----

From: Mumford, Geoffrey  
Sent: Tuesday, November 30, 2004 2:03 PM  
To: Gilfoyle, Nathalie; Behnke, Stephen; Farberman, Rhea K.; Honaker, Michael; Breckler, Steven J.  
Cc: Anderson, Norman  
Subject: RE: NYTimes.com Article: Red Cross Finds Detainee Abuse in Guantánamo

Rhea and Steve(s),

Was the Board or Council informed of our July meeting? I wonder if we might want to note that we've at least attempted to take some leadership role in initiating a dialogue on the issue:

The APA is deeply concerned about the extent to which ethical codes of conduct are observed by mental health professionals and others operating in national security settings. For that reason, the APA convened a meeting last July to initiate a dialogue with leaders of other mental health associations as well as operational staff from the intelligence community to better understand the role of psychologists, psychiatrists and other mental health professionals working in such settings. [of course this begs the question "what next?" to which I haven't got a good answer].

The American Anthropological Association has been quite vocal on this and its September edition of Anthropology News was devoted to a series of essays related to the situation uncovered at Abu Ghraib. One of our members contributed the attached.

-geoff

-----Original Message-----

From: Gilfoyle, Nathalie  
Sent: Tuesday, November 30, 2004 1:56 PM  
To: Behnke, Stephen; Farberman, Rhea K.; Honaker, Michael; Mumford, Geoffrey; Breckler, Steven J.  
Cc: Anderson, Norman  
Subject: RE: NYTimes.com Article: Red Cross Finds Detainee Abuse in Guantánamo

That all sounds good as far as it goes but the tougher point to me is the question --which seems inevitable --of whether psychologists can legitimately/ethically work with interrogators to identify ways of "breaking down" a prisoner that fall short of torture . I think the answer to that is probably "yes" but that is quite tricky to get across without creating a sound bite that could be disastrous. Maybe the answer is "no" which would be easier. But somehow the easy answer is rarely the correct one, it seems. Anyway it is a question to be ready for. Maybe you will get picked for the jury and can avoid all this . N

Nathalie Gilfoyle  
General Counsel  
American Psychological Association  
750 First Street , N.E.  
Washington, D.C. 20002  
202-336-6186

-----Original Message-----

From: Behnke, Stephen  
Sent: Tuesday, November 30, 2004 1:48 PM  
To: Farberman, Rhea K.; Honaker, Michael; Gilfoyle, Nathalie; Mumford, Geoffrey; Breckler, Steven J.  
Cc: Anderson, Norman  
Subject: RE: NYTimes.com Article: Red Cross Finds Detainee Abuse in Guantánamo

I've received one call about this article, this morning, but I've been sitting in a jury box so will return it later.



At this point, the information we have is limited to what is in the media. I think our message should be, at least in part: 1) APA has an ethics code, which its members agree to abide by; 2) The media provides few facts about very complicated situations. These situations require a full understanding of the facts before any assessment can be made regarding whether a particular behavior is ethically appropriate or problematic; 3) APA works to promote "the highest standards of professional ethics" (From APA Bylaws) in all areas of psychology--research, education, and practice--and has an Ethics Committee that reviews complaints concerning psychologists' behavior.

Steve

-----Original Message-----

From: Farberman, Rhea K.  
Sent: Tuesday, November 30, 2004 1:24 PM  
To: Behnke, Stephen; Honaker, Michael; Gilfoyle, Nathalie; Mumford, Geoffrey; Breckler, Steven J.  
Cc: Anderson, Norman  
Subject: RE: NYTimes.com Article: Red Cross Finds Detainee Abuse in Guantánamo

I'm sure this is already obvious, but I feel compelled to also add that if we do respond to the report we need to do so very carefully -- we don't want to condemn the work some psychologists when we don't know all facts and we also don't want to take sides in a disagreement between the Red Cross and the White House.

Rhea

-----Original Message-----

From: Behnke, Stephen  
Sent: Monday, November 29, 2004 10:55 PM  
To: Honaker, Michael; Gilfoyle, Nathalie; Childress-Beatty, Lindsay; Farberman, Rhea K.; Mumford, Geoffrey; Breckler, Steven J.  
Subject: NYTimes.com Article: Red Cross Finds Detainee Abuse in Guantánamo

I was just putting together a panel for Convention on the ethics of national security-related investigations and research, when I saw this article from the New York Times. I think it's likely there will be some fallout, but very difficult to predict what it will be.

I am on jury duty tomorrow, but will be back later in the day.

Steve

#### Red Cross Finds Detainee Abuse in Guantánamo

November 30, 2004  
By NEIL A. LEWIS

WASHINGTON, Nov. 29 - The International Committee of the Red Cross has charged in confidential reports to the United States government that the American military has intentionally used psychological and sometimes physical coercion "tantamount to torture" on prisoners at Guantánamo Bay, Cuba.

The finding that the handling of prisoners detained and interrogated at Guantánamo amounted to torture came after a visit by a Red Cross inspection team that spent most of last June in Guantánamo.

The team of humanitarian workers, which included experienced medical personnel, also asserted that some doctors and other medical workers at Guantánamo were participating in planning for interrogations, in what the report called "a flagrant violation of medical ethics."

Doctors and medical personnel conveyed information about prisoners' mental health and vulnerabilities to interrogators, the report said, sometimes directly, but usually through a group called the Behavioral Science Consultation Team, or B.S.C.T. The team, known informally as Biscuit, is composed of psychologists and psychological workers who advise the interrogators, the report said.

The United States government, which received the report in July, sharply rejected its charges, administration and military officials said.

The report was distributed to lawyers at the White House, Pentagon and State Department and to the commander of the detention facility at Guantánamo, Gen. Jay W. Hood. The New York Times recently obtained a memorandum, based on the report, that quotes from it in detail and lists its major findings.

It was the first time that the Red Cross, which has been conducting visits to Guantánamo since January 2002, asserted in such strong terms that the treatment of detainees, both physical and psychological, amounted to torture. The report said that another confidential report in January 2003, which has never been disclosed, raised questions of whether "psychological torture" was taking



place.

The Red Cross said publicly 13 months ago that the system of keeping detainees indefinitely without allowing them to know their fates was unacceptable and would lead to mental health problems.

The report of the June visit said investigators had found a system devised to break the will of the prisoners at Guantánamo, who now number about 550, and make them wholly dependent on their interrogators through "humiliating acts, solitary confinement, temperature extremes, use of forced positions." Investigators said that the methods used were increasingly "more refined and repressive" than learned about on previous visits.

"The construction of such a system, whose stated purpose is the production of intelligence, cannot be considered other than an intentional system of cruel, unusual and degrading treatment and a form of torture," the report said. It said that in addition to the exposure to loud and persistent noise and music and to prolonged cold, detainees were subjected to "some beatings." The report did not say how many of the detainees were subjected to such treatment.

Asked about the accusations in the report, a Pentagon spokesman provided a statement saying, "The United States operates a safe, humane and professional detention operation at Guantánamo that is providing valuable information in the war on terrorism."

It continued that personnel assigned to Guantánamo "go through extensive professional and sensitivity training to ensure they understand the procedures for protecting the rights and dignity of detainees."

The conclusions by the inspection team, especially the findings involving alleged complicity in mistreatment by medical professionals, have provoked a stormy debate within the Red Cross committee. Some officials have argued that it should make its concerns public or at least aggressively confront the Bush administration.

The International Committee of the Red Cross, which is based in Geneva and is separate from the American Red Cross, was founded in 1863 as an independent, neutral organization intended to provide humanitarian protection and assistance for victims of war.

Its officials are able to visit prisoners at Guantánamo under the kind of arrangement the committee has made with governments for decades. In exchange for exclusive access to the prison camp and meetings with detainees, the committee has agreed to keep its findings confidential. The findings are shared only with the government that is detaining people.

Beatrice Mégevand-Roggo, a senior Red Cross official, said in an interview that she could not say anything about information relayed to the United States government because "we do not comment in any way on the substance of the reports we submit to the authorities."

Ms. Mégevand-Roggo, the committee's delegate-general for Europe and the Americas, acknowledged that the issue of confidentiality was a chronic and vexing one for the organization. "Many people do not understand why we have these bilateral agreements about confidentiality," she said. "People are led to believe that we are a fig leaf or worse, that we are complicit with the detaining authorities."

She added, "It's a daily dilemma for us to put in the balance the positive effects our visits have for detainees against the confidentiality."

Antonella Notari, a veteran Red Cross official and spokeswoman, said that the organization frequently complained to the Pentagon and other arms of the American government when government officials cite the Red Cross visits to suggest that there is no abuse at Guantánamo. Most statements from the Pentagon in response to queries about mistreatment at Guantánamo do, in fact, include mention of the visits.

In a recent interview with reporters, General Hood, the commander of the detention and interrogation facility at Guantánamo, also cited the committee's visits in response to questions about treatment of detainees. "We take everything the Red Cross gives us and study it very carefully to look for ways to do our job better," he said



in his Guantánamo headquarters, adding that he agrees "with some things and not others."

"I'm satisfied that the detainees here have not been abused, they've not been mistreated, they've not been tortured in any way," he said.

Scott Horton, a New York lawyer, who is familiar with some of the Red Cross's views, said the issue of medical ethics at Guantánamo had produced "a tremendous controversy in the committee." He said that some Red Cross officials believed it was important to maintain confidentiality while others believed the United States government was misrepresenting the inspections and using them to counter criticisms.

Mr. Horton, who heads the human rights committee of the Bar Association of the City of New York, said the Red Cross committee was considering whether to bring more senior officials to Washington and whether to make public its criticisms.

The report from the June visit said the Red Cross team found a far greater incidence of mental illness produced by stress than did American medical authorities, much of it caused by prolonged solitary confinement. It said the medical files of detainees were "literally open" to interrogators.

The report said the Biscuit team met regularly with the medical staff to discuss the medical situations of detainees. At other times, interrogators sometimes went directly to members of the medical staff to learn about detainees' conditions, it said.

The report said that such "apparent integration of access to medical care within the system of coercion" meant that inmates were not cooperating with doctors. Inmates learn from their interrogators that they have knowledge of their medical histories and the result is that the prisoners no longer trust the doctors.

Asked for a response, the Pentagon issued a statement saying, "The allegation that detainee medical files were used to harm detainees is false." The statement said that the detainees were "enemy combatants who were fighting against U.S. and coalition forces."

"It's important to understand that when enemy combatants were first detained on the battlefield, they did not have any medical records in their possession," the statement continued. "The detainees had a wide range of pre-existing health issues including battlefield injuries."

The Pentagon also said the medical care given detainees was first-rate. Although the Red Cross criticized the lack of confidentiality, it agreed in the report that the medical care was of high quality.

Leonard S. Rubenstein, the executive director of Physicians for Human Rights, was asked to comment on the account of the Red Cross report, and said, "The use of medical personnel to facilitate abusive interrogations places them in an untenable position and violates international ethical standards."

Mr. Rubenstein added, "We need to know more about these practices, including whether health professionals engaged in calibrating levels of pain inflicted on detainees."

The issue of whether torture at Guantánamo was condoned or encouraged has been a problem before for the Bush administration.

In February 2002, President Bush ordered that the prisoners at Guantánamo be treated "humanely and, to the extent appropriate with military necessity, in a manner consistent with" the Geneva Conventions. That statement masked a roiling legal discussion within the administration as government lawyers wrote a series of memorandums, many of which seemed to justify harsh and coercive treatment.

A month after Mr. Bush's public statement, a team of administration lawyers accepted a view first advocated by the Justice Department that the president had wide powers in authorizing coercive treatment of detainees. The legal team in a memorandum concluded that Mr. Bush was not bound by either the international Convention Against Torture or a federal antitorture statute because he had the authority to protect the nation from terrorism.

That document provides tightly constructed definitions of



torture. For example, if an interrogator "knows that severe pain will result from his actions, if causing such harm is not his objective, he lacks the requisite specific intent even though the defendant did not act in good faith," it said. "Instead, a defendant is guilty of torture only if he acts with the express purpose of inflicting severe pain or suffering on a person within his control."

When some administration memorandums about coercive treatment or torture were disclosed, the White House said they were only advisory.

Last month, military guards, intelligence agents and others described in interviews with The Times a range of procedures that they said were highly abusive occurring over a long period, as well as rewards for prisoners who cooperated with interrogators. The people who worked at Camp Delta, the main prison facility, said that one regular procedure was making uncooperative prisoners strip to their underwear, having them sit in a chair while shackled hand and foot to a bolt in the floor, and forcing them to endure strobe lights and loud rock and rap music played through two close loudspeakers, while the air-conditioning was turned up to maximum levels.

Some accounts of techniques at Guantánamo have been easy to dismiss because they seemed so implausible. The most striking of the accusations, which have come mainly from a group of detainees released to their native Britain, has been that the military used prostitutes who made coarse comments and come-ons to taunt some prisoners who are Muslims.

But the Red Cross report hints strongly at an explanation of some of those accusations by stating that there were frequent complaints by prisoners in 2003 that some of the female interrogators baited their subjects with sexual overtures.

Gen. Geoffrey Miller, who commanded the detention and intelligence operation at Guantánamo until April, when he took over prison operations in Iraq, said in an interview early this year about general interrogation procedures that the female interrogators had proved to be among the most effective. General Miller's observation matches common wisdom among experienced intelligence officers that women may be effective as interrogators when seen by their subjects as mothers or sisters. Sexual taunting does not, however, comport with what is often referred to as the "mother-sister syndrome."

But the Red Cross report said that complaints about the practice of sexual taunting stopped in the last year. Guantánamo officials have acknowledged that they have improved their techniques and that some earlier methods they tried proved to be ineffective, raising the possibility that the sexual taunting was an experiment that was abandoned.

<http://www.nytimes.com/2004/11/30/politics/30guantanamo.html?ex=1102786607&ei=1&en=4e97f0b755cbff66f>

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**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Friday, April 01, 2005 8:49:43 PM  
**Recipient:** Mumford, Geoffrey </O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>  
**Subject:** RE: Task Force Draft Reading List

---

Geoff, I'm away at a conference at the moment; let's speak next week--I'm back on Tuesday. Steve

-----Original Message-----

**From:** Mumford, Geoffrey  
**Sent:** Fri 4/1/2005 10:09 AM  
**To:** Behnke, Stephen  
**Cc:**  
**Subject:** RE: Task Force Draft Reading List

Steve,

Do you know if Ron plans to accommodate a limited number of outside observers for the Task Force? I'd very much like for Susan Brandon to be able to be there and she would like to be (I believe Ron will be giving her a Prez Citation for her role in advancing behavioral sciences for countering terrorism at the Science Leadership Conference next December so there is a good fit) and politically it would be helpful/smart to have a White House observer...but let's chat either way before approaching Ron.

-geoff

-----Original Message-----

**From:** Behnke, Stephen  
**Sent:** Thursday, March 31, 2005 5:09 PM  
**To:** 'Ronald F. Levant, Ed.D, M.B.A., ABPP'; 'Gerald P. Koocher, Ph.D.'; 'anton'; Kelly, Heather; Mumford, Geoffrey; Breckler, Steven J.  
**Subject:** RE: Task Force Draft Reading List

Well, Ron, at the moment there really are no experts on the ethics of these issues...

I'll be happy to circulate to the task force members; we're getting your letter out electronically, so we should have people confirmed as "official" task force members very quickly.

I'm wondering whether it might make sense to go ahead and create our reading list, distribute, with the idea that we'll definitely add readings, rather than waiting for everyone to review. That way we can get started and add things as we go (which we will certainly want to do).

Steve

-----Original Message-----

**From:** Ronald F. Levant, Ed.D, M.B.A., ABPP  
**Sent:** Thursday, March 31, 2005 4:58 PM  
**To:** Behnke, Stephen; 'Gerald P. Koocher, Ph.D.'; 'anton'; Kelly, Heather; Mumford, Geoffrey; Breckler, Steven J.  
**Subject:** RE: Task Force Draft Reading List

PRIVACY REDACTION



Steve: Looks good to me but I am not an expert

Suggestion: circulate to the TF members for additions and suggestions

Ronald F. Levant, Ed.D., M.B.A., ABPP

Professor

Center for Psychological Studies

Nova Southeastern University

**PRIVACY REDACTION**



www.DrRonaldLevant.com website

President, American Psychological Association, 2005

"Making Psychology a Household Word"

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]

Sent: Wednesday, March 30, 2005 10:56 PM

To: Ronald F. Levant, Ed.D, M.B.A., ABPP; Gerald P. Koocher, Ph.D.;  
anton; Kelly, Heather; Mumford, Geoffrey; Breckler, Steven J.

Subject: Task Force Draft Reading List

Attached please find a draft reading list for the Task Force. I've tried to pull together readings that crystallize the ethical issues, provide background information, and serve as critical texts in law or ethics. The list casts a somewhat wide net and so tends to be broader than it is deep. I expect that people will want to focus on some readings more than others, naturally--

Please let me know whether there are important readings I have left out, other readings that you would recommend, or any other revisions you would suggest.

The readings will be collected and distributed in a three-ring binder.

Thank you,

Steve

<<TaskForcebibliodraft.doc>>



**Sender:** Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>  
**Sent:** Tuesday, April 19, 2005 2:02:04 PM  
**Recipient:** Mumford, Geoffrey <gmumford@apa.org>;Kobor, Patricia  
<pkobor@apa.org>;Studwell, Karen <KStudwell@apa.org>;Robinson, Sara  
<SRobinson@apa.org>;Breckler, Steven J. <SBreckler@apa.org>;Bullock, Merry  
<MBullock@apa.org>;Holt, Virginia E. <vholt@apa.org>;Maranto, Dianne B.  
<dmaranto@apa.org>  
**Subject:** CIFA Collaborations

---

Hi --

I want to bring everyone up to date on our various collaborative activities with the counterintelligence office (CIFA) within DoD:

1. **Summer Research Fellowships:** Many of you got to meet our two fellows-to-be yesterday afternoon, Dr. Sujeeta Bhatt from Georgetown and Kathleen Pierce, a 5th year grad student from Ohio State. Virginia and I are working out the memo of understanding with CIFA so that we can make official offers to Sujeeta and Kathleen shortly. They will be housed over at CIFA for 8 weeks this summer and the CIFA guys have great plans for them and will monitor them closely.
2. **Trip to USC and Ft. Jackson:** I had a great trip down to South Carolina last week with Dr. Scott Shumate and Dr. John Capps, both from CIFA. I introduced Shumate to Jen Vendemia, a great researcher Geoff found last year who's working on detection of deception neuro stuff. She actually collaborates quite a bit with the DoD researchers over at the DoD Polygraph Institute, which is now under the oversight of CIFA. The CIFA guys took me over there Wednesday for the grand tour, and particularly to see all of the credibility assessment research going on in the labs there -- WAY beyond polygraph stuff, very cutting-edge applied neuroscience. The Director of Research there, Andy Ryan, and John Capps will likely contribute an early fall PSA piece on the new world of deception detection research.
3. **Defense Research Advocacy:** I'm focusing a lot on CIFA because it's an amazing opportunity to get good psychological research (and research psychologists) in on the ground floor, much like Geoff has done with Homeland Security. This is a two-year-old umbrella office within DoD that is likely to grow tremendously in the next couple of years, and these guys are really building a research program from the ground up. To that end I'm also helping them network within DoD with all of the more basic and applied research offices, and we may end up putting a line or two in our upcoming defense testimony before the appropriations committees urging Congress to direct more money and attention towards behavioral science in counterintelligence.
3. **CIFA Professional Advisory Committee:** I'm going to sit in this week on a CIFA PAC meeting, prior to being polygraphed and formally asked to join it. This is the group of outside research experts (not me), government liaisons (also not me) and other potentially helpful psychologists (hopefully me) whom CIFA consults with on research and strategy issues. Susan Brandon attends from OSTP, and it's a group of incredible psychological scientists.

Heather

Heather O'Beirne Kelly, Ph.D.  
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email hkelly@apa.org



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Tuesday, April 19, 2005 10:22:58 PM  
**Recipient:** 'Jean Maria Arrigo' [REDACTED]; 'Banks, Louie M. COL' <louie.morgan.banks@us.army.mil>; 'Robert Fein' [REDACTED]; 'Gelles, Mike' <MGelles@NCIS.NAVY.MIL>; 'James, Larry C COL TAMC' <larry.james@us.army.mil>; 'LeFever, Bryce E. (CDR)' <BELeFever@mar.med.navy.mil>; 'Shumate, Scott (GOV)' <Scott.Shumate@cifa.mil>; 'Olivia Moorehead-Slaughter' [REDACTED]; 'DoctorNina@aol.com' [REDACTED]; 'Wessells, Michael' [REDACTED]  
**Cc:** 'Ronald F. Levant, Ed.D, M.B.A., ABPP' [REDACTED]; 'Gerry Koocher' [REDACTED]; 'anton' [REDACTED]; 'Kelly, Heather' <hkelly@apa.org>; Mumford, Geoffrey <gmumford@apa.org>; Breckler, Steven J. <SBreckler@apa.org>; Jacobson, Rhea <rjacobson@apa.org>; Wandersman, Suzanne S. <SWandersman@apa.org>  
**Subject:** Presidential Task Force

---

Dear Task Force Members,

I write for three reasons. First, so that you are aware of when and how the Task Force is presented to the APA more broadly, tomorrow a letter will be sent out to the individuals who were not chosen as members of the Task Force. Included in the letter will be a list of Task Force members (i.e., you). On Monday, a message will be sent out to the APA Council of Representatives with your names and biographical statements. Thus, as of Monday your names and biographical statements will be available to the APA Council of representatives and whomever Council members choose to share that information with.

Second, on Friday you will receive a booklet containing texts and articles relevant to your work (e.g., the Task Force charge). Most of the booklet consists of readings that address the substantive issues the Task Force will be examining, crystallize the ethical issues, or provide important reference materials. Please do not let the size of the book make you anxious; while we will want to examine certain readings in detail, others will serve as materials that provide important background information or that contain references helpful to your work. (A good place to begin reading is Tab 11, an article co-authored by Mike Gelles, a Task Force member, and Tab 45, a series of exchanges on a case titled "Squillacote." The Squillacote case itself is found at Tab 28; the important aspect of the Squillacote case for our purposes are the facts of the case, found on pages 6-10, under heading "I." You do not need to read the entire case.) Also, the reading list is not meant to be exhaustive and I fully anticipate that there will be other materials you will want to be made available to the Task Force.

Third, to communicate more easily, APA is creating a listserve, titled "PENS Task Force" (for "Psychological Ethics and National Security") We appreciate how busy all of you are and do not want to overburden you with yet another listserve. Nonetheless, we felt it important to provide a forum for you to begin getting to know one another and identifying issues that you may want to discuss in depth at your meeting.

Please do not hesitate to get in touch with staff if we can be helpful to you.

Steve Behnke



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Friday, January 14, 2005 1:19:45 PM  
**Recipient:** Mumford, Geoffrey <gmumford@apa.org>; Kelly, Heather <hkelly@apa.org>  
**Subject:** RE: List  
**Attachments:** TaskForcelist.doc

---

Whoops-- 

-----Original Message-----

Behnke, Stephen

Friday, January 14, 2005 1:13 PM

Mumford, Geoffrey; Kelly, Heather

List

Hi Geoff and Heather,

Could we touch base later on? Also, could you please look over this list, and see whom we're missing of those people whom we would really want, and if you can fill in on anyone (e.g., Larry James and Arthur Miller)? Thanks,

Steve

(Let's talk about Debra Dunivin)



**Sender:** Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>  
**Sent:** Monday, May 23, 2005 4:00:04 PM  
**Recipient:** Mumford, Geoffrey <gmumford@apa.org>; Behnke, Stephen <sbehnke@apa.org>  
**Cc:** Breckler, Steven J. <SBreckler@apa.org>; Jacobson, Rhea <rjacobson@apa.org>  
**Subject:** RE: mental health policy

---

Thursdays I'm usually off, so I'll probably need to head out after the briefing to get kids. Will be in all day Friday but not sure if you guys will...  
H

Heather O'Beirne Kelly, Ph.D.  
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Washington, D.C. 20002  
phone 202.336.5932  
fax 202.336.6063  
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---

**From:** Mumford, Geoffrey  
**Sent:** Monday, May 23, 2005 3:54 PM  
**To:** Behnke, Stephen  
**Cc:** Breckler, Steven J.; Kelly, Heather; Jacobson, Rhea  
**Subject:** RE: mental health policy

Sorry, we all have a Hill briefing to be at from 12:00-2:00... maybe 3:00 if Heather isn't too wiped out. I assume you meant to copy Rhea F?  
-geoff

---

**From:** Behnke, Stephen  
**Sent:** Monday, May 23, 2005 3:52 PM  
**To:** Mumford, Geoffrey  
**Cc:** Breckler, Steven J.; Kelly, Heather; Jacobson, Rhea  
**Subject:** RE: mental health policy

Say Wednesday at 2 pm?

-----Original Message-----

**From:** Mumford, Geoffrey  
**Sent:** Monday, May 23, 2005 12:02 PM  
**To:** Behnke, Stephen  
**Cc:** Breckler, Steven J.; Kelly, Heather  
**Subject:** RE: mental health policy

Good...would you like to propose some candidate dates/times (Tues, Wed or Fri are best for Heather)?

I see that the PENS listserv is starting to address the same content issues. Is it necessarily the case that



all coercive techniques should be discredited...it seems there would be good examples from consumer psychology where behavioral scientists have researched consumer vulnerabilities to get us to buy things that are bad for us but they are probably still allowed to be APA members...that may not be an apt analogy but I just wouldn't want to see the baby thrown out with the bathwater. Isn't it possible that there may be techniques available, or as yet undiscovered, that would pass some risk/benefit test?

Behavioral scientists get away with using deception/coercion all the time in research with the understanding that participants are later debriefed as to the true nature of the research...couldn't it be argued that the application of those techniques (sans debriefing) in national security settings are justified?

I'll pass along a Washington Fax piece about the IOM's recent deliberations on research in prison populations that may be relevant to some of the ongoing discussions:

### **Informed Consent Not Possible In Prison, IoM Committee Told**

Researchers face great difficulties in obtaining meaningful informed consent from prisoners involved in research, speakers at a May 4 Institute of Medicine committee meeting maintained..

The IoM committee is charged with preparing a report on the ethics of protecting prisoners involved in research. Their findings will inform a revision of Subpart C of the Common Rule (45 *CFR* 46) human subject research protections that is being undertaken by a subcommittee of the HHS Secretary's Advisory Committee on Human Research Protections. (see Washington Fax [4/21/05a](#))

Discussion at the May 4 meeting, the committee's second, centered on the ethical and legal considerations of prisoner research. Committee members heard presentations from corrections specialists and experts in prison life. Speakers and committee members noted that a prison constitutes a coercive environment, making it difficult for an inmate to truly be able to choose to participate in research.

"It is actually very hard to reconcile the demands of correctional facilities with some of the assumptions and values that researchers bring to the research operation," said Patricia King, Georgetown University.

The committee needs to decide whether inmates participate in an experiment because they have no other alternatives, and whether this constitutes exploitation, Dan Wikler, Harvard University, said.

Wikler argued that prisoners are capable of separating out their will from the will of the institution. If it could be advantageous for inmates to participate in research, then it is possible for the choice to be voluntary, he said.

While research on diseases that predominately affect prisoners should be conducted, inmates may not have a right to experimental treatment, Jessica Berg said. The "right to participate is hard to contemplate," the Case Western Reserve University law professor said.

The intellectual debate over whether a prisoner can truly consent to being a research subject was enlivened by a former inmate who spoke before the committee.



Inmates are so desperate to leave prison that they will ignore warnings that participating in research would not improve their prospects for parole. "When you give a prisoner an informed consent form, you can have it in neon yellow 'you ain't got nothing coming' and he will not believe you," Daniel Murphy, Appalachian State University, said. "They would volunteer their bodies - their souls, I suggest - in the hope, the possibility, of going home," the sociologist and former prisoner maintained.

Murphy derided as ludicrous the notion that researchers could consider prisoners to be equivalent to non-prisoners. "You think for one minute that the prison population can correspond with the general population?"

Outside of coercion from wardens or guards to participate, the prisoner also faces pressure from fellow inmates. The convict code would punish an inmate who volunteered to be involved in outside research, as he would be perceived as "working with the Man," Murphy said.

Committee members and a panel consisting of corrections experts agreed that more scientific investigations need to be done on prison research. "I think that there is a lack of research quantifying the research that's going on inside the razor wire," Murphy said.

Correctional facilities professionals offered support for social science research about prisons, but noted the ethical and practical difficulties of biomedical research.

There are 40%-90% participation rates for the social science research conducted by the Pennsylvania Department of Corrections, said Gary Zajac, PhD, the department's research and evaluation manager. No human subjects problems have surfaced in the internal research, he said, and it is important to maintain a good reputation for research among the inmates. "We're of course going to monitor our own behavior very carefully."

"As a rule we don't engage in biomedical research in the department," Zajac said. He has rejected all biomedical research applications sent by outside researchers, noting that this research presents significant logistical difficulties.

However, sociological research should not be stopped, Zajac maintained. "To cut off that process of knowledge generation would be knowledge destruction."

---

**From:** Behnke, Stephen  
**Sent:** Friday, May 20, 2005 9:21 AM  
**To:** Mumford, Geoffrey; Kelly, Heather  
**Cc:** Breckler, Steven J.  
**Subject:** RE: mental health policy

Yes, that is a very good idea.

-----Original Message-----

**From:** Mumford, Geoffrey  
**Sent:** Friday, May 20, 2005 7:53 AM  
**To:** Behnke, Stephen; Kelly, Heather



**Cc:** Breckler, Steven J.  
**Subject:** RE: mental health policy

Nice going Heather... we should all get together soon to discuss the direction of the task force and what we expect the product to look like.

-geoff

---

**From:** Behnke, Stephen  
**Sent:** Friday, May 20, 2005 12:18 AM  
**To:** Kelly, Heather  
**Cc:** Mumford, Geoffrey; Breckler, Steven J.  
**Subject:** RE: mental health policy

Hi Heather, let's touch base about this tomorrow. I'm meeting with Gerry and Olivia in Boston a week or so before the meeting, and I'm wondering whether it might be best to share this (and your subsequent) message(s) with them, before providing to the entire listserve.

Steve

-----Original Message-----

**From:** Kelly, Heather  
**Sent:** Thursday, May 19, 2005 6:07 PM  
**To:** Behnke, Stephen  
**Cc:** Mumford, Geoffrey; Breckler, Steven J.  
**Subject:** FW: mental health policy

Hi, Steve:

I thought you might want to pass this on to the PENS Task Force listserv – it's language that is in the Senate FY06 DoD Authorization Bill just marked up by the Armed Services Committee. Obviously this hasn't passed the full Senate yet and will have to eventually make it through conference with the House, as well, but I'm hearing that work may already be underway within DoD along these same lines, so it is quite likely to stick in final legislation.

Heather

Heather O'Beirne Kelly, PhD  
Senior Legislative & Federal Affairs Officer  
Public Policy Office  
American Psychological Association  
750 First Street, NE  
Washington, DC 20002  
Phone 202.336.5932  
Fax 202.336.6063

---

**From:** Tabler, Diana (Armed Services) [mailto:Diana\_Tabler@armed-services.senate.gov]  
**Sent:** Thursday, May 19, 2005 5:53 PM  
**To:** Kelly, Heather  
**Cc:** McCusker, Elaine (Armed Services)  
**Subject:** mental health policy

I look forward to talking with you on another mental health policy issue, but in the meantime, here is a provision in the Senate Armed Services Committee mark relating to the subject we discussed at our last meeting. Thanks, Diana Tabler

PRIVACY REDACTION



**SEC. 1071. POLICY ON ROLE OF MILITARY MEDICAL AND BEHAVIORAL SCIENCE PERSONNEL IN INTERROGATION OF DETAINEES.**

(a) POLICY REQUIRED- The Secretary of Defense shall establish the policy of the Department of Defense on the role of military medical and behavioral science personnel in the interrogation of persons detained by the Armed Forces. The policy shall apply uniformly throughout the Armed Forces.

(b) REPORT- Not later than March 1, 2006, the Secretary shall submit to the congressional defense committees a report on the policy established under subsection (a). The report shall set forth the policy, and shall include such additional matters on the policy as the Secretary considers appropriate.



#### **IV. BOARD OF DIRECTORS**

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**Task Force to Explore the Ethical Aspects of Psychologists' Involvement and the Use of  
Psychology in National Security-Related Investigations:  
Request for Board Discretionary Funds**

**Issue**

The Board is asked to allocate \$12,500 from its 2005 discretionary fund to support one meeting of a task force to explore the ethical aspects of psychologists' involvement and the use of psychology in national security-related investigations.

**Background**

Recent events in the United States and around the world, most notably the terrorist attacks of September 11, and the Abu Ghraib prison and Guantanamo Bay detention center situations, have raised questions concerning the use of psychology and the role of psychologists in national security-related investigations and research. The ethical aspects of psychologists' work in these arenas are non-trivial and complex.

Article I of APA's Bylaws states that "the American Psychological Association shall... advance psychology as a science and profession and as a means of promoting health, education and human welfare... by the establishment and maintenance of the highest standards of professional ethics and conduct of the members of the Association."

The APA Code of Ethics, like many laws and regulations governing the practice of psychology, as well as the ethics codes of other major mental health organizations, have developed largely within specific contexts, that of traditional forms of therapy, academic research, and training programs. As a consequence, such texts may not provide as much guidance as ideal in addressing situations that involve values fundamental to the profession—confidentiality, safety, respect for autonomy, honesty, integrity—in contexts where national security and innocent lives are potentially at issue. This task force will examine the ethical dimensions of psychology's involvement and the use of psychology in national security-related investigations. The overarching purpose of the task force will be to examine whether our current Ethics Code adequately addresses such activities, whether the APA provides adequate ethical guidance to psychologists involved in these endeavors, and whether APA should develop policy to address the role of psychologists and psychology in investigations related to national security.

In examining these issues, the task force will address issues such as:

- What appropriate limits does the principle "Do no harm" place on psychologists' involvement in investigations related to national security?
- To the extent it can be determined, given the classified nature of many of these activities: What roles are psychologists asked to take in investigations related to national security?
- What are criteria to differentiate ethically appropriate from ethically inappropriate roles that psychologists may take?
- How is psychology likely to be used in investigations related to national security?
- What role does informed consent have in investigations related to national security?
- What does current research tell us about the efficacy and effectiveness of various investigative techniques?
- Would the efficacy and effectiveness of various investigative techniques, if demonstrated, affect our ethics?
- Has APA responded strongly enough to media accounts of activities that have occurred at Abu Ghraib and Guantanamo Bay?



### **Implementation Plan**

If approved, Ethics Office and Science Directorate staff will plan a meeting for the Task Force in 2005. Members of the Task Force will be appointed by President Ronald F. Levant, EdD.

### **Fiscal Implications**

Estimated cost for a 10 Member Task Force:

10 x \$500 (transportation) = \$5,000  
10 x \$250 (hotel/meals) x 3 = \$7,500  
Total = \$12,500

### **Main Motion**

- 1 That the Board of Directors allocates \$12,500 from its 2005 discretionary fund to support one
- 2 meeting in 2005 of a Task Force to Explore the Ethical Aspects of Psychologists' Involvement and
- 3 the Use of Psychology in National Security-Related Investigations.

### **Recommendation**

None.

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### **Exhibits**

1. List of Members Suggested for Appointment to the Working Group (to be provided in executive session)

*Stephen Behnke, JD, PhD*  
*Ethics Office*

*Steven Breckler, PhD*  
*Science Directorate*

*Geoff Mumford, PhD*  
*Science Directorate*



**Sender:** Mumford, Geoffrey </O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>  
**Sent:** Thursday, April 28, 2005 11:39:49 AM  
**Recipient:** Garrison, Ellen <egarrison@apa.org>  
**Cc:** Kelly, Heather <hkelly@apa.org>  
**Subject:** RE: [DIV44] FW: [COMMITTEE] TF on Psych Ethics & Nat'l Security

---

Ellen,  
He should probably just make his interests known to Steve Behnke.  
-geoff

-----Original Message-----

From: Garrison, Ellen  
Sent: Thursday, April 28, 2005 11:36 AM  
To: Mumford, Geoffrey; Kelly, Heather  
Subject: FW: [DIV44] FW: [COMMITTEE] TF on Psych Ethics & Nat'l Security

Geoff and Heather,

Jeff expressed an interest in the workings of this task force given his masters in ethics of violence, prior work at Amnesty International, and handling international torture for us.

Any chance he might sit in on the meeting(s)? What all are you planning in this regard? Certainly view him as a resource.

Ellen

-----Original Message-----

From: Mumford, Geoffrey  
Sent: Thursday, April 28, 2005 10:53 AM  
To: McIntyre, Jeff  
Cc: Garrison, Ellen; Kelly, Heather  
Subject: RE: [DIV44] FW: [COMMITTEE] TF on Psych Ethics & Nat'l Security

Yes, Heather and I are staffing it. Here's the proposal describing its purpose.  
-geoff

-----Original Message-----

From: McIntyre, Jeff  
Sent: Thursday, April 28, 2005 10:50 AM  
To: Garrison, Ellen; Mumford, Geoffrey; Kelly, Heather  
Subject: FW: [DIV44] FW: [COMMITTEE] TF on Psych Ethics & Nat'l Security

Y'all -

Are you familiar with this task force? I'm curious as to the mission.

Intelligence and torture seem to be the prominent issues for them.

~jeffmc

-----Original Message-----

From: Society for the Psychological Study of Lesbian, Gay, and Bisexual  
Issues [<mailto:DIV44@LISTS.APA.ORG>] On Behalf Of Sari Dworkin  
Sent: Wednesday, April 27, 2005 1:23 PM  
To: DIV44@LISTS.APA.ORG



Subject: [DIV44] FW: [COMMITTEE] TF on Psych Ethics & Nat'l Security

----- Forwarded Message

From: "Cameron, Leslie" <lcameron@APA.ORG>

Reply-To: Committee on Women in Psychology <CWP@LISTS.APA.ORG>

Date: Wed, 27 Apr 2005 08:39:23 -0400

To: <CWP@LISTS.APA.ORG>

Subject: [COMMITTEE] TF on Psych Ethics & Nat'l Security

> -----Original Message-----

> From: Donnelly, Paul

> Sent: Tuesday, April 26, 2005 3:16 PM

> To: Liaison-Staff

> Subject: For Distribution to Boards & Committees

>

> Per a request from Steve Behnke, please distribute the following statement and roster to any board and committee lists or listservs.

>

> In February, a call was sent out for nominations to a Presidential Task Force on Psychological Ethics and National Security (PENS Task Force). Attached please find the names and brief biographical statements of the Task Force members.

>

>

>> <<PENS Task Force.doc>>

>

> Paul Donnelly

> Director, Board & Committee Operation

> American Psychological Association

> 750 First Street NE

> Washington, DC 20002

> 202-336-6018

> 202-336-5963 (Fax)

> pdonnelly@apa.org

>

----- End of Forwarded Message



**Sender:** Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>  
**Sent:** Friday, October 14, 2005 1:37:08 PM  
**Recipient:** Mumford, Geoff <gmumford@apa.org>  
**Subject:** FW: Meeting with Ron before his trip

---

Heather O'Beirne Kelly, Ph.D.  
Senior Legislative and Federal Affairs Officer  
Science Public Policy Office  
American Psychological Association  
750 First Street, N.E., 5th Floor  
Washington, D.C. 20002  
phone 202.336.5932  
fax 202.336.6063  
email hkelly@apa.org

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Behnke, Stephen

Wednesday, October 12, 2005 5:04 PM

Anderson, Norman; Honaker, Michael; Gilfoyle, Nathalie; Breckler, Steve; Newman, Russ; Farberman, Rhea; Strassburger, Judy; Kelly, Heather

Murphy, Jo Anne

Meeting with Ron before his trip

Next Wednesday Ron will be travelling to Guantanamo Bay. He will spend Tuesday night at Andrews AFB, fly to Guantanamo Bay Wednesday morning, and return Wednesday evening to Andrews, where the group will have a dinner to discuss the trip. Ron will again stay at Andrews AFB Wednesday evening, and return to PRIVACY RED Thursday morning.

Ron will arrive in DC at 4:30 Tuesday afternoon, and will come to APA. In order to prepare Ron for his trip, we are arranging for him to speak with several people.

First, Heather Kelly is arranging for Ron to be briefed by the Senate staffer who is familiar with the McCain Amendment, which addresses treatment of detainees. Ron will be briefed on the background to the amendment, what action the Senate took, and the Administration's perspective.

Second, I am hopeful that Morgan Banks will be available to brief Ron on the four investigations regarding detainee treatment, in particular what the investigations said about the role of psychologists. (There is not a great deal of material relevant to psychologists in the investigations, but I would like Ron to be aware of these investigations, how they came about, and what they say about psychologists, in case they come up in discussion). I would also like Morgan to share with Ron what interactions there have been with the surgeons general about the PENS report (I realize that Ron has already spoken with Morgan, but I want to ensure that this material has been covered)

Third, because there may be some interaction with members of BSCT, I would like Debra Dunivin to brief Ron on the nature and role of the BSCT teams, and her perceptions of how the BSCT teams have been portrayed in the popular media vs. what they actually do. Also, I would like Debra and/or Morgan to give Ron a sense of the general layout of the facility.

Finally, I would like Ron to meet with all of you before he actually gets in a cab to Andrews, to see what concerns he may have and to share with him any thoughts you have about the trip. This meeting will take place at 5 pm, in the Board room, on Tuesday.



It is my understanding that the American Psychiatric Association has completed a policy statement on the involvement of psychiatrists in interrogations. I am trying to get a copy of the policy, and am hopeful I will have one shortly. Ron should review before the trip.

Please tell me how this sounds, and please let me know what else should be happening or where I am missing the mark.

Thank you,

Steve



**Sender:** Anthony Pinizzotto **PRIVACY REDACTION**  
**Sent:** Wednesday, June 15, 2005 8:18:39 AM  
**Recipient:** Mumford, Geoffrey  
</O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>;sband@fbiacademy.edu  
**Subject:** RE: Presidential Task Force

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Geoff:

Thanks for cc'ing me on this. I wish I had known earlier...would be very interested in attending. Unfortunately, I'm out of the office June 27, 28 and 29. Please keep me in mind during planning stages and I'd love to be there.

Tony P

>From: "Mumford, Geoffrey" <gmumford@apa.org>  
>To: "Steve Band" <sband@fbiacademy.edu >  
>CC: **ANTHONY PINIZZOTTO**  
>Subject: Presidential Task Force  
>Date: Mon, 13 Jun 2005 14:55:52 -0400  
>  
>Hi Steve,  
>  
>I know your days are numbered at the Academy but I wanted to see if you  
>or someone else (maybe Tony) might like to attend the Presidential Task  
>Force meeting that evolved from our lunch meeting last July? Here's a  
>bullet for background info:  
>  
>APA President Ronald Levant announced the appointment of the following  
>psychologists to serve on the Task force on Psychological Ethics and  
>National Security (PENS) <<http://www.apa.org/ppo/spin/205.html>> : Olivia  
>Moorehead-Slaughter (Chair), Jean Maria Arrigo, Morgan Banks, Robert A.  
>Fein, Michael G. Gelles, Larry C. James, Bryce E. Lefever, R. Scott  
>Shumate, Nina K. Thomas and Michael G. Wessells. Levant also asked Barry  
>S. Anton and Gerald P. Koocher to serve as liaisons to the Task Force  
>from the APA Board of Directors. The mission of the PENS Task Force,  
>which will meet in June, is to examine the ethical dimensions of  
>psychology's involvement and the use of psychology in national  
>security-related investigations. The overarching purpose will be to  
>examine whether our current Ethics Code adequately addresses such  
>activities, whether APA provides adequate ethical guidance to  
>psychologists involved in these endeavors, and whether APA should  
>develop policy to address the role of psychologists and psychology in  
>investigations related to national security. Science Policy staffer  
>Heather Kelly will help staff the Task Force.  
>Here's the description as it was presented to the Board of Directors:  
><http://www.apa.org/ppo/issues/ethicsnatlsecuritytf.pdf>  
>The Task Force will be meeting June 24-26.  
>Best,  
>-geoff  
>



>Geoff Mumford, PhD  
>Director of Science Policy  
>American Psychological Association  
>750 First Street, NE  
>Washington, DC 20002-4242  
>(202) 336-6067 phone  
>(202) 336-6063 fax  
>gmumford@apa.org  
>  
>



**Sender:** Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>  
**Sent:** Monday, October 24, 2005 3:39:47 PM  
**Recipient:** Mumford, Geoff <gmumford@apa.org>  
**Subject:** FW: IMPORTANT~PLS RESPOND ASAP

---

Heather O'Beirne Kelly, Ph.D.  
Senior Legislative and Federal Affairs Officer  
Science Public Policy Office  
American Psychological Association  
750 First Street, N.E., 5th Floor  
Washington, D.C. 20002  
phone 202.336.5932  
fax 202.336.6063  
email hkelly@apa.org

---

**From:** Levitt, Nina  
**Sent:** Monday, October 24, 2005 3:39 PM  
**To:** Kelly, Heather  
**Subject:** FW: IMPORTANT~PLS RESPOND ASAP

Heather,

I wanted to alert you; I need to speak to Cynthia & then get back to you.

Nina

---

**From:** Knisely, Evan [REDACTED]  
**Sent:** Monday, October 24, 2005 3:37 PM  
**To:** Levitt, Nina  
**Subject:** RE: IMPORTANT~PLS RESPOND ASAP

Yes - Chairman Young is not supporting this amendment. I would advise not sending the letter if possible. If not possible, we need to advise Harry and the Chairman up front why APA is doing this so they aren't blindsided by it.

---

**From:** Levitt, Nina [mailto:nlevitt@apa.org]  
**Sent:** Monday, October 24, 2005 3:35 PM  
**To:** Knisely, Evan  
**Cc:** Levitt, Nina  
**Subject:** IMPORTANT~PLS RESPOND ASAP

Evan,



APA is planning to sent a letter on Wed to McCain & Defense Approps Conferees in support of his amendment calls for uniform standards for interrogation of DOD detainees--are there any possible implications for us?

Thanks,  
Nina

**Nina Gail Levitt, EdD**

Director for Education Policy  
Public Policy Office  
American Psychological Association  
750 First Street NE  
Washington, DC 20002-4242  
202-336-6023  
202-336-6063 (fax)  
Email: [nlevitt@apa.org](mailto:nlevitt@apa.org)  
[www.apa.org/ed](http://www.apa.org/ed)



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Monday, October 24, 2005 5:05:04 PM  
**Recipient:** Kelly, Heather <hkelly@apa.org>;Breckler, Steve  
<SBreckler@apa.org>;Mumford, Geoff <gmumford@apa.org>  
**Subject:** RE: APA Support for the McCain Amendment

---

Absolutely

-----Original Message-----

**From:** Kelly, Heather  
**Sent:** Monday, October 24, 2005 5:04 PM  
**To:** Behnke, Stephen; Breckler, Steve; Mumford, Geoff  
**Subject:** RE: APA Support for the McCain Amendment

He's right, he needs to be very careful. And Steve, given all the conversation going on right now about the letter re: McCain, I'm assuming you'll hold off mentioning it in tomorrow's Hill briefing unless there's a go-ahead by then?

H

Heather O'Beirne Kelly, Ph.D.  
Senior Legislative and Federal Affairs Officer  
Science Public Policy Office  
American Psychological Association  
750 First Street, N.E., 5th Floor  
Washington, D.C. 20002  
phone 202.336.5932  
fax 202.336.6063  
email hkelly@apa.org

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**From:** Behnke, Stephen  
**Sent:** Monday, October 24, 2005 5:02 PM  
**To:** Breckler, Steve; Mumford, Geoff; Kelly, Heather  
**Subject:** FW: APA Support for the McCain Amendment

-----Original Message-----

**From:** Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]  
**Sent:** Monday, October 24, 2005 5:01 PM  
**To:** Behnke, Stephen  
**Subject:** RE: APA Support for the McCain Amendment

Steve,

I have reviewed the McCain Amendment, and I do not see any inconsistency between it and the PENS report. It does go into more definition of the terms Cruel, Inhuman, or Degrading than the PENS report, but I do not believe that the definitions are inconsistent. Because of the political nature of the amendment and because of my position, I probably should refrain from any further comment or recommendation on the amendment - sorry. I would be glad to discuss with you privately, if that would be helpful.

Morgan



COL L. Morgan Banks  
Director, Psychological Applications Directorate  
US Army Special Operations Command

PRIVACY REDACTION

[banks1@usasoc.socom.smil.mil](mailto:banks1@usasoc.socom.smil.mil)/[louie.morgan.banks@us.army.mil](mailto:louie.morgan.banks@us.army.mil)

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**From:** Behnke, Stephen [mailto:sbehnke@apa.org]  
**Sent:** Monday, October 24, 2005 4:09 PM  
**To:** Banks, Louie M. COL  
**Subject:** RE: APA Support for the McCain Amendment

[Hi Morgan,](#)

[Here is the text of the McCain Amendment.](#)

[Thanks, Steve](#)

**TEXT OF THE MCCAIN AMENDMENT:**

**SEC. \_\_. UNIFORM STANDARDS FOR THE INTERROGATION OF PERSONS UNDER THE DETENTION OF THE DEPARTMENT OF DEFENSE.**

(a) **IN GENERAL.**--No person in the custody or under the effective control of the Department of Defense or under detention in a Department of Defense facility shall be subject to any treatment or technique of interrogation not authorized by and listed in the United States Army Field Manual on Intelligence Interrogation.

(b) **APPLICABILITY.**--Subsection (a) shall not apply to with respect to any person in the custody or under the effective control of the Department of Defense pursuant to a criminal law or immigration law of the United States.

(c) **CONSTRUCTION.**--Nothing in this section shall be construed to affect the rights under the United States Constitution of any person in the custody or under the physical jurisdiction of the United States.

**SEC. \_\_. PROHIBITION ON CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT OF PERSONS UNDER CUSTODY OR CONTROL OF THE UNITED STATES GOVERNMENT.**

(a) *In General.*--No individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location, shall be subject to cruel, inhuman, or degrading treatment or punishment.

(b) *Construction.*--Nothing in this section shall be construed to impose any geographical limitation on the applicability of the prohibition against cruel, inhuman, or degrading treatment or punishment under this section.

APA\_0026458



(c) *Limitation on Supersedure.*--The provisions of this section shall not be superseded, except by a provision of law enacted after the date of the enactment of this Act which specifically repeals, modifies, or supersedes the provisions of this section.

(d) *Cruel, Inhuman, or Degrading Treatment or Punishment Defined.*--In this section, the term "cruel, inhuman, or degrading treatment or punishment" means the cruel, unusual, and inhumane treatment or punishment prohibited by the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, as defined in the United States Reservations, Declarations and Understandings to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment done at New York, December 10, 1984.

-----Original Message-----

**From:** Banks, Louie M. COL [mailto:[louie.morgan.banks@us.army.mil](mailto:louie.morgan.banks@us.army.mil)]

**Sent:** Sunday, October 23, 2005 6:51 AM

**To:** Behnke, Stephen

**Cc:** Breckler, Steve; Kelly, Heather; Mumford, Geoff

**Subject:** RE: APA Support for the McCain Amendment

Steve,

I have not reviewed the document. Do you have it on electrons? If not, I will try to find a copy to review.

Morgan

COL L. Morgan Banks

Director, Psychological Applications Directorate

US Army Special Operations Command

PRIVACY REDACTION

[banks1@usasoc.socom.smil.mil](mailto:banks1@usasoc.socom.smil.mil)/[louie.morgan.banks@us.army.mil](mailto:louie.morgan.banks@us.army.mil)

---

**From:** Behnke, Stephen [mailto:[sbehnke@apa.org](mailto:sbehnke@apa.org)]

**Sent:** Friday, October 21, 2005 3:28 PM

**To:** Banks, Louie M. COL

**Cc:** Breckler, Steve; Kelly, Heather; Mumford, Geoff

**Subject:** RE: APA Support for the McCain Amendment

Morgan, can you tell us whether you see any inconsistency whatsoever between the McCain Amendment and the PENS report? Is there any reason we should be hesitant about the McCain Amendment?

Thanks so much,

Steve



-----Original Message-----

**From:** Mumford, Geoff  
**Sent:** Friday, October 21, 2005 10:51 AM  
**To:** Behnke, Stephen  
**Cc:** Breckler, Steve; Kelly, Heather  
**Subject:** RE: APA Support for the McCain Amendment

Steve,

Is there ANY inconsistency between what McCain amendment proposes and the content of the PENS report? Specifically, can you check with Morgan regarding the use of the United States Army Field Manual on Intelligence Interrogation as the reference standard? Thanks.  
-geoff

---

**From:** Behnke, Stephen  
**Sent:** Wednesday, October 19, 2005 12:58 PM  
**To:** Breckler, Steve; Kelly, Heather; Mumford, Geoff; Garrison, Ellen  
**Subject:** FW: APA Support for the McCain Amendment

**I sent this message to the Board earlier. Please share your thoughts/reactions/recommendations with the larger group.**

**Thank you,**

**Steve**

-----Original Message-----

**From:** Behnke, Stephen  
**Sent:** Wednesday, October 19, 2005 11:10 AM  
**To:** Anderson, Norman; Honaker, Michael; Gilfoyle, Nathalie; Farberman, Rhea; Newman, Russ; Tones, Henry  
**Subject:** FW: APA Support for the McCain Amendment

**Do we have a position on the McCain amendment? If APA endorsed, I think that could be enormously helpful in addressing concerns of some of the individuals/groups who have been intensely interested in the PENS report. Also, my sense (having just discussed the amendment yesterday with individuals at the Naval War College where I was at a conference), is that our colleagues in the military would not have serious objections to APA's doing so.**

**Steve**

-----Original Message-----

**From:** Paul Rocklin [mailto:**PRIVACY REDACTION**]  
**Sent:** Wednesday, October 19, 2005 10:49 AM  
**To:** Behnke, Stephen  
**Cc:** Anne Cooper  
**Subject:** APA Support for the McCain Amendment

Dear Dr. Behnke,

Len Rubenstein and Anne Cooper suggested I write to ask whether the APA would consider supporting, based on current APA policy, the "McCain amendment" to reaffirm the US prohibition on cruel, inhuman and degrading treatment by US personnel. The American Psychiatric Association and the American College of



Physicians have endorsed the amendment and similar support from the APA would be enormously helpful. As you know, the Senate recently passed this amendment to the FY 2006 Defense Appropriations bill by a vote of 90-9. The amendment was not included in the House version of the bill and, despite the overwhelming bi-partisan support in the Senate, it faces opposition from some members of the House-Senate conference committee charged with negotiating the final version of the appropriations bill.

It seems that the McCain amendment provides a timely and valuable opportunity for APA to publicly confirm its policy against torture and cruel, inhuman and degrading treatment. The amendment, the text of which is copied below, would actually help effectuate APA's policy, including the 1986 Joint Resolution's endorsement of the Convention Against Torture; the PENS report's "absolute statement against torture and other cruel, inhuman, or degrading treatment;" and the Council of Representative's amendments to the PENS report approved at the August meeting. Like these statements of APA policy, the McCain amendment simply would prohibit the use of cruel, inhuman or degrading treatment or interrogation tactics by US personnel anywhere in the world, and would apply the US Army Field Manual, which includes a similar prohibition, to all interrogations conducted in Department of Defense facilities, regardless of location. The amendment creates no new policies or obligations; it restates the traditional American values, standards, and commitments against torture and cruel, inhuman and degrading treatment or punishment that have long been in effect, and which have long honored and protected US servicemen and women. Again, a bi-partisan majority of 90 senators approved the amendment.

Dr. Steven Sharfstein, President of the American Psychiatric Association, and Dr. C. Anderson Hedberg, President of the American College of Physicians, have sent letters to Senator McCain (copied to members of the conference committee) expressing their associations' support for the amendment and urging that it be conserved in the final bill as passed by the Senate. Would you consider suggesting to Dr. Koocher that a letter of support from the APA President is also an appropriate expression of Association policy? Time, I'm afraid, is short, leaving a narrow window of opportunity. The conference committee is meeting this week and is expected to finish its work by next week.

As always, thanks so much for your kind consideration, and please feel free to contact us if you have any questions or comments.

All the best,

Paul Rocklin

Paul Rocklin, JD

PRIVACY REDACTION



**TEXT OF THE MCCAIN AMENDMENT:**

**SEC. \_\_. UNIFORM STANDARDS FOR THE INTERROGATION OF PERSONS UNDER THE DETENTION OF THE DEPARTMENT OF DEFENSE.**

(a) **IN GENERAL.**--No person in the custody or under the effective control of the Department of Defense or under detention in a Department of Defense facility shall be subject to any treatment or technique of interrogation not authorized by and listed in the United States Army Field Manual on Intelligence Interrogation.

(b) **APPLICABILITY.**--Subsection (a) shall not apply to with respect to any person in the custody or under the effective control of the Department of Defense pursuant to a criminal law or immigration law of the United States.

(c) **CONSTRUCTION.**--Nothing in this section shall be construed to affect the rights under the United States Constitution of any person in the custody or under the physical jurisdiction of the United States.

**SEC. \_\_. PROHIBITION ON CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT OF PERSONS UNDER CUSTODY OR CONTROL OF THE UNITED STATES GOVERNMENT.**

(a) *In General.*--No individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location, shall be subject to cruel, inhuman, or degrading treatment or punishment.

(b) *Construction.*--Nothing in this section shall be construed to impose any geographical limitation on the applicability of the prohibition against cruel, inhuman, or degrading treatment or punishment under this section.

(c) *Limitation on Supersedure.*--The provisions of this section shall not be superseded, except by a provision of law enacted after the date of the enactment of this Act which specifically repeals, modifies, or supersedes the provisions of this section.

(d) *Cruel, Inhuman, or Degrading Treatment or Punishment Defined.*--In this section, the term "cruel, inhuman, or degrading treatment or punishment" means the cruel, unusual, and inhumane treatment or punishment prohibited by the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, as defined in the United States Reservations, Declarations and Understandings to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment done at New York, December 10, 1984.







**Sender:** Levitt, Nina </O=APA/OU=DC/CN=RECIPIENTS/CN=NGL>  
**Sent:** Monday, October 24, 2005 5:13:22 PM  
**Recipient:** Belar, Cynthia <CBelar@apa.org>; Anderson, Norman  
<NAnderson@apa.org>; Breckler, Steve <SBreckler@apa.org>; Honaker, Michael  
<mhonaker@apa.org>; Mumford, Geoff <gmumford@apa.org>  
**Cc:** Kelly, Heather <hkelly@apa.org>; Tomes, Henry <htomes@apa.org>; Keita,  
Gwen <gkeita@apa.org>; Garrison, Ellen <egarrison@apa.org>; Behnke, Stephen  
<sbehnke@apa.org>; Farberman, Rhea <rfarberman@apa.org>; Levitt, Nina  
<nlevitt@apa.org>  
**Subject:** RE: Planning a response re McCain ammendment  
**Attachments:** GPE Defense WP - FINAL.doc

---

Hi All,

Funding for establishing the Defense-GPE Program, that APA (Education Directorate) proposed for training military psychologists & providing services for returning soldiers, will be considered at the Conference. Since there are funds for it in only the House passed bill, it is an item that must be conferenced. Chairman Young is the sponsor of the program but it is clearly not one of his top priorities. He, like the other members of the Defense approps subcommittees, feel passionately about Defense & already are headed for quite a contentious conference. I have been told that most, if not all the Majority Members of the Defense Approps Subcommittee are opposed to the McCain amendment. If someone brings up the APA letter, it is most likely that Chairman Young will drop the APA D-GPE proposal & focus on what's most important to him (e.g., the line items that direct millions to health care for soldiers). Unfortunately some of the House Republicans remember APA & the pedophilia controversy that resulted in a resolution against APA on the House floor). Our letter in support of the McCain amendment, regardless of how meritorious, will not affect how the House Republican appropriators will vote on the McCain amendment. [The President has threatened to veto the entire Defense appropriations bill if that amendment is included.] Unfortunately with the variables as they are, the letter would likely jeopardize the D-GPE program for which a number of military psychologists from the 3 branches with reps from the Uniformed Services Medical School have spent countless hours for months planning. Their plans are the most extensive & impressive for a program that will have profound impact on psychological services for our returning military personnel nation wide. Therefore, I urge you to consider an alternative means to represent our members that want APA to weigh in in support of the McCain amendment.

Attached is the D-GPE White Paper.

I am available to explain in person in more detail.  
Nina

---

**From:** Belar, Cynthia  
**Sent:** Monday, October 24, 2005 4:42 PM  
**To:** Anderson, Norman; Breckler, Steve; Honaker, Michael; Mumford, Geoff  
**Cc:** Kelly, Heather; Tomes, Henry; Keita, Gwen; Garrison, Ellen; Behnke, Stephen; Farberman, Rhea; Levitt, Nina  
**Subject:** RE: Planning a response re McCain ammendment

Yes it is, and it is an APA initiative -- with Young supporting it plus the general GPE



program. I'll let Nina respond with more info....

---

**From:** Anderson, Norman  
**Sent:** Monday, October 24, 2005 4:05 PM  
**To:** Belar, Cynthia; Breckler, Steve; Honaker, Michael; Mumford, Geoff  
**Cc:** Kelly, Heather; Tomes, Henry; Keita, Gwen; Garrison, Ellen; Behnke, Stephen; Farberman, Rhea  
**Subject:** RE: Planning a response re McCain ammendment

Is the military proposal being considered now? If so, is that closely is APA tied to it? Will the two necessarily be linked?

Norman Anderson, Ph.D.  
Chief Executive Officer  
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Washington, DC 20002  
(202) 336-6080  
(202) 336-6069 (fax)  
[www.apa.org](http://www.apa.org)

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**From:** Belar, Cynthia  
**Sent:** Monday, October 24, 2005 3:59 PM  
**To:** Breckler, Steve; Honaker, Michael; Anderson, Norman; Mumford, Geoff  
**Cc:** Kelly, Heather; Tomes, Henry; Keita, Gwen; Garrison, Ellen; Behnke, Stephen; Farberman, Rhea  
**Subject:** RE: Planning a response re McCain ammendment

Would it work to reiterate support for the APA positions regarding torture, etc.... and to also then support the other APA initiatives on the table for them?

---

**From:** Breckler, Steve  
**Sent:** Monday, October 24, 2005 3:57 PM  
**To:** Belar, Cynthia; Honaker, Michael; Anderson, Norman; Mumford, Geoff  
**Cc:** Kemp, Cassandra; Kelly, Heather; Newman, Russ; Tomes, Henry; Keita, Gwen; Garrison, Ellen; Behnke, Stephen; Farberman, Rhea  
**Subject:** RE: Planning a response re McCain ammendment

Oh my. The problem here is that staying silent can carry significant costs as well (as Rhea pointed out). I'm wondering if we can find a way of expressing our support for the ammendment without angering Chairman Young -- or at least of getting to his staff to explain why APA needs to go on record as supporting it. Something along the lines suggested by Steve Behnke as trying to be a reasonable voice in all this.  
Steve

---

**From:** Belar, Cynthia  
**Sent:** Monday, October 24, 2005 3:47 PM  
**To:** Breckler, Steve; Honaker, Michael; Anderson, Norman; Mumford, Geoff  
**Cc:** Kemp, Cassandra; Kelly, Heather; Newman, Russ; Tomes, Henry; Keita, Gwen; Garrison, Ellen; Behnke, Stephen; Farberman, Rhea



**Subject:** RE: Planning a response re McCain ammendment

Hello all....we did get word that Chairman Young is not supporting this amendment and we have been advised by our consultant against sending the letter if possible. Our military psychologists have worked worked very hard to develop pages of plans for an extraordinarily well thought out plan for the \$4 million for military psychology training & service delivery--this could definitely be in jeopardy. Does our letter need to go specifically to the conferees?

Cynthia



**Sender:** Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>  
**Sent:** Tuesday, October 18, 2005 12:10:06 PM  
**Recipient:** Farberman, Rhea <rfarberman@apa.org>; Behnke, Stephen  
<sbehnke@apa.org>; Anderson, Norman <NAnderson@apa.org>; Honaker,  
Michael <mhonaker@apa.org>; Gilfoyle, Nathalie <ngilfoyle@apa.org>; Breckler,  
Steve <SBreckler@apa.org>; Newman, Russ <rnewman@apa.org>; Mumford,  
Geoff <gmumford@apa.org>; Strassburger, Judy <jstrassburger@apa.org>  
**Subject:** Briefing for Ron  
**Attachments:** Levant briefing for GTMO.doc

---

Hi, everyone:

I just got off the phone with Ron and we had a good conversation about the congressional atmosphere and legislation regarding detainee issues. He had a good talk with Debra just before ours, especially regarding DoD protocol. I'm attaching a written brief that I went over with Ron and will hand him this afternoon. We also spent some time discussing DoD's likely motivations for the trip and related things to avoid.

Look forward to the group meeting with him later,  
Heather



Heather O'Beirne Kelly, Ph.D.  
Senior Legislative and Federal Affairs Officer  
Science Public Policy Office  
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## **Briefing Sheet for Dr. Levant**

Preparation for trip to GTMO

Dr. Heather Kelly, APA, 10.18.05

Congressionally, there is a lot going on right now related to the issue of detainees broadly and some very specific action regarding the role of behavioral scientists in detainee interrogation. The issue is very hot, since the bills are moving through the legislative process as we speak, and it's also very, very partisan and controversial. Your best bet is to refrain from commenting on any specific interrogation procedures, and to emphasize the findings of our PENS Task Force Report. You could certainly ask questions about what are the standard operating procedures at GTMO, how are mental health professionals involved, what are issues those professionals have raised, and how is DoD considering clarifying and/or changing the roles of mental health professionals.

### **Defense Authorization Bill**

The Fiscal Year 2006 defense authorization bill, which sets policy and funding guidelines for the Department of Defense (DoD), is languishing in the Senate awaiting floor time for a vote. This year may be the first time in 40 years that the annual defense authorization bill is not passed. Two interesting things are in the Senate version of this bill:

- First, senior Senate Armed Services Committee staff inserted language forcing DoD to develop specific policy on the role of military medical and behavioral science personnel in interrogations and to report this policy back to the Committee by March of 2006. As background, DoD is already working on this, and it is likely to set out rules for mental health professionals to serve either as behavioral consultants (and therefore able to consult on interrogations) or health care providers. They see this as eliminating the problem of "dual role" confusion and potential ethical blurring. The question will be what this separation would really look like in reality and how it would work, what would be the chains of command, etc.
- Second, Sen. Carl Levin from Michigan, the highest ranking Democrat on the Armed Services Committee, wants to attach an amendment to the authorization bill calling for an independent commission looking into detainee procedures and treatment. The Bush administration is vehemently opposed to this and will lean on Republicans to keep it out of the bill, even threatening to veto the bill if this amendment is in there.

### **Defense Appropriations Bill**

The Fiscal Year 2006 Defense Appropriations bill provides the actual funding to DoD. You may have seen in the press that the Senate passed its version of the bill along with two relevant amendments:

- First is Sen. John McCain's amendment, which calls for limiting interrogation processes used with enemy combatants to those allowed under UN Convention against torture.
- Second is Sen. Lindsey Graham's (Republican from South Carolina) amendment that passed, which would establish new tribunal procedures for reviewing the status of enemy combatants at Guantanamo.

Both of these amendments have incurred the wrath of the administration and will face quite a fight as the Senate and House go to "conference," the process during which they reconcile the two different versions of the defense funding bill they've each passed.



**Sender:** Farberman, Rhea </O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>  
**Sent:** Wednesday, October 19, 2005 4:29:49 PM  
**Recipient:** Newman, Russ <rnewman@apa.org>  
**Cc:** Anderson, Norman <NAnderson@apa.org>; Behnke, Stephen  
<sbehnke@apa.org>; Gilfoyle, Nathalie <ngilfoyle@apa.org>; Kelly, Heather  
<hkelly@apa.org>; Mumford, Geoff <gmumford@apa.org>; Honaker, Michael  
<mhonaker@apa.org>  
**Subject:** RE: DRAFT--Ron Gitmo visit statement

---

I had used "productive" elsewhere in the statement but I think *effective* is better. I'll make the change.

Thanks.  
Rhea

---

Newman, Russ  
Wednesday, October 19, 2005 1:46 PM  
Farberman, Rhea  
Anderson, Norman; Behnke, Stephen; Gilfoyle, Nathalie; Kelly, Heather; Mumford, Geoff; Honaker, Michael  
RE: DRAFT--Ron Gitmo visit statement

"APA is most interested in the role that psychologists are playing in national security investigations at the base and to will continue to help advise DoD to ensure that such work by psychologists is safe, legal and ethical."

The principles are actually safe, legal, ethical and *effective*. While adding "effective" to the first three puts us out there a little bit further, I think it is important to acknowledge that we have something to offer that increases the effectiveness of the process, while still keeping it safe, legal and ethical. Russ

-----Original Message-----

Anderson, Norman  
Wednesday, October 19, 2005 1:21 PM  
Behnke, Stephen; Gilfoyle, Nathalie; Newman, Russ; Kelly, Heather; Mumford, Geoff; Honaker, Michael  
RE: DRAFT--Ron Gitmo visit statement

Great Rhea. See changes attached.

<< File: Gitmo visit statement.doc >>

Norman Anderson, Ph.D.  
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**From:** Behnke, Stephen

**Sent:** Wednesday, October 19, 2005 1:14 PM

**To:** Gilfoyle, Nathalie; Anderson, Norman; Newman, Russ; Kelly, Heather; Mumford, Geoff; Honaker, Michael

**Subject:** FW: DRAFT--Ron Gitmo visit statement

[A couple of slight tweaks.](#)

-----Original Message-----

Farberman, Rhea

Wednesday, October 19, 2005 1:06 PM

Gilfoyle, Nathalie; Behnke, Stephen; Anderson, Norman; Newman, Russ; Kelly, Heather; Mumford, Geoff; Honaker, Michael

DRAFT--Ron Gitmo visit statement

Hi all. Here's my first take on a statement in response to Ron's visit to Guantanamo -- your reactions and edits?

Thanks.

Rhea

<< File: Gitmo visit statement.doc >>

Rhea K. Farberman, APR

Executive Director, Public and Member Communications

**American Psychological Association**

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[RFarberman@apa.org](mailto:RFarberman@apa.org)

[www.apa.org](http://www.apa.org)



**Sender:** Gilfoyle, Nathalie </O=APA/OU=DC/CN=RECIPIENTS/CN=NPG>  
**Sent:** Monday, October 17, 2005 11:00:32 AM  
**Recipient:** Behnke, Stephen <sbehnke@apa.org>; Anderson, Norman  
<NAnderson@apa.org>; Honaker, Michael <mhonaker@apa.org>; Farberman,  
Rhea <rfarberman@apa.org>; Breckler, Steve <SBreckler@apa.org>; Newman,  
Russ <rnewman@apa.org>; Kelly, Heather <hkelly@apa.org>; Mumford, Geoff  
<gmumford@apa.org>; Strassburger, Judy <jstrassburger@apa.org>; Murphy, Jo  
Anne <jmurphy@apa.org>  
**Subject:** RE: Trip to Guantanamo

---

That makes sense to me though the part about wanting time to digest and confer before making any statements or recommendations may be hard --that's totally reasonable (and indeed would be required before he can make any statement on behalf of APA ) but likely not what the gov has in mind. Has he spoken with any other trip-goers to try to build any support for that kind of limitation? That would make sense though time is short. Nathalie

---

Behnke, Stephen

Monday, October 17, 2005 12:47 AM

Anderson, Norman; Honaker, Michael; Gilfoyle, Nathalie; Farberman, Rhea; Breckler, Steve; Newman, Russ; Kelly, Heather;  
Mumford, Geoff; Strassburger, Judy; Murphy, Jo Anne

RE: Trip to Guantanamo

I'm not entirely sure what state Ron will be in when he arrives at APA on Tuesday afternoon, on his way to Andrews. (His plan arrives at 4:30, so he may be a few minutes after 5). One purpose of the meeting may therefore be to ground him a bit on his way to Cuba.

Rhea, Col. Ireland, with whom I have been speaking, has emphasized that the discussions will be policy oriented. It is possible that Ron will be asked about APA's position, asked to elaborate on our position or make recommendations concerning the American Psychiatric Association's position, or asked to comment on what he saw at Guantanamo. I think it will probably be helpful if we provide Ron the talking points that we developed on PENS report (I will forward to you) and a copy of our initial press release. Also, I think it probably makes good sense to impress upon him the value of indicating that he would like time to digest what he's seen and speak with colleagues before making any statements or recommendations. Make sense?

Steve

-----Original Message-----

Behnke, Stephen

Friday, October 14, 2005 5:14 PM

'Levant, Ronald F';

PRIVACY REDACTION

Anderson, Norman; Honaker, Michael; Gilfoyle, Nathalie; Farberman, Rhea; Breckler, Steve; Newman, Russ; Kelly, Heather;  
Mumford, Geoff; Strassburger, Judy; Murphy, Jo Anne; 'Banks, Louie M. COL'; 'Dunivin, Debra L LTC WRAMC-Wash DC'

Trip to Guantanamo

Ron, below please find the information we have at the current time about your trip to Guantanamo.

Please note that the information below is what Col. Ireland (who will introduce himself as "Dr." Ireland) has; the trip is still in the process of being organized. I will call him Monday for any new information. (His office phone is

PRIVACY REDACTION

APA\_0026545



Also, at the bottom of the message is the policy of the American Psychiatric Association on the role of psychiatrists regarding interrogations. (Please note that this policy has not been approved, and is therefore subject to change.)

Steve

**Discussions in preparation for your trip:**

Tuesday 10:30 am: Debra Dunivin (Ron will call Debra; **PRIVACY REDACTION**)  
Tuesday 11:30 am: Heather Kelly (will call Ron in Akron)  
Tuesday 12:15pm: Morgan Banks, Steve Behnke (will call Ron in Akron)  
Tuesday 5: Meeting in Conference room at APA (5083)

Ron will leave from APA and arrive at Andrews between 7 and 7:30pm.

**Conversation with Col. Ireland 10.14.05:**

Details/logistics of the trip are still being organized. This is the information we have now.

Dr. Levant will arrive at Andrews AFB on Tuesday evening, between 7 and 7:30 pm. Dr. Levant will go to Billeting (also known as the Andrews Inn or Officers' Quarters) (Col. Ireland indicates that there will be some prepared materials for review for those going on the trip)

The plan is to leave Wednesday morning, 6:30 or 7am, returning about 6:30 pm. There will be about 4-4 1/2 hours on site. Upon return there will be a buffet style dinner.

Dr. Jack Smith, Deputy Assistant Secretary of Defense for Health Affairs, will be on trip (Col. Ireland's boss)

The trip will be made on two small jets, seven people each (rather than one larger jet)

Participants should wear comfortable clothes, e.g., khakis with comfortable shoes and something like a golf shirt (open collar), cap with visor, sunglasses, sunscreen. Lunch will be in the detainee area--muffins, juices in the am.

Dr. Winkenwerder will join the group for dinner--he will not be on the trip (called to testify in Congress) (Col. Ireland was very clear that this is Dr. Winkenwerder's meeting)

The purpose of the trip is to look at medically/ethically challenging situations, talk with "docs," reflect on those together with bright and informed folks, share perspectives and recommendations with Dr. Winkenwerder. The focus will be on medical ethics issues. The trip organizers have asked for an opportunity to meet with individuals on BSCT teams, and while this is not yet set, Dr. Ireland indicates that he "is not getting any resistance" to the idea. The trip is intended for people who influence and develop policy, and to make sure people know what's going on and to share perspectives in a nonattributational environment (will not be a reporter there). Want people to be free to speak out--meeting is highly restricted. No auxiliary staff--purely senior leaders. Present will be Susan Okie (Contributing editor for New England Journal Medicine; still setting the "ground rules" for her participation.)

Present for the dinner will be the Surgeons General for Army, Navy, Air Force (or senior representatives); Dr. David Tornberg (Acting Deputy Director of TriCare Management activity (funds 9.2 million people's medical care))

Fact of trip not confidential (although has not been publicized)

**APA Position Statement on Psychiatric Participation in Interrogation\* of Detainees**

1. The American Psychiatric Association reiterates its position that psychiatrists should not



participate in, or otherwise assist or facilitate, the commission of torture of any person. Psychiatrists who become aware that torture has occurred, is occurring, or has been planned must report it promptly to a person or persons in a position to take corrective action.

2. Every person in military or civilian detention, whether in the United States or elsewhere, is entitled to adequate medical care under domestic and international humanitarian law. Psychiatrists providing medical care to individual detainees owe their primary obligation to the well-being of their patients and should not participate or assist in any way, whether directly or indirectly, overtly or covertly, in the interrogation of their patients on behalf of military or civilian agencies. Nor should any part of the medical records of any patient, or information derived from the treatment relationship, be disclosed to persons conducting interrogation of the detainee.

3. Psychiatrists should not participate in the interrogation of persons held in custody by military or civilian investigative or law enforcement authorities, whether in the United States or elsewhere. Nor should they provide information or advice to military or civilian investigative or law enforcement authorities regarding the likely consequences of specific techniques of interrogation that is in any way particularized in its application to an individual detainee.

\*As used in this statement, “interrogation” refers to a deliberate attempt to elicit information from a detainee for the purposes of incriminating the detainee, identifying other persons who have committed or may be planning to commit acts of violence or other crimes, or otherwise obtaining information that is believed to be of value for criminal justice or national security purposes. It does not include interactions with judges or attorneys in connection with adjudication or preparation for adjudication; interviews or other interactions with a detainee authorized by a court or by counsel for the detainee; or interviews or other interactions with a prisoner serving a sentence conducted by or on behalf of correctional authorities.



**Sender:** Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>  
**Sent:** Tuesday, June 28, 2005 10:03:56 AM  
**Recipient:** Behnke, Stephen <sbehnke@apa.org>;Mumford, Geoffrey  
<gmumford@apa.org>;Breckler, Steven J. <SBreckler@apa.org>;Newman, Russ  
<rnewman@apa.org>  
**Subject:** DoD Health Affairs

---

Hi, guys:

Talked to Scott Shumate (DoD-CIFA) yesterday afternoon and he had just come out of a very interesting meeting at the Pentagon with Dr. Winkenwerder, Assistant Secty of Defense for Health Affairs, and the DoD attorneys working on the new interrogation policy as it relates to mental health professionals (this was a long-scheduled meeting, not organized in quick response to anything). Without revealing any content of our eventual APA document, Scott did mention the thrust of the meeting and that something ideally would be released shortly which could inform their work -- and apparently Winkenwerder was astounded (pleasantly astounded) that APA was willing to take this on and wants a copy of it the second it's publicly available. He also apparently said something like he wouldn't in a million years ever see a similar effort out of "the other apa" and Scott was able to talk us up. Pretty cool.

He is of course on our list to distribute to in advance.

Heather

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email hkelly@apa.org



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Friday, July 01, 2005 5:44:59 PM  
**Recipient:** Mumford, Geoffrey <gmumford@apa.org>  
**Cc:** Farberman, Rhea K. <rfarberman@apa.org>; Gilfoyle, Nathalie <ngilfoyle@apa.org>; Kelly, Heather <hkelly@apa.org>; Breckler, Steven J. <SBreckler@apa.org>  
**Subject:** RE: Cover letter for advance PENS release

---

The Board has endorsed. The Report will be released. Morituri te salutant.

-----Original Message-----

Mumford, Geoffrey

Friday, July 01, 2005 5:42 PM

Behnke, Stephen

Farberman, Rhea K.; Gilfoyle, Nathalie; Kelly, Heather; Breckler, Steven J.

RE: Cover letter for advance PENS release

So I've caught up on the emails... in one from earlier in the day, Nathalie alludes to the Board not endorsing the recommendations... any update on where we stand overall? Thanks.  
-geoff

---

**From:** Behnke, Stephen  
**Sent:** Friday, July 01, 2005 9:31 AM  
**To:** Farberman, Rhea K.; Gilfoyle, Nathalie; Kelly, Heather; Mumford, Geoffrey; Breckler, Steven J.  
**Subject:** RE: Cover letter for advance PENS release

Absolutely correct.

-----Original Message-----

Farberman, Rhea K.

Friday, July 01, 2005 9:25 AM

Gilfoyle, Nathalie; Kelly, Heather; Behnke, Stephen; Mumford, Geoffrey; Breckler, Steven J.

RE: Cover letter for advance PENS release

I agree with Nathalie's "cautions". We all understand that there will be no public release of the report until Tuesday morning -- right? No sharing with friends or contacts, etc.  
Rhea

---

Gilfoyle, Nathalie

Thursday, June 30, 2005 11:01 PM

Kelly, Heather; Behnke, Stephen; Farberman, Rhea K.; Mumford, Geoffrey; Breckler, Steven J.

RE: Cover letter for advance PENS release

Just digging out here. Continuing to sound the voice of doom, or at least paranoia, but not I hope being "oppositional" as some might say, it makes me very nervous that Rumsfeld's office is eager for this. They are testifying on the Hill about conditions at G-mo and I guess that continues through tomorrow when Congress recesses for the holiday. (Is that right?) The nightmare is that they snatch it up and wave it



around on live TV announcing that APA has investigated the issues and concluded that psychologists participation in interrogations at Gmo and Abu G are ethical. It's not a huge leap from the report to that kind of sleight of hand that suggests we investigated what went on . If you read the report it's all there. But .. well... you need to read the report. Anyway I guess my two cents is that it's not a bad thing that this won't come out until the hearings are over. N

---

**From:** Kelly, Heather  
**Sent:** Thursday, June 30, 2005 3:42 PM  
**To:** Behnke, Stephen; Farberman, Rhea K.; Mumford, Geoffrey; Breckler, Steven J.  
**Cc:** Gilfoyle, Nathalie  
**Subject:** RE: Cover letter for advance PENS release

Yes, I agree and will make the change. By the way, Rumsfeld's exec assistant will apparently be waiting by the fax for this! His super secret direct access fax line. They're just a tad interested. Steve Be. -- is Ron signing this?

Heather

---

**From:** Behnke, Stephen  
**Sent:** Thursday, June 30, 2005 3:20 PM  
**To:** Farberman, Rhea K.; Mumford, Geoffrey; Breckler, Steven J.; Kelly, Heather  
**Cc:** Gilfoyle, Nathalie  
**Subject:** RE: Cover letter for advance PENS release

Nicely said.

-----Original Message-----

Farberman, Rhea K.  
Thursday, June 30, 2005 2:05 PM  
Mumford, Geoffrey; Breckler, Steven J.; Kelly, Heather  
Behnke, Stephen; Gilfoyle, Nathalie  
RE: Cover letter for advance PENS release

Good letter -- I just have one suggested edit that I think helps emphasize an important finding --

**The Task Force was unambiguous that when psychologists serve in a **ANY** position by virtue of their training, experience and expertise, the APA Ethics Code applies. Psychologists do not engage in, direct, support, facilitate, or offer training in torture or other cruel, inhuman, or degrading treatment, and psychologists have an ethical responsibility to be alert to and report any such acts to appropriate authorities**

Does this make sense?

FYI, I am working on copy similar to this draft that will serve as a transmittal note when the report is shared with APA governance and members and a second version for media. Will have that circulated for review this afternoon.

Rhea

---

Mumford, Geoffrey  
Thursday, June 30, 2005 12:58 PM  
Breckler, Steven J.; Kelly, Heather



Behnke, Stephen; Farberman, Rhea K.

RE: Cover letter for advance PENS release

Thanks when we get concurrence from Rhea and Steve, Heather or I can forward to Ron for his review.

-geoff

---

**From:** Breckler, Steven J.

**Sent:** Thursday, June 30, 2005 12:53 PM

**To:** Kelly, Heather; Behnke, Stephen; Farberman, Rhea K.; Mumford, Geoffrey

**Subject:** RE: Cover letter for advance PENS release

This looks good and right to me.

Steve B(reckler)

---

Kelly, Heather

Thursday, June 30, 2005 11:02 AM

Behnke, Stephen; Farberman, Rhea K.; Mumford, Geoffrey; Breckler, Steven J.

Cover letter for advance PENS release

Hi:

I'm attaching a file with our proposed advance release contacts (faxes to be filled in tomorrow) and a draft cover letter. Please take a look at the cover letter and let me know what you think -- I kept it really straightforward by using language from the task force report charge and overview (in case they only read the cover letter, which is highly likely) and giving Steve as a contact for more information. I'm using Ron's signature, though I haven't heard from you whether that's definitely appropriate or not.

I'm only in for an hour or so today right now. I'll be on email later today from home and will be in the office tomorrow -- I'd love to have a final okay with edits from you all by tomorrow morning so that I can leave the actual letters for Geoff to fax Tuesday when I'm gone.

Thanks!

Heather << File: PENS Federal Release Letter.doc >>

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New York Times Magazine  
June 12, 2005  
*Interrogating Ourselves*  
By: Joseph Lelyveld

## **GLOSSARY:**

### **A**

**Actionable Intelligence:** A source providing information that may aid in thwarting future terrorist attacks and/or information pertinent to national security

**Amnesty International:** A group working to protect human rights worldwide

### **B**

**B'Tselem:** An Israeli human rights organization

### **C**

**Coercive Techniques:** Cruel, inhuman, and degrading treatment used for resistant subjects during interrogation often consisting of moderate physical or psychological pressure. (*Also referred to as Counter-resistance Strategies, Highly Coercive Interrogation or H.C.I., Professional Interrogation Techniques, and Torture Lite.*)

**Committee Against Torture:** A United Nations group that monitors countries' implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.<sup>1</sup>

**Counter-resistance Strategies:** Cruel, inhuman, and degrading treatment classified into two categories, Class II and Class III, used for resistant subjects during interrogation often consisting of moderate physical or psychological pressure. (*Also referred to as Coercive Techniques, Highly Coercive Interrogation or H.C.I., Professional Interrogation Techniques, and Torture Lite.*)

### **D**

**Department of Homeland Security:** Organized to protect American freedoms and prevent terrorist attacks

### **H**

**Highly Coercive Interrogation (H.C.I.):** Cruel, inhuman, and degrading treatment used for resistant subjects during interrogation often consisting of moderate physical or psychological pressure. (*Also referred to as Coercive Techniques, Counter-resistance Strategies, Professional Interrogation Techniques, and Torture Lite.*)



## **I**

**Intelligence Reform Act:** Signed in 2004 to reorganize and unify United States' intelligence agencies

## **M**

**Miranda Warnings:** The privilege against providing self-incriminating evidence

## **O**

**Operation Bojinka:** A terrorist scheme organized in 1995 to attack U.S. airliners, later linked to the September 11, 2001 attacks.

## **P**

**Palestinian Human Rights Monitoring Group:** A group that concentrates on torture and abuse that occurs under Palestine authority

**Professional Interrogation Techniques:** Cruel, inhuman, and degrading treatment used for resistant subjects during interrogation often consisting of moderate physical or psychological pressure. (*Also referred to as Coercive Techniques, Counter-resistance Strategies, Professional Interrogation Techniques, and Torture Lite.*)

**Public Committee Against Torture in Israel:** A human rights organization that monitors detained Palestinians

## **T**

**Torture Lite:** Cruel, inhuman, and degrading treatment used for resistant subjects during interrogation often consisting of moderate physical or psychological pressure. (*Also referred to as Coercive Techniques, Counter-resistance Strategies, Highly Coercive Interrogation or H.C.I., Professional Interrogation Techniques.*)

## **U**

**United Nations Convention Against Torture:** Designed to define torture and defend universal human rights by halting the use of torture, whether in a time of peace or war.

## **W**

**Waterboarding:** a type of torture technique where water is dripped over a wet cloth on a victim's face, which can simulate drowning.<sup>2</sup>

<sup>1</sup> The United Nations Office at Geneva, <http://www.unog.ch/>.

<sup>2</sup> Barry, John. Hirsh Michael. Klaidman, Daniel. "A Tortured Debate." Newsweek Magazine. 21 June 2005. <http://www.msnbc.msn.com>.



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Tuesday, June 14, 2005 6:12:02 PM  
**Recipient:** Mumford, Geoffrey <gmumford@apa.org>; 'Band, Stephen R.'  
[REDACTED]  
**Cc:** 'Pinizzotto, Anthony J.' [REDACTED]; 'Kern, Harry '  
[REDACTED]  
**Subject:** RE: Presidential Task Force

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Likewise, Steve, I wish you the very best in your work.

Also, thank you for supporting FBI participation in the Presidential Task Force. I realize the delicacy of the issues, and appreciate how careful your colleagues must be, but I very much want the FBI included in this work, if that is possible. (The "observer" role will not require the FBI to sign on or commit to anything, but will give the FBI a place at the table.) I think it's vitally important for psychologists in the FBI to feel supported by the APA, and conversely, for the APA to benefit from the richness and complexity of the Bureau's work. I'm happy to do anything I can to foster this important relationship.

Steve

-----Original Message-----

**From:** Mumford, Geoffrey  
**Sent:** Tuesday, June 14, 2005 10:51 AM  
**To:** 'Band, Stephen R.'  
**Cc:** Pinizzotto, Anthony J.; Kern, Harry ; Behnke, Stephen  
**Subject:** RE: Presidential Task Force

Thanks Steve,

We'll hope to get a positive rsvp from Tony. All the best in your future endeavors!

Regards,  
-geoff

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**From:** Band, Stephen R. [mailto:[REDACTED]]  
**Sent:** Tuesday, June 14, 2005 10:47 AM  
**To:** Mumford, Geoffrey  
**Cc:** Pinizzotto, Anthony J.; Kern, Harry  
**Subject:** RE: Presidential Task Force

Hi Geoff,

Thank you for the kind & thoughtful invitation... Unfortunately, in this regard, I will be fully engaged, for awhile, starting-up my new enterprise post-Bureau. In my present 'official capacity' I certainly and fully endorse Tony's involvement. I see you copied Tony on your e-mail; I will do the same; and, I will advise the acting FBI-BSU chief (SSA Harry Kern) accordingly.  
FYI: after 07/01/2005 I can be reached at:

[REDACTED]

and...

[REDACTED]

Warmest regards,  
steve

APA\_0027124



Stephen R. Band, Ph.D.  
Acting Section Chief  
Law Enforcement Programs Section  
FBI Academy - Training & Development Division  
Quantico, VA 22135  
PRIVACY REDACTION

-----Original Message-----

**From:** Mumford, Geoffrey [mailto:gmumford@apa.org]  
**Sent:** Monday, June 13, 2005 2:56 PM  
**To:** Band, Stephen R.  
**Cc:** ANTHONY PINIZZOTTO  
**Subject:** Presidential Task Force

Hi Steve,

I know your days are numbered at the Academy but I wanted to see if you or someone else (maybe Tony) might like to attend the Presidential Task Force meeting that evolved from our lunch meeting last July? Here's a bullet for background info:

APA President Ronald Levant announced the appointment of the following psychologists to serve on the [Task force on Psychological Ethics and National Security \(PENS\)](#): Olivia Moorehead-Slaughter (Chair), Jean Maria Arrigo, Morgan Banks, Robert A. Fein, Michael G. Gelles, Larry C. James, Bryce E. Lefever, R. Scott Shumate, Nina K. Thomas and Michael G. Wessells. Levant also asked Barry S. Anton and Gerald P. Koocher to serve as liaisons to the Task Force from the APA Board of Directors. The mission of the PENS Task Force, which will meet in June, is to examine the ethical dimensions of psychology's involvement and the use of psychology in national security-related investigations. The overarching purpose will be to examine whether our current Ethics Code adequately addresses such activities, whether APA provides adequate ethical guidance to psychologists involved in these endeavors, and whether APA should develop policy to address the role of psychologists and psychology in investigations related to national security. Science Policy staffer Heather Kelly will help staff the Task Force.

Here's the description as it was presented to the Board of Directors:

<http://www.apa.org/ppo/issues/ethicsnatlsecuritytf.pdf>

The Task Force will be meeting June 24-26.

Best,

-geoff

Geoff Mumford, PhD  
Director of Science Policy  
American Psychological Association  
750 First Street, NE  
Washington, DC 20002-4242  
(202) 336-6067 phone  
(202) 336-6063 fax  
gmumford@apa.org



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Thursday, June 09, 2005 1:48:05 PM  
**Recipient:** 'Olivia Moorehead-Slaughter' [REDACTED] Gerald P. Koocher, Ph.D.'  
[REDACTED]; [REDACTED] Barry Anton  
**Cc:** 'Ronald F. Levant, Ed.D, M.B.A., ABPP' [REDACTED] Kelly, Heather  
</O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>;Breckler, Steven J.  
</O=APA/OU=DC/CN=RECIPIENTS/CN=SJB>;Mumford, Geoffrey  
</O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>;Jacobson, Rhea  
</O=APA/OU=DC/CN=RECIPIENTS/CN=RSS>  
**Subject:** Preliminary thoughts for agenda

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Dear Olivia and colleagues,

The PENS Task Force will convene two weeks from this evening. I wanted to take a moment to offer some preliminary thoughts on our agenda. Given the number of issues that are potentially relevant to our discussions, I think it will be important, given the relatively short period of time we have, to "not lose the forest for the trees." It seems like three "big picture" questions are:

- 1) Does the APA Ethics Code provide adequate guidance for psychologists involved in national security-related activities?
- 2) If not, does the Task Force believe it is necessary to supplement the APA Ethics Code, or would providing a document, such as a commentary to the code or specialty guidelines, be appropriate, sufficient, and necessary?
- 3) What are the criteria by which the Task Force will determine, in a substantive way, what differentiates ethical from unethical behavior for psychologists engaged in national security-related activities?

In terms of the third question, and thinking about how to structure the meeting, Morgan Banks offers a very helpful analysis: Illegal vs. legal, and ethical vs. unethical. As Morgan points out, our focus should be on defining the "box" of legal and unethical. (There is no dilemma regarding illegal activities, or behaviors that are legal and ethical) In terms of differentiating ethical from unethical activities that fall into the legal category, six different but related questions may be helpful:

- 1) Who is the client?
- 2) Might psychologists have ethical obligations even to individuals or groups who are not considered a client? What would such ethical obligations be?
- 3) What meaning does informed consent have in this particular context, especially in light of ethical standards 3.07 and 3.11, which may be read as requiring a psychologist to inform "all individuals...involved" of several aspects of the psychologists work?
- 4) What is the psychologist's role?
- 5) Are there any roles in which the Ethics Code does not apply? (asked in light of the claims being made that the Hippocratic Oath or other ethics codes do not apply when mental health professionals take on certain roles; these claims have gotten some traction, and I think the Task Force needs to take a clear position on this question)
- 6) What are a psychologist's boundaries of competence in this arena?

Along with these six questions (I'm sure there are many others), are a variety of others that the Task Force will likely want to address, such as:



- 1) How does APA best provide guidance to psychologists working in this arena, military psychologists but also, and perhaps more importantly as the listserve discussion points about, nonmilitary psychologists who consult to the military?
- 2) How should psychologists respond who believe another psychologist working in this arena may be acting unethically (listserve vignette)?
- 3) Does the Task Force want to make explicit mention of the 1986 APA Resolution Against Torture in its written statement(s)?
- 4) How does the Task Force think about/want to address the issue of ethnicity? (Nina Thomas posting of 5/25)

In terms of an analytic framework, Morgan Banks offers a succinct analysis (posting 5/19), in which he states that psychologists' work should be "safe, legal, ethical, and effective." In one way of thinking, parcing each of these four words and applying them to psychologists' work in this arena is central to the task.

Steve

-----Original Message-----

**From:** Behnke, Stephen

**Sent:** Tue 6/7/2005 12:01 AM

**To:** 'Olivia Moorehead-Slaughter'; 'Gerald P. Koocher, Ph.D.'; 'anton'

**Cc:** 'Ronald F. Levant, Ed.D, M.B.A., ABPP'; Kelly, Heather; Breckler, Steven J.; Mumford, Geoffrey; Jacobson, Rhea

**Subject:** Task Force matters

Olivia,

As Chair of the Task Force, you will likely want to make some opening remarks, to get the meeting started. I've drafted a few bullet points for your consideration; I'm sure others have better thoughts, but I thought I'd offer these for your consideration.

I. It seems a good place to start is with the APA Bylaws, which mention ethics and conduct twice in the first article:

Article I — Objects

1. The objects of the American Psychological Association shall be to advance psychology as a science and profession and as a means of promoting health, education and human welfare by...the improvement of the qualifications and usefulness of psychologists through high standards of ethics, conduct, education, and achievement; by the establishment and maintenance of the highest standards of professional ethics and conduct of the members of the Association..."

That the Bylaws mention ethics twice in the very opening Article is a statement concerning the centrality of ethics to our Association and to the Profession.

II. The centrality of Ethics to APA's mission places APA in a unique position when questions arise concerning the ethical use and practice of psychology. APA should be a beacon to psychologists wanting to do the right thing, especially when the ethical path to follow is not clear. And we have a special responsibility to our younger colleagues just beginning their careers, who may find themselves pressed to engage in activities that do not feel ethically appropriate, yet who may not know where to turn for ethical guidance.

III. Events at Abu Ghraib and Guantanamo Bay have raised questions about the ethical use of psychology, and role of psychologists, in national-security related activities. It is worthwhile to note that both individual psychologists and



representatives of Congress (Heather, perhaps you can fill in here), have made clear their strong interest in receiving APA's best thinking on these issues. This level of interest speaks to how APA is perceived as a leader, if not THE leader, in addressing ethical challenges of national significance in mental health practice.

IV. I note a word of caution: If psychologists in communities of professionals working in national security-related areas do not feel that APA is interested in and supportive of their work, they WILL drift away from APA. That would be bad for those psychologists, and bad for APA, the profession, and the public. We want to be clear that psychologists who are using the science and practice of psychology to protect our nation's security have a home at APA, and that APA welcomes and is grateful for their contributions to the profession and to our nation. APA wants to be a resource for these psychologists as they struggle with the ethical dimensions of their work.

V. As a Task Force, we are asked to assist APA in its role of setting the ethical norms of our profession. No easy task for a weekend. But Ron Levant, with the help of Gerry Koocher and Barry Anton, has assembled a group of psychologists who bring to this table an unparalleled degree of experience in these matters. So now it's time to get started.

I hope these thoughts are a helpful start.



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Thursday, June 02, 2005 10:45:33 AM  
**Recipient:** Kelly, Heather <hkelly@apa.org>;Breckler, Steven J.  
<SBreckler@apa.org>;Mumford, Geoffrey <gmumford@apa.org>  
**Subject:** RE: Task Force matters

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This is very good--now, there would be several ways to proceed: We could

- 1) Ask the Task Force members themselves whom they would suggest including as observers;
- 2) Identify particular groups and invite them to send observers;
- 3) Send a letter around to all the Divisions and State Psych. Associations, inviting those groups to send observers;
- 4) Invite anyone who was nominated to attend as an observer;
- 5) Keep to our original plan, and identify particular people whom we would like to invite.

We should be mindful that if we really open this up we may get LOTS of people...

Thoughts?

-----Original Message-----

From: Ronald F. Levant, Ed.D., M.B.A., ABPP

PRIVACY REDACTION

Sent: Thursday, June 02, 2005 9:35 AM

To: Behnke, Stephen; 'Olivia Moorehead-Slaughter'; 'Gerald P. Koocher, Ph.D.'; 'anton'

Cc: Kelly, Heather; Breckler, Steven J.; Mumford, Geoffrey; Jacobson, Rhea

Subject: RE: Task Force matters

Steve: I agree with your thoughts re observers.

Ronald F. Levant, Ed.D., M.B.A., ABPP

Professor

Center for Psychological Studies

Nova Southeastern University

PRIVACY REDACTION

[www.DrRonaldLevant.com](http://www.DrRonaldLevant.com) website

President, American Psychological Association, 2005  
"Making Psychology a Household Word"

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]

Sent: Wednesday, June 01, 2005 9:55 PM

To: Olivia Moorehead-Slaughter; Gerald P. Koocher, Ph.D.; anton

Cc: Ronald F. Levant, Ed.D., M.B.A., ABPP; Kelly, Heather; Breckler, Steven J.; Mumford, Geoffrey; Jacobson, Rhea

Subject: Task Force matters

Dear Olivia, Gerry, and Barry,

The staff for the PENS Task Force met today, to review plans for the meeting



and to ensure that the logistical details are taken care of. I believe everything is well in hand from that perspective.

A question did arise about observers. It is my understanding that APA meetings are open, unless in executive session or confidential information is being discussed. Thus far, we've had two APA staff express an interest in attending, whose work is relevant to what we will be discussing. I do not believe we have received any requests from non-staff to attend, although we might want to consider whether we would want to extend an invitation to anyone. As an example, APA has fostered a very good relationship with the FBI, and the FBI has been involved at GTMO. There is no one from the FBI on the Task Force (recall that two individuals from the FBI excused themselves from the Convention program on this subject, explaining that at the present time they could not participate in such activities). We may want to extend an invitation for an FBI person to attend as an observer, so that they feel included; if our invitation is declined, at least it has been offered.

Also, Susan Brandon, an APA person who recently left the Bush administration to return to NIH, has been very interested in these issues. Thus far, we are at a very manageable number, so a few more individuals would not be a problem, although given the interest in the PENS Task Force I would not advertise this possibility widely.

I think the listserve discussion has provided a good context for the meeting, although do note that several of the Task Force members have not yet made a contribution. I think that the more recent discussions concerning what can reasonably be accomplished over the weekend have been very interesting and informative, and have focused on "big picture" questions which will help the Task Force not get lost in the myriad of lesser issues.

We will convene in DC three weeks from tomorrow evening. Please let us know what else we can do to prepare for the meeting.

I hope you all are well,

Steve



**Sender:** Mumford, Geoffrey </O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>  
**Sent:** Tuesday, May 03, 2005 2:33:00 PM  
**Recipient:** 'McKechnie, Andrew' **PRIVACY REDACTION**  
**Subject:** FW: Current RSVPs  
**Attachments:** RSVPs Behavioral Treatment Briefing.xls

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Hi Andrew,

Here's the current list of rsvp's for tomorrow's briefing. If you have friends or colleagues who don't appear on the list please feel free to remind them about the event. Thanks for your help and encouragement.

See you tomorrow.

Best,  
-geoff

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Robinson, Sara

Tuesday, May 03, 2005 12:19 PM

Mumford, Geoffrey; Studwell, Karen

Current RSVPs





## **Science Advocacy Update for Council Report January - June 2005**

### **Enhancing Psychological Research Funding**

#### **Psychology and Human Intelligence**

During the last week of October, John Negroponte, the Director of National Intelligence (DNI), took the unusual step of publicly revealing the National Intelligence Strategy of the United States. The Strategy, which calls for "transformation through integration and innovation", formalizes previous reports that the DNI was planning to shift resources away from technical information collection toward human intelligence gathering. The details are laid out in a series of 15 "mission" and "enterprise" objectives. Science Policy staff were pleased to see that one of those objectives focused on enhanced research as follows: "Exploit path-breaking scientific and research advances that will enable us to maintain and extend intelligence advantages against emerging threats."

Developing a plan to meet that objective will fall to a physiological psychologist, Dr. Eric Haseltine, the new Associate Director of National Intelligence for Science and Technology. We wanted the Associate Director to know that APA was here to serve as a scientific resource as those plans evolve, so two days after the release of the Strategy, Science Directorate Executive Director Steve Breckler and Science Policy staffers Geoff Mumford and Heather Kelly met with Haseltine to discuss opportunities for collaboration. At his temporary offices at CIA headquarters in McLean, Virginia, Haseltine spent over an hour providing candid insight on issues ranging from the organizational culture of the intelligence community, stress related to the operational environment abroad, and the role psychology and behavioral science might play in the training of future analysts and operational personnel. Haseltine detailed a number of opportunities for follow-up and Science Policy staff look forward to maintaining a close collaboration with him as his strategic initiatives unfold.

Haseltine brings a unique set of on-the-job training credentials to his current position. Prior to joining DNI, Haseltine had served for three years in an analogous role as Associate Director for Research at the National Security Agency (NSA), one of the 13 intelligence agencies now grouped under the jurisdiction of DNI. But for more than two decades before joining NSA, Haseltine worked in private industry, first as Director of Engineering for Hughes Aircraft and later as Executive Vice President for Research and Development at Walt Disney Imagineering. Haseltine was recruited and selected for the DNI position by his former NSA boss, General Michael Hayden, who now serves in the number two slot at DNI as Director Negroponte's Deputy Director.

#### **Friends of NICHD Get Briefing on the NIH Peer Review System**

With increased scrutiny on how the National Institutes of Health makes its funding decisions and a possible proposed NIH reorganization by Congress, advocates of the National Institute of Child Health and Human Development received a briefing from NIH staff on precisely how the two-tiered peer review system works at NIH. FNICHD members engaged in a mock review and learned many of the ins and outs of reviewing research proposals. While the NIH peer review process is considered the gold standard



in determining how biomedical and behavioral research is funded, there are some changes that may impact on some of the process. This year, NIH is slowly phasing in its electronic grant submission process by grant mechanism, beginning with the Small Business Innovation Research (SBIR) grants in November 2005. The remaining mechanisms will be moving to electronic submission by 2007. Additional changes may occur as consumer advocates are permitted to participate in some peer review panels to represent human subject perspectives as well as help NIH institutes review public education materials.

### **Congressional Champions Go On Record for NIDA**

As a follow-on to the Friends of NIDA briefing on HIV research held in October, and as an adjunct to the new NIDA Public Service Announcement (PSA) targeting drug use and HIV, the Friends of NIDA coalition worked with prominent members of Congress, encouraging them to go on record about the value of NIDA's HIV research portfolio. Two Champions of substance abuse research stepped up to the plate and did so for the Congressional Record. The Co-Chair of the Congressional Caucus on Addiction, Treatment and Recovery, a long time ally of the Friends and host of each of our three scientific briefings on Capitol Hill this year, Congressman Jim Ramstad applauded NIDA's efforts on December 6.

Likewise, Congressman Danny Davis, Secretary of the Congressional Black Caucus, discussed the combined toll drug abuse and HIV are taking on the nation's youth. The Friends of NIDA will be distributing copies of these remarks, DVD's of the PSA, and NIDA's recent HIV report to all Members of the House and Senate early next month.

### **Strengthening the Scientific Infrastructure**

#### **APA Comments on Draft NIH Reauthorization**

In July, Chairman Joe Barton (R-TX), Chairman of the House Energy and Commerce Committee, finally released a "discussion draft" of his plan to reorganize the National Institutes of Health that he believes will help the agency achieve more efficiency, transparency, and accountability. The draft bill seeks not only to expand the NIH Director's budgetary authority, but also to create a new Division of Program Coordination, Planning, and Strategic Initiatives within the Office of the Director to oversee strategic planning for trans-institute initiatives.

In initial comments on the draft, APA requested a more explicit commitment to behavioral research, basic research, as well as the continuation of the statutory authority for the Office of Behavioral and Social Sciences and the elimination of separate grant-making authority for the new division. A second draft, which incorporated some of APA's requested changes, was released in August. APA will continue to work with Chairman Barton's office to advocate for stronger support for behavioral research at NIH.



## **New NIH Planning Office Generates Comment from Behavioral, Social Science Coalition**

In the *Federal Register* of September 22, 2005, NIH announced a reorganization of its science policy and planning offices. The new office, called the Office of Program Analysis and Strategic Initiatives (OPASI), was established to serve as the infrastructure for a trans-NIH priority setting and strategic planning effort. OPASI will identify and integrate information to support the planning and implementation of trans-NIH initiatives. NIH Director Elias Zerhouni's "Roadmap" initiative was the prototype. OPASI is being established to identify and fund future generations of "roadmap" initiatives whose purposes and benefits cross institute and center boundaries. A common fund is being established (1.1 percent of total NIH funds in Fiscal Year 2006, growing, under certain budget conditions, to 5 percent of the total NIH budget) to fund the initiatives that will emerge from an elaborate planning process.

Raynard Kington, MD, PhD, Deputy Director of NIH, shared details of the planning process at the fall meeting of the Advisory Council to the NIH Director. (See his powerpoint presentation [here](#)). In a year-long cycle, NIH institutes, programmatic offices, and stakeholders (such as scientific associations and patient groups) suggest potential trans-NIH research initiatives. The initiatives are evaluated by several bodies, including the NIH Council of Councils (representatives from each of the NIH institute and center advisory councils) and a steering committee of several NIH directors. The Advisory Committee to the NIH Director recommends the final set of initiatives to the NIH Director. It is anticipated that the initiatives will be funded on a 4-5 year cycle, so after a start-up period, between 20 and 25 percent of the fund would become available for new initiatives each year.

APA and fellow behavioral and social science organizations have closely followed this process to examine whether there will be sufficient consultation of, and input from, the behavioral sciences. Since NIH growth is slowing dramatically, representation of these sciences in the common pool of funds for trans-NIH initiatives is very important to success within NIH. See the letter to Dr. Kington from the Coalition for the Advancement of Health Through Behavioral and Social Science Research (CAHT-BSSR), which Science Policy staff co-chair. Among the letter's suggestions is that at least one institute director on the Steering Committee be familiar with and supportive of behavioral sciences, and that the Director of OBSSR be included in the planning and vetting of proposals to ensure that behavioral expertise is at the table. OPASI is still being established, but APA intends to monitor the process carefully to ensure a level playing field in the selection of and planning for trans-NIH initiatives.

## **Sharing psychological research with Policymakers**

### **Psychologists Denise Park and Anthony Pratkanis Testify in Senate**

Two eminent psychologists were invited to testify on July 27 before the Senate Special Committee on Aging about elderly victims of consumer fraud schemes. Denise Park, PhD (University of Illinois-Urbana-Champaign) described results of her research on cognitive changes in older adults that may make them particularly vulnerable to consumer fraud. Social psychologist Anthony Pratkanis, PhD (University of California-Santa Cruz) described his work as a member of a team including staff from the



American Association of the Advancement of Retired Persons and the WISE senior center, surveying victims of consumer fraud. Senator Gordon Smith (R-OR) chaired the hearing and at least ten members of the committee heard all or part of the testimony.

### **APA Invites Psychological Researcher to Participate in Capitol Hill Lobby Day on Behalf of NSF**

The Science Policy Office invited Abby Baird, PhD, a psychological researcher from Dartmouth, to represent psychological science at the September Capitol Hill Lobby Day sponsored by the Coalition of National Science Funding (CNSF), of which APA is an active member. Baird was part of a multidisciplinary group of scientists who visited their New Hampshire and Maine congressional delegations to advocate for increased funding for the National Science Foundation (NSF). Negotiations currently are underway between the House and Senate to bridge the gap between the NSF appropriation levels in their two FY06 funding bills, and despite the challenges of an extremely tight budget climate (especially in light of Hurricane Katrina), Baird and her colleagues made an impressive case for strengthening federal support for basic research.

### **Friends of NIDA Coalition Presents Educational Briefing on HIV and Drug Use**

The Friends of NIDA hosted an educational briefing on Capitol Hill on October 25 to raise awareness about the relationship between drug use and HIV infection. The briefing, entitled "Drug Use and HIV/AIDS: Breaking the Cycle of Infection", was organized by APA Science Policy staffers Sara Robinson and Geoff Mumford. It was the third in a series this year designed to elevate NIDA's profile with policy-makers. As with the other events, APA coordinated with the Chairs of the Addiction, Treatment and Recovery Caucus to find space and drum up support for the briefing, which was co-sponsored by 18 other organizations. NIDA Director Nora Volkow, MD, provided a spirited overview of NIDA's HIV/AIDS research portfolio, noting, among other issues, the alarming change in patterns of transmission disproportionately affecting African American women. Psychologist Robert Booth, PhD, a Professor of Psychiatry at the University of Colorado School of Medicine, described his experiences as an HIV prevention researcher leading the community-based SAFE program in Denver. Finally, Ms. Patricia Nalls, Founder and Executive Director of a DC-based nonprofit organization, The Women's Collective, provided her personal perspective as an HIV-positive woman helping other women deal with HIV-related issues.

The briefing drew a standing room only crowd of over 100 guests, and the Friends of NIDA once again extend their deep appreciation to Congressman Jim Ramstad and his staff for their assistance in obtaining a room for the event.

### **Psychology Helps Weather the Storms**

After APA Fellow Dr. Baruch Fischhoff took the time to express his concern about risk communication issues associated with the Katrina disaster on the Op-Ed pages of the Washington Post earlier this month, Science Policy staff worked with APA's visiting senior scientist, Dr. Clare Porac, to conduct outreach to other APA scientists who might also do research relevant to disasters. The request to collect such information was actually initiated by Dr. Mark Weiss, Assistant Director for Social, Behavioral and Educational Sciences in the White House Office of Science and Technology Policy.



Dr. Porac's letter was disseminated to the leadership of all APA Divisions and has generated a few interesting and varied responses. However, this is an on-going project and APA would welcome additional examples of how psychological science can inform policy on issues pertaining to the prediction, prevention, preparation and mitigation of the effects of, and recovery from, disasters like hurricanes Katrina and Rita.

### **APA Psychologist Roxane Silver Testifies on Disaster Response Research**

On November 10, Dr. Roxane Cohen Silver joined a distinguished panel of social and behavioral scientists to present her testimony as an expert witness at a congressional hearing of the House Science Committee's Subcommittee on Research. Specifically focused on "The Role of Social Science Research in Disaster Preparedness and Response", Chairman Inglis (R-South Carolina) convened the hearing to address such questions as: "How do individuals respond to traumatic experiences, such as terrorist attacks or natural disasters? How can insights into fundamental questions of cooperation, social order and resilience improve preparation for and response to new threats and disasters?"

Dr. Silver, a Professor in the Department of Psychology and Social Behavior in the Department of Medicine at the University of California, Irvine, presented testimony about her research on how individuals adjust to stressful life experiences. Highlighting findings from her NSF-funded longitudinal study of emotional, cognitive, and social responses to the September 11 terrorist attacks, Dr. Silver explained that our assumptions and expectations about the coping process stand in sharp contrast to the research data. As one example of what she calls the "myths" of coping with trauma, Dr. Silver explained that "psychological responses are mistakenly assumed to be limited to those directly exposed to the trauma, and the degree of emotional response is mistakenly assumed to be proportional to the degree of exposure, amount of loss, or proximity to the trauma." Furthermore, individuals are often expected to adjust within a prescribed timetable, yet few individuals experience an orderly sequence of "stages" of emotional response, and this narrow notion of recovery fails to account for the lifelong nature of the effects of such events. In closing, Dr. Silver stressed the critical need for methodologically sophisticated, externally valid research on coping as we reevaluate what it means to psychologically adjust to trauma.

### **NIMH Director Shares Research Findings in Congressional Briefing**

On Thursday, November 17, the National Foundation for Mental Health, of which APA is a founding organization, held its first Congressional Briefing featuring NIMH Director Tom Insel, sponsored in partnership with the Congressional Mental Health Caucus. The Caucus co-chairs, Rep. Tim Murphy (R-PA) and Grace Napolitano (D-CA), took the opportunity to express their support for mental health issues and to encourage advocates to increase their efforts to educate Congress about the need for both mental health research and services for those with mental disorders. Dr. Insel followed their remarks with a more specific discussion of the results of NIMH's Clinical Antipsychotic Trials of Intervention Effectiveness (CATIE) Study, whose initial results comparing antipsychotic medications were published in the New England Journal of Medicine in September. In the first few months of the eighteen month-long trial, investigators unexpectedly found that nearly 75 percent of participants discontinued their initial medication, regardless of which medication they tried first. The findings could have



broader implications for the treatment of those suffering from schizophrenia as most schizophrenia medication is covered through Medicaid. Insel cautioned policymakers that these are just one set of findings and medication is necessary, but not sufficient, to treat mental disorders such as schizophrenia. He reiterated that more research is needed to inform policy decisions, including studies to determine what is most effective for individuals, what is most cost-effective, and the impact of psycho-social interventions.

### **Baruch Fischhoff Treats Pandemic Flu on Capitol Hill**

On December 14, the minority membership of the House Committee on Science held a briefing entitled "Gaps in the National Flu Preparedness Plan: Social Science Planning and Response". The briefing was moderated by Representative Brian Baird (D-WA), who serves on the Research Subcommittee. Rep. Baird, a psychologist by training, introduced the three principal speakers, who proceeded to describe research that they felt should be considered in order to optimize preparation for and response to a possible pandemic.

Clete DiGiovanni, MD, Chief Scientist, Defense Threat Reduction Agency (DTRA), spoke first and briefly discussed the history and occurrence of past flu pandemics and the effectiveness of various public health initiatives, such as quarantines, in dealing with previous outbreaks. Dr. DiGiovanni then turned the floor over to two social scientists, APA Fellow Baruch Fischhoff, PhD, Center for Risk Perception and Communication, Carnegie Mellon University, and Monica Schoch-Spana, PhD, an anthropologist at the Center for BioSecurity, University of Pittsburgh.

Dr. Fischhoff emphasized that social scientists have been studying human responses to risk since WWII, so there is a large body of research in this area. From this research, he extracted some basic patterns of behavior that can be expected to occur in the face of a pandemic flu or any such widespread risk. For example, the general public wants to hear the truth about the risk from government and other officials, even if the truth causes worry. Also, people can absorb only limited amounts of information at a time, so communications to the public must deal with only the critical facts in an organized fashion. Dr. Fischhoff argued that four types of experts are needed to design and evaluate communications involving risk factors. These experts are: 1) subject matter specialists, such as public health officials; 2) risk and decision analysts who can identify the different types of messages needed to communicate with different subgroups of the public, such as the elderly; 3) psychologists who can identify belief systems and design appropriate messages; and finally, 4) communication specialists who can ensure that the messages get disseminated properly and in a coordinated fashion.

Dr. Schoch-Spana's remarks centered on the issue of whether or not the current DHHS plan embodies realistic expectations about the public's response to a flu pandemic. She argued that authorities often mistake reasonable reactions to a threat, such as repeated phone calls requesting disease-related information, as unreasonable panic reactions. Authorities should not try to fix the public but rather they should concentrate on streamlining production and distribution of information and treatment for the disease. Dr. Schoch-Spana also pointed out that the current DHHS plan talks in terms of individual action and seems to ignore the importance of coordinated community reaction to a threat that organizes itself around neighborhoods, communities of faith, social clubs and places of employment. She also took issue with the assumption that an individual's



preparedness for a threat and one's compliance with instructions designed to alleviate the threat are based on personal choice. She emphasized that life circumstances, such as poverty and the need to continue to go to work, may interfere with an individual's ability to comply with flu preparedness instructions and/or quarantine restrictions if the latter are deemed to be necessary by authorities.

## **Increasing the ability of APA scientists to advocate for their discipline**

### **Behavioral Researchers Defend Peer Review and Their Research**

Congress returned from its August recess with action still pending on the FY2006 Labor Health and Human Services and Education Appropriations Bill. The legislation, which funds the National Institutes of Health (NIH) and other HHS and Education agencies, passed the House with an amendment attached that would prohibit the National Institute of Mental Health (NIMH) from funding two psychological research projects that had been awarded to Ed Wasserman at the University of Iowa and Sandra Murray at the University at Buffalo of the State University of New York. In July, Murray and Wasserman joined APA staff member Karen Studwell on visits with congressional offices of both their states, as well as staff of the appropriations subcommittees that would be involved in the conference negotiations between the House and Senate. Congressional members and staff alike were supportive of both the scientists and the NIH peer review process and provided some assurances that they would work to remove the language from the final legislation.

Senator Tom Harkin (D-IA), the Ranking Member on the Senate Appropriations Subcommittee on Labor, HHS met personally with the APA delegation and recounted past efforts of individual members of Congress arbitrarily criticizing the work of the federal research agencies and offered his support for removing the language during conference.

Calling the amendment a form of "unjustified scientific censorship," NIH Director Elias Zerhouni stated that "it undermines the historical strength of American science, which is based on our world renowned, apolitical and transparent peer review process."

Speaking on the House floor against the amendment, Rep. Jim Leach (R-IA) said that "the Neugebauer amendment.... represents a philosophical assault on the peer review process that serves as a hallowed barrier to scientific censorship... This is a slippery slope that I hope conferees will not slide down."

In a letter to each member of the House of Representatives, APA CEO Norman Anderson also stated, "For Congress to defund any grants in violation of NIH's exacting process is a blow to science, to scientists, and ultimately, to public health."

In December, the Neugebauer language was removed during conference negotiations between the House and Senate and the the final FY2006 funding bill was signed by the President in December.

### **Science Policy Office Hits the Road**



In October, Science Policy staff Karen Studwell attended the Society of Experimental Social Psychology meeting in San Diego to discuss how the organization could encourage increased advocacy among its membership. Participants heard from a panel of speakers about those issues impacting psychological research, including the outlook on the budget, congressional concerns about NIH priorities and changes in the federal research infrastructure. Additional talks will be given at the upcoming meeting of the Society for Personality and Social Psychology to train psychological scientists to advocate on behalf of psychological science.

On the horizon, Science Policy staff are planning an advocacy training session for members of the Div. 14 (Society of Industrial-Organizational Psychologists) executive committee in late January, and a session for SIOP membership at its annual meeting in Dallas in May.

### **Scientists Respond to Action Alert on NIH Research Funding**

In October, the Public Policy Office issued an email action alert prompting advocacy network members to call their Senators regarding the future of NIH funding. At that time, Congress had not yet approved funding for the Department of Health and Human Services, which includes the National Institutes of Health (NIH). The House of Representatives had passed a bill providing only a one-half percent increase for NIH for Fiscal Year 2006, but the Senate version of the bill had not been debated. The version passed by the Senate Appropriations committee would have provided NIH with a 3.5 percent increase. APA and other research advocacy organizations were encouraging Senators to press for the larger number.

The response was encouraging – over 25 Senate offices received calls from psychologists, and the Senate did take up the bill as we asked. Unfortunately the legislative end game resulted in the original lackluster increase-- 0.5 percent-- that APA was working to enhance. Although it still enjoys bipartisan support in Congress, NIH could not overcome financial pressures related to the high deficit and multiple disasters which competed for the same pot of federal funding. It is worth repeating however, that the more scientists use their clout as constituents, the more favorable the federal research policies are likely to be. APA encourages you to keep a New Year's Resolution to communicate more often with your federal legislators.

### **Other...**

### **APA Releases Report of Task Force on Ethics and National Security**

On July 5, APA released the report of its Presidential Task Force on Psychological Ethics and National Security. The Task Force met June 23-26, 2005 with the charge of examining whether our current APA Ethics Code adequately addresses the ethical dimensions of psychologists' involvement in national security-related activities, whether APA provides adequate ethical guidance to psychologists involved in these endeavors, and whether APA should develop policy to address the role of psychologists and psychology in investigations related to national security. Recognizing the ethical complexity of this work, which takes place in unique settings and constantly evolving circumstances, the Task Force was nonetheless able to set forth clear statements about psychologists' ethical obligations.



The Task Force was unambiguous that when psychologists serve in any position by virtue of their training, experience and expertise, the APA Ethics Code applies. Psychologists do not engage in, direct, support, facilitate, or offer training in torture or other cruel, inhuman, or degrading treatment, and psychologists have an ethical responsibility to be alert to and report any such acts to appropriate authorities. The Task Force also stated that it is consistent with the APA Ethics Code for psychologists to serve in consultative roles to interrogation and information gathering processes for national security-related purposes, as psychologists have a long-standing tradition of doing in other law enforcement contexts. Acknowledging that engaging in such consultative and advisory roles entails a delicate balance of ethical considerations, the Task Force stated that psychologists are in a unique position to assist in ensuring that these processes are safe and ethical for all participants.

There have been a variety of responses from the APA membership and the media to the report, as well as ongoing activity within the executive and legislative branches to address the broad issue of health and mental health professionals' involvement in national security settings.

### **Behavioral Science LEADs in Homeland Security Curriculum Workshop**

During the second week of August, APA hosted a two day Department of Homeland Security Strategic Studies (DHS) Curriculum Development Workshop in coordination with staff of the United States Coast Guard Academy (USCG). The workshop, part of the DHS Learning, Education and Development (LEAD) program, was an extension of previous APA Science Directorate efforts to help identify core competencies that would be necessary for effective DHS leadership.

The August workshop was rooted in research conducted by USCG Academy investigators in late 2002 on Homeland Security education and training which subsequently led to the initial concept for a conference entitled "Charting a Course for Homeland Security Strategic Studies". The research affirmed trends in security studies and yielded new findings in critical areas: (1) the academic and military fields of strategic studies are struggling to sort out arguments for their future direction in the aftermath of the Cold War; (2) responses to terrorism require methods that are different in kind, not just in degree, from approaches to earlier threats to national security; (3) DHS, as a new collection of disparate agencies and offices, needs an established senior educational structure for executives with Homeland Security responsibilities; and (4) the timing of solutions to the above is critical.

In March 2004, the Homeland Security Advisory Council gave its full endorsement to the conference concept, and followed with a recommendation to Secretary Ridge that the Department of Homeland Security actively support the Academy's efforts and sponsor the conference. The concept was to gather a diverse and informed group of experts from industry, academia, all levels of government, and private organizations who by their backgrounds and positions were natural stakeholders for the issue of Homeland Security strategic studies. The goal was for the participants, assisted by facilitators, to articulate a vision for Homeland Security executive education in the broadest sense and to capture the participants' views in the form of a draft report [PDF 250K], for use by relevant people who face decisions on that topic. APA co-sponsored the conference with DHS, the USCG Academy, and others in November 2004.



The conference achieved its aim. The resulting draft report provides guiding principles to animate all Homeland Security studies, proposed core elements of a strategic studies program, and a range of educational vehicles describing structural options for the delivery of a strategic studies program for the Department. A general conference finding noted the need for a substantive rethinking of what a responsive strategic studies program curriculum would look like. In order to leverage the momentum gained via the conference, the DHS Office of Human Capital, the Coast Guard Office of Strategic Analysis, the U. S. Coast Guard Academy, APA and many partners inside and outside the Department moved ahead to build on the conference's work and further develop a DHS Strategic Studies Curriculum and delivery strategy that would meet the Department's needs.

In the August meeting held at APA headquarters, participants were asked to flesh out the curriculum by developing course outlines with proposed course titles and descriptions in various "competency clusters". Geoff Mumford, Director of Science Policy, was assigned to a group tasked with developing courses in "Domain Awareness" and suggested the need for a course entitled "Applications of Behavioral and Social Sciences in Homeland Security" with the following description:

The knowledge and tools of the social and behavioral sciences are immediately applicable to the construction of strategies that can enhance the Nation's capacity to predict, prevent, prepare for and recover from a terrorist attack. This course will summarize relevant aspects of these scientific domains to provide an understanding of such topics as risk assessment methodology and communication; historical and operation dynamics of threats; judgment and decision-making; user-centered design of surveillance and countermeasures technologies; emergency preparedness and response; and enhancement of team performance under stress.

While not intended to be comprehensive, the basic course description serving as a placeholder, was universally accepted by those assembled and will be one of three core competency topic areas to be forwarded through the chain of command to DHS Secretary Chertoff and expanded upon as the curriculum is further refined in subsequent deliberations by the group.

### **APA Takes Stand on Detainee Issue**

The Science Directorate and Public Policy Office have taken the lead in coordinating APA's response to recent legislative initiatives in Congress regarding U.S. detainees and prisoners of war. APA, along with other mental health and human rights organizations, supports Senator John McCain's amendment to the Fiscal Year 2006 appropriations bill (which funds the Department of Defense - DoD) which would effectively prohibit cruel, inhuman, or degrading treatment of U.S. detainees and call for uniform standards for interrogations within DoD. Our support for this important amendment is based on our fundamental mission to protect and promote human welfare and recognition of the many psychologists working on behalf of our national security interests. The APA ethics code requires psychologists to respect the dignity and worth of all individuals and to strive for the preservation and protection of fundamental human rights. In addition, a 1986 Council resolution supports the U.N. Declaration and Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, as well as the U.N. Principles of Medical Ethics. In August of 2005, the Council reaffirmed this resolution through its



endorsement of the report of our APA Presidential Task Force on Psychological Ethics and National Security. APA President Ronald Levant, EdD had an opportunity to further discuss these issues during a recent DoD trip to U.S. Naval Station Guantanamo Bay that included leaders from the American Psychiatric Association and the American Medical Association.

In October, the Senate passed the McCain legislation with a 90 to 9 vote. In December, the House voted 308 to 122 in support of McCain's proposal, another majority vote strong enough to override a presidential veto. Shortly thereafter, White House negotiators reached a compromise with McCain, and the President announced his support of the measure.



**Sender:** Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>  
**Sent:** Sunday, August 14, 2005 11:58:50 AM  
**Recipient:** Behnke, Stephen <sbehnke@apa.org>; Mumford, Geoffrey <gmumford@apa.org>  
**Subject:** FW: Interrogation training  
**Attachments:** AR 190-8.pdf

---

Hi, Steve:

See Morgan's response to my request, below. The current guidelines should be helpful for your Board preparation, I hope. I'm here in the building today if you're around,  
Heather

Heather O'Beirne Kelly, Ph.D.  
Senior Legislative and Federal Affairs Officer  
Science Public Policy Office  
American Psychological Association  
750 First Street, N.E., 5th Floor  
Washington, D.C. 20002  
phone 202.336.5932  
fax 202.336.6063  
email hkelly@apa.org

---

**From:** Banks, Louie M. COL [mailto:[louie.morgan.banks@us.army.mil](mailto:louie.morgan.banks@us.army.mil)]  
**Sent:** Friday, August 12, 2005 9:57 PM  
**To:** Kelly, Heather  
**Subject:** RE: Interrogation training

Heather,

I am having a very difficult time with my email system right now. I am traveling, and it is giving me a great deal of trouble. I have been trying to send out a response to your email for an hour!

Although we are very close to having a final product from the Surgeon General, it is not yet complete. I will work to get you a copy ASAP once it is released, but I doubt it will be done before APA is over. The only document I have available right now, is the one I am sending, which is the Army regulation that covers the treatment of detainees. It is fairly explicit, and is currently the standard that DOD must follow. I will try to think of more I can provide when I return home this weekend.

Morgan

**COL L. Morgan Banks**  
**Director, Psychological Applications Directorate**  
**US Army Special Operations Command**

PRIVACY REDACTION

[banks1@usasoc.socom.smil.mil](mailto:banks1@usasoc.socom.smil.mil)/[louie.morgan.banks@us.army.mil](mailto:louie.morgan.banks@us.army.mil)

APA\_0027787



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**From:** Kelly, Heather [mailto:hkelly@apa.org]  
**Sent:** Friday, August 12, 2005 1:30 PM  
**To:** louie.morgan.banks@us.army.mil  
**Subject:** Interrogation training

Hi, Morgan:

Hope all is going well with you. I'm helping Steve Behnke prepare for whatever may come our way regarding the Task Force Report during APA convention this coming week, and he asked me to try and find any documentation (open source, obviously) of guidelines for military interrogators regarding their need to follow Geneva conventions on torture and coercion, and/or what is and is not legal. Is there any way you can point me in the right direction? Stuff from the Attorney General or Rumsfeld?

Thanks for any help,  
Heather

Heather O'Beirne Kelly, Ph.D.  
Senior Legislative and Federal Affairs Officer  
Science Public Policy Office  
American Psychological Association  
750 First Street, N.E., 5th Floor  
Washington, D.C. 20002  
phone 202.336.5932  
fax 202.336.6063  
email hkelly@apa.org



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Wednesday, August 10, 2005 11:27:06 AM  
**Recipient:** Kelly, Heather <hkelly@apa.org>; Mumford, Geoffrey  
<gmumford@apa.org>; Breckler, Steven J. <SBreckler@apa.org>  
**Subject:** RE: [SCRA-L] Fwd: Statement Concerning the Use of Torture with Prisoners

---

Let's talk--actually, I think it's so close to what the Report says it may actually be to our benefit...

-----Original Message-----

**From:** Kelly, Heather  
**Sent:** Wednesday, August 10, 2005 11:00 AM  
**To:** Behnke, Stephen; Mumford, Geoffrey; Breckler, Steven J.  
**Subject:** FW: [SCRA-L] Fwd: Statement Concerning the Use of Torture with Prisoners

Just saw this come across the Division 27 list from Division 48, could be a problem...  
H

Heather O'Beirne Kelly, Ph.D.  
Senior Legislative and Federal Affairs Officer  
Science Public Policy Office  
American Psychological Association  
750 First Street, N.E., 5th Floor  
Washington, D.C. 20002  
phone 202.336.5932  
fax 202.336.6063  
email hkelly@apa.org

---

**From:** SCRA-L Div27 General Membership List [mailto:SCRA-L@LISTS.APA.ORG] **On Behalf Of**  
Serdar Degirmencioglu  
**Sent:** Wednesday, July 27, 2005 6:45 AM  
**To:** SCRA-L@LISTS.APA.ORG  
**Subject:** [SCRA-L] Fwd: Statement Concerning the Use of Torture with Prisoners

**Kimden:** Society for the Psychological Study of Social Issues List bu kipinin yeline: Linda Woolf,  
Ph.D.  
**Gönderilmip:** Pzt 7/25/2005 05:22  
**Kime:** SPSSI@LISTS.APA.ORG  
**Konu:** Re: [SPSSI] Psychologists and torture

Dear Colleagues,

The Executive Committee of the Society for the Study of Peace, Conflict, and Violence:  
Peace Psychology Division 48 (APA) has issued a *Statement Concerning the Use of Torture  
with Prisoners*. Included in the Statement is a call for action within APA.

I've attached the Statement but if you have any problems opening the document, it can be  
viewed on the Society's webpage (<http://www.peacepsych.org>) as well as downloaded in  
PDF format. Simply go to the webpage and scroll down to "Announcements." It is the first



item listed. The Society has also compiled a list of educational resources concerning the use and psychological effects of torture and these are listed under "Educational Resources."

Best wishes,

Linda

--

Linda M. Woolf, Ph.D.  
President-Elect, Peace Psychology Division 48, APA  
Professor of Psychology  
Coordinator - Holocaust & Genocide Studies,  
Center for the Study of the Holocaust, Genocide, and Human Rights  
Webster University  
470 East Lockwood  
St. Louis, MO 63119

Main Webpage: <http://www.webster.edu/~woolfm/>

**PRIVACY REDACTION**

"Outside of a dog, a book is a man's (and woman's) best friend. . . .  
Inside a dog, it's too dark to read."

-

Groucho Marx

\*\*\*\*\*

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\*\*\*\*\*



**Sender:** Mumford, Geoffrey </O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>  
**Sent:** Tuesday, June 29, 2004 12:21:03 PM  
**Recipient:** 'kirk hubbard' [REDACTED]  
**Cc:** [REDACTED] JAMES MITCHELL  
**Subject:** RE: FW: Coercive interrogation

---

Hi Kirk,

I was out for a few days but appreciate this follow-up. I'll check on the scheduling but I'm guessing the dates are probably set. I'd still be interested in hearing Jims thoughts and appreciate the reference; I'll pass that along.

I also appreciate your concerns about getting people up there pontificating without any actual experience...its a tough balance. In any case, rest assured we always aim to be very discreet in making any associations with your organization and don't want to (and won't) do anything to jeopardize our harmonius working relationship.

I'll keep you apprised of any news regarding scheduling.

Best,  
-geoff

-----Original Message-----

From: kirk hubbard [REDACTED]  
Sent: Friday, June 25, 2004 5:20 PM  
To: Mumford, Geoffrey  
Cc: [REDACTED] JAMES MITCHELL  
Subject: RE: FW: Coercive interrogation

Hi Geoff,

Jim and Bruce will both be in Hawaii on July 30. Seems like anyone who is anyone will be there... :-)

If the meeting date could change, Jim could probably participate the week of July 19-23, or after the APA Convention. Jim will continue to give this some thought and and write to you directly if he has any suggestions. Jim did mention that any psychologist who is actually familiar with the issues is not likely to be neutral on the subject. I think Jim and Bruce are objective but certainly not neutral.

He also mentioned a book that the NSF folks might want to look at on this general general subject:

Biderman, Albert and Zimmer, Herbert, Eds, The Manipulation of Human Behavior. New York, John Wiley & Sons, 1962.

My concern is that there are a lot of people out there who think they know something about interrogation despite no real training or experience. And then there is that smaller group of people who have some experience but have done it wrong, leading to problems analogous to the current mess as reported in the media.

If Jim or Bruce did participate, we would hope you could assist in ensuring that their association with my organization is not divulged. They have significant prior DOD experience in this area and now have a private consulting business.

Hope this helps. As I think I mentioned yesterday, I will be in CA next



week with Scott and Kirk Kennedy.

Best,

Kirk

>From: "Mumford, Geoffrey" <gmumford@apa.org>

>To: "Kirk Hubbard" [REDACTED]

>Subject: FW: Coercive interrogation

>Date: Thu, 24 Jun 2004 19:17:23 -0400

>

>Kirk,

>

>Good to catch up with you today...here's that email I promised to send.

>The date of the seminar is July 30th but I'm sure they'd like to get a

>commitment from someone soon. Thanks for looking into this for me.

>

>Best,

>-geoff

>

>-----Original Message-----

>From: Jiron, Amy [REDACTED]

>Sent: Wednesday, June 23, 2004 2:13 PM

>To: Mumford, Geoffrey

>Cc: Smith, Danielle; Lightbody, Sarah; Williams, Shara

>Subject: RE: Coercive interrogation

>

>

>Geoff,

>

>Thanks so much for your help! Since our other two potential guests are

>not scientists--one is an attorney and one is a VERY well-informed

>journalist--we hope that a psychologist will provide unbiased background

>information on the science surrounding coercive interrogations. We know

>that coercive interrogation methods often do not achieve reliable

>results, but we would like to know what are interrogators' other, more

>reliable, options for obtaining often vastly important information in a

>time sensitive manner? And when, if ever, are coercive methods

>justified? Additionally, we would like to address the issue of whether

>the use of interrogation/interviewing/questioning tactics should be

>classified as a science or an art or something else entirely.

>

>Mostly, we are looking for a neutral scientific resource because we

>think that our other two panelists will advocate either for or against

>using coercive interrogation methods.

>

>Let me know if you need more.

>

>Thank you once again,

>Amy

>

>

>

>-----Original Message-----

>From: Mumford, Geoffrey [<mailto:gmumford@apa.org>]

>Sent: Wednesday, June 23, 2004 1:28 PM

>To: Jiron, Amy

>Cc: Smith, Danielle; Lightbody, Sarah; Williams, Shara

>Subject: RE: Coercive interrogation

>



>  
>Amy,  
>  
>I'll be at a meeting with folks who know about these issues tomorrow and  
>will probe to get recommendations from them. You mentioned wanting to  
>have different points of view represented and that you have two of the  
>speakers identified...so what point of view do you want the third to  
>represent? With that information in hand I'll be able provide better  
>recommendations.

>  
>Best,  
>-geoff

>  
>-----Original Message-----

>From: Jiron, Amy [REDACTED]  
>Sent: Wednesday, June 23, 2004 9:36 AM  
>To: Mumford, Geoffrey  
>Cc: Smith, Danielle; Lightbody, Sarah; Williams, Shara  
>Subject: RE: Coercive interrogation

>  
>  
>Dear Geoff,

>  
>We are putting on a seminar series (every Friday in July at the National  
>Academies Keck Building) focused on science and public policy. Our  
>seminar, scheduled for July 30th from 12:00-2:00 PM, per Abu Ghraib,  
>will focus on the necessity and consequences of various interrogation  
>techniques both within and outside of our country and the scientific  
>evidence, or lack thereof, supporting the reliability of the resulting  
>information.

>  
>We are in search of three speakers with differing viewpoints on this  
>issue to stimulate a scholarly, science and policy based discussion. We  
>are hoping to bring speakers from the Washington DC area, as we do not  
>have a travel budget. Any insight or help you might provide as to  
>potential speakers would be greatly appreciated.

>  
>Our semi-final speakers are Mark Bowden, author of "The Dark Art of  
>Interrogation" (Atlantic Monthly, Oct. 2003) and Donald Salzman, Chair  
>of the Innocence Project of the National Capital Region and pro bono  
>attorney for Skadden, Arps.

>  
>For psychologists, we have contacted Craig Haney and Beth Higgins who  
>will both be at the APA annual conference in Hawaii (can we come, too?).  
>Do we have any hope for getting a psychologist from the DC area for that  
>Friday, July 30th?

>  
>Thanks so much for your time!  
>Amy Jiron

> [REDACTED]

>  
>-----Original Message-----

>From: Mumford, Geoffrey [<mailto:gmumford@apa.org>]  
>Sent: Friday, June 18, 2004 11:20 AM  
>To: Jiron, Amy  
>Subject: FW: Coercive interrogation

>  
>  
>Hi Amy,







**Sender:** Mumford, Geoffrey </O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>  
**Sent:** Tuesday, June 29, 2004 12:06:50 PM  
**Recipient:** 'Brandon, Susan' <Susan\_Brandon@ostp.eop.gov>  
**Subject:** RE: just hi

---

Hi Susan,

Had bad computer glitch over the weekend, the cumulative effect of invasion by 1000's of malware and spyware programs...got them cleaned up after considerable effort yesterday but now I'm behind the eightball so please excuse my brevity.

No flying for me, went out and set up but it was too windy.  
911 or Corcoran would be fun.  
Great news on the pool  
Troubling new on Ciluffo and Centers but oh well.  
Hope the meeting went well yesterday...I have no doubt you did a great job.  
-geoff

-----Original Message-----

**From:** Brandon, Susan [mailto:Susan\_Brandon@ostp.eop.gov]  
**Sent:** Sunday, June 27, 2004 3:01 PM  
**To:** Mumford, Geoffrey  
**Subject:** just hi

Geoff, I didn't answer your note about getting together: so am now just saying hi. Am wondering whether today was a good one for flying; it's certainly a wonderful weather day and so I am hoping you are up there as I write.

Perhaps we should go see F. 911. . . . . I could wear dark glasses. . . .

Actually, the Corcoran is supposed to have a great photo exhibit. But all of these are indoors, which is sort of a waste.

Did I tell you my best news, which is that have got special permission to use an outdoor pool roughly in my neighborhood (by suburban standards: it means I can drive there in 10 minutes), that stays open until 10 PM.

I talked with Bruce Bongar, a psychologist in California who is part of the Terrorism Center being constructed out there (which now is housed in the Navy Postgraduate Center or something like that, in the Bay Area -- the thing that Phil Zimbardo is part of, and for which Kirk and I went to the organizational meeting and it's where I got to know Kirk). He said he met a Frank Cilluffo from GU and he was so impressed, that the California group has asked the GU group to be part of the collaboration that will apply for the DHS Center money. I was good: I didn't tell him what I thought. Kirk is going out there this next week, to meet with Bruce (who is a complete bulls-----) and Phil, about the center and suicide terrorism research.

Well, just wandering thoughts now. You know that when Frank's name comes up.

I am at NIMH all day tomorrow (participating in a workshop on neuroethics; Steve Hyman is one of the group, so it might be interesting). My role is to be a Robert Kinscherff: at least, for the latter part of the day. Have papers to read in preparation (which I shall do at the pool). Wonder if I can do as good a job.

Susan



**Sender:** Scott Gerwehr [REDACTED]  
**Sent:** Tuesday, June 22, 2004 6:36:33 PM  
**Recipient:** kirk hubbard [REDACTED]  
**Cc:** [REDACTED]; Mumford, Geoffrey  
</O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>; Susan\_Brandon@ostp.eop.gov; amorgan  
**Subject:** Re: June 24 meeting

---

We are absolutely delighted to have Judy there, and moreover, there is no crowding problem to speak of. Your presence is therefore greatly desired and will be much appreciated! Arrive whenever suits you, my friend, and may I add that I look forward to being the target of many a barbed heckle!

On Jun 22, 2004, at 11:53 AM, kirk hubbard wrote:

Dear all,

I plan to attend part of the conference, but probably will not arrive until mid-morning. I also suggested that Judy Philipson of my office attend since she works alot in the area of deception, not to mention being our terrorism guru. I know she was not on the original list, but that was an oversight on my part. I hope adding her at the last moment won't create a problem. It is probably more important that she and Andy attend than me, actually, so if seats are limited I'll just poke my head in to heckle and then depart.

Regret the late change and my absent-mindedness.

Regards, Kirk

---

Scott Gerwehr

[REDACTED]



## Interpersonal Deception: Integration of Theory and Practice

June 24, 2004

The Ritz-Carlton, Pentagon City  
1250 South Hayes Street  
Arlington, VA 22202

Phone: (703) 412-2720

### *Background for the meeting*

This meeting follows “The Science of Deception: Integration of Theory and Practice,” held here in the Washington DC area in July 2003. A description of that meeting is attached.

### *The goal of the meeting*

The goals of this meeting are to (1) describe what is known about effective interpersonal deception based on sound science, and (2) create a research agenda for further empirical analyses.

### *The topic of the meeting*

The topic of “interpersonal deception” follows from the fact that although there is a long and robust record of scientific investigation into detecting interpersonal deception (e.g., De Paulo et al, 2003; Vrij, 2000; Zuckerman et al, 1981; Ekman & Friesen, 1969), there is less on how to conduct effective interpersonal deception. How to deceive (on an interpersonal level) is the topic of this meeting.

Important questions include: What are the most effective methods for deceiving? What are the key personal and environmental variables for success or failure? What factors shorten/prolong or amplify the effect of deception? We would also like to consider the points offered on pages 13-15 of the note from the 2003 meeting on “how to deceive effectively.”

We are hoping that participants who want to present findings from their work or professional experience consider framing their briefings in the context of some of the canonical interpersonal deception scenarios: guilty suspect being questioned by police, employee lying to a boss on an important matter, smuggler trying to get through Customs, adulterer attempting to deceive spouse, con artist scamming a mark, etc. The findings can thus be expressed in terms of how to coach someone to deceive their way through a scenario, which is quite a different approach than any research has offered before (save in stage magic). It also immediately sets up interesting questions, such as: Do powerful deception methods beat effective detection methods? Are deception methods equally applicable against bosses, spouses, inquisitive cops, etc or do the principles governing each situation differ (obviously, the details will differ, but the principles too?)



Given the small size of the group, and the high level of expertise present, this meeting will be relatively informal. A preliminary agenda is offered below.

The three groups described below are organized roughly by topic. The agenda invites each person in these groups to offer a short description of their research that is germane to the topic of deception as described. Each “presentation” should be limited to 15-20 minutes; it is hoped that the discussion will focus on the more specific topic of interpersonal deception.

If these groups and topics do not appear reasonable to the participants, please let us know and we will “regroup” and move people around, etc. If we have not included you as a “data presenter,” this means that your primary role is as discussant but if you would like to make a presentation, you are welcome to do so and we will include you in one of the groups.

### *Agenda*

- 9:00 – 9:30: Welcome remarks & introductions
- 9:30 – 10:00: Project on Interpersonal Deceptive Practices: Scott Gerwehr, RAND
- 10:00 – 12:00 Interpersonal deception & deception detection: operational challenges
  - Emma Barrett, UK
  - John Pearse, UK
  - Andy Morgan, CIA
  - Aldert Vrij, University of Portsmouth
  - Cynthia Lum, Northeastern University
- 12:00 – 1:00: Lunch (to be provided)
- 1:00 – 2:30: Technological advances; behavioral challenges
  - Daniel Langleben, University of Pennsylvania
  - Don Tucker: Electrical Geodesics
  - Thomas Zeffiro, Georgetown University
  - Diana Fischbein, RTI
  - John Allen,
- 2:30 – 5:00: Empirical & ethical challenges
  - Kevin Colwell, Sam Houston State University
  - Martha Davis, John Jay College
  - Andrew Silke, UK
- 5:00 – 6:00: General discussion; summary

### Participants:

John J. Allen, University of Arizona

PRIVACY REDACTION



Daniel D. Langleben, University of Pennsylvania

PRIVACY REDACTION

Don Tucker, Chief Scientist, Electrocal Geodesics Inc.

PRIVACY REDACTION

Thomas Zeffiro, Director, Center for Functional and Molecular Imaging, Georgetown University.

PRIVACY REDACTION

Cynthia M. Lum, College of Criminal Justice, Northeastern University

PRIVACY REDACTION

Emma Barrett Behavioural Science Advisor with the UK government.

PRIVACY REDACTION

Diana Fishbein, Transdisciplinary Behavioral Science, RTI

PRIVACY REDACTION

Sujeeta Bhatt, Georgetown University

PRIVACY REDACTION

John Pearse, New Scotland Yard, UK

PRIVACY REDACTION

Aldert Vrij, Professor of Social Psychology, University of Portsmouth, UK

PRIVACY REDACTION

Andrew Silke, Home Office, UK

PRIVACY REDACTION

Martha Davis, John Jay College

PRIVACY REDACTION

Kevin Colwell  
University of Texas

Ning Ning Mahlmanm

PRIVACY REDACTION

Andy Morgan, CIA

PRIVACY REDACTION

Gary Hazlett, DOD Special Ops

PRIVACY REDACTION

Kirk Kennedy, DOD

PRIVACY REDACTION

Marissa Reddy, USSS



Gary Strong, DHS

*Organizing committee:*

Kirk Hubbard, CIA

Scott Gerwehr, RAND

Geoff Mumford, APA

Susan Brandon, OSTP



**Sender:** Mumford, Geoffrey </O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>  
**Sent:** Monday, June 21, 2004 2:13:21 PM  
**Recipient:** **Andy Morgan**  
**Cc:** 'Susan Brandon' <susan\_Brandon@ostp.eop.gov>  
**Subject:** RE: FW: notes for breakout sessions June 22/23

---

Hi Andy,

Sorry about that...files are the bane of my existence. I'm pasting the content here:

See you tomorrow.

-geoff

\*\*\*\*\*

Goal: Developing, delivering and facilitating research on "intuition" that will be useful in the short- and long-term to law enforcement.

This agenda should address what is known, and what is not known, about the cognitive, emotive, and action processes that we are collectively referring here to as "intuition." ("Known" is used in the sense that there are sound empirical data that support our current view of a particular phenomenon.)

Based on both what is known and what is not known, how can we better train law enforcement agents at all levels to be more effective in various decision situations, including high risk situations and situations where there is little time to process relevant situational and background variables?

Given what is not known, what priority can we suggest in terms of a research agenda? What are the questions that are relatively easy to answer (that is, given sufficient resources), and what are those that will take significant advances in either theory or methodology?

What are the legal implications of what is known and what is not known?

Given what is empirically validated, what about current SOPs should be changed?

Given what is not empirically validated, what practices should be avoided that currently are in place?

To facilitate further research, how can practitioners be useful to researchers – in terms of increasing the external validity of the research (in concrete terms: can researchers come to training exercises? Observe officers on the job? etc.). How can the continuing research be made useful to practitioners, and be communicated to them, as further research is conducted? That is, how can we continue the interactions that this meeting provided to make further research as useful and efficient as possible?

How can the results of this meeting be made useful to both researchers and practitioners in terms of sharing the knowledge and information gained?

We will write a report: first draft likely to be written by members of the organizing committee, along with any volunteers from the group. This draft will be sent to all members present, for their additions (reflecting their particular expertise) and comments. A final report – agreed to by all participants – will be given to NIJ and the FBI Academy for their use.

Some key words from the readings: stereotype, mindsight, fussy sets, memory, attention, emotion, cognition, risk perception and judgment, hindsight, contextual dependencies, automatic processing. . .

Specific instructions for break-out sessions:

Will be asked to review several scenarios. It is expected that this will require (1) being familiar with the scenarios themselves, (2) offering a significant portion of time within the session for people with relevant "expertise" (defined here as a researcher with data or a practitioner with experience) to describe their expertise. This could mean something like an individual person spending 10 minutes or so, describing their experiences or showing data via powerpoint), (3) addressing the questions raised – including what is known and not known, in the science domain, about the various phenomena described in the scenario, and (4) specifying the research agenda that needs to be developed.



-----Original Message-----

From: **Andy Morgan**

Sent: Monday, June 21, 2004 2:16 PM

To: Mumford, Geoffrey

Subject: Re: FW: notes for breakout sessions June 22/23

hey geoff, see you tomorrow, do you have this file in another format ? I cant seem to open it.

andy

Quoting "Mumford, Geoffrey" <gmumford@apa.org>:

> Andy,

>

> FYI...some additional input we want the break-out session fascilitators to

> have. See you tomorrow.

> -geoff

> -----Original Message-----

> From: Brandon, Susan [[mailto:Susan\\_Brandon@ostp.eop.gov](mailto:Susan_Brandon@ostp.eop.gov)]

> Sent: Monday, June 21, 2004 11:34 AM

> To: Akiva.Liberman@usdoj.gov; **Andrew Silke**; Mumford,

> Geoffrey

> Subject: notes for breakout sessions June 22/23

>

>

> Some thoughts on the break-out sessions: Geoff, can you forward these to Andy

> Morgan?

>

> thanks,

>

> Susan

>

>

>



**Sender:** Scott Gerwehr [REDACTED]  
**Sent:** Wednesday, June 09, 2004 2:23:11 PM  
**Recipient:** Mumford, Geoffrey </O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>  
**Subject:** Re: are you available by phone?

---

Ack! So sorry! I am at [REDACTED] or you can call me on my cell at [REDACTED]... any time!

---

Scott Gerwehr  
RAND  
1700 Main Street, M-16A  
Santa Monica, CA 90407-2138  
[REDACTED]  
[REDACTED]  
gerwehr@ghost.rand.contractor.dss.smil.mil (S)

On Jun 9, 2004, at 11:04 AM, Mumford, Geoffrey wrote:

Sorry for the crush of timing...I'll apologize properly later...we have to move to another office for the call so I'll catch-up with you on this later.

-geoff

-----Original Message-----

**From:** Scott Gerwehr [REDACTED]

**Sent:** Wednesday, June 09, 2004 1:56 PM

**To:** Mumford, Geoffrey

**Subject:** Re: are you available by phone?

Yes! When would you like to speak, my friend?

---

Scott Gerwehr  
RAND  
1700 Main Street, M-16A  
Santa Monica, CA 90407-2138  
[REDACTED]



PRIVACY REDACTION

gerwehr@ghost.rand.contractor.dss.smil.mil (S)

On Jun 9, 2004, at 10:50 AM, Mumford, Geoffrey wrote:

I was hoping to pull u into a semi-emergency conference call triggered by the DoJ memo and our briefing tomorrow.

-geoff



**Sender:** Bullock, Merry </O=APA/OU=DC/CN=RECIPIENTS/CN=MXB>  
**Sent:** Thursday, June 17, 2004 11:23:36 AM  
**Recipient:** Mumford, Geoffrey <gmumford@apa.org>  
**Subject:** RE: I'm running out the door

---

OK. Amy someone (Rue?) called from the NAS and said they were putting on a seminar on coercive interrogation tactics and asked us to recommend speakers who would SUPPORT coercive interrogation tactics. Her number is

PRIVACY REDACTION

I will tell her you will be in contact and ask for her email

\*\*\*\*\*

Dr. Merry Bullock  
Associate Executive Director, Science Directorate  
American Psychological Association  
750 First Street NE  
Washington DC 20002-4242 USA  
(202)-336-5955; fax: (202)-336-5953;  
email: mbullock@apa.org  
[www.apa.org/science](http://www.apa.org/science); [www.decadeofbehavior.org](http://www.decadeofbehavior.org)

\*\*\*\*\*

-----Original Message-----

Mumford, Geoffrey

Thursday, June 17, 2004 11:16 AM

Bullock, Merry

I'm running out the door

Send me a note describing what they want at NAS that I can forward to prospective speakers and I'll deal with it when I get back from homeland security at 2:30.

-geoff



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Thursday, June 17, 2004 9:20:06 AM  
**Recipient:** Mumford, Geoffrey <gmumford@apa.org>  
**Subject:** RE: Ethics Discussion: Some Thoughts to Consider

---

Thanks, Geoff--

-----Original Message-----

**From:** Mumford, Geoffrey  
**Sent:** Thursday, June 17, 2004 9:04 AM  
**To:** Behnke, Stephen  
**Cc:** Breckler, Steven J.; Farberman, Rhea K.; Honaker, Michael; Kelly, Heather; Anderson, Norman; 'Susan Brandon'  
**Subject:** FW: Ethics Discussion: Some Thoughts to Consider

Steve,

FYI, some thoughtful input from one of our members. Kirk Kennedy was to have been the DoD rep to the 7/20 meeting but another large-scale meeting of DoD psychologists will prevent him from participating that day. However we plan to involve him in whatever follow-up activity derives from that initial meeting.

-geoff

-----Original Message-----

**From:** Kennedy, Kirk (GOV) [mailto:Kirk.Kennedy@cifa.mil]  
**Sent:** Thursday, June 17, 2004 8:41 AM  
**To:** Mumford, Geoffrey  
**Subject:** FW: Ethics Discussion: Some Thoughts to Consider

Hi Geoff:

I thought you might be interested in reading some of the thoughts I sent to Kirk Hubbard re: the need for APA to get involved in ethical consultation to the Intelligence Community (IC).

Thanks, Kirk

Kirk A. Kennedy, Ph.D.  
Chief, National Center for the Study of CI and  
Operational Psychology (NCSCI-PSY)  
Directorate of Behavioral Sciences  
DoD/Counterintelligence Field Activity (CIFA)  
703.699.7575 Fax 703.699.7010 (U)  
[kirk.kennedy@cifa.mil](mailto:kirk.kennedy@cifa.mil) (U)

*This email is UNCLASSIFIED per E.O. 12958*

-----Original Message-----

**From:** Kennedy, Kirk (GOV)  
**Sent:** Monday, June 14, 2004 11:36 AM  
**To:** Kirk Hubbard [REDACTED]  
**Cc:** Fein, Robert\_Offsite

APA\_0028398



**Subject:** Ethics Discussion: Some Thoughts to Consider

Hi Kirk:

In anticipation of the 20 July APA ethics discussion that I will be unable to attend, I thought I would pass on some thoughts for consideration:

- 1) I think it behooves APA to set up an entity to take on a positive consultation role to the Intelligence Community (IC). Why?
  - A. The IC is so removed from the light of day that it, unfortunately, attracts many unsavory characters, some of whom are psychologists, who thrive on anonymity and a lack of professional accountability. This is especially problematic when these individuals are in management positions in which many psychologists are reporting to them. Moreover, due to the secrecy of the work and the legal mandate not to “blow somebody’s cover,” there is no chance that unethical professional behavior will be reported to responsible professional oversight boards (e.g., state psychology licensing boards).
  - B. IC management is generally insensitive to professional ethical issues and this sets the stage for breeding the same insensitivity in the psychologists it employs. This is especially true in the operational ranks where there is no ethic beyond meeting the urgent need of the moment in the most expedient manner possible.
  - C. There exists a dearth of professional credentialing criteria and certification processes for those involved in operational consultation. This is something that I’ve tried to rectify both in my old job and now in my new one. It is an uphill battle to get the non-psychologist managers in charge to buy-in to this or to make it a priority for necessary resources, etc. Wouldn’t it be great if there was something specific in APA to point to as a guidepost?
  - D. When IC managers are in a quandary on how to deal with unethical professional behavior on the part of psychologists, they don’t know where to turn. A marketing strategy should be developed to solve this problem not just in the IC, but also across the entire federal government.
  - E. Many well-meaning psychologists go to work in the IC early in their careers and lack a broader exposure to the field of psychology. When they have ethical questions, they are too often left to their own devices as their more senior psychologists are not always the best resource especially since they may be part of the problem.
  - F. Because of the above noted factors, the IC is often ill-served by a



few unethical/unprofessional psychologists. Thus, the Global War on Terrorism suffers.

2) Key areas that should be addressed by a positive APA ethics consultation board to the IC:

- A. Confidentiality – Some EAPs in the IC have done a good job in setting boundaries with Security. They have set limits with Security by reaching agreement to report someone to Security only if there is a legitimate security risk. Other EAPs in the IC have caved in totally to Security's demands to have instant and ready access to confidential therapeutic treatment files as is the case in the military services.
- B. Multiple relationships – Some psychologists have abused their powerful positions as screeners and/or therapists to leverage themselves into situations where they are involved in operational consultation.
- C. Psychological assessment standards – Some psychologists are inadequately trained in psychological assessment and/or deliberately fail to follow accepted standards of psychological assessment practice. Moreover, those involved in operational consultation are frequently called upon to use unusual techniques such as "indirect" (not face-to-face) assessment, an area in which no professional standards exist.
- D. Code of Ethics for Consultation – The APA Ethics Code seems primarily geared for the therapeutic context. As a result, it is difficult at times to adapt the Code to provide ethical guidance for consultation in the IC.
- E. Assist with and facilitate efforts to establish operational psychology certification efforts. In addition, assist with and facilitate related efforts to secure board certification in this unique area of psychological consultation.

3) Regarding the ethical standard on Multiple Relationships (3.05), I find it intriguing that the 3.05 introduces a "**future**" component to its definition per (a)3 below:

"(a) A multiple relationship occurs when a psychologist is in a professional role with a person and (1) at the same time is in another role with the same person, (2) at the same time is in a relationship with a person closely associated with or related to the person with whom the psychologist has the professional relationship, or (3) promises to enter into another relationship **in the future** with the person or a person closely associated with or related to the



person.”

What has troubled me greatly in the past is that some of our therapeutic psychologist colleagues in a particular IC organization will be screening or conducting treatment with operations people, then on their next rotation be consultants to these same operations people on their casework. Since this is not happening at the same time, no problem right? Wrong. The operations people wonder whether they themselves are being assessed rather than their asset. Since these psychologist colleagues have not changed organizational affiliations within the agency, they have in essence committed themselves to returning *in the future* to screening and/or treatment roles with the same group of operations people. One could argue that they could easily deal with this by simply promising to the ops personnel that they will subsequently reject any screening or treating relationships with any of the operational people with whom they worked. However, this is unlikely to occur for several reasons. One, many of these psychologists serve in “lone ranger” capacities overseas and it will be highly impractical to “refer out.” Two, management is insensitive to these ethical issues and thus implement bureaucratic discouragements and disincentives or even punishments for referring assigned cases to other psychologists. Third, management in the past has not appropriately dealt with psychologists who have abused their positions of power by extracting promises from ops personnel they have screened to invite them to do ops work for them in the future. This has inculcated resentment within the ops personnel ranks and has made them keenly aware that they should comply with all “therapeutic” psychologists’ demands to be involved in operational consultation. The bottom-line ethics question is, “Would a reasonable psychologist expect that the multiple relationship will cause impairment or risks exploitation or harm?” I believe that in this scenario, there is a huge risk for exploitation or harm to the generic client of the operations ranks and potentially to specific individuals within those ranks. But then again, some may not view me as a “reasonable psychologist.”

Kirk A. Kennedy, Ph.D.  
Chief, National Center for the Study of CI and  
Operational Psychology (NCSCI-PSY)  
Directorate of Behavioral Sciences  
DoD/Counterintelligence Field Activity (CIFA)  
703.699.7575 Fax 703.699.7010 (U)  
[kirk.kennedy@cifa.mil](mailto:kirk.kennedy@cifa.mil) (U)

*This email is UNCLASSIFIED per E.O. 12958*



**Sender:** Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>  
**Sent:** Monday, June 14, 2004 2:25:42 PM  
**Recipient:** Mumford, Geoffrey <gmumford@apa.org>  
**Subject:** contact who runs military detention training

---

Hi, Geoff:

I was talking to a Dad friend at a party this weekend. He owns the company that runs the training programs out in Washington state for the military -- the ones that simulate POW situations and run high-risk military personnel through them. He and 2 psychologists were the ones that did all the research that Paul Bartone from Div. 19 reports on! And he just got Joe Matarazzo to sit on the advisory panel. They also do tons of deception stuff. I told him maybe you and I could have lunch sometime? He's worked with the Washington congressman (Nethercutt) to get tons of funding for the camps through the Air Force but says the research money has dried up...  
H

Heather O'Beirne Kelly, Ph.D.  
Senior Legislative and Federal Affairs Officer  
Science Public Policy Office  
American Psychological Association  
750 First Street, N.E., 5th Floor  
Washington, D.C. 20002  
phone 202.336.5932  
fax 202.336.6063  
email hkelly@apa.org



**Sender:** Anderson, Norman </O=APA/OU=DC/CN=RECIPIENTS/CN=NBA>  
**Sent:** Thursday, June 03, 2004 1:01:42 PM  
**Recipient:** Mumford, Geoffrey <gmumford@apa.org>  
**Subject:** RE: Ethics and National Security

---

Thanks Geoff.

Norman Anderson, Ph.D.  
Chief Executive Officer  
American Psychological Association  
750 First Street, NE  
Washington, DC 20002  
(202) 336-6080  
(202) 336-6069 (fax)  
nanderson@apa.org

-----Original Message-----

Mumford, Geoffrey  
Wednesday, June 02, 2004 4:36 PM  
Anderson, Norman  
Ethics and National Security

Norman,

Given the topic of your column, I thought you'd want to be aware that we have been engaged in internal discussions about convening a group to begin grappling with ethical issues that face psychologists/psychiatrists and other mental health professionals involved in various aspects of our National Security. I'm starting to sort through some candidate dates for an informal meeting here at APA HQ so that we can start talking about what role we and other professional associations can play as convening authorities for a broader discussion. The effort has the active and enthusiastic support of the CIA, DoD and FBI.

Below is an exchange Steve Behnke had with Russ that I think provides some useful context...I don't know if you'd want to allude to this activity (in your column) as an example of APA taking leadership on a issue of growing importance (because we're not very far along yet) but maybe somewhere down the road if not now.  
-geoff

-----Original Message-----

Behnke, Stephen  
Tuesday, June 01, 2004 4:25 PM  
Newman, Russ  
Honaker, Michael; Breckler, Steven J.; Mumford, Geoffrey; Phelps, Randy  
RE: Meeting Randy briefly discussed with you

Sure, Russ--thanks, that makes very good sense. I'll keep you informed as plans evolve,

Steve

-----Original Message-----

Newman, Russ



June 01, 2004 4:23 PM

Behnke, Stephen

Honaker, Michael; Breckler, Steven J.; Mumford, Geoffrey; Phelps, Randy

RE: Meeting Randy briefly discussed with you

Steve,

Thanks for the clarification. I think it would be important to include representatives from the military as well as the FBI and CIA (although you may already be planning to do that). Also, I would be interested in participating if possible. Russ

-----Original Message-----

Behnke, Stephen

Tuesday, June 01, 2004 1:36 PM

Newman, Russ

Honaker, Michael; Breckler, Steven J.; Mumford, Geoffrey; Phelps, Randy

Meeting Randy briefly discussed with you

Russ,

I spoke with Randy, who said you had some questions about a meeting that I had described to him. Briefly, in the past few months, the Science Directorate has been approached by people in government wanting to discuss the ethics of psychological techniques being used in government investigations. In addition, Diane Halpern and Ron Levant included me in a set of email exchanges that had been initiated by a psychologist troubled by the prospect of psychologists having been involved in the prison situation in Iraq. Together, 9/11 and the Abu Ghraib have stimulated a great deal of interest in the ethics of psychology as a tool in national security investigations.

A group of us met this past week (Mike Honaker, Steve Breckler, Geoff Mumford, Rhea Farberman, Heather Kelly, and myself) and discussed having a lunch in which we brought a group of people together in a very low-key way to identify what the issues are. The purpose of the meeting would not be to assess what has occurred nor to have any type of investigative component whatsoever; rather, the purpose would be to bring together people with an interest in the ethical aspects of investigations, to identify what the important questions are, and then to assess how well our current ethics helps psychologists who do this work sort out appropriate from inappropriate uses of psychology. My strong sense is that the Ethics adjudication process should not be used as a mechanism to put people on notice about what is acceptable behavior for psychologists conducting national security investigations--we should find out from individuals involved in the work what the salient issues are, and then if more or better guidance is needed, engage in discussions about how best to provide such guidance (e.g., ethics consultations).

I would like to take a forward looking, positive approach, in which we convey a sensitivity to and appreciation of the important work psychologists are doing in the national security arena, and in a supportive way offer our assistance in helping them navigate through thorny ethical dilemmas, if they feel that need (my informal conversations with people in the field suggest the need is there). (At the same time, I would also want to be clear that APA does not take responsibility for anything that any agency may have directed its psychologists to do that is unethical or inappropriate.)

The idea is to have a group of people to APA for a lunch, both from the government (e.g., FBI, CIA), and other mental health professions (little apa, APS), for an informal discussion to start thinking about how to be most helpful, and we want to ensure that Practice is included in the discussion, if you would like. Please let me know what questions you have.

Thanks,

Steve







**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Friday, January 20, 2006 8:13:12 PM  
**Recipient:** 'Shumate, Scott (GOV)' <Scott.Shumate@cifa.mil>  
**Cc:** Kelly, Heather <hkelly@apa.org>; Mumford, Geoff <gmumford@apa.org>  
**Subject:** RE: PENS suggested email

---

Scott, your initial message was compelling, insofar as it gave reasons why moving forward would be very complicated for you and others, given the necessary clearances. This message appears that your response is primarily reactive. The message you sent me this morning was very good (with the addition of suggesting that it might be best if the Ethics Committee were to take the project over).

Could you send this morning's message, with that slight addition?

Steve

-----Original Message-----

**From:** Shumate, Scott (GOV) [mailto:Scott.Shumate@cifa.mil]  
**Sent:** Friday, January 20, 2006 11:15 AM  
**To:** Behnke, Stephen  
**Cc:** Kelly, Heather; Mumford, Geoff  
**Subject:** PENS suggested email

Steve:

How about this as a version:

Dear Olivia:

I have been pondering Mike Wessells' gracious but unfortunate resignation from the PENS task force. Replacing him would be difficult given the depth and quality of previous discussions that would facilitate the writing of a case book. Given the diversity of APA membership, it may be advantageous to undertake the next phase, by commissioning another task force or preferably by turning the project over to the Ethics Committee. I want to preserve the successful accomplishment achieved already by the PENS and am concerned that events have transpired in such a manner that any additional undertakings by the current PENS may tarnish the success already achieved. I welcome a dialogue by fellow PENS members. Scott

Dr. R. Scott Shumate  
Director Behavioral Sciences  
DoD/Counterintelligence Field Activity  
703-699-7792  
scott.shumate@CIFA.MIL  
scott.shumate@CIFA.SMIL.MIL



**Sender:** Mumford, Geoffrey </O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>  
**Sent:** Tuesday, June 15, 2004 6:33:51 PM  
**Recipient:** Kelly, Heather <hkelly@apa.org>  
**Subject:** RE: contact who runs military detention training

---

Hi Heather,

Sounds good...nice connection...let me know if you want to set up a lunch. Thanks.  
-geoff

-----Original Message-----

Kelly, Heather

Monday, June 14, 2004 2:26 PM

Mumford, Geoffrey

contact who runs military detention training

Hi, Geoff:

I was talking to a Dad friend at a party this weekend. He owns the company that runs the training programs out in Washington state for the military -- the ones that simulate POW situations and run high-risk military personnel through them. He and 2 psychologists were the ones that did all the research that Paul Bartone from Div. 19 reports on! And he just got Joe Matarazzo to sit on the advisory panel. They also do tons of deception stuff. I told him maybe you and I could have lunch sometime? He's worked with the Washington congressman (Nethercutt) to get tons of funding for the camps through the Air Force but says the research money has dried up...  
H

Heather O'Beirne Kelly, Ph.D.  
Senior Legislative and Federal Affairs Officer  
Science Public Policy Office  
American Psychological Association  
750 First Street, N.E., 5th Floor  
Washington, D.C. 20002  
phone 202.336.5932  
fax 202.336.6063  
email hkelly@apa.org



**Sender:** Mumford, Geoffrey </O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>  
**Sent:** Wednesday, June 09, 2004 12:51:25 PM  
**Recipient:** Robinson, Sara <SRobinson@apa.org>  
**Subject:** FW: FW: Hold July 20th for APA meeting

---

Sara,

Go ahead and take Kirk off. Thanks.

-geoff

-----Original Message-----

From: kirk hubbard [REDACTED]  
 Sent: Wednesday, June 09, 2004 12:50 PM  
 To: Mumford, Geoffrey  
 Subject: RE: FW: Hold July 20th for APA meeting

Hi Geoff,

Linda Demaine invited me, but I declined. Don't know who rsvp'd for me, but I won't be there. I couldn't get there by 8 am if my life depended on it!

Kirk

That said, I do have to depart Dulles at 0730 on Saturday morning. I have no idea how I am going to do that. It was the only flight available.  
 Yipes!

Kirk

>From: "Mumford, Geoffrey" <gmumford@apa.org>  
 >To: "kirk hubbard" [REDACTED]  
 >Subject: RE: FW: Hold July 20th for APA meeting  
 >Date: Wed, 9 Jun 2004 12:43:23 -0400

>  
 >Thanks Kirk,

>  
 >By the way, I saw that you rsvp'd for tomorrow's briefing...are you really  
 >getting up that early? We're trying to anticipate questions that might  
 >arise around the DoJ memo that's been reported on in the Post the last  
 >couple of days...any advice you care to provide would be welcome. Hope to  
 >see you tomorrow.

>-geoff

>  
 >-----Original Message-----

>From: kirk hubbard [REDACTED]  
 >Sent: Tuesday, June 08, 2004 4:53 PM  
 >To: Mumford, Geoffrey; [REDACTED]  
 >Cc: Behnke, Stephen; Kirk.Kennedy@cifa.mil  
 >Subject: RE: FW: Hold July 20th for APA meeting

>  
 >  
 >Hello All,

>  
 >I just spoke with Kirk Kennedy. All the DOD shrinks will be tied up at the  
 >same meeting as Kirk's. He and I decided that rather than delay the  
 >initial  
 >meeting, we should just go ahead. He and I will consult on the issues that



>concern CIA and DOD and I will represent both of us on July 20. I'll then  
>bribe him on what happened so he will be prepared to meet with us on the  
>second meeting. How does that sound?

>  
>Regards,

>Kirk Hubbard

>  
>

>>From: "Mumford, Geoffrey" <gmumford@apa.org>  
>>To: "Kirk Hubbard" **PRIVACY REDACTION**, "Scott Gerwehr" **PRIVACY REDACTION**  
>>CC: "Behnke, Stephen" <sbehnke@apa.org>  
>>Subject: FW: Hold July 20th for APA meeting  
>>Date: Tue, 8 Jun 2004 09:55:06 -0400

>>  
>>Kirk and Scott,

>>  
>>I haven't gotten back to Kirk yet but I'm reluctant to try and  
>>reschedule this, it's too many busy people to coordinate...I'm hopeful  
>>that we can get Kirk involved in follow-up meetings but for this one can  
>>you all think of someone else to represent the DoD? Thanks for your  
>>help.

>>  
>>-geoff

>>  
>>> -----Original Message-----  
>>> From: Kennedy, Kirk (GOV) [<mailto:Kirk.Kennedy@cifa.mil>]  
>>> Sent: Friday, June 04, 2004 5:00 PM  
>>> To: Mumford, Geoffrey  
>>> Subject: RE: Hold July 20th for APA meeting

>>>  
>>> Geoff:  
>>>  
>>> I apologize. This event that was just scheduled for 20 July is an  
>>> important function for all DoD psychologists to attend otherwise I  
>>> could probably find a replacement. I know its asking a lot but is  
>>> there any way we could look at an alternate date?

>>>  
>>> Thanks, Kirk

>>>  
>>> PS - Have a good weekend!

>>>  
>>> Kirk A. Kennedy, Ph.D.  
>>> Chief, National Center for the Study of CI and  
>>> Operational Psychology (NCSCI-PSY)  
>>> Directorate of Behavioral Sciences  
>>> DoD/Counterintelligence Field Activity (CIFA)  
>>> 703.699.7575 Fax 703.699.7010 (U)  
>>> kirk.kennedy@cifa.mil <<mailto:kirk.kennedy@cifa.mil>> (U)

>>>  
>>> This email is UNCLASSIFIED per E.O. 12958

>>> -----Original Message-----  
>>> From: Mumford, Geoffrey [<mailto:gmumford@apa.org>]  
>>> Sent: Friday, June 04, 2004 3:15 PM  
>>> To: Kennedy, Kirk (GOV)  
>>> Subject: RE: Hold July 20th for APA meeting

>>>  
>>> Kirk,  
>>>  
>>> Sorry to hear that...we really want DoD represented, any other



>>> colleagues who might be available and interested?

>>> -geoff

>>>

>>> -----Original Message-----

>>> From: Kennedy, Kirk (GOV)

>>> [<mailto:Kirk.Kennedy@cifa.mil>]

>>> Sent: Friday, June 04, 2004 3:12 PM

>>> To: Mumford, Geoffrey

>>> Subject: RE: Hold July 20th for APA meeting

>>>

>>> Geoff:

>>>

>>> I was just informed that I must attend an

>>> important CIFA function scheduled to start at noon, 20 July. Sorry,

>>> please let me know if there are any other scheduled meetings. Thanks,

>>> Kirk

>>>

>>> Kirk A. Kennedy, Ph.D.

>>> Chief, National Center for the Study of CI and

>>> Operational Psychology (NCSCI-PSY)

>>> Directorate of Behavioral Sciences

>>> DoD/Counterintelligence Field Activity (CIFA)

>>> 703.699.7575 Fax 703.699.7010 (U)

>>> kirk.kennedy@cifa.mil <<mailto:kirk.kennedy@cifa.mil>> (U)

>>>

>>> This email is UNCLASSIFIED per E.O. 12958

>>>

>>> -----Original Message-----

>>> From: Mumford, Geoffrey

>>> [<mailto:gmumford@apa.org>]

>>> Sent: Thursday, June 03, 2004 3:41 PM

>>> To: Kirk Hubbard; Andy Morgan; Kennedy, Kirk

>>> (GOV); Oval Office Susan; Breckler, Steven J.; Honaker, Michael;

>>> Behnke, Stephen; Farberman, Rhea K.; Scott Gerwehr

>>> Cc: Steve Band

>>> Subject: Hold July 20th for APA meeting

>>>

>>> Dear Colleagues,

>>>

>>> Please pencil in July 20th from 12:00-2:00 for

>>> our initial lunch meeting on Ethics and National Security here at APA.

>>> I'm still waiting to hear from Steve Band but this was the only date

>>> that works for all of us so far and so I'm keeping my fingers crossed

>>> it will work for Steve as well. I'll let you know one way or the

>>> other soon but wanted to at least ask you to reserve it for now.

>>>

>>> Best,

>>> -geoff

>>>

>>> Geoff Mumford, PhD

>>> Director of Science Policy

>>> American Psychological Association

>>> 750 First Street, NE

>>> Washington, DC 20002-4242

>>> (202) 336-6067 phone

>>> (202) 336-6063 fax

>>> gmumford@apa.org

>>>

>>>

>><< winmail.dat >>

>



>



**Sender:** Mumford, Geoffrey </O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>  
**Sent:** Wednesday, June 09, 2004 10:56:34 AM  
**Recipient:** Breckler, Steven J. <SBreckler@apa.org>; 'Kevin Murphy'  
[REDACTED]  
**Cc:** Behnke, Stephen <sbehnke@apa.org>; Farberman, Rhea K.  
<rfarberman@apa.org>; Honaker, Michael <mhonaker@apa.org>  
**Subject:** more news to be aware of

---

Steve and Kevin,

You've probably both been following this DoJ memo issue on the news but I wanted you both to read how its being covered in the Post because in discussing torture it references "psychological techniques" and its possible questions could come up about this in the briefing tomorrow:

<http://www.washingtonpost.com/wp-dyn/articles/A26401-2004Jun8.html>

Its ticklish because of the questions being raised about White House direction. We might want to chat about how to conduct the Q&A but in any case, Steve Behnke, our Director of Ethics has agreed to be on hand to help answer questions that may arise.

-geoff



**Sender:** Brandon, Susan <Susan\_Brandon@ostp.eop.gov>  
**Sent:** Thursday, June 03, 2004 6:16:01 PM  
**Recipient:** Alanna Lafranchi Swisher [REDACTED]; Mumford, Geoffrey  
</O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>  
**Cc:** Brett Chapman <chapmanb@ojp.usdoj.gov> [REDACTED]  
**Subject:** RE: Workshop Deadlines  
**Attachments:** Working NIJFBI Agenda 3.doc

---

Alanna, your draft does not match the latest one I had -- and I prefer the one I had, which is attached (Working NIJFBI Agenda 3). In any case, Dr. Kinscherff does NOT want his affiliation on the agenda. . . . The version attached here is easier to read in terms of the actual agenda, and has a preliminary note that I think is useful. Would you please use this one, unless Bret or Tony objects?

Thanks,  
Susan

-----Original Message-----

From: Alanna Lafranchi Swisher [REDACTED]  
Sent: Thursday, June 03, 2004 4:15 PM  
To: Mumford, Geoffrey  
Cc: Brett Chapman; Brandon, Susan  
Subject: Re: Workshop Deadlines

Geoff:

Attached please find the latest version of the agenda. Please do not make any edits to the agenda itself, but rather email me w/ your specific changes.

Thank you,  
Alanna

----- Original Message -----

From: "Mumford, Geoffrey" <gmumford@apa.org>  
To: "Alanna Lafranchi Swisher" [REDACTED]  
Cc: "Brett Chapman" <chapmanb@ojp.usdoj.gov>; "Margaret Black" [REDACTED] "Susan Brandon" <Susan\_Brandon@ostp.eop.gov>  
Sent: Thursday, June 03, 2004 4:10 PM  
Subject: RE: Workshop Deadlines

Alanna,  
Can you please let us know which agenda you're working from? Brett circulated one on the morning of 5/27 and Susan revised it later in the morning and recirculated but no one ever provided any official reaction to it that I'm aware of? -geoff

-----Original Message-----

From: Alanna Lafranchi Swisher [REDACTED]  
Sent: Thursday, June 03, 2004 4:01 PM  
To: Mumford, Geoffrey  
Cc: Brett Chapman; Margaret Black; Susan Brandon  
Subject: Re: Workshop Deadlines



Geoff:

I should have made this more clear. Of course, I can submit proposed dates, what I meant to say is that they are not confirmed dates until I receive their travel/hotel registration form. We have another hotel block at the Holiday Inn Rosslyn. This is where the folks you listed below will be staying.

Alanna

PS. LeDoux is checking in on the 21st and out on the 23rd.

----- Original Message -----

From: "Mumford, Geoffrey" <gmumford@apa.org>  
To: "Alanna Lafranchi Swisher" [REDACTED]  
Cc: "Brett Chapman" <chapmanb@ojp.usdoj.gov>; "Margaret Black" [REDACTED]; "Susan Brandon" <Susan\_Brandon@ostp.eop.gov>  
Sent: Thursday, June 03, 2004 3:56 PM  
Subject: RE: Workshop Deadlines

Alanna, I don't understand why you can't do the hotel reservations before the letter arrives, we make reservations based on a name all the time? Anyway, of the 5 listed I believe only Moon and Nosek will need hotels, the others are local.

What is the status of the other participants' accommodations? Of the list you circulated, these are the only ones not accounted for yet (Susan, was LeDoux staying over or just coming for the 22nd?): -Baruch Fishhoff -Joseph LeDoux -James Lucey -George Palermo -Ron Rensink -geoff

-----Original Message-----

From: Alanna Lafranchi Swisher [REDACTED]  
Sent: Thursday, June 03, 2004 3:45 PM  
To: Susan Brandon; Mumford, Geoffrey  
Cc: Brett Chapman; Margaret Black  
Subject: Workshop Deadlines

Good afternoon,

I just received word that all printed materials must be to FBI for duplication by next Thursday, June 10th. There are several items we will need to address before I can forward the final products to FBI. I will need your help to meet this deadline.

1) When will the additional invitee letters be couriered to me? I am waiting on letters for: Kirk Kennedy, Ning-Ning Mahlmann, Robert Merickso, Brian Moon, and Brian Nosek. I cannot do their travel and hotel reservations until these letters are faxed, nor can I acquire their bio until they receive the invitation. I cannot give the Final Bios document to FBI for print until I receive the bios for those listed below. Ideally these should be in my hands no later than 10am tomorrow, Friday, June 4th.

2) What are the names of all breakout groups for each session (session 1 & 2)? Once you give me the names, the agenda will be final and can go to print. Please forward these titles to me no later than 10am on Tuesday, 8th.



3) Will there be any audiovisual needs for the general session? Once I receive this information, we will be able to decide on the room layout. Once we have the room layout you will be able to reference a diagram and figure out who will be sitting at tables and who will be observers. If possible, I would like to know what audiovisual requirements we will have by COB, Tuesday, June 8th.

I will be on travel next Monday and Tuesday, June 7-8. I will be checking my email periodically and checking my work voicemail frequently. Feel free to call my cell phone should you have an urgent matter, 703.989.0599. You may also contact Margaret Black at ILJ next Monday-Tuesday. She can be reached at 703-684-5300 or [margaret@ilj.org](mailto:margaret@ilj.org).

Thank you very much. I look forward to hearing from you and I appreciate your efforts in making this workshop a success. 13 business days and counting!!!

Alanna Swisher

Alanna Lafranchi Swisher  
Senior Meeting Manager  
Institute for Law and Justice  
1018 Duke Street  
Alexandria, VA 22314

PRIVACY REDACTION



**Sender:** Mumford, Geoffrey </O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>  
**Sent:** Thursday, January 27, 2005 12:59:33 PM  
**Recipient:** Robinson, Sara <SRobinson@apa.org>  
**Subject:** FW: NIDA constituency list  
**Attachments:** FoNIDA list2 bademails.xls

---

Here's the file I was referring to.  
-geoff

-----Original Message-----

From: Mumford, Geoffrey  
Sent: Wednesday, January 12, 2005 2:15 PM  
To: Robinson, Sara  
Subject: RE: NIDA constituency list

Sara,

I coded column B in this version with a 2 for those addresses that came back as undeliverable...would you mind contacting the organizations and trying to get a current point of contact? Thanks.  
-geoff

-----Original Message-----

From: Robinson, Sara  
Sent: Wednesday, January 05, 2005 3:22 PM  
To: Mumford, Geoffrey  
Subject: RE: NIDA constituency list

Okay, here goes:

Let me know if you want me to separate the first and last name for sortability - I wanted to get this to you sooner so I left them together for now.

Also, let me know if you want me to start calling the people with no email provided and asking for an email address.

-----Original Message-----

From: Mumford, Geoffrey  
Sent: Wednesday, January 05, 2005 2:51 PM  
To: Robinson, Sara  
Subject: RE: NIDA constituency list

Organization please, but as an excel file its easy to sort anyway, so it doesn't matter. Thanks.  
-geoff

-----Original Message-----

From: Robinson, Sara  
Sent: Wednesday, January 05, 2005 2:46 PM  
To: Mumford, Geoffrey  
Subject: RE: NIDA constituency list

I'm just about done with the list, just trying to find some missing emails - would you prefer it be alphabetized by name or by organization?



-----Original Message-----

From: Mumford, Geoffrey  
Sent: Wednesday, January 05, 2005 9:16 AM  
To: Robinson, Sara  
Subject: FW: NIDA constituency list

Sara,

Can you help me with a little administrative project?  
-geoff

-----Original Message-----

From: Geoffrey Laredo [REDACTED] **PRIVACY REDATION**  
Sent: Tuesday, January 04, 2005 10:22 AM  
To: Mumford, Geoffrey  
Subject: NIDA constituency list

Here you go.



**Sender:** Mumford, Geoffrey </O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>  
**Sent:** Wednesday, January 26, 2005 5:45:17 AM  
**Recipient:** 'Brandon, Susan' <Susan\_Brandon@ostp.eop.gov>  
**Subject:** RE: Had lunch with Wyn  
**Attachments:** CIFA letter re DoD Interrogation Policy final.doc

---

Hi Susan,

Yes sorry I meant February. Thanks for staying on Shana. We sent this letter over to Scott yesterday...I'll fill you in on background over the phone.

There's receptivity for an IOM study both at IOM and on the Hill, so we'll be working that as well. I wonder if the Administration would do well to get behind it too?

Good luck with the budget...I'll look forward to catching up...its been way to long!  
-geoff

-----Original Message-----

From: Brandon, Susan [[mailto:Susan\\_Brandon@ostp.eop.gov](mailto:Susan_Brandon@ostp.eop.gov)]  
Sent: Tuesday, January 25, 2005 7:03 PM  
To: Mumford, Geoffrey  
Subject: RE: Had lunch with Wyn

Geoff, I am confused about what I indicated would be March 3. . . . I don't have anything on my calendar for that at the moment. What did I forget?

No word yet from Shana. But plenty from me . . .

Hope you are staying warm.

Tomorrow I hope to go visit CIFA and see what they are up to. Have to keep one foot here in the office because it is budget time for us, and just in case someone has figured out how to make loaves and fishes, I have to be ready.

Susan

-----Original Message-----

From: Mumford, Geoffrey [<mailto:gmumford@apa.org>]  
Sent: Tuesday, January 25, 2005 10:26 AM  
To: Brandon, Susan  
Subject: RE: Had lunch with Wyn

Hi Susan,

It would be nice to reconnect...perhaps a visit is in order if you can spare the time. I now find that I may have a conflict with March 3 (NIAAA advisory council meeting of all things...boring) but maybe I can split coverage.  
-geoff

-----Original Message-----

From: Brandon, Susan [[mailto:Susan\\_Brandon@ostp.eop.gov](mailto:Susan_Brandon@ostp.eop.gov)]  
Sent: Thursday, January 20, 2005 6:10 PM  
To: Mumford, Geoffrey



Subject: RE: Had lunch with Wyn

Geoff, I know this is an old one but I wanted to respond to the idea of reconnecting to Tony and Steve: I sent them a Happy New Years and got a note back from Steve, but perhaps not from Tony. . . I would very much like to figure out a way to meet up with them. What do you think? A straight out invitation? Going out to see them? I am willing to drive --

Finishing each others' sentences is a nice thought too, actually.

Susan

-----Original Message-----

From: Mumford, Geoffrey [<mailto:gmumford@apa.org>]

Sent: Monday, January 17, 2005 1:55 PM

To: Brandon, Susan

Subject: RE: Had lunch with Wyn

Hi Susan,

Our notes just passed apparently...soon we'll be finishing each others sentences;)

I'm rewarding my weekend work with a trip to one of my neighborhood restaurants to have something with bacon on it and pint or two of Guinness (before a well-deserved nap).

Yes next MLK day will be a tough act to follow...the latest Ken Burns documentary is on here tonight and looks like it will be good...about an old timey black boxer.

Glad to hear about the report! I'll be delaying SPIN until that's ready to go (Roxy, recognizing I would have to write about the Center said she would have to delete SPIN this time).

Be Safe! (which reminds me we need to reconnect with the FBI family),  
-geoff

-----Original Message-----

From: Brandon, Susan [[mailto:Susan\\_Brandon@ostp.eop.gov](mailto:Susan_Brandon@ostp.eop.gov)]

Sent: Monday, January 17, 2005 1:41 PM

To: Mumford, Geoffrey

Subject: RE: Had lunch with Wyn

Hi, Geoff: happy MLK day. A massage sounds just right: although so does a test drive. The two together are going to a hard act to follow: what will you do on next years MLK day? (xxxxxxxxxxxxxxxxxxxxxx and test drive a new airplane: x's are because I can't think of the next step from the massage or perhaps I can but it shouldn't be on this email site) (it's apparently past time I come home).

I got the graphics-ready copy of the report (THE REPORT) on Fri. and just now proofed and returned it to Shana who wants to see the final copy. I suppose that's reasonable but I am hoping that she will now tell me to put it on the website. I will need to help prepare a press release first, I think.



Your article was good: I meant to say that. Use quotes or misquotes as you like; I see us as speaking with one voice.

I do think you should get a convertible because you are truly an outdoor person: evidenced not only by the deck but by shoes, yes?

If Indigo is a darker blue then I vote for Indigo. But any kind of blue works. So does red.

J. and I are travelling back tomorrow: get in late at night. He has to catch a early afternoon flight out of Dulles and so my Wed. will be a little complicated: but as long as I am out of town on Thurs. all is well.

Hope the sun is shining --

Susan

-----Original Message-----

From: Mumford, Geoffrey [<mailto:gmumford@apa.org>]

Sent: Sunday, January 16, 2005 7:58 PM

To: Brandon, Susan

Subject: RE: Had lunch with Wyn

Hi Susan,

Thanks so much for the quotes...perfect!

So the test-drive is tomorrow morning...its going to be a cold one. Need to have the current Mini (Doreen) washed and waxed first thing so I get a decent appraisal for trade-in but fortunately dear Doreen left enough that Doreen1 just dips further into the nest egg...feeling very self-indulgent (all the moreso with my first real massage scheduled for Inauguration day - my private protest) but I do think I will get a lot of enjoyment out of a top-down life...I do use the deck 10 months out of the year so can the car be much different? Plus the added visibility is a safety feature thats very appealing as my blind spots continue to grow;) The color choice would be Electric Blue if its available but not sure that it or the current Indigo is...which presents a quandry...cast your vote early;)

No special plans for tomorrow beyond the drive but MLK was quite a guy...maybe Obama represents the next wave?

When do you come home? Why would you? Look forward to catching up soon! -geoffreyk

-----Original Message-----

From: Brandon, Susan [[mailto:Susan\\_Brandon@ostp.eop.gov](mailto:Susan_Brandon@ostp.eop.gov)]

Sent: Sunday, January 16, 2005 7:20 PM

To: Mumford, Geoffrey

Subject: RE: Had lunch with Wyn

Hi, Geoff -- hope you got the test drive in and aren't doing bake sales on the corner to pay for the new car.

And that you enjoyed it! What color this time?



I think you could make up a better quote than I could offer, but it should be something like "the Center offers new opportunities for conducting important social & behavioral science research - something to be excited about in a time of real pressure on budgets across Federal science agencies. . ." and "the SBE Subcommittee is an opportunity for the social and behavioral sciences to have a voice and a presence at the table that is unique in recent Washington policy processes. The Subcommittee is very active and has more than enough to do, both in terms of projects of its own making and in terms of working with other NSTC groups who have need of their particular expertise."

Well, whatever -- perhaps being in Oregon makes one sound different?!

Enjoy the holiday -- will you do something special?

Susan

-----Original Message-----

From: Mumford, Geoffrey [<mailto:gmumford@apa.org>]

Sent: Sunday, January 16, 2005 3:20 PM

To: Brandon, Susan

Subject: RE: Had lunch with Wyn

Hi Susan,

That's nice to hear...postponed the test drive until tomorrow morning because it sounded like Saturday was going to be very busy.

Its nice to think of you enjoying some mountian scenery far away from all the nonsense that goes on back here;)

I'm struggling with the Monitor column but am guessing it will look something like the attached. I have too much self-agrandizing process in their at present but will work on a better balance. Would you be able to supply something in the way of a quote for me to use in support of either the NSTC piece, the center or both? I'll figure out a way to incorporate whatever you say and run it back by you. Thanks if you can.

Enjoy the rest of your stay.

Hugs,

-geoff

-----Original Message-----

From: Brandon, Susan [[mailto:Susan\\_Brandon@ostp.eop.gov](mailto:Susan_Brandon@ostp.eop.gov)]

Sent: Saturday, January 15, 2005 10:53 AM

To: Mumford, Geoffrey

Subject: Had lunch with Wyn

Geoff, Wyn had good things to say about Roxanne and their app -- and it does seem another Center will be supported.

Hope the test drive went well and that the ice that formed on the back of your head and neck has melted by now .. Have a good holiday weekend.

Things are good here: nice change of pace and place. Pretty mountains on the horizons.



Susan

blackberry message  
Susan E. Brandon



**Sender:** Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>  
**Sent:** Wednesday, June 09, 2004 11:27:40 AM  
**Recipient:** 'Kevin Murphy' [REDACTED];Mumford, Geoffrey  
<gmumford@apa.org>  
**Cc:** behnke@apa.org;Breckler, Steven J. <SBreckler@apa.org>;Farberman, Rhea K.  
<rfarberman@apa.org>;Honaker, Michael <mhonaker@apa.org>;Robinson, Sara  
<SRobinson@apa.org>  
**Subject:** RE: more news to be aware of

---

Hi, Kevin and everyone:

I'd like us to make a (group) executive decision to NOT have an open question and answer period. We have a couple of known "gadfly" psychologists who've RSVPd (who are known to pontificate) and there will be press there, so I'd like to control the event as much as possible. Instead, we'll offer people with questions the chance to come up afterwards and talk privately with our speakers. This is just too hot from all angles to subject our speakers and APA to possible nightmare headlines!

Please let me know what you think.

Kevin, would you like us to make the overheads for you from your attachment?

Thanks,  
Heather

Heather O'Beirne Kelly, Ph.D.  
Senior Legislative and Federal Affairs Officer  
Science Public Policy Office  
American Psychological Association  
750 First Street, N.E., 5th Floor  
Washington, D.C. 20002  
phone 202.336.5932  
fax 202.336.6063  
email hkelly@apa.org

-----Original Message-----

From: Kevin Murphy [REDACTED]  
Sent: Wednesday, June 09, 2004 11:22 AM  
To: Mumford, Geoffrey  
Cc: behnke@apa.org; Breckler, Steven J.; Farberman, Rhea K.; Honaker, Michael; Kelly, Heather  
Subject: Re: more news to be aware of

I agree that we should talk about this. I have attached the overheads I plan to use, and I think it is very reasonable to expect that they will lead to questions about the role of the the White House, DOJ, etc. in all of this.

Heather had originally asked me to research in military contexts, covering topics such as selection and training. I do cover several of these issues, but the much more valuable and relevant literature is in the area of corporate corruption, white-collar crime, whistle-blowing, etc., and it leads strongly to the conclusion that this sort of thing cannot go on without at least tacit approval from higher-ups. How much higher up is an open question, but it certainly leads to a focus on the organization rather than on the individuals



who were caught abusing prisoners.

The thing that makes this especially worrisome is that if the White House, DOJ, and DoD were being advised by counsel that anything goes during time of war, the admonition that everything needs to be done in a legal way does not do much good. I think we need to anticipate a question along these lines (are press and media types invited?) and have an answer rehearsed

Kevin

--

Kevin R. Murphy  
Professor and Head  
Department of Psychology  
PRIVACY REDACTION  
Pennsylvania State University  
University Park, PA 16802

PRIVACY REDACTION

[www.personal.psu.edu/krm10](http://www.personal.psu.edu/krm10)



**Sender:** Mumford, Geoffrey </O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>  
**Sent:** Monday, June 27, 2005 9:53:42 PM  
**Recipient:** Brandon, Susan (NIH/NIMH) <sbrandon@mail.nih.gov>  
**Subject:** FW: PENS Task Force Report  
**Attachments:** PENSTFdraftreport.doc

---

Susan,

Thanks for your help on this...nice that your edits made it to the final version.

-geoff

---

**From:** Behnke, Stephen  
**Sent:** Sunday, June 26, 2005 7:38 PM  
**To:** 'Olivia Moorehead-Slaughter'  
**Cc:** Ronald F. Levant, Ed.D, M.B.A., ABPP; Gerald P. Koocher, Ph.D.; anton; Gilfoyle, Nathalie; Farberman, Rhea K.; Breckler, Steven J.; Kelly, Heather; Farberman, Rhea K.; Newman, Russ; Mumford, Geoffrey; Anderson, Norman  
**Subject:** PENS Task Force Report

Dear Olivia,

Attached please find the draft Task Force Report. Please forward to the Task Force for their review, and indicate that I have followed the same process with this draft as with the others, attempting as best I could to incorporate everyone's good thinking into a coherent document. Also, please tell the Task Force that they will have until tomorrow noon to review and post messages on the listserve with suggestions or recommendations for changes; I will forward the report, on your behalf, to the Board of Directors at 1 pm. I know that you will also welcome comments and recommendations from everyone copied on this message, whose help has been invaluable throughout the process.

When I forward the Draft Report to the Board, I will indicate that it is a draft report, so it will be quite easy for the Board to ask the Task Force to work on the Report further, if the Board thinks that appropriate. On the other hand, the Board may be pleased with the Report, and want to make the Report publicly available without any delay. The Board will indicate to you what is best.

I look forward to providing the Report to the Board of Directors tomorrow at 1 pm.

Steve





**Sender:** Mumford, Geoffrey </O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>  
**Sent:** Saturday, June 25, 2005 10:09:31 AM  
**Recipient:** Behnke, Stephen <sbehnke@apa.org>  
**Subject:** revision  
**Attachments:** bullet on research.doc

---



Revised with 2nd bullet



Psychologists support research to evaluate the efficacy of methods for gathering accurate and reliable information relevant to national security. Such research should be designed to minimize the risk/benefit ratio and emotional/physical harm to the research participants consistent with existing standards of human subjects research and the APA ethics code.

Because disclosing the results of such research could compromise the development of enhanced sources and methods, it may not always serve the national interest to explain deception used in the research design or to include the debriefing standards contained in 8.07 and 8.08.



**Sender:** Mumford, Geoffrey </O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>  
**Sent:** Saturday, June 25, 2005 8:16:35 AM  
**Recipient:** Behnke, Stephen <sbehnke@apa.org>  
**Subject:** Research bullet  
**Attachments:** bullet on research.doc

---

Here's the strawman





Psychologists support research to evaluate the efficacy of methods for gathering accurate and reliable information relevant to national security. Such research should be designed to minimize the risk/benefit ratio and emotional/physical harm to the research participants consistent with existing standards of human subjects research and the APA ethics code.



**Sender:** Mumford, Geoffrey </O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>  
**Sent:** Wednesday, January 05, 2005 1:08:25 PM  
**Recipient:** Honaker, Michael <mhonaker@apa.org>  
**Subject:** RE: forthcoming NEJM & L.A. Times pieces

---

no its just that Council members make policy for the association so I guess it just puts her closer to the category of "representing APA". Not trying to put too fine a point on it...just a heads-up about a relationship with APA governance of which I'd not been aware. last tag:)

-----Original Message-----

From: Honaker, Michael  
Sent: Wednesday, January 05, 2005 1:06 PM  
To: Mumford, Geoffrey  
Subject: RE: forthcoming NEJM & L.A. Times pieces

but again, do we review what all council members are doing?

-----Original Message-----

From: Mumford, Geoffrey  
Sent: Wednesday, January 05, 2005 12:53 PM  
To: Honaker, Michael  
Subject: RE: forthcoming NEJM & L.A. Times pieces

Mike,

I understood what you were saying yesterday but Heather reminded me that Debra is a voting member of Council...that may not change the dynamic but just something to keep in mind down the road.  
-geoff

-----Original Message-----

From: Honaker, Michael  
Sent: Tuesday, January 04, 2005 1:04 PM  
To: Mumford, Geoffrey; Behnke, Stephen  
Cc: Gilfoyle, Nathalie; Farberman, Rhea K.  
Subject: RE: forthcoming NEJM & L.A. Times pieces

Can meet if needed.

By the way, since spouses are not employed by or represent APA we do not need to know anything about what they do.

-----Original Message-----

From: Mumford, Geoffrey  
Sent: Tuesday, January 04, 2005 9:54 AM  
To: Behnke, Stephen  
Cc: Honaker, Michael; Gilfoyle, Nathalie; Farberman, Rhea K.  
Subject: RE: forthcoming NEJM & L.A. Times pieces

I'm at your disposal...might be good to include Steve Breckler too?

-----Original Message-----

From: Behnke, Stephen  
Sent: Tuesday, January 04, 2005 9:49 AM  
To: Mumford, Geoffrey  
Cc: Honaker, Michael; Gilfoyle, Nathalie; Farberman, Rhea K.  
Subject: RE: forthcoming NEJM & L.A. Times pieces



Might it be possible for us to gather briefly today, perhaps sometime in the afternoon?

-----Original Message-----

From: Mumford, Geoffrey  
Sent: Tuesday, January 04, 2005 8:10 AM  
To: Behnke, Stephen  
Cc: Honaker, Michael; Gilfoyle, Nathalie; Farberman, Rhea K.  
Subject: RE: forthcoming NEJM & L.A. Times pieces

Steve,

When we met on this at the beginning of last month it seemed there was a sense (a hope?) among some in the room that the story would die but it has, in fact, been part of the news cycle pretty consistently for over a month now. A high profile piece like this coupled to changes in oversight of the intelligence agencies by congress are likely to keep it in the news for awhile. It seems to me APA might want to be in a position of being able to say we have something at the level of a "Task Force" (or whatever) to indicate that we, as an association, are giving the matter high priority. I could easily see the IOM review, recommended in the article, gaining traction and we'd certainly want to be represented in that effort. Finally, and I'm not quite sure how to put this, but are there issues of perception that we should be concerned about if the wife of the Practice Directorate ED has in fact been deployed to Guantanamo? Presumably, what she does is classified in which case I would not expect Russ to have any additional insight but if our level of activity as an association on this set of issues were questioned, that may be an awkward situation to try and explain and it doesn't appear to be a secret that she's been down there. Just my 2 cents...  
-geoff

-----Original Message-----

From: Behnke, Stephen  
Sent: Monday, January 03, 2005 10:30 PM  
To: Honaker, Michael; Gilfoyle, Nathalie; Farberman, Rhea K.  
Cc: Mumford, Geoffrey  
Subject: FW: forthcoming NEJM & L.A. Times pieces

I think it probably makes most sense to send Gregg the statement we crafted.

I'll speak to him "off the record" (I've known Gregg for many years), but will limit my remarks to "yes, as you say in your article these issues are very complicated; our Board of Directors is very concerned and is looking into the issues; and, like the ethics code of the AMA, our ethics code was not written with these types of situations in mind and now we need very actively to examine whether our Ethics Code gives adequate guidance to psychologists in such situations, as it is my understanding the American Psychiatric Association is doing as well."

Sound okay? (I'll speak in shorter sentences)

-----Original Message-----

From: Gregg Bloche **PRIVACY REDACTION**  
Sent: Monday, January 03, 2005 9:28 PM  
To: Behnke, Stephen  
Subject: forthcoming NEJM & L.A. Times pieces

Hi, Steve, & happy new year. Attached is a piece coming out in a few days in NEJM, on the role of docs, especially psychiatrists, in abusive interrogation practices. We're doing a related piece for this Sun.'s L.A. Times. Psychologists, it turns out, have been much more heavily involved than psychiatrists (they've been part of "Behavioral Science Consultation Teams," etc.). We'd like to address this (& the ethical rules, if any, that limit psychologists) in the L.A. Times piece. Has APA issued any relevant ethical guidance (or does it plan to)? I'd like to talk to you about this -- tomorrow if possible, given our deadline.



Best,  
Gregg



**Sender:** Mumford, Geoffrey </O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>  
**Sent:** Wednesday, January 05, 2005 8:26:24 AM  
**Recipient:** Susan Brandon (E-mail) <susan\_Brandon@ostp.eop.gov>  
**Subject:** Task Force Proposal  
**Attachments:** TaskForceproposal.doc

---

Hi Susan,

This is still in the proposal stage but likely to be approved at the February Board meeting. Ron Levant is collecting nominations to populate the Task Force. I'd be pleased to get your thoughts on that maybe refelcting on past ITP participants or folks we had on wish lists who couldn't come for some reason to one of the earlier events...Bob Cialdini was one I thought of in that category.

We're also going to be reaching out to the Army Surgeon General via various DoD contacts to see if we can get in on the on-going activity referenced in the NEJM piece I sent yesterday. Also intrigued about the possibility of an IOM study (likewise referenced therein) and may try to gain some congressional backing on that, perhaps through Tim Murphy (wearing his psychologist and Armed Services Committee hats).

Oh and I realized I hadn't replied about lunch on Friday, so if your dance card is still open count me in and we can catch up then.

-geoff

-----Original Message-----

Behnke, Stephen

Tuesday, January 04, 2005 3:56 PM

Mumford, Geoffrey

Hi Geoff,

Here is the proposal--just FYI, Brad will have seen a version of this, since I sent him our Convention symposium proposal (which he liked--he thought it was balanced and did not assume wrongdoing by Div. 19 members)

Steve





**Sender:** Mumford, Geoffrey </O=APA/OU=DC/CN=RECIPIENTS/CN=GKM>  
**Sent:** Thursday, June 02, 2005 11:17:38 AM  
**Recipient:** Brandon, Susan (NIH/NIMH) <sbrandon@mail.nih.gov>  
**Subject:** FW: Task Force matters

---

Hi Susan,

The Task Force is meeting on the 24-26. And as you'll read below, we have approval to invite selected observers so if you're still interested (and allowed) please consider coming.

Look forward to seeing you tomorrow...not sure if weather will cooperate for barbecuing but will have a contingency plan in place.

-geoff

-----Original Message-----

From: Gerry Koocher **PRIVACY REDACTION**

Sent: Thursday, June 02, 2005 9:08 AM

To: Behnke, Stephen

Cc: Olivia Moorehead-Slaughter; Gerald P. Koocher, Ph.D.; anton; Ronald F. Levant, Ed.D, M.B.A., ABPP; Kelly, Heather; Breckler, Steven J.; Mumford, Geoffrey; Jacobson, Rhea

Subject: Re: Task Force matters

Hi Steve (and colleagues):

Your comments (below) remind me of the start of the Ethics Code Task Force a few years back. There was some worry among members at the outset that the presence of some folks might have an excessively chilling effect on conversations, based on the prior ethics revision process that was heavily shielded in secrecy. In particular, people were hesitant about any early involvement by legal counsel. The fear was that the prior version of the code had been too heavily driven by attorney concerns around anti-trust issues, etc. In the end, I think all worked out well and the only real need for executive sessions occurred when we actually needed to discuss FTC issues and ethics enforcement. During the open meetings representatives from many groups sat in and were invaluable. In particular, people from neuropsychology (Div 40), psychoanalysis (39), consulting (13), and others were very helpful on some issues and their participation helped improve what became the 2002 code.

In thinking about the PENS task force, I would encourage us to be open and even to invite observers (e.g., FBI and CIA psychologists). Why?

The presence of such people can only improve the outcome. They may or may not chime in with perspectives hypothetical situations, etc.

However, I have no doubt that they will hear thoughtful, well reasoned, constructive efforts on how to guide our colleagues in difficult situations. Since our task force is not authorized to have access to identifiable ethics case materials and we certainly only have access to public policy documents, press accounts, etc., it seems to me that inviting interested others does no harm and may do good (i.e., enrich the discussion, suggest helpful directions, defuse anxieties, etc.).

Regards,

Gerry

-----

Behnke, Stephen wrote:

>Dear Olivia, Gerry, and Barry,

>

>The staff for the PENS Task Force met today, to review plans for the meeting and to ensure that the logistical details are taken care of. I believe everything is well in hand from that perspective.

>

>A question did arise about observers. It is my understanding that APA meetings are open, unless in executive session or confidential information is being discussed. Thus far, we've had two APA staff express an interest in attending, whose work



is relevant to what we will be discussing. I do not believe we have received any requests from non-staff to attend, although we might want to consider whether we would want to extend an invitation to anyone. As an example, APA has fostered a very good relationship with the FBI, and the FBI has been involved at GTMO. There is no one from the FBI on the Task Force (recall that two individuals from the FBI excused themselves from the Convention program on this subject, explaining that at the present time they could not participate in such activities). We may want to extend an invitation for an FBI person to attend as an observer, so that they feel included; if our invitation is declined, at least it has been offered. Also, Susan Brandon, an APA person who recently left the Bush administration to return to NIH, has been very interested in these issues. Thus far, we are at a very manageable number, so a few more individuals would not be a problem, although given the interest in the PENS Task Force I would not advertise this possibility widely.

>

>I think the listserve discussion has provided a good context for the meeting, although do note that several of the Task Force members have not yet made a contribution. I think that the more recent discussions concerning what can reasonably be accomplished over the weekend have been very interesting and informative, and have focused on "big picture" questions which will help the Task Force not get lost in the myriad of lesser issues.

>

>We will convene in DC three weeks from tomorrow evening. Please let us know what else we can do to prepare for the meeting.

>

>I hope you all are well,

>

>Steve

>

>

>



**Sender:** Farberman, Rhea K. </O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>  
**Sent:** Friday, June 04, 2004 3:19:44 PM  
**Recipient:** Mumford, Geoffrey <gmumford@apa.org>  
**Cc:** Behnke, Stephen <sbehnke@apa.org>; Honaker, Michael <mhonaker@apa.org>  
**Subject:** RE: Hold July 20th for APA meeting

---

Geoff -- Based on our decision to separate the public communications issues from the ethics issues, I don't plan on attending this meeting (but I'm glad you are pulling it together).

Rhea

-----Original Message-----

Mumford, Geoffrey

Thursday, June 03, 2004 3:41 PM

'Kirk Hubbard'; 'Andy Morgan'; 'Kirk Kennedy'; 'Oval Office Susan'; Breckler, Steven J.; Honaker, Michael; Behnke, Stephen; Farberman, Rhea K.; 'Scott Gerwehr'

'Steve Band'

Hold July 20th for APA meeting

Dear Colleagues,

Please pencil in July 20th from 12:00-2:00 for our initial lunch meeting on Ethics and National Security here at APA. I'm still waiting to hear from Steve Band but this was the only date that works for all of us so far and so I'm keeping my fingers crossed it will work for Steve as well. I'll let you know one way or the other soon but wanted to at least ask you to reserve it for now.

Best,  
-geoff

Geoff Mumford, PhD  
Director of Science Policy  
American Psychological Association  
750 First Street, NE  
Washington, DC 20002-4242  
(202) 336-6067 phone  
(202) 336-6063 fax  
gmumford@apa.org



## Email exchange between Edmund Nightingale and Celia Fisher, July 2001

What a wonderfully complete reply. Thank you for your efforts on behalf of the revision, but more especially for the thoughtfulness of your reply.

I am not in agreement with the move away from specificity in standards and away from guidelines toward more generalities. I suppose that this sea change may suit the needs of some constituencies who are concerned about lawsuits and overly zealous boards, but my own concern is educative, both for psychologists, students, and for the public, and from my own point of view, those needs are better served by standards which address some of the concerns of specific groups. Isolated guidelines run the risk of being just that, isolated. I have been a APA accreditation site visitor for 15+ years. One of the things I look for in departments is a set of APA documents to include the Ethics Code AND the various sets of guidelines appropriate to the setting and or training to be provided. I nearly always find copies of the current Ethics Code. I have found only one instance where a sets of guidelines appropriate to the setting were found - other than to say they "...are in the back issues of the American Psychologist to be found in our library..." - not exactly living documents.

Obviously people of good will may differ on their approach to these issues. The process is necessarily political and I may speak for a minority of psychologists.

Thanks again for your conscientious and well thought out reply. May I forward it to the Division 18 listserv?

Edmund J. Nightingale, Ph.D.ABPP  
Director for Psychology  
Minneapolis VAMC

Dear Ed,

Thank you again for your kind comments on Draft 5. This email is written to give you some background on the ECTF June 2001 discussions and to assure you that the concerns of police and correctional psychologists are of continuing importance to the ECTF.

In response to over 800 comments, at our June meeting the ECTF discussed how to consolidate elements in the Code so that it would be as generally applicable as possible. One issue that we struggled with was whether we could identify terminology that would be inclusive of work with individual, organizational, and public service clients and practice settings. Out of the ECTF discussions came the recognition that such an approach could not adequately serve each of these areas of practice. We therefore asked a group composed of ECTF members Dennis Grill (representing the perspectives of public service psychology) and Tom Oakland (representing the perspectives of school psychology) and ECTF observers present at the meeting from Division 13 (consulting psychology) and Division 14 (organizational psychology) to provide us with specific recommendations for addressing the issues of psychologists working in organizational and public service settings for the ECTF's next meeting scheduled for October 2001.

I will be in contact with this group prior to our October meeting and would welcome the opportunity to meet with you at APA in San Francisco to get your additional input.

However, I would like to provide you information as to two basic characteristics of the current APA Ethics Code and the revision to date. These include a) limited references to specific areas/specialties and b) limited inclusion of statements that are more generally considered "guidelines" for best practices within specific areas or specialties of psychology rather than ethical "standards." The number of references to specialties or areas of psychology in the current Ethics Code are very limited, and appear almost entirely in the third paragraph of the Introduction. The number that might be added are large, and the ECTF has been cautious in making such additions. In the February 2001 published draft, only three significant



changes were made in this regard: "not limited to" was added to make that point explicit, "school" (one of four areas covered in specialty guidelines) was added to "the clinical or counseling practice...." and "forensic activities" was added. No significant change was made from the published draft to Draft 5. A challenge for inclusion of reference to any specific group is to establish the need to include that group in a way that would not argue for inclusion of numerous others.

As you may recall, at both our October 2000 and June 2001 meetings the ECTF worked to address the issues raised by yourself and Gil Sanders (in my phone conversation with him). In addressing the specific points about challenges facing police and correctional psychologists the ECTF had to weigh what it considers material for "guidelines" and not for Ethics Code standards. This is the style of the current Ethics Code, and comments received by the ECTF argue for continuing this style. Some groups (e.g. the I/O, forensic, and teaching divisions) have produced their own documents providing guidance about the Ethics Code without extending its enforceable scope. APA documents such as the "Record Keeping Guidelines" are specifically designed not to be part of the Ethics Code. Based on comments from APA constituencies, even the footnote in the current Ethics Code that lists the guidelines was deleted from Draft 5 of the revision.

Within this context we attempted to address three concerns of public service psychologists. The first (a change made from the current Ethics Code to the published draft) was to change the title of what is Standard 1.02 in draft 5 to "Conflict Between Ethics and Law, Regulations, or Other Governing Legal Authority." This change was made to address the concern that psychologists in correctional facilities are often caught between conflicting demands of their facilities and the ethics code, and that it should be completely clear that conflict between ethics and law in this context includes conflicts between ethics and law, regulations, and legal governing authority.

The ECTF also continued to try to address concerns of psychologists working in public service and organizational settings regarding informed consent for assessments. Standard 9.03(a) "Informed Consent for Assessments" now reads:

"(a) Psychologists obtain informed consent for assessments, evaluations, or diagnostic services, as described in Standard 3.10, Informed Consent, except when (1) testing is mandated by law or governmental regulation, (2) informed consent is implied because testing is conducted as a routine educational, institutional, or organizational activity (e.g., when participants voluntarily agree to assessment when applying for a job); or (3) one purpose of the testing is to evaluate decisional capacity.

Finally, we were very aware of the concern that psychologists in correctional facilities are often viewed as "correctional staff" first, and psychologists second. Therefore, superiors can order a psychologist to take a correctional staff role that requires them to "pat down" or even "shoot" someone they may be seeing as a client/patient in their role as a psychologist. The ECTF recognized that psychologists in these facilities would like more support from the code in helping them to refuse to participate in these types of activities. We attempted to clarify this standard in a way that we hope is helpful for psychologists in correctional facilities. Based upon the general standard format that I have described above, we were not able to include terminology specific to correctional institutions, but we do think that serving in the dual roles described above falls under the Standard 3.05, Multiple Relations description of proscribed multiple relationships:

"A psychologist refrains from entering into a multiple relationship if the multiple relationship could reasonably be expected to impair the psychologist's objectivity, competence, or effectiveness in performing his or her functions as a psychologist or otherwise risks exploitation or harm to the person with whom the professional relationship exists." (See full text of Draft 5 Standard 3.05).

I would also like to call attention to my cover memo to Draft 5 that provided rationale for the deletion of the forensic section in Draft 5. In response to member comment, the assessment by the ECTF was that the overall Ethics Code would be best served by eliminating this section.



I hope this email has been informative and helps to alleviate your concerns. I appreciate your valuable efforts on behalf of public service psychologists and look forward to learning of specific recommendations you might have concerning the text of Draft 5. It is still timely to propose specific language. As I mentioned earlier, I am available to speak with you by phone or at APA in San Francisco if you would find that helpful. In addition, any recommendation you make on the current draft will be given serious consideration in October.

Best regards,

Celia



**Sender:** Celia Fisher [REDACTED]  
**Sent:** Sunday, July 08, 2001 8:22:01 PM  
**Recipient:** Edmund.Nightingale@med.va.gov;Grill, Dennis  
<Dennis.Grill@CEN.AMEDD.ARMY.MIL>;Oakland, Tom  
[REDACTED];Behnke, Stephen <sbehnke@apa.org>  
**Subject:** Update on ECTF revision and Public Service Psychologists

---

Dear Ed,

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In response to over 800 comments, at our June meeting the ECTF discussed how to consolidate elements in the Code so that it would be as generally applicable as possible. One issue that we struggled with was whether we could identify terminology that would be inclusive of work with individual, organizational, and public service clients and practice settings. Out of the ECTF discussions came the recognition that such an approach could not adequately serve each of these areas of practice. We therefore asked a group composed of ECTF members Dennis Grill (representing the perspectives of public service psychology) and Tom Oakland (representing the perspectives of school psychology) and ECTF observers present at the meeting from Division 13 (consulting psychology) and Division 14 (organizational psychology) to provide us with specific recommendations for addressing the issues of psychologists working in organizational and public service settings for the ECTF's next meeting scheduled for October 2001.

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Ethics Code standards. This is the style of the current Ethics Code, and comments received by the ECTF argue for continuing this style. Some groups (e.g. the I/O, forensic, and teaching divisions) have produced their own documents providing guidance about the Ethics Code without extending its enforceable scope. APA documents such as the "Record Keeping Guidelines" are specifically designed not to be part of the Ethics Code. Based on comments from APA constituencies, even the footnote in the current Ethics Code that lists the guidelines was deleted from Draft 5 of the revision.

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Finally, we were very aware of the concern that psychologists in correctional facilities are often viewed as "correctional staff" first, and psychologists second. Therefore, superiors can order a psychologist to take a correctional staff role that requires them to "pat down" or even "shoot" someone they may be seeing as a client/patient in their role as a psychologist. The ECTF recognized that psychologists in these facilities would like more support from the code in helping them to refuse to participate in these types of activities. We attempted to clarify this standard in a way that we hope is helpful for psychologists in correctional facilities. Based upon the general standard format that I have described above, we were not able to include terminology specific to correctional institutions, but we do think that serving in the dual roles described above falls under the Standard 3.05 Multiple Relations description of proscribed multiple relationships:

"A psychologist refrains from entering into a multiple relationship if the multiple relationship could reasonably be expected to impair the psychologist's objectivity, competence, or effectiveness in performing his or her functions as a psychologist or otherwise risks exploitation or harm to the person with whom the professional relationship exists." (See full text of Draft 5 Standard 3.05).

I would also like to call attention to my cover memo to Draft 5 that provided rationale for the deletion of the forensic section in Draft 5. In response to member comment, the assessment by the ECTF was that the overall Ethics Code would be best served by eliminating this section.



I hope this email has been informative and helps to alleviate your concerns. I appreciate your valuable efforts on behalf of public service psychologists and look forward to learning of specific recommendations you might have concerning the text of Draft 5. It is still timely to propose specific language. As I mentioned earlier, I am available to speak with you by phone or at APA in San Francisco if you would find that helpful. In addition, any recommendation you make on the current draft will be given serious consideration in October.

Best regards,

Celia

--

Celia B. Fisher, Ph.D.  
Director, Center for Ethics Education  
Fordham University

PRIVACY REDACTION

Bronx, NY 10458

PRIVACY REDACTION



**Sender:** Barry Anton [REDACTED]  
**Sent:** Tuesday, December 07, 2004 1:39:59 PM  
**Recipient:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Subject:** Fwd: Ethics issues

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Date: Tue, 7 Dec 2004 10:26:56 -0800  
To: Gerry Koocher, Carol Goodheart  
From: Barry Anton [REDACTED]  
Subject: Ethics issues  
Cc:  
Bcc:  
X-Attachments:

Dear Gerry & Carol:

I met by phone with Steve, Lindsay, and Pat Dixon this morning to discuss three issues that will come up this weekend. The first is the presentation of the three cases. For case NP, there will be a letter of explanation from him awaiting us at the hotel. There are eight rejoinder items in that letter, one of which is self-incriminating and lends substance to the Ethics Committee's recommendation that he be expelled. If you have questions when you see that letter, let me know. The next issue is the response from APA regarding prisoner abuses at Guantanamo. you have seen APA's thoughtful response by email and the two emails I have seen, from James Mullick and Bernice Lott, seem tempered to me. Finally, there is an information item updating the BoD about the 2001 revisions to the Code, the educative programs they have undertaken and their budget. Feel free to discuss these with me anytime before the Ethics material is presented.

Steve reminded me that we have a subcommittee meeting on Friday at 8:15 a.m. in room 5035. Why don't we take a cab to the APA building around 7:50; meeting in the lobby?

See you soon.

Barry

--

Barry S. Anton, Ph.D.  
Professor of Psychology  
University of Puget Sound

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[Http://www.ups.edu/faculty/anton](http://www.ups.edu/faculty/anton)

APA\_0032527



--  
Barry S. Anton, Ph.D.  
Professor of Psychology  
University of Puget Sound

PRIVACY REDACTION

[Http://www.ups.edu/faculty/anton](http://www.ups.edu/faculty/anton)



**Sender:** Phil Zimbardo [REDACTED]  
**Sent:** Friday, December 10, 2004 4:17:08 PM  
**Recipient:** Herrera-Thomas, Deanna [REDACTED]  
**Cc:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Subject:** ETHICS CHARGES AGAINST PSYCHOLOGISTS WORKING WITH  
TORTURERS AT GUANTANAMO BAY PRISON

---

DEANNA  
THANKS FOR YOUR CONCERNS, WHICH I SHARE  
THE CURRENT PRESIDENT HAS BEEN TRAVELING EXTENSIVELY AND PREPARING  
FOR THE BOARD MEETING THIS WEEK, THAT IS WHY SHE DID NOT GET BACK TO  
YOU.

STEPHEN BEHNKE IS DIRECTOR OF THE ETHICS DIV OF APA, I WILL TRY TO SEND  
THIS TO HIM  
AND REQUEST THAT YOU AND OTHERS FEEL THERE SHOULD BE AN ETHICS  
INVESTIGATION STARTED REGARDING THESE CHARGES.

Ciao,  
Phil Zimbardo  
On Dec 10, 2004, at 3:19 PM, Herrera-Thomas, Deanna wrote:

Dear Dr. Zimbardo,

I am writing to find out how the APA can and if it can respond to the Red Cross report that indicates psychologist are working with the military in teams at the interrogation facility, Guantanamo Bay. This is an absurd abuse of the professional ethics within the field of psychology. Can you please direct me to an individual or committee where I can address this concern? I believe that it is our ethical responsibility to check our colleagues when they engage in behaviors that do not represent the ethical standards of the profession. Do we have any recourse? I had sent an e-mail to the current APA president and she has not returned my communication. I am thankful for your work and use your research to teach my students not only about psychology but about what it means to be a compassionate human being working towards social justice.

Many blessings to you and yours on this holiday season,

*Dr. Deanna Herrera-Thomas*

*College of the Redwoods*



*Psychology*

PRIVACY REDACTION



**Sender:** Council of Representatives <COR@LISTS.APA.ORG> on behalf of Okorodudu, Corahann [REDACTED] **PRIVACY REDACTION**  
**Sent:** Tuesday, December 07, 2004 8:40:27 PM  
**Recipient:** COR@LISTS.APA.ORG  
**Subject:** Re: [COR] Guantanamo

---

Gerry Koocher wrote:

4) Would it not be wiser (for example) for some divisions to propose development of a study or investigatory task force (using discretionary funds) that would see what data are available and produce a report and recommendations for the August Council meeting?

Dear Gerry,

Let me begin by congratulating you on your recent election as President-Elect! I wish you well and look forward to working with you.

Your fourth point is part of what Division 48, Peace Psychology, hopefully in collaboration with other divisions, would like to propose as a new business item for the February COR Meeting.

Corann Okorodudu  
Rep., Div. 48, Peace

Okorodudu, Corahann wrote:

> Rhea and Maureen,  
>  
> Thanks for the statement and the clarification about to whom it is  
> directed. As I brought to Maureen's attention yesterday, Division 48,  
> Peace Psychology has deep concerns about this issue and is considering  
> submitting a New Business Item, hopefully supported by other APA  
> divisions, with the request the the Rules be suspended to allow  
> discussion on the item at the February meeting of the Council of  
> Representatives. Please advise us if the Board has already decided to  
> include this item on the February COR Agenda.  
>  
> All the best,  
> Corann Okorodudu  
>

This is an important topic, but please consider several factors:

- 1) What is the point of "discussing this item" in the Council unless the discussion is tied to some proposed action? I cannot tell what "this item" is except for a very preliminary press release, that is informational?
- 2) What would the proposed action be?
- 3) How can we intelligently take action, before we have data related to undocumented allegations that may or may not be true?



4) Would it not be wiser (for example) for some divisions to propose development of a study or investigatory task force (using discretionary funds) that would see what data are available and produce a report and recommendations for the August Council meeting?

Regards,

Gerry



**Sender:** Farberman, Rhea K. </O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>  
**Sent:** Wednesday, December 01, 2004 9:08:17 AM  
**Recipient:** Behnke, Stephen <sbehnke@apa.org>  
**Subject:** RE: NYTimes.com Article: Red Cross Finds Detainee Abuse in Guantánamo

---

Steve -- AMEN!! That's exactly the right response.

Rhea

-----Original Message-----

From: Behnke, Stephen  
Sent: Tuesday, November 30, 2004 4:55 PM  
To: Farberman, Rhea K.; Honaker, Michael; Gilfoyle, Nathalie; Mumford, Geoffrey; Breckler, Steven J.  
Cc: Anderson, Norman  
Subject: RE: NYTimes.com Article: Red Cross Finds Detainee Abuse in Guantánamo

I think that makes very good sense. It seems that there are many possible variations in the facts which could lead us to very different ways of thinking about the ethics. Consider, for example:

- 1) A psychologist who is consultant to a interrogation team. The psychologist provides information to the team (e.g., the effects of sleep deprivation), but it is the team that makes the decision about how to proceed and use the information the psychologist has provided.
- 2) A psychologist who makes suggestions about how to elicit information (e.g., have a maternal figure bring the subject a cup of tea and sit down with him to talk).
- 3) A psychologist as part of a team in which certain members want to use coercive techniques that have not been shown to be effective. The psychologist objects, perhaps on ethical grounds, but the team goes ahead anyway.

One could go on at some length, but I think it's very important for us to be mindful of how dependent our ethical assessment will be on the facts and nuances. Also, I think it's extremely important to keep in mind that our Ethics Code Task Force spent 5 years and considerable amount of money revising the ethics code. If you look at the code, we will find that most of the standards address scenarios that are very familiar to psychologists and that stem from largely traditional practices in psychology. What we are talking about now--investigations related to national-security--is an area of psychology in which the ethics are not well developed, and I think we need to be very respectful of the fact that much thinking and development needs to take place before we can begin to declare certain practices ethical or not.

-----Original Message-----

From: Farberman, Rhea K.  
Sent: Tuesday, November 30, 2004 2:52 PM  
To: Behnke, Stephen; Honaker, Michael; Gilfoyle, Nathalie; Mumford, Geoffrey; Breckler, Steven J.  
Cc: Anderson, Norman  
Subject: RE: NYTimes.com Article: Red Cross Finds Detainee Abuse in Guantánamo

I think we have to be careful about points 1 and 3 which hungry reporters may interpret as an assumption by us that inappropriate things happened at Guantanamo. Better to emphasize (even limit our comments to) point 2. Something like, while we are always concerned about ethical behavior by psychologists, we simply do not know the facts of what took place at Guantanamo.

Rhea



-----Original Message-----

From: Behnke, Stephen  
Sent: Tuesday, November 30, 2004 1:48 PM  
To: Farberman, Rhea K.; Honaker, Michael; Gilfoyle, Nathalie; Mumford, Geoffrey; Breckler, Steven J.  
Cc: Anderson, Norman  
Subject: RE: NYTimes.com Article: Red Cross Finds Detainee Abuse in Guantánamo

I've received one call about this article, this morning, but I've been sitting in a jury box so will return it later.

At this point, the information we have is limited to what is in the media. I think our message should be, at least in part: 1) APA has an ethics code, which its members agree to abide by; 2) The media provides few facts about very complicated situations. These situations require a full understanding of the facts before any assessment can be made regarding whether a particular behavior is ethically appropriate or problematic; 3) APA works to promote "the highest standards of professional ethics" (From APA Bylaws) in all areas of psychology--research, education, and practice--and has an Ethics Committee that reviews complaints concerning psychologists' behavior.

Steve

-----Original Message-----

From: Farberman, Rhea K.  
Sent: Tuesday, November 30, 2004 1:24 PM  
To: Behnke, Stephen; Honaker, Michael; Gilfoyle, Nathalie; Mumford, Geoffrey; Breckler, Steven J.  
Cc: Anderson, Norman  
Subject: RE: NYTimes.com Article: Red Cross Finds Detainee Abuse in Guantánamo

I'm sure this is already obvious, but I feel compelled to also add that if we do respond to the report we need to do so very carefully -- we don't want to condemn the work some psychologists when we don't know all facts and we also don't want to take sides in a disagreement between the Red Cross and the White House.

Rhea

-----Original Message-----

From: Behnke, Stephen  
Sent: Monday, November 29, 2004 10:55 PM  
To: Honaker, Michael; Gilfoyle, Nathalie; Childress-Beatty, Lindsay; Farberman, Rhea K.; Mumford, Geoffrey; Breckler, Steven J.  
Subject: NYTimes.com Article: Red Cross Finds Detainee Abuse in Guantánamo

I was just putting together a panel for Convention on the ethics of national security-related investigations and research, when I saw this article from the New York Times. I think it's likely there will be some fallout, but very difficult to predict what it will be.

I am on jury duty tomorrow, but will be back later in the day.

Steve

Red Cross Finds Detainee Abuse in Guantánamo

November 30, 2004  
By NEIL A. LEWIS



WASHINGTON, Nov. 29 - The International Committee of the Red Cross has charged in confidential reports to the United States government that the American military has intentionally used psychological and sometimes physical coercion "tantamount to torture" on prisoners at Guantánamo Bay, Cuba.

The finding that the handling of prisoners detained and interrogated at Guantánamo amounted to torture came after a visit by a Red Cross inspection team that spent most of last June in Guantánamo.

The team of humanitarian workers, which included experienced medical personnel, also asserted that some doctors and other medical workers at Guantánamo were participating in planning for interrogations, in what the report called "a flagrant violation of medical ethics."

Doctors and medical personnel conveyed information about prisoners' mental health and vulnerabilities to interrogators, the report said, sometimes directly, but usually through a group called the Behavioral Science Consultation Team, or B.S.C.T. The team, known informally as Biscuit, is composed of psychologists and psychological workers who advise the interrogators, the report said.

The United States government, which received the report in July, sharply rejected its charges, administration and military officials said.

The report was distributed to lawyers at the White House, Pentagon and State Department and to the commander of the detention facility at Guantánamo, Gen. Jay W. Hood. The New York Times recently obtained a memorandum, based on the report, that quotes from it in detail and lists its major findings.

It was the first time that the Red Cross, which has been conducting visits to Guantánamo since January 2002, asserted in such strong terms that the treatment of detainees, both physical and psychological, amounted to torture. The report said that another confidential report in January 2003, which has never been disclosed, raised questions of whether "psychological torture" was taking place.

The Red Cross said publicly 13 months ago that the system of keeping detainees indefinitely without allowing them to know their fates was unacceptable and would lead to mental health problems.

The report of the June visit said investigators had found a system devised to break the will of the prisoners at Guantánamo, who now number about 550, and make them wholly dependent on their interrogators through "humiliating acts, solitary confinement, temperature extremes, use of forced positions." Investigators said that the methods used were increasingly "more refined and repressive" than learned about on previous visits.



"The construction of such a system, whose stated purpose is the production of intelligence, cannot be considered other than an intentional system of cruel, unusual and degrading treatment and a form of torture," the report said. It said that in addition to the exposure to loud and persistent noise and music and to prolonged cold, detainees were subjected to "some beatings." The report did not say how many of the detainees were subjected to such treatment.

Asked about the accusations in the report, a Pentagon spokesman provided a statement saying, "The United States operates a safe, humane and professional detention operation at Guantánamo that is providing valuable information in the war on terrorism."

It continued that personnel assigned to Guantánamo "go through extensive professional and sensitivity training to ensure they understand the procedures for protecting the rights and dignity of detainees."

The conclusions by the inspection team, especially the findings involving alleged complicity in mistreatment by medical professionals, have provoked a stormy debate within the Red Cross committee. Some officials have argued that it should make its concerns public or at least aggressively confront the Bush administration.

The International Committee of the Red Cross, which is based in Geneva and is separate from the American Red Cross, was founded in 1863 as an independent, neutral organization intended to provide humanitarian protection and assistance for victims of war.

Its officials are able to visit prisoners at Guantánamo under the kind of arrangement the committee has made with governments for decades. In exchange for exclusive access to the prison camp and meetings with detainees, the committee has agreed to keep its findings confidential. The findings are shared only with the government that is detaining people.

Beatrice Mégevand-Roggo, a senior Red Cross official, said in an interview that she could not say anything about information relayed to the United States government because "we do not comment in any way on the substance of the reports we submit to the authorities."

Ms. Mégevand-Roggo, the committee's delegate-general for Europe and the Americas, acknowledged that the issue of confidentiality was a chronic and vexing one for the organization. "Many people do not understand why we have these bilateral agreements about confidentiality," she said. "People are led to believe that we are a fig leaf or worse, that we are complicit with the detaining authorities."

She added, "It's a daily dilemma for us to put in the balance the positive effects our visits have for detainees against the confidentiality."

Antonella Notari, a veteran Red Cross official and



spokeswoman, said that the organization frequently complained to the Pentagon and other arms of the American government when government officials cite the Red Cross visits to suggest that there is no abuse at Guantánamo. Most statements from the Pentagon in response to queries about mistreatment at Guantánamo do, in fact, include mention of the visits.

In a recent interview with reporters, General Hood, the commander of the detention and interrogation facility at Guantánamo, also cited the committee's visits in response to questions about treatment of detainees. "We take everything the Red Cross gives us and study it very carefully to look for ways to do our job better," he said in his Guantánamo headquarters, adding that he agrees "with some things and not others."

"I'm satisfied that the detainees here have not been abused, they've not been mistreated, they've not been tortured in any way," he said.

Scott Horton, a New York lawyer, who is familiar with some of the Red Cross's views, said the issue of medical ethics at Guantánamo had produced "a tremendous controversy in the committee." He said that some Red Cross officials believed it was important to maintain confidentiality while others believed the United States government was misrepresenting the inspections and using them to counter criticisms.

Mr. Horton, who heads the human rights committee of the Bar Association of the City of New York, said the Red Cross committee was considering whether to bring more senior officials to Washington and whether to make public its criticisms.

The report from the June visit said the Red Cross team found a far greater incidence of mental illness produced by stress than did American medical authorities, much of it caused by prolonged solitary confinement. It said the medical files of detainees were "literally open" to interrogators.

The report said the Biscuit team met regularly with the medical staff to discuss the medical situations of detainees. At other times, interrogators sometimes went directly to members of the medical staff to learn about detainees' conditions, it said.

The report said that such "apparent integration of access to medical care within the system of coercion" meant that inmates were not cooperating with doctors. Inmates learn from their interrogators that they have knowledge of their medical histories and the result is that the prisoners no longer trust the doctors.

Asked for a response, the Pentagon issued a statement saying, "The allegation that detainee medical files were used to harm detainees is false." The statement said that the detainees were "enemy combatants who were fighting against U.S. and coalition forces."



"It's important to understand that when enemy combatants were first detained on the battlefield, they did not have any medical records in their possession," the statement continued. "The detainees had a wide range of pre-existing health issues including battlefield injuries."

The Pentagon also said the medical care given detainees was first-rate. Although the Red Cross criticized the lack of confidentiality, it agreed in the report that the medical care was of high quality.

Leonard S. Rubenstein, the executive director of Physicians for Human Rights, was asked to comment on the account of the Red Cross report, and said, "The use of medical personnel to facilitate abusive interrogations places them in an untenable position and violates international ethical standards."

Mr. Rubenstein added, "We need to know more about these practices, including whether health professionals engaged in calibrating levels of pain inflicted on detainees."

The issue of whether torture at Guantánamo was condoned or encouraged has been a problem before for the Bush administration.

In February 2002, President Bush ordered that the prisoners at Guantánamo be treated "humanely and, to the extent appropriate with military necessity, in a manner consistent with" the Geneva Conventions. That statement masked a roiling legal discussion within the administration as government lawyers wrote a series of memorandums, many of which seemed to justify harsh and coercive treatment.

A month after Mr. Bush's public statement, a team of administration lawyers accepted a view first advocated by the Justice Department that the president had wide powers in authorizing coercive treatment of detainees. The legal team in a memorandum concluded that Mr. Bush was not bound by either the international Convention Against Torture or a federal antitorture statute because he had the authority to protect the nation from terrorism.

That document provides tightly constructed definitions of torture. For example, if an interrogator "knows that severe pain will result from his actions, if causing such harm is not his objective, he lacks the requisite specific intent even though the defendant did not act in good faith," it said. "Instead, a defendant is guilty of torture only if he acts with the express purpose of inflicting severe pain or suffering on a person within his control."

When some administration memorandums about coercive treatment or torture were disclosed, the White House said they were only advisory.

Last month, military guards, intelligence agents and others described in interviews with The Times a range of procedures that they said were highly abusive occurring over a long period, as well as rewards for prisoners who cooperated with interrogators. The people who worked at



Camp Delta, the main prison facility, said that one regular procedure was making uncooperative prisoners strip to their underwear, having them sit in a chair while shackled hand and foot to a bolt in the floor, and forcing them to endure strobe lights and loud rock and rap music played through two close loudspeakers, while the air-conditioning was turned up to maximum levels.

Some accounts of techniques at Guantánamo have been easy to dismiss because they seemed so implausible. The most striking of the accusations, which have come mainly from a group of detainees released to their native Britain, has been that the military used prostitutes who made coarse comments and come-ons to taunt some prisoners who are Muslims.

But the Red Cross report hints strongly at an explanation of some of those accusations by stating that there were frequent complaints by prisoners in 2003 that some of the female interrogators baited their subjects with sexual overtures.

Gen. Geoffrey Miller, who commanded the detention and intelligence operation at Guantánamo until April, when he took over prison operations in Iraq, said in an interview early this year about general interrogation procedures that the female interrogators had proved to be among the most effective. General Miller's observation matches common wisdom among experienced intelligence officers that women may be effective as interrogators when seen by their subjects as mothers or sisters. Sexual taunting does not, however, comport with what is often referred to as the "mother-sister syndrome."

But the Red Cross report said that complaints about the practice of sexual taunting stopped in the last year. Guantánamo officials have acknowledged that they have improved their techniques and that some earlier methods they tried proved to be ineffective, raising the possibility that the sexual taunting was an experiment that was abandoned.

<http://www.nytimes.com/2004/11/30/politics/30gitmo.html?ex=1102786607&ei=1&en=4e97f0b753cbf66f>

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**Sender:** Gilfoyle, Nathalie </O=APA/OU=DC/CN=RECIPIENTS/CN=NPG>  
**Sent:** Monday, December 20, 2004 6:58:07 PM  
**Recipient:** Behnke, Stephen <sbehnke@apa.org>  
**Subject:** RE: Amicus Brief: Psychological Effects of Indefinite Confinement

---

sounds like we would want to know that?

-----Original Message-----

**From:** Behnke, Stephen  
**Sent:** Monday, December 20, 2004 3:41 PM  
**To:** Gilfoyle, Nathalie  
**Subject:** FW: Amicus Brief: Psychological Effects of Indefinite Confinement

**Gregg is very smart and very aggressive--this message makes me wonder what he's found.**

-----Original Message-----

**From:** M. Gregg Bloche **PRIVACY REDACTION**  
**Sent:** Monday, December 20, 2004 3:31 PM  
**To:** Behnke, Stephen  
**Subject:** Re: Amicus Brief: Psychological Effects of Indefinite Confinement

Disappointing, but thanks, Steve, for exploring this & for getting back to me. Glad to get together some time and to learn about what you've been up to.

BTW, we'll have a piece on docs & interrogation (at Gitmo & Abu G) coming out in the Jan. 6 NEJM. I'm learning much more about the role of psychologists than I was able to put in this piece -- happy to talk to you about it sometime.

Best,

Gregg

Behnke, Stephen wrote:

Dear Gregg,

I have run this by the relevant people here, who said that there simply isn't time to have the necessary groups review for APA to sign on. APA has a rather byzantic structure, and I've been told that a sign-on for such a brief would require at least three tiers of review, in addition to identifying people within the organization with the relevant expertise who would have the time to read and make a recommendation.

Sorry about this, but I think this particular topic will be around for discussion for a considerable time to come.

I hope you're well--let's get together,

Steve

-----Original Message-----



**From:** M. Gregg Bloche **PRIVACY REDACTION**  
**Sent:** Friday, December 17, 2004 4:38 PM  
**To:** Behnke, Stephen  
**Subject:** Amicus Brief: Psychological Effects of Indefinite Confinement

Dear Steve,

Human Rights First (formerly the Lawyers Committee for Human Rights) is preparing an amicus brief in the Hamdan case, on the medical/psychological consequences of indefinite confinement.

They're very interested in the possibility of APA signing on, and I've volunteered to be a go-between to raise this possibility. This is an important issue, and APA's participation could have substantial impact. Below is a brief summary (from Human Rights First) of the brief (followed by contact info for the HRF staffer who is coordinating the brief). Timing is short -- a draft of the brief will be ready by early next week, and it needs to be filed, I think, by the end of next week. I think this would be a great thing for APA to do. Please let me know if you have any questions I might be able to address.

Best,

Gregg

Background:

Hamdan is a Yemeni citizen who was captured in Afghanistan in late 2001. He was taken to Guantanamo Bay in early 2002, where he has been detained ever since. In July 2003, President Bush designated him, among others, as subject to trial by military commission. His trial started in August 2004. Recently released documents reveal that Hamdan allegedly has been beaten, threatened and kept in isolation for upwards of eight months. Hamdan's military lawyer, Navy Lt. Cmdr. Charles Swift, filed a lawsuit in federal district court in April 2004, seeking Hamdan's release from solitary confinement and the commissions unlawful.

On November 8, 2004, we had a favorable ruling by Judge Robertson in the D.C. District Court. The Government has appealed Judge Robertson's ruling to the D.C. Circuit Court. Hamdan's lawyers have filed an emergency appeal to the U.S. Supreme Court asking it to hear the case directly without waiting for the D.C. Circuit Court to hear arguments and issue a decision. **We are planning to submit two versions of the amicus brief-one, to the Supreme Court in support of the Court granting an expedited review of the case, and second to the D.C. Circuit Court (in the event that the Supreme Court decides not to hear the case at this time).**

Argument summary of brief



The amicus brief we are writing will argue that in light of the physical and psychological toll of prolonged detention with no certainty of one's fate, a speedy resolution is critical--especially in this case, where the conditions of confinement are very harsh and the danger of abuse and possibly torture are quite real. The brief will have four parts. The first part will be a statement of the case and establish the standard for expedited review. The second section will detail the profound negative physical and psychological consequences of indefinite detention. The third section will describe the harsh conditions at Guantanamo. The final section will argue that Hamdan is at risk of torture and abuse.

Priti Patel

Helton Fellow

U.S. Law and Security Program

Human Rights First

**PRIVACY REDACTION**

[REDACTED]

[REDACTED]



**Sender:** Ronald F. Levant, Ed.D, M.B.A., ABPP [REDACTED]  
**Sent:** Wednesday, December 22, 2004 1:36:55 PM  
**Recipient:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Cc:** O'Brien, Maureen </O=APA/OU=DC/CN=RECIPIENTS/CN=MAO>  
**Subject:** RE: Psychology, Ethics, and National Security

---

Hi Steve. What groups will want representation? .What we sometimes do is ask such groups to fund their own members. But go ahead and write it for that and if these groups pay for their members to attend, we can cut it down.

Best  
Ron

Ronald F. Levant, Ed.D., M.B.A., ABPP  
Dean and Professor  
Center for Psychological Studies  
Nova Southeastern University  
3301 College Avenue  
Ft. Lauderdale, FL 33314

[REDACTED]

[www.DrRonaldLevant.com](http://www.DrRonaldLevant.com) website

President-Elect, American Psychological Association, 2004  
"Making Psychology a Household Word"

-----Original Message-----

**From:** Behnke, Stephen [mailto:sbehnke@apa.org]  
**Sent:** Wednesday, December 22, 2004 11:46 AM  
**To:** Ron Levant [REDACTED]  
**Cc:** O'Brien, Maureen  
**Subject:** RE: Psychology, Ethics, and National Security

Hi Ron,

It seems that the funds allocated, \$7500, would allow for a rather small group--six people--to meet over two and one half days. Given that several groups will want representation on the task force, I would suggest that we expand the number to 10, and ask for \$12,500. (I also think it makes sense to have a conference call before the face-to-face meeting, in order to discuss the agenda, which will make a more efficient use of our time.)

If this sounds okay to you, I will begin to work on the agenda item with Maureen.

Thank you,

Steve



**Sender:** Gerry Koocher [REDACTED]  
**Sent:** Wednesday, January 05, 2005 8:47:38 AM  
**Recipient:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Cc:** Ronald F. Levant, Ed.D., M.B.A., ABPP [REDACTED]; Gerry Koocher  
[REDACTED]; Farberman, Rhea K.  
</O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>; Gilfoyle, Nathalie  
</O=APA/OU=DC/CN=RECIPIENTS/CN=NPG>  
**Subject:** Re: [APABODEMG] FW: [aftalist] Psychologists and Psychiatrists Advise  
Military on How Best to Torture

---

Right!  
We should probably simply repeat same until "evidence" of anything becomes public in 2055.  
Regards,  
Gerry

Behnke, Stephen wrote:

Hi Ron,

I've pasted below the statement that APA has written. I think it captures Gerry's #3; I'm not sure what there would be to add right at the moment. I wonder if the better part of valor isn't to sit tight, watch for what facts emerge, and in the meanwhile I'll draft the board item so that we'll be good to go when the Board reviews the item at its meeting.

Steve

**Contact: Office of Public Affairs**  
**(202) 336-5700**  
[public.affairs@apa.org](mailto:public.affairs@apa.org)

**Statement of the American Psychological Association**  
**Released Friday, December 3, 2004**

(Washington, DC) --- Recent reports in the media concerning interrogation activities at Guantanamo Bay and Abu Ghraib prison have raised questions about the involvement of psychologists and the use of psychology related to these activities. The American Psychological Association (APA) is concerned whenever questions concerning the ethical behavior of psychologists and appropriate use of psychology are raised. The Association's Bylaws state that APA seeks to advance psychology "by the establishment and maintenance of the highest standards of professional ethics and conduct" of its members, and APA vigorously promotes the ethical practice of psychology in numerous ways: by educating psychologists and the public about the profession's ethics, by consulting with psychologists about ethical dilemmas, and by adjudicating ethics complaints.

In response to the media reports, it is important to be mindful that ethical analyses are highly dependent on knowing the facts and circumstances surrounding



a behavior. At the present time, our knowledge of what occurred and psychologists' roles is extremely limited. As a consequence, it is necessary for all the relevant facts and circumstances to emerge before we are able to assess the ethical aspects of what took place.

In addition, the APA Ethics Code addresses activities that have been long standing components of the discipline, such as therapy, assessment, research, training, and publication. Psychology, along with other mental health professions, has given less attention to the potential ethical issues raised by investigations related to national security. The APA has promoted and will continue to promote the highest standards of professional ethics and conduct by enforcing its ethics code and by ensuring that its ethical standards adequately speak to less familiar areas of practice. Toward this end, the APA is seeking to understand what roles psychologists are asked to assume in national security-related endeavors, is exploring whether our current Ethics Code adequately addresses such activities, and is engaging in ongoing discussions with psychologists involved in this work to determine whether the APA has given adequate ethical guidance for their work-related activities.

# # #

-----Original Message-----

**From:** Ronald F. Levant, Ed.D., M.B.A., ABPP [REDACTED]  
**Sent:** Tuesday, January 04, 2005 6:16 PM  
**To:** 'Gerry Koocher'; Behnke, Stephen  
**Cc:** 'Ronald F. Levant, Ed.D, M.B.A., ABPP'; Farberman, Rhea K.; Gilfoyle, Nathalie  
**Subject:** RE: [APABODEMG] FW: [aftalist]Psychologists and Psychiatrists Advise Military on How Best to Torture

Steve &Gerry: Gerry's # 3 seems like the best option. Let's run it by Rhea and Nathalie, who I am cc-ing.  
Ron

Ronald F. Levant, Ed.D., A.B.P.P., M.B.A.  
Dean and Professor  
Center for Psychological Studies  
Nova Southeastern University  
3301 College Avenue  
Ft. Lauderdale, FL 33314  
[REDACTED]

Website: DrRonaldLevant.com

President, American Psychological Association, 2005  
"Making Psychology a Household Word"

-----Original Message-----

**From:** Gerry Koocher [REDACTED]  
**Sent:** Tuesday, January 04, 2005 1:22 PM  
**To:** Behnke, Stephen  
**Cc:** Ronald F. Levant, Ed.D, M.B.A., ABPP  
**Subject:** Re: [APABODEMG] FW: [aftalist]Psychologists and Psychiatrists Advise



Military on How Best to Torture

I agree.

That's why I was trying to suggest #3 (below); that is, APA cannot respond to undocumented allegations and is not in any position to start an investigation.

Gerry

Behnke, Stephen wrote:

Gerry,

The questions you pose raise two very broad issues:

- 1) APA response when allegations arise in the media that psychology may have been used in potentially unethical ways;
- 2) the nature and tenor of APA's response when a) the exact behavior is uncertain; b) the identities of the actors are uncertain; 3) the contours of what would be considered ethical or unethical are uncertain.

I agree completely that we can't get bent out of shape in the absence of hard data. Also, I think we need to remain mindful that any statements that APA issues on this subject will be closely read by our colleagues in Division 19, who are especially sensitive to (the appearance of) ethical judgments in the absence of hard data about what has actually occurred.

Steve

-----Original Message-----

**From:** Gerry Koocher [REDACTED]

**Sent:** Tuesday, January 04, 2005 12:23 PM

**To:** Behnke, Stephen

**Cc:** Ronald F. Levant, Ed.D, M.B.A., ABPP

**Subject:** Re: [APABODEMG] FW: [aftalist]Psychologists and Psychiatrists Advise Military on How Best to Torture

Behnke, Stephen wrote:

Hi Ron,

**The report remains confidential. Please see the second and third paragraphs (in bold) from this press release from the International Red Cross:**

This leads to interesting and sensitive issues. For example;

- 1) Should APA express an interest in the documents to the NYTimes (which would probably decline, citing confidential sources)?
- 2) Should APA use FOIA (Freedom of Information Act) to seek non-confidential non-secret reports from federal sources (don't bet that any will be forthcoming)?
- 3) Should APA simply prepare (with Rhea's help) a renewed



expression of concern about "undocumented allegations," while expressing a willingness to look into the situation if/when appropriate documentation "becomes available."

Essentially, we can't get bent out of shape in the absence of hard data.

Gerry



**Sender:** Ronald F. Levant, Ed.D., M.B.A., ABPP **PRIVACY REDACTION**  
**Sent:** Monday, January 03, 2005 3:48:28 PM  
**Recipient:** Apabodemg <apabodemg@lists.apa.org>; Behnke, Stephen  
</O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Subject:** FW: [aftalist]Psychologists and Psychiatrists Advise Military on How Best to Torture

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FYI

We need to get our TF on national security up and running  
Steve?

Ronald F. Levant, Ed.D., A.B.P.P., M.B.A.  
Dean and Professor  
Center for Psychological Studies  
Nova Southeastern University

**PRIVACY REDACTION**

Website: [DrRonaldLevant.com](http://DrRonaldLevant.com)

President, American Psychological Association, 2005  
"Making Psychology a Household Word"

-----Original Message-----

**From:** AFTA Members [mailto:[aftalist@afta.org](mailto:aftalist@afta.org)] **On Behalf Of** Anne Bernstein  
**Sent:** Monday, January 03, 2005 2:51 PM  
**To:** AFTA Members  
**Subject:** [aftalist]Psychologists and Psychiatrists Advise Military on How Best to Torture

Dear fellow AFTA members,

I am enclosing a copy of an article that ran in Saturday's New York Times. The paragraph below is at the end of the article, but it's the part that I most want to bring to your attention. As mental health professionals, I think it is critical that we use all available platforms to decry the use of psychological knowledge and skills to contribute to torture. I am sending this in the hope of activating not only AFTA, but any other professional organizations of which we may be members, to publicly denounce this criminal distortion of our profession.

With best wishes for a better year,  
Anne Bernstein

"The interrogators also discussed another factor in the Red Cross report, the use of a Behavioral Science Consultation Team, known as Biscuit, comprising a psychologist or psychiatrist and psychiatric workers. The team was used to suggest ways to make prisoners more cooperative in interrogations."

"They were supposed to help us break them down," one said.



The article below from NYTimes.com  
has been sent to you by **Anne Bernstein**

## Fresh Details Emerge on Harsh Methods at Guantánamo

January 1, 2005

By NEIL A. LEWIS

WASHINGTON, Dec. 31 - Sometime after Mohamed al-Kahtani was imprisoned at Guantánamo around the beginning of 2003, military officials believed they had a prize on their hands - someone who was perhaps intended to have been a hijacker in the Sept. 11 plot.

But his interrogation was not yielding much, so they decided in the middle of 2003 to try a new tactic. Mr. Kahtani, a Saudi, was given a tranquilizer, put in sensory deprivation garb with blackened goggles, and hustled aboard a plane that was supposedly taking him to the Middle East.

After hours in the air, the plane landed back at the United States naval base at Guantánamo Bay, Cuba, where he was not returned to the regular prison compound but put in an isolation cell in the base's brig. There, he was subjected to harsh interrogation procedures that he was encouraged to believe were being conducted by Egyptian national security operatives.

The account of Mr. Kahtani's treatment given to The New York Times recently by military intelligence officials and interrogators is the latest of several developments that have severely damaged the military's longstanding public version of how the detention and interrogation center at Guantánamo operated.

Interviews with former intelligence officers and interrogators provided new details and confirmed earlier accounts of inmates being shackled for hours and left to soil themselves while exposed to blaring music or the insistent meowing of a cat-food commercial. In addition, some may have been forcibly given enemas as punishment.

While all the detainees were threatened with harsh tactics



if they did not cooperate, about one in six were eventually subjected to those procedures, one former interrogator estimated. The interrogator said that when new interrogators arrived they were told they had great flexibility in extracting information from detainees because the Geneva Conventions did not apply at the base.

Military officials have gone to great lengths to portray Guantánamo as a largely humane facility for several hundred prisoners, where the harshest sanctioned punishments consisted of isolation or taking away items like blankets, toothpaste, dessert or reading material. Maj. Gen. Geoffrey D. Miller, who was the commander of the Guantánamo operation from November 2002 to March 2004, regularly told visiting members of Congress and journalists that the approach was designed to build trust between the detainee and his questioner.

"We are detaining these enemy combatants in a humane manner," General Miller told reporters in March 2004. "Should our men or women be held in similar circumstances, I would hope they would be treated in this manner."

His successor, Brig. Gen. Jay W. Hood, told reporters in November that he was "satisfied that the detainees here have not been abused, they've not been mistreated, they've not been tortured in any way."

Journalists who were permitted to view an interview session from behind a glass wall during General Hood's tenure were shown an interrogator and detainee sharing a milkshake and fries from the base's McDonald's and appearing to chat amiably. It became apparent to reporters comparing notes in August, however, that the tableau of the interrogator and prisoner sharing a McDonald's meal was presented to at least three sets of journalists.

In addition to the account of Mr. Kahtani's treatment, the new interviews provide details and confirm some of the accounts in other recent disclosures about procedures at Guantánamo: the November report in which the International Committee of the Red Cross complained privately last summer to the United States government that the procedures at Guantánamo were "tantamount to torture"; memorandums from F.B.I. officials, most of which were released in December as part of a lawsuit brought by the American Civil



Liberties Union; and another set of interviews with The Times in October in which other former Guantánamo officials described coercive and abusive techniques regularly employed there.

The information from the various sources frequently matched, providing corroboration of the use of specific procedures, which included prolonged sleep deprivation and shackling prisoners in uncomfortable positions for many hours. One F.B.I. agent wrote his superiors that he saw such restraining techniques several times. In the most gruesome of the bureau memorandums, he recounted observing a detainee who had been shackled overnight in a hot cell, soiled himself and pulled out tufts of hair in misery.

Military officials who participated in the practices said in October that prisoners had been tormented by being chained to a low chair for hours with bright flashing lights in their eyes and audio tapes played loudly next to their ears, including songs by Lil' Kim and Rage Against the Machine and rap performances by Eminem.

In a recent interview, another former official added new details, saying that many interrogators used a different audio tape on prisoners, a mix of babies crying and the television commercial for Meow Mix in which the jingle consists of repetition of the word "meow."

The people who spoke about what they saw or whose duties made them aware of what was occurring said they had different reasons for granting interviews. Some said they objected to the methods, others said they objected to what they regarded as a chaotic and badly run system, while others offered no reason. They all declined to be identified by name, some saying they feared retaliation.

Lt. Col. Leon H. Sumpter, the spokesman for the military command at Guantánamo, said in a statement that officials would not comment on accusations about the treatment of any individual detainee including Mr. Kahtani, who was captured in Afghanistan.

"We do not discuss specific interrogation techniques nor do we identify any specific detainee," Colonel Sumpter said in a statement. "All detainees are safeguarded and are assured



food, drink, clothing, shelter, health care and basic rights, all in accordance with the Geneva Convention. The U.S. does not permit, tolerate or condone torture by any of its personnel or employees."

Colonel Sumpter said that the interrogation regimen at Guantánamo had produced useful intelligence "based on trust and not out of fear or duress."

The intelligence officials who spoke with The Times said that the interrogation personnel and their assigned prisoners were divided into five groups. Four were geographically based - one for Saudi Arabia, one for the Gulf States, another for Pakistan and Afghanistan and the last for Asia, Europe and the Americas. The fifth, termed "special projects," included Mr. Kahtani.

There was a high confidence among military intelligence officials that Mr. Kahtani was a dangerous operative of Al Qaeda. The federal commission investigating the Sept. 11 attacks concluded in its June report that he was denied entry into the United States on Aug. 4, 2001, at the Orlando airport, the same day that Mohamed Atta, the plot's ringleader, was there and most likely intended to meet him.

The officials who spoke about the detainees' treatment said, however, that very few of the other prisoners had much value. "So much of the questioning was about Afghanistan," one intelligence official said. "Most of it was dated. Information about facilitators and recruiters was useful only in style, not in facts."

The clearest indication that senior commanders at Guantánamo were aware of and supported what was occurring may be in some F.B.I. memorandums. One, dated May 10, 2003, and written by an unidentified agent, describes a sharp exchange between bureau officials and General Miller and Maj. Gen. Michael Dunlavey, who was in charge of the intelligence operations at Guantánamo then.

"Both sides agreed that the bureau has its way of doing things and the D.O.D. has their marching orders from SecDef," the memorandum said, using abbreviations for the



Department of Defense and the secretary of defense.  
"Although the two techniques differed drastically, both generals believed they had a job to do."

The frustration caused by Mr. Kahtani's refusal to cooperate set off a high-level review of allowable interrogation techniques, according to documents released earlier by the Pentagon. After officials at Guantánamo asked for more leeway in dealing with Mr. Kahtani, Defense Secretary Donald H. Rumsfeld in December 2002 approved a list of 16 techniques for use there in addition to the 17 methods in the Army Field Manual. He suspended those approvals the next month after some Navy lawyers complained that they were excessive and possibly illegal. But after a review, Mr. Rumsfeld issued a final policy in April 2003, approving 24 techniques, some of which needed his permission to be used.

None of the approved techniques, however, covered some of what people have now said occurred. Mr. Kahtani was, for example, forcibly given an enema, officials said, which was used because it was uncomfortable and degrading.

Pentagon spokesmen said the procedure was medically necessary because Mr. Kahtani was dehydrated after an especially difficult interrogation session. Another official, told of the use of the enema, said, however, "I bet they said he was dehydrated," adding that that was the justification whenever an enema was used as a coercive technique, as it had been on several detainees.

In order to carry on the charade that he was not at Guantánamo, the military arranged it so Mr. Kahtani was not visited by the Red Cross on a few of its regular visits, creating a window of several months, said a person who dealt with him at Guantánamo. Officials at the Washington office of the Red Cross, which makes periodic visits to each of the Guantánamo detainees, said they would not discuss their meetings with any prisoners as part of their agreement with the United States government.

Two interrogators confirmed several of the complaints in the Red Cross report, including the notion that interrogators were able to obtain prisoners' medical records easily, which human rights groups say could discourage inmates from seeking medical care. The



interrogators also discussed another factor in the Red Cross report, the use of a Behavioral Science Consultation Team, known as Biscuit, comprising a psychologist or psychiatrist and psychiatric workers. The team was used to suggest ways to make prisoners more cooperative in interrogations.

"They were supposed to help us break them down," one said.

The same former interrogator said the Red Cross report was correct in asserting that some female interrogators used sexual taunts to harass the detainees.

It is unclear whether the Justice Department's new, broader definition of torture, posted on the department's Web site late Thursday, would have affected operations at Guantánamo.

<http://www.nytimes.com/2005/01/01/national/01gitmo.html?ex=1105607689&ei=1&en=a7e9ba76af259d7a>

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## **Psychology's Response to Terrorism<sup>1</sup>**

Ronald F. Levant  
Nova Southeastern University

Laura Barbanel  
Brooklyn College

Patrick H. DeLeon  
Former President  
American Psychological Association

Chapter for Marsella, Moghaddam, and Bandura (Eds.). International terrorism and terrorists: Psychosocial perspectives. Washington, DC: American Psychological Association Books.

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<sup>1</sup> Some of the material in this chapter has been adapted from Levant, R.F. (2002). Psychology responds to terrorism. Professional Psychology: Research and Practice, 33, 507-509. Copyright 2002, by the American Psychological Association, reprinted by permission.



President George W. Bush has said that the United States is at war with terrorism. The nature of this war is fundamentally psychological. The aim of the terrorists is to create crippling fear and psychological debilitation in the populace in order to force the U.S. to submit to the terrorists' demands.

The psychological impact has been very significant. We all felt and still feel to some extent the shock and grief that came in the immediate aftermath of the attacks on 9/11. Months after the attack we began to experience the worst of the trauma responses to the attacks. In addition there are continuing fears resulting from the spate of anthrax incidents and the specter of biological and chemical terrorism. We also have the copycats, hoax perpetrators, and domestic terrorists (e.g, the mailing to family planning clinics of suspicious, but thankfully not anthrax infected, envelopes). More recently we have been warned that suicide bombings in public places such as those that occur in Israel will occur here, that our national landmarks may be attacked, as may nuclear power plants, hazardous chemical plants, and the water and food supply. In May 2002, Vice President Dick Cheney told us that it is not a matter of "if", but "when" we will be attacked again. In addition to these very serious threats, the daily fabric of our life is being disrupted. As some have said, the terrorists are putting sand into the gears of every day life. U.S. citizens now have to cope with increased difficulties and disruptions in air travel, postal deliveries, airport and building evacuations, and the like. Clearly, the psychological toll of this war is likely to be considerable.

The authors have long argued for psychology's involvement in informing the public policy process on the grounds that we have much science-based expertise to offer to the formulation of public policy on a range of matters, including terrorism (e.g., DeLeon, 1998;



DeLeon, in press; DeLeon, Eckert & Wilkins in press; Lorion, Iscoe, DeLeon, & VandenBos, 1996; Martinez, Ryan, & DeLeon, 1995). Given the psychological nature of terrorism, it is clear that psychology has a major role to play in the national effort to counteract it. The American Psychological Association (APA) has been very active in responding to the terrorist attacks of September 11, 2001. In this chapter we will discuss, in turn: APA's efforts to address the threat of terrorism; APA's efforts to address the impact of terrorism; The APA Board of Directors' Resolution on Terrorism; Disaster response: A first person account; and Promoting resilience in response to terrorism: A review of the literature.

On September 19, 2001, the APA Board of Directors held a conference call, at which the major items for discussion was the terrorist attacks on September 11, and which resulted in the establishment of a Board Subcommittee on Psychology's Response to Terrorism. The mission of the Subcommittee was to look at what psychologists can contribute to the efforts to address both the threat as well as the impact of terrorism, and thus be a key element of the response. The members of the Subcommittee were Ronald F. Levant, Chair, Laura Barbanel, Nate Perry, Derek Snyder, Kurt Salzinger, Cynthia Belar, Rhea Farberman, Russ Newman, Henry Tomes, Gary VandenBos.

### Addressing The Threat of Terrorism

Psychology played significant roles in the war efforts during both World Wars of the last century, contributing scientific knowledge and expertise in such areas as officer-candidate selection, visual perception, and ergonomics. So too, psychology can contribute scientific knowledge and expertise to the goal of ending terrorism. Contributions can be found in the foundational areas of the discipline such as social psychology and its work on malignant attitude formation, such as



prejudice and fanaticism. Contributions can also be found in the more applied areas such as international psychology, peace psychology, conflict resolution, multicultural psychology, the psychology of religion, military psychology, and the psychology of criminal justice. The Subcommittee on Psychology's Response to Terrorism assembled lists of potential contributors and wrote to the presidents of APA divisions asking them to help identify their members who might be conducting research which has relevance to the anti-terrorism effort. Dozens of colleagues wrote back with offers of help or suggestions of other experts. We also decided that it would be appropriate to learn what might be of genuine assistance to key policy- and decision-makers. Hence we networked with psychologists working in mission critical governmental departments such as Defense, State, the FBI, etc., and have had requests for assistance from several of these agencies. On February 28, 2002 an invitational conference titled "Countering Terrorism: Integration of Practice and Theory" was held at the FBI academy in Quantico, Virginia with 70 participants, about half of whom were APA member psychologists and half were law enforcement personnel. On March 1, 2002, APA staff arranged for a day of informal meetings between psychological scientists and senior staff of the Senate and House Science committees, to raise awareness of the relevance of psychological science to countering terrorism. The APA Council of Representatives approved funding for additional Congressional Science briefings on terrorism in 2002, so these efforts will continue.

#### Addressing The Impact of Terrorism

With regard to addressing the impact of terrorism, the APA Practice Directorate's Disaster Response Network has been working hand in glove with the American Red Cross in responding to the needs at the World Trade Center, the Pentagon, Pennsylvania, California, and



elsewhere across the nation. This effort will be discussed in more detail below, from the perspective of one of the authors who participated as a member of the Disaster Response Network in New York (Barbanel). The APA staff have also posted on APA's website a host of wonderful materials on coping with trauma, stress, anxiety, grief, as well as helping children to cope. There was also information about psychologist's self-care, which stressed the need for members to monitor themselves for signs of caretaker trauma. In addition the APA Committee on Colleague Assistance developed a document for the website titled "Tapping your resilience in the wake of terrorism," which offers guidance to practitioners on coping with the challenges of working with patients in the aftermath of the terrorist attacks. We have also looked at what psychologists might contribute to addressing the rising number of anti-Islamic and anti-Middle Eastern hate crime incidents, racial profiling and the erosion of civil liberties. The anthrax attack took on the character of workplace violence, and we looked at what psychologists might contribute to address that as well. We are aware that these events have different impacts on different segments of our pluralistic society (e.g., postal and mail-room employees are often ethnic minorities; older adults often have higher degree of resilience, etc.) and will take this into account as we move forward.

The Subcommittee also looked at the possibilities of insuring that psychological services are included in Senator Kennedy's Bioterrorism Preparedness Act and seeking to include psychology as a major participant in the new Homeland Security office.

To provide authorization for these activities, the APA Board of Directors took emergency action at its December 2001 meeting and adopted a resolution on Terrorism (Levant, 2002, p. 572).

#### Disaster Response: A First Person Account



This section provides a first person account of the disaster response effort in New York, written by the second author (Barbanel).

APA's Disaster Relief Network (DRN) and the New York State Psychological Association's DRN activated hundreds of psychologists who volunteered and worked on site and in the aftermath of the disaster, counseling families of victims, rescue workers, those who lost homes and those who lost jobs. APA, the National Mental Health Association (NMHA) and the Ad Council put together a series of public service ads such as "Talk with Your Kids," which advised parents that children might be frightened and what to do about it.

When the tragedy hit, individual psychologists sought to figure out where they could be of use. There was so much confusion in the first days, which, coupled with difficulties in communication, made it difficult to determine where one could be of use. Depending on the proximity to the WTC, phone lines, email and TV reception were affected in varying degrees. The second author was first asked to go to a police academy in lower Manhattan where there was a need for psychologists, but she could not make contact with them and could not get there. Bridges, tunnels and subways to Manhattan, were closed except to rescue workers. As a member of the DRN for some time and certified by the Red Cross, she was called to register at the Red Cross for this disaster and then told, "No, the need is somewhere else". When her email started to function, there were hundreds of emails from psychologists wanting to help. Some were able to get through the confusion and to help. Many were frustrated because they could not get through or, because of the confusion, had been turned down by the Red Cross. Others were looking for support in the form of colleague assistance. Still others were writing of their experiences at the various settings in which they were deployed.



Psychologists ended up working in a number of settings. There were shelters for displaced people, the *Compassion Center* which was set up for the families of individuals who were “lost”, *Service Centers* for people who were working at the WTC who needed economic and other help, as well as for people who were displaced from their homes because of the disaster, and the *Missing Person’s Hotline*, where thousands of people called to find out how to locate people and services.

The breadth of these experiences begins to demonstrate the breadth of this Disaster. The *Compassion Center* was one of the saddest. Set up in an Armory, here families of victims, people who were last seen in the WTC and were “lost”, came to look through hospital lists to see if perhaps their loved ones could be found. Rarely was anyone located. The hospitals in NYC had been on alert for emergency care. The doctors waited in vain. There weren’t many admissions because so many were “lost”, a euphemism for those who perished.

Psychologists have been involved in the providing of psychological services in disaster for some time. There are psychologists who consider themselves traumatologists and there is a movement to have a new division of APA that is made up of psychologists who study and work in the field of trauma. But the full range of psychology’s contribution to this disaster and its aftermath, to the recovery and to the healing, has yet to be recorded.

What did psychologists do? Not therapy as we know it, but “emotional first-aid” as it came to be named. Some families were very contained and did not wish any emotional help. Others sat down and wept and wanted contact. In the *Compassion Center*, a man from India asked me if Dr. Barbanell if she could speak to his young, pregnant wife about the loss of her brother. A worker asked Dr. Barbanell to speak to a young African-American man who was



looking for a woman who had at the time of the attack fallen down on the ground in front of him, told him she was not going to make it and given him her student ID card and her keys. Weeping, he told Dr. Barbanel that he felt he hadn't helped her enough. He was hoping to find that she had survived. In the meantime he was walking around with her keys and ID card.

In the armory the walls were totally filled with pictures of people who were lost, put up by family members who held out the hope that perhaps their loved ones had been seen by someone else. The pictures were all of happy occasions, a wedding, a boating trip, a father holding a child. They all seemed to be 28 years old. Many of the people looking were the parents of the victims. But there were wives and husbands and girlfriends and boyfriends. There were the representatives of various governments who were looking for their citizens who had been working in one of the towers. It would be their job to inform the families of the deaths.

For psychologists, working in this disaster was different from any work in previous disasters. The scale was larger than anyone had experienced before, the systems set up to deal with it involved more agencies and governmental bodies, both city, state and federal. In places there was overlap of services and in places there were gaps. All of the services were strained. Most importantly, it was clear that the psychologists working in it were affected in a very different way than other kinds of disasters. It was their disaster as well as the disaster of the people they sought to help. Rescue workers began to feel the emotional strain of seeing the gruesome and the macabre. There were bodies falling or jumping out of windows, the smell of incinerated flesh. It was difficult to work on site because communication broke down. Running water was not available at the beginning and there were threats of gas main explosions. The air was thick with smoke and debris. Chaos reigned.



In the midst of all of the chaos and what was described as evil were great acts of kindness and generosity. Food was sent in for rescue workers from all of the finest restaurants in NYC. A Red Cross worker who was at ground zero the day of the disaster described her role, which included passing out on a tray chocolate covered strawberries to rescue workers. She felt a bit odd about that aspect of her role. Clothing was donated by individuals and by shops. Money poured in for the families of the victims.

The headlines told of the large brokerage firms that “lost” thousands of people. Talking to immigrant parents of an only son who was lost, to the husband of a woman who perished and left three small children all under five, to the brother of a woman whose husband was lost and could not bear to come to this place, gave you yet another picture of this tragedy. Blue-collar workers also suffered. The Central Labor Council began to report that they were getting anxious calls from members who were out of work as a result of the Disaster. These were the cleaners and security guards and data clerks and secretaries. There were people who repair things and who wait outside in the limos that transport others that worked in the towers. There was no class, ethnic or racial group that was not represented. There were the nationals of other countries represented as well.

Responding to disaster was different than the responses psychologists have been typically trained to make. First of all, one needed to be sensitive as to whether to respond altogether. Some people wanted help and could ask for it. Others wanted to be left alone to find their own resources. Many, however, wanted help and could not reach out. To distinguish between the latter two types of people requires sensitivity that psychologists are rarely asked to have.

A young couple that Dr. Barbanell met in the *Service Center* is illustrative. The young



man approached to ask her if there was a psychologist available for his girlfriend who since the disaster had not been able to sleep, and when she slept she had nightmares. She did not eat and was not “getting on with her life”. She was glued to the TV and watching all of the reports. He thought that she should not be watching TV; that this was retraumatizing her. Dr. Barbanel sat down next to the couple on a group of folding chairs to talk. No real privacy, but somehow everybody in the room respected the island that the three of them created. The young woman was from South America and a recent medical school graduate. The two of them met in NY and have been living together since May. They had just moved into an apartment in the area of the WTC. On the morning of the 11<sup>th</sup>, the woman was walking out of her apartment when the planes struck. She was frozen to the spot as she watched what transpired. She saw people running and the buildings topple and she began to run also. The scene that kept repeating in her mind and that she described was of a firefighter falling down in front of her. She could not help him but waited with him until the EMS picked him up. She kept saying to herself “I am a doctor and I cannot help him”. It was this fact that was the most disturbing to her, the feeling of helplessness. She went over the scene several times. Dr. Barbanel pointed out to her that she had indeed helped him by staying with him until EMS arrived. She visibly relaxed. This was not therapy, but certainly therapeutic.

Eventually, one large *Service Center* was set up at Pier 94 on the Westside of Manhattan. Here a comprehensive set of services was made available. There were services for families of victims, people who lost their homes and people who lost their jobs. There was a special room for children with soft animals and mental health personnel to talk to them. There were chaplains, message therapists, and therapy dogs. As a psychologist on “the floor”, the job was to do what



somebody characterized as "active lurking". The trick is to be able to talk to somebody and know how to be interested without being intrusive. Not always easy for psychologists who typically have people come to their offices with a clearly defined task on hand.

Family members of the "lost" were taken on a ferry down to the site where a staging area was set up for viewing the devastation. There were flowers and teddy bears available as well as cards for family members to write notes to leave in the memorial area. As a "worker" the task was to hand these items out to the family members and to stop to chat as you did. On the boat one was asked to put on a hard hat and given goggles and a mask should one need it in the area.

At the special platform built at the site to see the devastation, many began to weep. A view of the site made it clear that nobody in there could survive. For families that had not found bodies, this brought both great pain and some kind of closure. There was also a memorial area where the flowers and other items could be left. Pictures, notes flowers and teddy bears were left there. The National Guardsmen that were in the footpath stood at attention and saluted. It was very moving.

Many of the families that were on the boat were extended family or family from out of town that had come in for memorials. They were the parents, aunts and uncles, cousins, friends. It was suggested that one "adopt" a family. Dr. Barbanel spent time with a family that consisted of two male cousins of a young man who was "lost" at ground zero. The three "boys", as the wives referred to them, had grown up together and were like brothers. They spoke about many things, from the skyline of NYC to the importance that this trip had to them. When they parted, they hugged Dr. Barbanel, saying that it had been a great "comfort" to them. Not the kind of work psychologists usually do, but definitely therapeutic.



Dr. Barbanel was impressed with the sensitivity and care with which these boat trips were designed, and with the people that executed it. There were boat trips from New Jersey with the families of Port Authority employees who had died and from the Brooklyn Navy Yard with the families of first responders who had perished. A woman who lost her husband of 17 years said after the experience at Pier 94 and the trip to the site, that this place “restored her faith in humanity” by the kindness that she experienced.

Many heroes emerged. The group that seemed to achieve the greatest reputation for heroism was firefighters. Firefighters, hardly noticed ordinarily by most people, became the symbol of romantic heroism in this tragedy. Dressed in all their gear, they did what they always do; serve the public to put out fires and to protect them. They also displayed support and loyalty to their comrades in a way that is particularly characteristic of firefighters. The romantic figure of the stockbroker or lawyer led way to the figure of the firefighter, prepared to protect and to rescue others. Police officers, who, over the last few years, have not been seen favorably, were admired for their bravery and the challenges of their work.

Less mentioned but certainly worthy, are other heroes such as the teachers and other school personnel who responded to the need immediately and in the post crisis phase. Teachers in the schools closest to the WTC had to lead their children to safety. In a cloud of smoke and debris the teachers of children as young as 4 and 5 linked hands with their students and led them the many blocks to safety. The principal and faculty of Stuyvesant High School, located near the site of the WTC, evacuated all of the 3,000 students from the school. Teachers walked students across the Brooklyn Bridge, the 59<sup>th</sup> St. Bridge, to Queens, uptown (Deutsch, 2001) The younger students, who had just started high school that week, some from other boroughs of the city, were



organized into groups to be helped to find their way. There were 8000 students in eight Manhattan schools that are in that area of the city. All of the children reached physical safety (American Teacher, 2001) The New York City Schools were closed the next day, but school psychologists and other pupil personnel staff attended special sessions on handling the emotional fallout for children, parents and staff. Psychologists in the schools were indeed in the forefront in their roles in the schools, where children and their parents needed help. The threat of bioterrorism and the need to develop resilience in children are issues that continue to need to be confronted.

One of the most touching experiences that Dr. Barbanel had was when she left the Red Cross headquarters late one night and was stopped by a police officer who asked her if she wanted a free taxi ride home. She told him that she was heading for Brooklyn. He said that was fine. In front of the Red Cross headquarters was a line of taxis standing, prepared to take people involved in this effort home. This was their volunteer service. Dr. Barbanel entered a cab driven by a Sheikh driver. His English was broken, but he wanted to tell his story and to hear hers. The Red Cross had debriefed her before that, but this was her real debriefing for the day.

Local universities set up special counseling units and hotlines for students who were displaced from their housing, or their classrooms or who could not get to classes because of transportation difficulties. Faculty at universities were asked to develop programs to help students, both in class and outside of the classroom. Students training to work in schools needed to know how to deal with children in the schools affected by the trauma. Trauma and grief experts were called in to schools, colleges and universities, and to businesses as they reopened. Programs were developed, assistance given, responses improvised. Workshops were developed



and provided for students and faculty at colleges. Psychologists who had not been previously trained to respond to trauma asked for training and the wherewithal to cope with the trauma that was all around them as well as their own secondary trauma.

Caretaker trauma began to be discussed. Psychologists started to set up “trainings” for themselves within weeks. Within days, an impromptu meeting, under the auspices of the New York State Psychological Association, of psychologists working in the disaster was set up. A panel was designed of a number of senior members (Dr. Barbanel included) of the DRN and people had an opportunity to speak and to listen.

Reactions to the attacks varied dramatically. Ayalon (1983), in a description of the Israeli experience of coping with terrorism, points to the dichotomization of response in victims between those who took on an attitude of resentment bordering on paranoid suspicions and those who took an altruistic, self-sacrificing attitude. Here also, for some the response was anger and the wish for revenge. For others an attitude of self-sacrifice and almost spiritual coping was prevalent. The latter seemed to be the more common attitude immediately post 9-11. New York City seemed to become a kinder gentler place. New Yorkers, known for their toughness and almost rudeness to strangers, were observed to be more considerate of each other. On a ride home on a crowded “F” train, the only one going to Brooklyn in those first days, Dr. Barbanel saw people make room for each other and give directions to other passengers who weren’t used to this subway line with an attitude of concern rarely demonstrated in the public arena in the city. It is an attitude that reverses the image of victim to one of rescuer. It changes the helplessness into hopefulness.

All disasters have as one of their defining characteristics unpredictability. Floods,



tornados and forest fires do not announce themselves. The randomness leaves people surprised, helpless and frequently hopeless. Technological disasters add another dimension of unpredictability, threat, terror, and horror (Austin, 1992). The Disaster of Sept. 11 has no precedent. Victims and others, who might not be at first described as victims, reported classic symptoms of expectable reactions after a terrorist attack. Recurring thoughts of the incident, fears, particularly of leaving home, inability to maintain usual routines, were all reported. A young woman who presented herself for help about a week after the event is an example. She described herself as being unable to resume her activities. She had been in the lobby of the WTC when the attack occurred, having arrived late to work. As debris began to fly around and people around her could not figure out what had happened or what to do, the security guards told them all to stay in the building rather than to leave. She did not feel these instructions were good ones, so she slipped out of the building, and through a series of circuitous adventures, managed to escape. She got home to Brooklyn and although physically safe, could not shake her fears and apprehension, her symptoms of acute stress reaction. Dr. Barbanel pointed out her ability to save herself, her resourcefulness. She starred at her in silence and after a moment said, "Thank you". Somehow this recognition of her own active engagement in her flight to safety diminished her sense of helplessness and helped to reduce her symptoms.

In addition to the usual complaints of sleeping and eating problems, grief, emotional numbing depression etc, there is the experience of this trauma as a persistent one. (LeDoux & Gorman, 2001) The magnitude, which has an enormous ripple effect, followed by continued threat of terrorism, including biological terrorism, and of war, and the continued admonishment by the authorities to "be on alert" has led to the experience of chronic anxiety for many.



The psychological devastation may not be known for months, perhaps years (Everly & Mitchell, 2001). Psychologists and other mental health providers continued and continue to provide counseling services for the victims, their families and others affected by the disaster. All kinds of *pro bono* and low cost services were set up and continue to operate. FEMA (Federal emergency Management Agency), the Red Cross and the Sept 11 Fund all set up funds and referral networks for victims to access mental health services. The psychological community organized *pro bono* and low-cost referral networks. Nonetheless, six months after the disaster, there was a newspaper report (Marshall, March 4,2002) of thousands of New Yorkers struggling with the psychological aftermath of the trauma and the difficulty they have had accessing mental health services. Six months after the disaster there is a still a heightened state of alertness with which all New Yorkers, perhaps all Americans live.

We have gone from disaster to anxieties and fears, some nagging and below the surface, others more clearly identifiable. Although there is some semblance of normalcy, there are mental health problems that are apparent and some yet to be seen. Some clinical vignettes that illustrate the state of mind are then the following:

- ❑ A firefighter of 15 years reports that he is uneasy crossing bridges with the large trucks that cross them, wondering what they may be carrying. He also worries about his wife and children. Asked if this affects his work of fighting fires, he states that it does not.
- ❑ A seven-year-old girl being seen for psychotherapy in NYC reports that there was a fire drill in her school and that she was scared, as were many of her classmates. This is not the reason that she began therapy
- ❑ A parent brings a child in to see a psychologist in California because he gets extremely



anxious and cannot sleep when he hears planes overhead, thinking that this is an attack.

- A young lawyer who was working near the site of the disaster and who for five months tells his therapist that he is fine, starts to have difficulty sleeping and nightmares when he falls asleep. He has started a new relationship with a woman who has asked him to tell her his story of Sept 11. He is meeting a lot of new people through her and has to retell his story many times.

This anxiety cuts across all levels of society, from the young stockbrokers and lawyers who ran from their offices to the security officers in the schools nearby who had to evacuate, to the dishwashers in the restaurants in the area. Undocumented aliens worry about getting deported, as do foreign students, some of whom have the added anxiety of being part of the group that is identified as the group out of which the terrorists came and who are therefore the recipient of rage. The same Muslim and Sheikh cabdrivers who were offering free rides are worried that people will hold them responsible for the attacks. (Purnik, 2001)

In the New York City subways there are ads that read: *“It’s normal to be anxious since Sept 11-lots of people are”* and then a telephone number is given to get a referral to talk to someone. There are also tips for people, like, *”Heroes talk”* or *“Speaking to family and friends can be helpful”*.

As many people continue to experience chronic anxiety, psychologists will need to know how to respond to this need, and to think about the impact of the aftermath on their work more broadly. We will need to respond to the chronic anxiety and fear in a way that is different than our more traditional work. It will involve developing greater understanding of resilience and how to foster its development.



### Promoting Resilience in Response to Terrorism

Like the school-yard bully, terrorism depends for its effect on being able to induce fear in its intended victims. To the extent that psychology can contribute to enhancing the resilience of our citizenry so that we react with less fear when terrorism strikes, we reduce not only the impact of terrorism but also the incentives for terrorists to engage in violent acts. Hence, there is a need for good information on psychological resilience, coping with disasters, and programs designed to help citizens deal with the continuing threat of terrorism.

It is vital that when we give psychology to the public that it is based on sound psychological research and good clinical judgement. We believe that our current situation is unprecedented and do not expect to find any studies addressing it directly. We have been advised by our science colleagues to look at the literature on psychological resilience, as well as the literature on terrorism in other countries (e.g., Northern Ireland, Israel) and on the response to natural disasters like hurricanes and earthquakes. In addition, stress inoculation programs and programs for dealing with acute and chronic stress and anxiety are likely to be of significant help in coping with threat of terrorist attack. We are also aware that different segments of our diverse society have different methods of coping and managing stress. Hence we need to keep the diverse needs of our pluralistic society uppermost in its mind as we develop information on programs.

Funding was recently approved for collaboration between APA and the American Psychological Foundation on an Integrated Science-Practice Task Force on Promoting Resilience in Response to Terrorism. The Task Force would develop information for psychologists and graduate students, State Psychological Associations, and external groups such as the National Mental Health Association on psychological resilience, coping with disasters, and on programs



that are most likely to help our citizens deal with the stress, anxiety and fear caused by terrorism. The work product would present a range of approaches/materials/information, leaving it up to the clinician to determine what fits best under the circumstances he or she faces. The focus would be on programs aimed at building strengths and promoting resilience and health.

To provide a scientific foundation for this effort, we conducted a literature search using APA's on-line search services in January, 2002, on the following topics: Terrorism, ethno-political warfare, ethnic or religious conflict or war; disasters; defining and measuring resilience and hardiness; resilience, hardiness, and promoting or enhancing resilience or hardiness; preventing PTSD, stress inoculation programs, and the efficacy of stress management programs. We will briefly summarize the salient findings.

#### Terrorism, Ethno-Political Warfare, Ethnic or Religious Conflict or War

The psychological literature on terrorism, ethno-political warfare, ethnic or religious conflict or war is sparse. Apart from the recent volume published by the American Psychological Association on ethnopolitical warfare (Chiro & Seligman, 2001), we were able to identify only a handful of articles and very little empirical research. We could only find several studies, and these were on the Oklahoma City bombing (e.g., Pfefferbaum, Gurwitch, McDonald, Leftwich, Sconzo, Messenbaugh, & Schultz, 2000; Pfefferbaum, Nixon, Tivis, Doughty, Pynoos, Gurwitch, & Foy, 2000). Most of the articles were review or conceptual papers dealing with such matters as the Holocaust (Suedfeld, 2000), the conflict in Northern Ireland (Cairns & Darby, 1998), the Israeli-Palestinian conflict (Rouhana & Bar-Tal, 1998), terrorism in Guatemala and Peru (Comas-Diaz, Lykes, & Alarcon, 1998), ethnic conflict in Sri Lanka (Rogers, Spencer, & Uyangoda, 1998) and



global psychology (Mays, Bullock, Rosenzweig, & Wessels, 1998; Mays, Rubin, Sabourin, & Walker, 1996). Needless to say this is an area in great need of research and development.

### Disasters

The psychological literature on disasters is much larger. The psychological sequelae of natural disasters has been studied with regard to hurricanes (Anthony, Lonigan, & Hecht, 1999; Bernard & Rothgeb, 2000; Dudley-Grant, Mendez, & Zinn, 2000; Jones, Frary, Cunningham, Weddle, & Kaiser, 2001; LaGreca, Silverman, Vernberg, & Prinstein, 1996; LaGreca, Silverman, & Wasserstein, 1998; Norris & Kaniasty, 1996; Thompson, Norris, & Hanacek, 1993; Vernberg, La Greca, Silverman, & Prinstein, 1996); tornadoes (McMillen, Smith, & Fischer, 1997); earthquakes (Knight, Gatz, Heller, & Bengtson, 2000; Nolen-Hoeksema & Morrow, 1991; Wiess, Marmar, Meltzer, & Ronfeldt, 1995; Wood, Bootzin, Rosenham, & Nolen-Hoeksema, 1992); and floods (Phifer, 1990). In addition human-made disasters have also been the subject of psychological study, including airline disasters (Butcher & Hatcher, 1988; Dougall, Herberman, Delahanty, Inslicht, & Baum, 2000; Jacobs, Quevillon, & Stricherz, 1990; McMillen, Smith, & Fischer, 1997; Williams, Solomon, & Bartone, 1988), bus accidents (Turner, 2000), ship sinkings (Lindeman, Saari, Verkasalo, & Prytz, 1996; Rosen, 1995), and mass killings (McMillen, Smith, & Fischer, 1997). Finally technological disasters and toxic accidents have also been the subject of study (Baum & Fleming, 1993; Baum, Gatchel and Schaeffer, 1983; Kronik, Akhmerov, & Speckhard, 1999). For an excellent overview of the development of the field of disaster mental health see Jacobs (1995).

Among the findings most relevant to our focus, namely promoting resilience in the face of terrorism, a number of variables have been identified as predictors of post-disaster



symptomatology. Weiss, et al. (1995) found that post-disaster symptomatology in adults (emergency service personnel) can be predicted by exposure to trauma, social support, experience (years on the job), locus of control, and dissociative tendencies. Dougall, et al. (2000) found that prior exposure to trauma that was dissimilar to the current trauma resulted in greater post-disaster symptomatology in adults (disaster personnel). Nolen-Hoeksema & Morrow (1991) found that post-disaster symptomatology in adults (college students) could be predicted by exposure, prior symptomatology, and a tendency toward rumination. Norris & Kaniasty (1996) found evidence for their social support deterioration deterrence model, which stipulates that post-disaster mobilization of support counteracts the deterioration in expectations of support often experienced by disaster victims. McMillen, et al. (1997) found that perceived benefit 4-6 weeks following exposure to disaster predicted post traumatic stress disorder 3 years later, and moderated the effect of severity of disaster exposure. With regard to children, LaGreca, et al. (1996) found that post-disaster symptomatology can be predicted by a model that includes five factors: Exposure to traumatic events during and after the disaster, demographic characteristics, occurrence of major life stressors, availability of social support, and coping strategies. Hence, although a range of predictive factors have been identified, the literature suggests that degree of exposure to the disaster, prior symptomatology, occurrence of major stressors in the aftermath of the disaster tend to be related to greater post-disaster symptomatology, and that personality resources and social support tend to ameliorate post-disaster symptomatology.

For the most part the literature on demographic differences in responses to disaster is contradictory and inconclusive. For example, Lindeman, et al. (1996) found that women experience more post-disaster symptomatology than men; however, in an older adult sample,



Phifer (1990) found men experience more post-disaster symptomatology than women. Clearly the relationship between gender and post-disaster symptomatology is quite complicated, reflecting the complexity of the larger relationship between gender and mental health (c.f. Levant & Kopecky, 1995). Jones, et al. (2001) examined levels of self-reported post-disaster symptomatology among African American, Hispanic, and Caucasian elementary and middle school children, finding no differences with regard to race/ethnicity. On the other hand LaGreca, et al. (1998) found that race predicted self-reported post-disaster symptomatology seven months after the disaster, with African Americans faring worse than other children. Hence, the relationship between race/ethnicity and post-disaster symptomatology also appears to be quite complicated. Focussing on older adults (who have been found to have lower levels of post-disaster symptomatology than their younger counterparts), Knight, et al. (2000) found that older adults' greater resilience is more likely the result of inoculation due to prior experience with disaster than the result of maturation.

#### Risk and Protective Factors in a Stage Model of Disasters

Pann (2001), building on the work of Zinner and Williams (1999), identified the unique risk and protective factors at both the individual and community levels across a series of stages from the pre-trauma period to the post-trauma period.

Pre-trauma period. In addition to factors already noted, several personality traits are associated with resilience to traumatic stress. One such variable is ***coping styles***, which can be emotion-focused or problem-focused, or oriented toward approach or avoidance. These different coping styles can have different outcomes depending on the situation. For example emotion-focused coping can be helpful if it helps focus on the managing of distressing emotional reactions, but



can be maladaptive if it leads to excessive rumination. So too, problem-focussed coping can aid in the adjustment process, but if used excessively relative to emotion-focussed coping or denial may lead to greater anxiety levels. Hence people may be better served by learning a range of coping responses and being flexible in their use. Another variable is *cognitive appraisal of stress or threat*. A tendency to appraise events as unpredictable and threatening can increase vulnerability to deleterious effects of trauma. *Attributional style* is a related variable, which has three dimensions: Locus (the tendency to assume an internal vs. an external locus of causality of a traumatic event), stability (the tendency to assume that the traumatic event will continue vs. viewing it as temporary), and globality (refers to the degree to which events are seen as affecting one's entire life or only specific aspects of it). An attribution style consisting of an internal locus, stability and globality would increase one's vulnerability to post-traumatic symptoms. *Self-efficacy*, or the view that one can cope with stressful events, is a protective factor, as is *psychological stability* (in contrast to *neuroticism*). In addition to personality variables, several community-level variables are important risk and protective factors during the pre-trauma period. Risk factors included past unresolved traumas and previous losses. Protective factors include a psychological sense of community, belonging and cohesion, levels of support structures in place, and the ability to mobilize for emergencies.

Trauma period. Individual risk factors include sense of threat (to life, limb or family member), sense of helplessness, loss of significant others, bereavement, injury to self or family member, loss of possessions, significant property damage, dislocation, displacement, sense of personal responsibility, sense of inescapable horror, sense of human malevolence, panic during the disaster, exposure to media coverage of the disaster, and level of symptomatology exhibited during



the early phases of disaster recovery (especially avoidance and numbing symptoms). Risk factors at the level of the community include human- caused disasters, extreme destruction, great injury and death, serious financial impact and degree of dislocation of community functions.

Primary intervention period. This can be described as a “heroic period,” in which large amounts of time and energy are directed toward rescue operations and stabilizing the situation. In the acute phase of recovery, individual risk and protective factors include: social support, information (or lack) about the disaster, presence of other stressors, presence of resources (higher income and education, recovery services), and successful mastery of past traumatic events. Community factors include leadership, communication, and the provision of trauma resources to victims.

Secondary adjustment period. Key individual factors include the restoration of normality and a sense of security. At the community level, large-scale devastation can impair the quality of life for a considerable time. Rituals and memorials can assist communities in coping with losses.

Post-trauma period. Most individuals return to their pre-disaster level of functioning in six months to three years after the event. Those most directly exposed to life threat are at greatest risk for adverse effects. Hard hit communities may struggle for quite some time to return to a sense of normalcy.

#### Preventing PTSD, Stress Inoculation and Stress Management Programs

Preventing PTSD. Bryant and Harvey (2000) have suggested that Acute Stress Disorder (ASD) is a precursor of PTSD. Hence, they argue, PTSD can be prevented by identifying and treating (with cognitive behavioral therapy) trauma victims who suffer from ASD. Bryant, Harvey, Dang, Sackville, and Basten (1998) found that brief cognitive behavioral therapy of ASD



resulted in significantly fewer cases of PTSD at post-treatment and 6 month follow up, as compared with a supportive counseling condition. Foa, Hearst-Ikeda, and Perry (1995) found that a brief (4-session) cognitive behavioral program aimed at arresting the development of PTSD in female victims of assault significantly reduced the severity of PTSD symptoms as compared to an assessment control group two months post-assault.

Stress Inoculation Training. Stress inoculation training (SIT), according to Meichenbaum (1993), is a “flexible, individually-tailored, multifaceted form of cognitive behavioral therapy.” The concept of inoculation is borrowed from both medicine and social psychological research on attitude change. The underlying concept is that by enhancing a person’s coping responses to mild stressors through skills training and development, one can reduce the likelihood of developing symptoms in the face of severe stress. Meichenbaum described three phases to SIT. SIT begins with a conceptualization phase through which the problem is assessed and clients are taught that their appraisal of stressful events mediates their reaction to them. The second phase focuses on coping skill acquisition and rehearsal. The final phase, application and follow through, involves exposure, in which the client is encouraged to apply their coping skills to gradually increasing levels of stressful situations. SIT has been applied to a wide range of stressful situations: Medical problems such as preparation for surgery or other stressful medical procedures; reducing the stress associated with mental illness; treatment of performance anxiety; adjustment to life transitions such as unemployment or entering military service; helping occupants of high stress occupations, such as first responders to disaster; and helping victims of trauma.

Stress Management Programs. A literature search on the outcomes of stress management programs found that there are studies demonstrating efficacy in several areas: Workplace/job



stress (Adams, 1981; Bunce, 1997; Bunce & West, 1996; Murphy, 1986; Stensrud & Stensrud, 1983; ), medical illness (Baum, Herberman, & Cohen, 1995; Heinrich & Schag, 1985; Ludwick-Rosenthal & Neufeld, 1988), life transitions (Schinke, Schilling, & Snow, 1987), and family stress (Falloon, 1985; Schinke, Barth, Gilchrist, & Maxwell, 1986; Weinberg, 1999).

### Summary

The literature suggests that several variables are associated with post-disaster psychological status. Pre-disaster psychological vulnerability (e.g., prior episodes of PTSD), degree of exposure to the traumatic event during and immediately after the disaster, and the occurrence of major life stressors (e.g., loss of home, unemployment) are associated with poorer post-disaster adjustment. On the other hand, personality resources such as resilience or hardiness and social support are associated with better post-disaster psychological status. Stress Inoculation and stress management programs might be of considerable help in preparing some citizens to cope with the threat of terrorist attack. Very little is known about how different demographic groups respond to disasters and hence more research is needed in this area. One challenge for the future is to design and evaluate psychoeducational programs aimed at enhancing the factors of resilience (Confident Optimism, Productive and Autonomous Activity, Interpersonal Warmth and Insight, and Skilled Expressiveness) and hardiness (a sense of Control over one's life, Commitment as a result of finding meaning in one's existence, and viewing change as Challenge).

### Conclusion

As one of the nation's learned professions, psychology has always possessed the potential to contribute meaningfully to society. As active participants within the APA governance for over



a quarter of a century, we have collectively been very pleased with the extent to which our profession has gradually accepted this important societal responsibility in an increasingly wide range of areas. The tragic events of 9-11 have brought psychology's unique expertise to the forefront, and we are genuinely proud of how our Association and colleagues across the nation spontaneously responded to this crisis. This is truly the mark of a maturing profession.

The essence of the War On Terrorism is, above all else, that of a psychological conflict. Immediately following the totally unprecedented attack, our clinical colleagues reached out to provide high quality health care – fully realizing that individuals are different, that children are not merely little adults, and that those closest to the horror would most likely respond differently than those farther away. An impressive range of psychological expertise was demonstrated, including informing the media and developing data-based responses to real-life psychological experiences. At both the national and state association level, psychologists were absolutely critical in shaping our nation's response. There can be no question that we really do know a tremendous amount about the underlying experiences our citizens faced and fortunately our voice was heard. The behavioral sciences are the key to survival and flourishing in the 21<sup>st</sup> Century.

Our nation is now entering another phase in this War: How to deal with continuous vague and often unsubstantiated threats on our daily lives. To many, this goes to the essence of the American dream. Once again, psychology's calm and thoughtful voice is being heard -- in the media and at the highest levels of public policy leadership. And, from a public policy perspective, we must soon expect the emergence of yet another phase: How to aggressively address the underlying causes of the seemingly irrational hatred and violence that is being targeted towards our citizens and our fundamental way of life. Fortunately, our discipline has a



long and rich history of scientifically addressing highly related issues.

We fully expect that throughout these challenges, we shall once again witness the best and brightest of our nation's behavioral scientists unselfishly, if not enthusiastically, contributing to the ongoing national (and international) debate as it unfolds. In time, we further expect that our profession's educators will become extraordinarily involved in crafting creative solutions. And, in our judgment, this is as it should be. The key to the future is quality education for all individuals and this simply can not be accomplished without the active engagement of our world's educational institutions. Our planet is becoming increasingly interdependent, with physical distances having increasingly little significance. Daily we are faced with a virtual explosion in technological advances; international, if not instant, communications; and virtually unforeseen transportation capabilities that we have now almost come to expect. As we enter the 21<sup>st</sup> Century, all nations and their enlightened citizenry must come to appreciate the extraordinarily globalization that our world faces today. The different facets of psychology all reflect one family. Our collective world is exponentially becoming smaller and smaller. This is the challenge of the 21<sup>st</sup> Century.



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**Sender:** Gregory H Wilmoth <WilmothG@GAO.GOV>  
**Sent:** Thursday, October 04, 2001 5:15:51 PM  
**Recipient:** COR@LISTS.APA.ORG  
**Subject:** Re: [COR] APA'S RESPONSE TO TERRORISM

---

Dr. Levant's message on terrorism opened with a lengthy quote from an article by Robert Wright. It seemed to me that this quote was meant to frame the way we should think about terrorism. Before adopting this conceptual framework, I recommend we analyze it.

It presents several causal assertions that, although they might seem imminently reasonable (common sense) and be supported by evidence, can lead the reader to not consider equally plausible causal paths. For example, the causal assertion that reprisals increase the number of terrorists (which is probably supportable by evidence) presumes that this is the only causal assertion to consider. We should also consider whether the number of terrorists would increase without any reprisal. If the most visible consequence to carrying out terrorism is the reward of being esteemed as a martyr by your friends and community, then might not more individuals want to strive for that reward? Let's assume, however, that reprisals will result in a net increase of terrorists over and above the increase in number of terrorists without reprisals. In this scenario, the number of terrorists increases in both cases and the threat is greater than before under both conditions. Reprisals are neither a necessary nor sufficient condition for the creation of terrorists.

Think of the hundreds of thousands of people who do not become terrorists who are in exactly the same circumstances as those who become terrorists. Note that Bin Laden's circumstances (born into a prominent family of wealth and with a college education) does not fit the stereotype of circumstances likely to beget terrorists. Nor do I have any evidence that members of his family or his friends were killed or imprisoned by Israeli, U.S. or Saudi forces. I am not denying that certain conditions create a context for feelings of hatred. The U.S. support for Israel's occupation of the West Bank is one of these.

But Bin Laden's agenda is much broader than Palestine, Saudi Arabia, Afghanistan or Iraq. His agenda is to eradicate from the world those ideas, religions, and freedoms he does not agree with. Why, because they pose a threat to the society he would like to create where girls cannot go to school and women cannot work outside the home, where men must wear beards, where everyone must profess and practice the same religion, where religious doctrine replaces law and human rights. He fears the seductive (evil) forces of Western culture. Instead, look at the Amish who live within a secular society but who are not of it - they have preserved their faith and lifestyle amidst the humanism, pluralism, tolerance, individual rights, Constitutional government, materialism and hedonism that Bin Laden hates and fears.

Mr. Wright asks how relevant state sponsorship is to terrorism (or what happened on Sept. 11). Allowing groups known to murder innocent people to operate training bases on its territory might not be state sponsorship but it is certainly enabling. Could the attacks of Sept. 11 have been carried out without this enabling? Yes. State sponsorship is neither a necessary nor sufficient condition for successful terrorism but it a facilitating condition. Do we ignore it?

Whether Bin Laden dies by natural causes or by reprisal, his memes (ideas, images, etc) will outlive him. The Allies killed Hitler - his memes live on (American Nazi Party or its current manifestations) - but are they more dangerous to the world than if the Nazi's had won World War II?

Any meme or event can create a "teachable moment." What is taught, though, depends upon the mental framework we put the meme or event into. Are the events of Sept. 11 put into the "violence begets violence" framework or into the "wrong-doers must be stopped from committing more wrong-doing" framework? I ask you to think of all the Nazi memes presented in the Holocaust Museum. Does their presence there spread them? No. The technology to spread memes will exist whether Bin Laden lives or dies in the next year. His videotapes and preachings already exist. In Palestine, suicide bombers are videotaped in the weeks before the attack so they can be used to propagandize and recruit more terrorists. They will be martyrs and their memes will be more salient whether we kill them through reprisal or they commit suicide killing others.

Would Timothy McVeigh have changed his hatred to understanding and tolerance if he was not caught or if we had ignored him? No. Will his execution lead to more homegrown terrorists like him? Maybe. Will there be more homegrown terrorists like him, if he had not been executed. Probably. If you construct the wrong causal chain, you don't learn the lesson. The lesson is there are Americans who hate our government, minorities, Catholics, Jews, foreigners, etc., etc., not because McVeigh was executed or because of Waco, or Ruby Ridge. The wrong-headed thinking and feeling came first. Events are made to fit into these, just as those who are prejudiced against Blacks selectively make their experiences of Blacks fit into their stereotype of Blacks. Let us not fall into a stimulus-response way of thinking.



The idea of memes as dandelion seeds is a metaphor. If you kill the dandelion after its seeds have matured, then the dandelions are likely to spread. If you don't kill the dandelion, they are likely to spread. I do not think this is a helpful metaphor.

The notion that some memes are "mind viruses" is another metaphor. It might be fruitful (generates novel ideas for dealing with the problem) or harmful (distracts you from the correct conceptualization of the problem). If you accept the metaphor, then "inoculating" against them might be an effective preventative (and there is psychological theory and research to support this conceptualization). Another strategy is to eliminate the conditions that support the virus such as moisture or nutrients (drain the swamp; cut off the money or change the government of Afghanistan). Yet another strategy is to put a barrier between the virus or its carriers and the potential victim (mosquito netting - the "wall" around Israel that some columnists propose; however, oceans were an insufficient barrier to the Sept. 11 attacks). Quarantine those who have the disease so they will not be able to spread it (imprison them). If we use a computer virus metaphor instead of a biological virus metaphor then other ideas emerge. We use neural network analyses to identify suspect patterns, we write programs that detect and prevent activation of viruses, we build "firewalls" and plug "holes" in programs, we write software that corrects (heals) infected files, we search for and prosecute those who write viruses, etc. Note the difference between a biological metaphor in which "natural" forces act without maliciousness versus computer viruses which are malicious.

I hope the Subcommittee's work is truly science-based, balanced and aware of the implications of the metaphors it might use. I hope it will not start from a single perspective such as "violence begets violence" and select evidence and theories that support it. Why do I have this concern? Because of the way Dr. Levant's message was framed and because of other messages I have read on this list serve since Sept. 11. I wish the Subcommittee well and hope my concerns are unfounded.

Greg Wilmoth, Division 34

>>> Ron Levant **PRIVACY REDACTION** 10/03/01 06:42PM >>>

WASHINGTON UPDATE

Ronald F. Levant, Ed.D., ABPP  
APA Recording Secretary

Psychology Responds to Terrorism

I have long argued for psychology's involvement in informing the public policy process on the grounds that we have much science-based expertise to offer to the formulation of public policy on a range of matters. In this spirit I want to take up the matter of terrorism.

I would like to start by quoting sections from an article titled "Osama Bin Laden: Man or Meme?" by Robert Wright, that appeared on September 27 in the internet publication "Earthling,"  
(<http://slate.msn.com/code/story/actions/print.asp?strURL=/XML/Earthling/01-09>

-27/Earthling).

The article begins: "On Sept. 12, Colin Powell framed America's impending military response to the previous day's attack as part of a campaign to 'go after terrorism and get it by its branch and its root.' Here is an alternative horticultural metaphor that I came across a few days ago: 'Military action to destroy terror ... will be like hitting a fully mature dandelion with a golf club.' ... The 'branch and root' model speaks of centralization. You trace the plant's branches downward until you find the underground headquarters. If you're strong enough, you can rip out the whole thing and end the trouble once and for all. Terrorism has long resisted this kind of description. Terrorist 'cells' - semi-autonomous and self-sufficient groups ... are given little knowledge about one another, precisely so the whole structure can't be easily uprooted... Terrorism also has a second annoying property: Reprisals spawn hatred, increasing the number of terrorists. (Note the contrast with true "war," in which the enemy state's resources are from the outset wholly committed to your destruction, so upping the hatred doesn't have much downside.)"

"A big problem America faces right now is that both properties of terrorism - decentralization and contagiousness-have been intensified by



technology. The Internet, cell phones, and so on mean that any resourceful terrorist can organize a terrorist assault from almost any piece of turf. You can kill Bin Laden and carpet-bomb Afghanistan, but his movement will still have great organizational power. Deputy Secretary of Defense Paul Wolfowitz said America's goal is "ending states who sponsor terrorism"-a message the administration later amended to "ending state-sponsored terrorism." Either way, how relevant is state sponsorship to what happened on Sept. 11? It now looks as if the attack may have been organized largely in Germany - and, of course, in the United States ... Terrorism, now more than ever, is a movable feast. To pull off something like the Sept. 11 attack, all you need is \$200,000, computer literacy, the organizational skills of a mid-level manager, and intense hatred."

"The spread of that hatred is itself technologically abetted. The first videotaped Muslim casualties in Afghanistan will be not just broadcast on CNN, but put on the World Wide Web and probably played ad nauseum at the fundamentalist schools in Pakistan and elsewhere that mold both tomorrow's suicide bombers and tomorrow's Osama Bin Ladens. And, once Bin Laden himself has been promoted from terrorist mastermind to martyr, his preachings will spread more profusely than ever, available in audio or video to anyone with a good Internet connection or a VCR. These packets of information are the dandelion's seeds."

"A currently fashionable term for packets of information is 'memes.' A meme can be an image, a song, a belief, an attitude-anything that can hop from one brain to another. Some types of memes are called 'mind viruses' because they're not good for the brains they inhabit; they thrive by parasitizing their 'hosts.' The hijackers' brains, for example, no longer exist, but the meme that killed them - the meme of fundamentalist hatred - is doing quite well. Similarly, Osama Bin Laden may not be long for this world, but Osama Bin Laden's memes have a longer life expectancy. And killing the man may be the best thing America could do for the memes..."

I think this article highlights what we are up against.

On September 19, 2001, the APA Board of Directors held a conference call, at which one of the items for discussion was the Terrorist Attack on September 11. We noted with appreciation the tremendous efforts of the APA Practice Directorate's Disaster Response Network, which has been working hand in glove with the American Red Cross in responding to the needs of both victims and rescue workers at the World Trade Center and the Pentagon. We also expressed appreciation to the staff for all of the wonderful materials on coping with trauma, stress and grief that were recently added to APA's website.

In tune with the idea that psychologists need to contribute their expertise to matters of public policy, the Board then turned to the question of what more psychology could contribute to this national crisis. Noting, as was made clear in Robert Wright's article quoted above, that terrorism is fundamentally a psychological process, and, further, that psychology played significant roles in the war efforts during both World Wars of the last century, we began to take stock of what psychology might contribute to the goal of ending terrorism. We looked at foundational areas such as social psychology and its work on malignant attitude formation, such as prejudice and fanaticism. We also looked at more applied areas such as international psychology, peace psychology, conflict resolution, multicultural psychology, the psychology of religion, military psychology, and the psychology of criminal justice.

We have begun to assemble lists of potential contributors and have written to the presidents of APA's divisions asking them to help identify their members who might be conducting research which has relevance to the anti-terrorism effort. But we also decided that before we go off and write white papers, it would be appropriate to learn what might be of genuine assistance to key policy- and decision-makers. Hence we are now attempting to network with psychologists working in mission critical governmental departments such as Defense, State, the CIA, etc.



To monitor and shepherd this burgeoning effort the Board established a new Subcommittee on Psychology's Response to Terrorism, with Ron Levant as Chair, Laura Barbanell and Nate Perry as members, and with staffing from the Science, Education and Practice Directorates (with the Science Directorate taking the lead). This subcommittee held a conference call a few days ago and took stock of recent activities in the three directorates to assemble resources and reach out to individuals and organizations. This promises to be a very significant effort with many ramifications. If you have suggestions or resources to contribute please send an email Kurt Salzinger at the APA Science Directorate (ksalzinger@apa.org).

We are at the proverbial fork in the road as a society in dealing with this problem. There are many ways that psychologists can help, and I have sketched just a few of them. The stakes are high. If we can help, we must.

As always, I welcome your thoughts on this column. You can most easily contact me via email: **PRIVACY REDACTION**

Biographical Sketch

Ronald F. Levant, Ed.D., A.B.P.P., is in his second term as Recording Secretary of the American Psychological Association. He was the Chair of the APA Committee for the Advancement of Professional Practice (CAPP) from 1993-95, a member of the Board of Directors of Division 42 (1991-94), a member at large of the APA Board of Directors (1995-97), and APA Recording Secretary (1998-2000). He is Dean, Center for Psychological Studies, Nova Southeastern University, Fort Lauderdale, FL.

Ronald F. Levant, EdD, MBA, ABPP

APA Recording Secretary

Dean and Professor

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**PRIVACY REDACTION**



**Sender:** Honaker, Michael </O=APA/OU=DC/CN=RECIPIENTS/CN=MYH>  
**Sent:** Thursday, September 20, 2001 12:12:15 PM  
**Recipient:** Behnke, Stephen <sbehnke@apa.org>  
**Cc:** Donnelly, Paul <pdonnelly@apa.org>  
**Subject:** RE: Change in time for Committee Chair Conference Call

---

Sure.

-----Original Message-----

Behnke, Stephen  
Thursday, September 20, 2001 11:20 AM  
Honaker, Michael  
RE: Change in time for Committee Chair Conference Call

Mike,

Because the Ethics Committee was not part of Consolidated, the Ethics Committee chair had not been included in the conference call.

It may be the case, however, that our chair, Robert Kinscherff, would have something to contribute.

Should I contact Robert and ask him whether he would like to be included?

Thanks,

Steve

-----Original Message-----

Honaker, Michael  
Wednesday, September 19, 2001 10:26 PM  
Donnelly, Paul  
Liaison-Staff; Levery, Betty  
Change in time for Committee Chair Conference Call  
High

Because of the President's speech Thurs. at 9:00, the Board and Norine has requested that the Committee Chair conference call be changed to 8:00 p.m. In addition to discussing how the committee chairs plan to address their agendas via alternative modes (i.e., no face-to-face meetings) and psychology's role in addressing the trauma of the terrorist's attacks, committees will be asked to help identify experts who can address the research and knowledge that we have to offer in response to the decisions and actions that face our nation (a more detailed description of this issue will be provided by the time of the call).

Also, for the committee conference calls for Friday and Saturday, in addition to listing the time of the call, the Board has requested we include a phone number that can be used for individuals to join the call.

Please pass this on to your chairs.



**Sender:** Strassburger, Judith </O=APA/OU=DC/CN=RECIPIENTS/CN=JAS>  
**Sent:** Friday, January 28, 2005 10:27:08 AM  
**Recipient:** Behnke, Stephen <sbehnke@apa.org>  
**Subject:** FW: Board Agenda Item--ethics and national security

---

Hi Steve: I assume you will be getting the list to me to include with ES packets. Judy

Judy A. Strassburger, Executive Director  
Governance Affairs Office  
American Psychological Association  
750 First Street, NE  
Washington, DC 20002-4242  
(202) 336-6088  
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-----Original Message-----

**From:** Ronald F. Levant, Ed.D, M.B.A., ABPP **PRIVACY REDACTION**  
**Sent:** Friday, January 28, 2005 8:58 AM  
**To:** Behnke, Stephen  
**Cc:** Strassburger, Judith  
**Subject:** RE: Board Agenda Item--ethics and national security

Sounds good. Thanks, Steve

Ronald F. Levant, Ed.D., M.B.A., ABPP  
Professor  
Center for Psychological Studies  
Nova Southeastern University  
**PRIVACY REDACTION**

[www.DrRonaldLevant.com](http://www.DrRonaldLevant.com) website

President, American Psychological Association, 2005  
"Making Psychology a Household Word"

-----Original Message-----

**From:** Behnke, Stephen [mailto:sbehnke@apa.org]  
**Sent:** Thursday, January 27, 2005 12:16 PM  
**To:** Ronald F. Levant, Ed.D, M.B.A., ABPP  
**Cc:** Strassburger, Judith  
**Subject:** RE: Board Agenda Item--ethics and national security

Hi Ron,

I wonder whether it might be wise to distribute the list only in executive session. Given the political aspect of choosing individuals to serve in this manner, both the list and the discussion have the possibility of



provoking strong feelings from people who feel slighted or left out. The executive session discussion will provide you the opportunity to get feedback, which you can then use to appoint the members.

David Shapiro has been added to the list.

I hope the conference is going well for you,

Steve

-----Original Message-----

**From:** Strassburger, Judith

**Sent:** Thursday, January 27, 2005 10:24 AM

**To:** 'Ronald F. Levant, Ed.D, M.B.A., ABPP'; Behnke, Stephen

**Subject:** RE: Board Agenda Item--ethics and national security

Hi Ron: Usually the appointments are done by the President with whatever input he/she deems necessary. In this case it would be after discussing with the Board. Judy

Judy A. Strassburger, Executive Director  
Governance Affairs Office  
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-----Original Message-----

**From:** Ronald F. Levant, Ed.D, M.B.A., ABPP **PRIVACY REDACTION**

**Sent:** Thursday, January 27, 2005 8:17 AM

**To:** Behnke, Stephen

**Cc:** Strassburger, Judith

**Subject:** RE: Board Agenda Item--ethics and national security

OK, but I am a little confused. Does the president appoint or the Board?  
Also did we add David Shapiro?

Ronald F. Levant, Ed.D., M.B.A., ABPP  
Professor  
Center for Psychological Studies  
Nova Southeastern University

**PRIVACY REDACTION**

[www.DrRonaldLevant.com](http://www.DrRonaldLevant.com) website

President, American Psychological Association, 2005  
"Making Psychology a Household Word"

-----Original Message-----



**From:** Behnke, Stephen [mailto:sbehnke@apa.org]  
**Sent:** Wednesday, January 26, 2005 9:37 PM  
**To:** Ronald F. Levant, Ed.D, M.B.A., ABPP  
**Cc:** Strassburger, Judith  
**Subject:** Board Agenda Item--ethics and national security

Hi Ron,

I hope you are enjoying some nice weather in LA.

I am writing to follow up on a conversation I had with Judy Strassburger today. Judy let me know that when discussing possible names for a task force, the Board goes into executive session. As you know, at the February Board meeting there will be a list of names for the ethics and national security task force. While the item itself is not scheduled for executive session, Judy mentioned that she will therefore need to schedule for executive session the discussion of names for the task force.

Steve



**Sender:** Salzinger, Kurt </O=APA/OU=DC/CN=RECIPIENTS/CN=KXS>  
**Sent:** Thursday, October 25, 2001 10:10:21 AM  
**Recipient:** Steve Sparta; Ron Levant  
**Cc:** Salzinger, Kurt <KSalzinger@apa.org>; Behnke, Stephen <sbehnke@apa.org>  
**Subject:** RE: Psychology's response to terrorism

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Dr. Sparta:

Thank you very much for your note. We are indeed following up in the manner you suggested. We are compiling a list of psychologists who could act as consultants in the fields you mentioned. We are also contacting government agencies to make them aware of our skills and asking them what they most need. If you have any other recommendations, please let us hear from you.

Kurt

Kurt Salzinger  
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PRIVACY REDACTION  
www.apa.org/science  
www.decadeofbehavior.org

-----Original Message-----

**From:** Steve Sparta  
**Sent:** Thursday, October 25, 2001 1:21 AM  
**To:** Ron Levant  
**Cc:** ksalzinger@apa.org; sbehnke@apa.org  
**Subject:** Psychology's response to terrorism

Hi Ron,  
My name is Steve Sparta and I am currently Vice-Chair of APA's Ethics Committee. I learned of the Board Subcommittee on Psychology's Response to Terrorism in the committee's agenda for our November meeting. Bravo to you and APA for this effort. Allow me to offer an observation and recommendation. I am sure psychology will be contacted for disaster relief efforts (e.g. American Red Cross). However, I suspect psychology will not be as likely considered in other areas of potential help, including attitude formation and change, fanaticism, obedience to authority, conflict resolution, etc. This is where the roots of terrorism exist and an adequate response must address these issues. Your networking with psychologists in the government is a great first step. Best wishes and let me know if I can help.  
Steven Sparta



**Sender:** Ronald F. Levant, Ed.D., M.B.A., ABPP [REDACTED]  
**Sent:** Wednesday, January 19, 2005 4:12:08 PM  
**Recipient:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Subject:** RE: Psychology, Ethics, and National Security

---

Thanks  
And  
Smile: Don't I wish

Ronald F. Levant, Ed.D., A.B.P.P., M.B.A.  
Dean and Professor  
Center for Psychological Studies  
Nova Southeastern University  
[REDACTED]

Website: [DrRonaldLevant.com](http://DrRonaldLevant.com)

President, American Psychological Association, 2005  
"Making Psychology a Household Word"

-----Original Message-----

**From:** Behnke, Stephen [mailto:sbehnke@apa.org]  
**Sent:** Wednesday, January 19, 2005 4:03 PM  
**To:** Ronald F. Levant, Ed.D, M.B.A., ABPP  
**Subject:** RE: Psychology, Ethics, and National Security

Thank you, Ron. I will take care of things as you say below, and get you a final list in ample time for the Board meeting.

Ron, since you're the president, is there any way you can arrange to have someone else inaugurated tomorrow, rather than the person they've scheduled?

Steve

-----Original Message-----

**From:** Ronald F. Levant, Ed.D, M.B.A., ABPP [REDACTED]  
**Sent:** Wednesday, January 19, 2005 8:45 AM  
**To:** Behnke, Stephen  
**Subject:** RE: Psychology, Ethics, and National Security

Hi Steve. Thanks very much for your efforts. Please see my responses in CAPS below  
Best  
Ron

Ronald F. Levant, Ed.D., M.B.A., ABPP  
Professor  
Center for Psychological Studies  
Nova Southeastern University  
[REDACTED]



PRIVACY REDACTION

[www.DrRonaldLevant.com](http://www.DrRonaldLevant.com) website

President, American Psychological Association, 2005  
"Making Psychology a Household Word"

-----Original Message-----

**From:** Behnke, Stephen [mailto:sbehnke@apa.org]  
**Sent:** Tuesday, January 18, 2005 5:08 PM  
**To:** Ronald F. Levant, Ed.D, M.B.A., ABPP  
**Cc:** O'Brien, Maureen; Mumford, Geoffrey; Kelly, Heather  
**Subject:** RE: Psychology, Ethics, and National Security

Hi Ron,

The agenda item has been completed and we have a list of names for your review. (Geoff Mumford, Heather Kelly, and Maureen have worked very hard to put these materials together). PLEASE CONVEY MY GRATITUDE TO GEOFF, HEATHER, AND MAUREEN

The list of names is attached. Maureen tells me that funds will allow for 10 people to attend a one-time, three-night meeting. The list contains more than 10 names; we have put an asterisk next to our top choices. I would be happy to speak with you about why we have called your attention to these 10 names; some have been referred by a division, while others have expertise uniquely relevant to the task force.

Maureen has a question about whether the item should indicate that the names of the task force members will be provided at the time the Board reviews the agenda item. That will give you approximately four weeks to identify the individuals you would like to serve; on the other hand, you may not want to be constrained in this manner. Please let us know what you would like, that is, whether you would like the agenda item to indicate that an exhibit with names will be provided for the Board discussion. SURE. THAT IS OK. I APPOINT, BUT DO LIKE INPUT. I WOULD TAKE OFF THE ASTERISKS

Given the sensitivity of this issue, we may want to make clear to individuals up front that the names of the individuals on the task force will be made available to APA members, that task force members may need to take votes on particular matters, and that the task force may issue a written report. These points are important, because some individuals on active duty may not be able to participate on a task force with these conditions, and as you create the task force you will want to know who is able to participate fully. UNDERSTAND

Finally, the American Psychiatric Association is also very interested in this issue, and invited me to a meeting this fall, in September. If you would like to consider inviting an individual from their subgroup very interested in this issue, I know they would take that as a welcome sign of an interest in the two organizations finding common ground. There are two psychiatrists in Baltimore whom we could include for very little expense, but considerable political mileage. I will provide you with the names and a recommendation, if you would like. STEVE: THANKS FOR THE OUTREACH TO PSYCHIATRY, WHICH IN GENERAL I AM IN FAVOR OF, BUT THIS WILL BE COMPLICATED ENOUGH [E.G. DIV 48'S ANTAGONISTIC RESPONSE] AND HAS THE POTENTIAL OF AIRING DIRTY LAUNDRY SO I WOULD PREFER TO LIMIT IT TO PSYCHOLOGY.

APA\_0034366



Thanks Ron,

Steve

-----Original Message-----

**From:** Ronald F. Levant, Ed.D., M.B.A., ABPP [REDACTED]

**Sent:** Friday, January 14, 2005 4:59 PM

**To:** Behnke, Stephen

**Cc:** O'Brien, Maureen; Mumford, Geoffrey

**Subject:** RE: Psychology, Ethics, and National Security

Thanks Steve

Ronald F. Levant, Ed.D., M.B.A., ABPP

Professor

Center for Psychological Studies

Nova Southeastern University

[REDACTED]

[REDACTED]

[www.DrRonaldLevant.com](http://www.DrRonaldLevant.com) website

President, American Psychological Association, 2005

"Making Psychology a Household Word"

-----Original Message-----

**From:** Behnke, Stephen [mailto:sbehnke@apa.org]

**Sent:** Friday, January 14, 2005 4:51 PM

**To:** Ronald F. Levant, Ed.D., M.B.A., ABPP

**Cc:** O'Brien, Maureen; Mumford, Geoffrey

**Subject:** RE: Psychology, Ethics, and National Security

Ron, just a very brief note to let you know that we have been working on the task force items this week, and with Science have been compiling a list of names with biographical information for your review. (Our list will be diverse in terms of professional background and interests, gender, and ethnicity.)

I'll be in touch next week,

Steve

-----Original Message-----

**From:** Ronald F. Levant, Ed.D., M.B.A., ABPP

[REDACTED]

**Sent:** Saturday, January 08, 2005 8:35 AM

**To:** Behnke, Stephen

**Cc:** O'Brien, Maureen

**Subject:** RE: Psychology, Ethics, and National Security

Great! Thanks!

Ronald F. Levant, Ed.D., M.B.A., ABPP

Dean and Professor

Center for Psychological Studies

Nova Southeastern University



PRIVACY REDACTION

[www.DrRonaldLevant.com](http://www.DrRonaldLevant.com) website

President, American Psychological Association, 2005  
"Making Psychology a Household Word"

-----Original Message-----

**From:** Behnke, Stephen [mailto:sbehnke@apa.org]

**Sent:** Friday, January 07, 2005 3:23 PM

**To:** Ronald F. Levant, Ed.D, M.B.A., ABPP

**Cc:** O'Brien, Maureen

**Subject:** RE: Psychology, Ethics, and National Security

Ron, just a very quick note to say that Maureen and I are working on the agenda item, and that I have been working with the Science Directorate to develop a list of names for your review for the task force. I think we will have a very strong group for you to look over.

I'll be in touch next week with more information,

Steve



**Sender:** Council of Representatives <COR@LISTS.APA.ORG> on behalf of Dr. Trish Crawford **PRIVACY REDACTION**  
**Sent:** Tuesday, January 18, 2005 11:32:42 PM  
**Recipient:** COR@LISTS.APA.ORG  
**Subject:** [COR] Guantanamo

---

Dear COR members

I am forwarding a message to you from Dr. David Shapiro. Dr. Shapiro discussed his concerns with me recently, and indicated that he had written APA about this matter previously but had not received a response. I forwarded to him the APA statement that COR delegates had been given (dated Dec. 7) that was supposed to be sent to any psychologists that inquired about the matter (although he had not received it). He has asked me to forward to COR his response to that statement.

I want to add that I have had the privilege of knowing and studying with Dr. Shapiro over a period of many years and have the highest regard for the many significant contributions he has made to the field of psychology. I hope COR will be able to address this issue at the upcoming meeting. I would also appreciate if anyone has more specific information regarding this matter, if they could contact him directly.

Thank you.

Trish Crawford, Ph.D.  
BCPA COR delegate

Dear Members of the COR:

I wish to communicate a reaction to the APA statement regarding the allegations of psychologists' participation in torture in Iraq and at Guantanamo. I found this statement to be seriously inadequate, in view of the gravity of these allegations, for the following reasons:

One can hardly imagine more egregious violations of ethical standards of psychological practice. The statement does not seem to recognize that these alleged acts are, if confirmed, not only highly unusual, but far more grave than the sort of ethical violations that are generally encountered. Furthermore, the APA statement fails to recognize that the allegations are not made by individuals whose reliability is completely unknown, but by the International Red Cross, whose reliability is very well known. Indeed, the statement seems to go out of its way to avoid the special nature of these allegations.

In my view, it is incumbent upon the APA COR to take immediate steps to investigate these shocking allegations and, if they are confirmed, to hold accountable those who are involved.

David Shapiro, Ph.D.  
Professor of Psychology, Director of Clinical Training  
Graduate Faculty  
New School University



**Sender:** Brandon, Susan </O=APA/OU=DC/CN=RECIPIENTS/CN=SYB>  
**Sent:** Friday, January 18, 2002 10:36:22 AM  
**Recipient:** Behnke, Stephen <sbehnke@apa.org>  
**Subject:** RE: meeting at the FBI Academy next Feb. 28

---

Thanks -- I will call him this afternoon.

And I will keep you updated as things develop. Am glad you are coming to the meeting.

Susan

-----Original Message-----

Behnke, Stephen

Friday, January 18, 2002 10:20 AM

Brandon, Susan

RE: meeting at the FBI Academy next Feb. 28

Hi Susan,

Robert Kinscherff's telephone number is [REDACTED] (He'll be in the office this afternoon). His email is [REDACTED].

As I said, Robert's term as chair of the APA Ethics Committee has just ended, and he is now on the Committee on Legal Issues. Also, he has consulted with the FBI in the past (and I believe the Secret Service as well), so I think he would be an excellent addition to the group. He is in Boston.

Take care,

Steve

-----Original Message-----

Brandon, Susan

Thursday, January 17, 2002 2:31 PM

Behnke, Stephen

meeting at the FBI Academy next Feb. 28

Dear Stephen -- Steve Band, at the Behavioral Science Unit of the Academy, suggested that you might be interested in learning about and/or being part of a meeting between social scientists and "agents" of various sorts that is being planned for next Feb. 28, via us folks here in the Science Directorate here at APA and some faculty at U.Penn. and the Solomon Asch Center.

If you have some time tomorrow or early next week, would you like to meet with me and talk?

Thanks,

Susan

Susan E. Brandon  
Senior Scientist  
Science Directorate  
American Psychological Association

750 First Street NE  
Washington DC 20002-4242  
202 336 5925  
202 336 5953 (fax)  
SBrandon@apa.org

APA\_0034984



**Sender:** Ronald F. Levant, Ed.D, M.B.A., ABPP <levantr@nova.edu>  
**Sent:** Sunday, March 20, 2005 6:06:48 AM  
**Recipient:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>; 'Gerald P. Koocher, Ph.D.' [REDACTED]  
**Cc:** [REDACTED]; Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>  
**Subject:** RE: Task Force

---

I was not certain we had agreed on the contingency about membership? Do we want to go that far?

Ronald F. Levant, Ed.D., M.B.A., ABPP  
Professor  
Center for Psychological Studies  
Nova Southeastern University  
[REDACTED]

[www.DrRonaldLevant.com](http://www.DrRonaldLevant.com) website

President, American Psychological Association, 2005  
"Making Psychology a Household Word"

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Saturday, March 19, 2005 9:37 PM  
To: Gerald P. Koocher, Ph.D.  
Cc: Ronald F. Levant, Ed.D, M.B.A., ABPP; anton; Kelly, Heather  
Subject: RE: Task Force

Gerry,

I'm sorry for not having been more detailed. In fact, I said several things mentioned in your message almost verbatim (the high esteem in which he is held, how he is a unanimous choice, how he could resign after the task force completed its work).

I did not mention that the president-elect had offered to pay his dues; we planned to have another conversation over the weekend, and I will certainly communicate that, and once again impress upon him how enthusiastic the selection committee is about what he brings to the Task Force.

I think I may have been a bit confused as well. To confirm, his membership on the Task Force is contingent upon his joining APA.

I will speak with him tomorrow, and let you know how it goes. Also, I spoke with Jean Maria Arrigo today, who has agreed to serve.

Steve



-----Original Message-----

From: Gerald P. Koocher, Ph.D. **PRIVACY REDACTION**

Sent: Saturday, March 19, 2005 4:58 PM

To: Behnke, Stephen

Cc: Ronald F. Levant, Ed.D, M.B.A., ABPP; anton; Kelly, Heather

Subject: Re: Task Force

Hi All,

I am a bit confused.

You do not indicate whether he said that he would be interested and available to serve if asked?

If so, I would suggest confirming to him that he was the unanimous first

choice of the selection committee based objectively on his expertise and

professional reputation.

I would also explain that the only non members serving on any APA committees and task forces are non-psychologist public members. I'd say

that we are even more enthusiastic after hearing what he reported to you

and that we really want him on board. I'd tell him that the president-elect has offered to pay his dues and that he is welcome to resign from APA after serving on the committee, if we have not won back his confidence as an association friendly to our members in the armed services.

Gerry

Behnke, Stephen wrote:

>Ron,

>

>I spoke with Morgan Banks this afternoon, in order to discuss the issue of membership. He thanked me for our candor in raising it directly as an issue. He explained that he had been a member of APA for a number of years, but turned in his resignation after APA instituted its ban on advertising. He said that he felt the ban directly affected the mental health care and support provided to soldiers, and although he had other areas of concern with APA, that "was the primary one." He described it as an issue affecting the mental health services available to soldiers.

>

>Colonel Banks said he realized that the ban had been lifted, for which he applauds APA, and said that just last weekend he had gone to APA's website to look at what is going on; he said that he is reconsidering whether to join. He said that membership in APA is a not infrequent topic of discussion among his colleagues, and that he has a number of colleagues who belong to APA.

>

>Colonel Banks said that he feels strongly about the APA Ethics Code, "It's one of the most important things that APA does." He stated that he "certainly" adheres to the APA Ethics Code and will continue to do so. He teaches the importance of adhering to the Ethics Code.

>

>He said that believes that certain areas in the Code are "ambiguous" when applied to national security-related work, and that he is "very pleased" you are creating this task force.



>  
>I thanked him for the conversation, and said I would get back to him.  
>  
>Also, I spoke with Robert Fein, Michael Gelles, and Scott Shumate. All  
have said that they are available to serve, and all are available on  
both June 3 and June 24. (I have asked each to keep the conversation  
confidential for the time being, and each has said that there is nothing  
in their backgrounds that would cause embarrassment to APA).  
>  
>Please let me know whether you are comfortable moving forward with  
Morgan Banks on the basis of this information.  
>  
>Thank you,  
>  
>Steve  
>  
>  
>  
>



**Sender:** Debra Dunivin  
**Sent:** Friday, March 18, 2005 5:10:05 PM  
**Recipient:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Subject:** Fwd: Morgan Banks

---

-----Original Message-----

**From:** Debra Dunivin  
**To:** Gerry Koocher  
**Sent:** Fri, 18 Mar 2005 17:08:59 -0500  
**Subject:** Re: Morgan Banks

Hello again, Gerry.

Thanks for engaging in this conversation. Let me tell you a little more about Morgan. I don't think there's any question that his expertise qualifies him as one of the most experienced psychologists in this area. So I'll tell you some things about him that you probably don't know.

He has trained dozens of psychologists in this field for about two decades. He consistently teaches that psychologists MUST adhere to the APA ethical guidelines. In fact, he espouses that in writing in the the manual he has developed for psychologists working in this area of practice. Further he has been instrumental in inserting this language in the Standard Operating Procedures developed at my current location, and we expect that this language will soon be implemented Army-wide as a result of his efforts. At the SERE psychology conferences he has helped organized CE programs on ethics. And finally he is most certainly bound by the APA ethics code by virtue of his state license!

One of the things I learned early in the PDP. It is important for us to embrace those psychologists who see things differently than we do as we struggle with these unique areas of practice. It is the only way we can hope to resolve differences and bring them into the fold. I hope you will consider the special circumstances there are for those of us working in the area of national security. APA has not served these folks well in the past. We can't be exclusionary on this and hope to acquire the expertise we need to sort though the issues in an intelligent and well-informed manner.

Thanks for considering my views on this. Let me know what you might need me to do.  
Debra

-----Original Message-----

**From:** Gerry Koocher **PRIVACY REDACTION**  
**To:** Debra Dunivin  
**Sent:** Tue, 15 Mar 2005 12:01:44 -0500  
**Subject:** Re: Morgan Banks

I have consistently objected when science or accreditation have tried to put non-members on task forces. It is exceptionally hard to argue that a person not accountable to the APA ethics code should be on a task force discussing ethics in psychology. Sadly, that issue goes to the very hard of the matter.

Regards,  
Gerry

**Debra Dunivin** wrote:

Gerry:

I expect that he is not prepared to join APA at this point in time, although I cannot speak for him on this matter. There are some very specific reasons he is not a



member. I would hope that this would preclude his, and others', participation on the task force. By limiting it to members only, we would lose much more than we gain.

I think this matter goes to the very heart of a purpose for establishing the TF - to answer the question if APA is providing sufficient support to psychologists on the front line of this area of practice. The answer has to be "no." I, for one, want that to change. Inclusion of such folks begins here. With the TF. And moves on from there.

Can you support me on this?

Please,  
Debra

-----Original Message-----

From: Gerald P. Koocher, Ph.D. **PRIVACY REDACTION**

To: **Debra Dunivin**

Sent: Tue, 15 Mar 2005 07:43:51 -0500

Subject: Morgan Banks

Dear Debra,

You suggested Morgan Banks for an APA Task Force, but he is not an APA member. Do you know whether he is prepared to join APA?

Gerry



**Sender:** Robert Fein [REDACTED]  
**Sent:** Friday, March 18, 2005 3:11:36 PM  
**Recipient:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Subject:** RE: request for advice

---

Steve,

I am at my desk for the next 1 1/2 hours or so (it is 3:10). Would it be easier for me to call you or do you want to call me [REDACTED]?

Robert

>Robert,  
>  
>Would there be a time this afternoon or early evening when we could  
>speak by phone?  
>  
>Thank you,  
>  
>Steve  
>  
>-----Original Message-----  
>From: Robert Fein [REDACTED]  
>Sent: Wednesday, March 02, 2005 7:30 AM  
>To: Behnke, Stephen  
>Subject: RE: request for advice  
>  
>  
>Thanks, Steve,  
>  
>That is good enough for me. How might I proceed to apply? Should I  
>send a note to Ron (whom I have known for many years since we were in  
>graduate school together), to Gerry Koocher? to some other person?  
>Should I ask you to forward my note?  
>  
>Robert  
>  
>>Robert, I'm afraid I can't do justice to your message at the moment.  
>>These appointments are very political, and there are a significant  
>>number of people who have been nominated for this task force. That  
>>said, there are no more than a handful of people in the country with  
>>your experience, and I will be very happy to speak with Ron Levant  
>>personally on your behalf. I think you would make excellent and  
>>important contributions to this Task Force, and am extremely  
>>comfortable speaking in strong support of you.  
>>  
>>Steve  
>>  
>>-----Original Message-----  
>> From: Robert Fein [REDACTED]  
>> Sent: Tue 3/1/2005 9:33 PM  
>> To: Behnke, Stephen  
>> Cc:  
>> Subject: request for advice  
>>  
>>  
>>  
>> Dear Steve,



>>  
>> I write with a request for your advice.  
>>

>> Background: Scott Shumate has encouraged me to offer to serve on the  
>> new APA Task Force on ethical questions relating to national security  
>> investigations.  
>>

>> After 25+ years as a forensic psychologist first working on questions  
>> related to mentally disordered offenders and systems and then with  
>> the Secret Service on the prevention of assassination and other kinds  
>> of targeted violence, after 9/11/2001, I decided to try to contribute  
>> in the national security area.  
>>

>> Since then, I have consulted to the DoD's Criminal Investigative Task  
>> Force (and have thereby reviewed cases of several hundred detainees  
>> at Guantanamo as part of efforts to think through what risk  
>> individual detainees might pose to the US if released) and have  
>> worked with Scott at the DoD Counterintelligence Field Activity as  
>> part of the Directorate for Behavioral Science (where I serve on the  
>> Professional Advisory Committee). And I have had the privilege of  
>> being one of two psychologists (Richard Hackman is the other) on the  
>> Intelligence Science Board, which was chartered by the Director of  
>> Central Intelligence in August 2002 to advise the Intelligence  
>> Community on emerging and significant questions, developments, and  
>> issues in science that might bear on national security concerns. I am  
>> currently chairing an ISB study on educating information (which I would  
>> be glad to talk with you about in person).  
>>

>> Over the past several months, I have found myself musing about the  
>> importance of our thinking through the roles of psychologists in  
>> various national security endeavors. I do not think that there is a  
>> forum dedicated to this kind of consideration in the DoD or the IC,  
>> so I greeted the announcement of the APA Task Force with some hope.  
>>

>> Question: I know little of how APA operates or what your hopes or  
>> expectations are for the Task Force, so I pen this note as a request  
>> for advice. If you think that I would have something to contribute to  
>> the Task Force and if you think the Task Force will be able to make a  
>> serious effort to work on these complicated and important questions,  
>> I would be pleased to serve on it. If the composition is set or if  
>> you think there are others who might better or more appropriately  
>> contribute, I would be pleased to offer any assistance to them.  
>>

>> In any case, I would welcome your advice about whether I should put  
>> my name in, and if so, how best to do so.  
>>

>> Thanks very much.  
>>

>> Sincerely,  
>>

>> Robert  
>>



**Sender:** Ronald F. Levant, Ed.D, M.B.A., ABPP [REDACTED]  
**Sent:** Friday, March 18, 2005 6:29:14 AM  
**Recipient:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Subject:** RE: Ethics and National Security Task Force

---

Thanks

Ronald F. Levant, Ed.D., M.B.A., ABPP  
Professor  
Center for Psychological Studies  
Nova Southeastern University  
[REDACTED]

[www.DrRonaldLevant.com](http://www.DrRonaldLevant.com) website

President, American Psychological Association, 2005  
"Making Psychology a Household Word"

-----Original Message-----

**From:** Behnke, Stephen [mailto:sbehnke@apa.org]  
**Sent:** Thursday, March 17, 2005 5:47 PM  
**To:** Ronald F. Levant, Ed.D, M.B.A., ABPP  
**Subject:** RE: Ethics and National Security Task Force

Yes, I will have that list for your review.

-----Original Message-----

**From:** Ronald F. Levant, Ed.D, M.B.A., ABPP [REDACTED]  
**Sent:** Thursday, March 17, 2005 5:40 PM  
**To:** Behnke, Stephen  
**Subject:** RE: Ethics and National Security Task Force

Ok

Do you have a list of the original nominees that ethics & science generated that you can bring tomorrow?

Ronald F. Levant, Ed.D., M.B.A., ABPP  
Professor  
Center for Psychological Studies  
Nova Southeastern University  
[REDACTED]

[www.DrRonaldLevant.com](http://www.DrRonaldLevant.com) website

President, American Psychological Association, 2005  
"Making Psychology a Household Word"



-----Original Message-----

**From:** Behnke, Stephen [mailto:sbehnke@apa.org]  
**Sent:** Thursday, March 17, 2005 1:23 PM  
**To:** Ronald F. Levant, Ed.D, M.B.A., ABPP  
**Subject:** RE: Ethics and National Security Task Force

Hi Ron,

Thank you. I will let Heather know. We can meet in Suite 320 (where the meeting will take place) at 9 am.

Michael Gelles is in the pool (he was one of our original recommendations).

I will see you tomorrow morning at 9am at Suite 320,

Steve

-----Original Message-----

**From:** Ronald F. Levant, Ed.D, M.B.A., ABPP **PRIVACY REDACTION**  
**Sent:** Thursday, March 17, 2005 7:11 AM  
**To:** Behnke, Stephen  
**Subject:** RE: Ethics and National Security Task Force

Hi Ron,

I think it makes good sense to include Heather Kelly, who is very knowledgeable about several of the individuals on the list, in the meeting on Friday morning. Heather has been involved in discussing the Task Force since the idea arose, and is the Science Directorate liaison to Capitol Hill. She would be a very good resource. May we include her? YES

Also, would it be possible for you and me to meet before the meeting, perhaps at 9 am? I'd like to review some procedural/administrative things with you. YES, WHERE?

Thanks Ron,

Steve

ALSO, SEE LAST EMAIL RE MICHEEL GELLES, WHO IS IN THE POOL?

-----Original Message-----

**From:** Ronald F. Levant, Ed.D, M.B.A., ABPP  
**PRIVACY REDACTION**  
**Sent:** Tuesday, March 15, 2005 5:44 PM  
**To:** Donnelly, Paul; Behnke, Stephen; 'anton'; 'Gerald P. Koocher, Ph.D.'  
**Cc:** Jacobson, Rhea  
**Subject:** RE: Ethics and National Security Task Force

Okie doke



Ronald F. Levant, Ed.D., M.B.A., ABPP  
Professor  
Center for Psychological Studies  
Nova Southeastern University

PRIVACY REDACTION

[www.DrRonaldLevant.com](http://www.DrRonaldLevant.com) website

President, American Psychological Association, 2005  
"Making Psychology a Household Word"

-----Original Message-----

**From:** Donnelly, Paul [mailto:pdonnelly@apa.org]  
**Sent:** Tuesday, March 15, 2005 3:33 PM  
**To:** Behnke, Stephen; anton; Gerald P. Koocher, Ph.D.; Ronald F. Levant, Ed.D, M.B.A., ABPP  
**Cc:** Jacobson, Rhea  
**Subject:** RE: Ethics and National Security Task Force

Hearing no objections. I have blocked 9:30 to 10:30 on Friday morning on each of your calendars. The meeting will be in Suite 320.

I will distribute revised calendars by the end of the day and have hard copies on site.

Best,  
Paul

Paul Donnelly  
Director, Board & Committee Operation  
American Psychological Association  
750 First Street NE  
Washington, DC 20002  
202-336-6018  
202-336-5963 (Fax)  
[pdonnelly@apa.org](mailto:pdonnelly@apa.org)

-----Original Message-----

**From:** Donnelly, Paul  
**Sent:** Tuesday, March 15, 2005 12:05 PM  
**To:** Behnke, Stephen; 'anton'; 'Gerald P. Koocher, Ph.D.'; 'Ronald F. Levant, Ed.D, M.B.A., ABPP'  
**Cc:** Jacobson, Rhea  
**Subject:** RE: Ethics and National Security Task Force

I would recommend 9:30-10:30 as an option that seems to fit on all four schedules.

Let me know and I'll set up a room.

Thanks  
Paul



Paul Donnelly  
Director, Board & Committee Operation  
American Psychological Association  
750 First Street NE  
Washington, DC 20002  
202-336-6018  
202-336-5963 (Fax)  
pdonnelly@apa.org

-----Original Message-----

**From:** Behnke, Stephen  
**Sent:** Monday, March 14, 2005 7:11 PM  
**To:** anton; Donnelly, Paul; Gerald P. Koocher, Ph.D.; Ronald F. Levant, Ed.D, M.B.A., ABPP  
**Cc:** Jacobson, Rhea  
**Subject:** RE: Ethics and National Security Task Force

Barry, Rhea will take care of having a copy of the book containing the names at Consolidated for when you arrive.

Gentlemen, let us ask the good Paul Donnelly what Friday morning will allow, before we too hastily commit ourselves to a 6:30 am meeting.

Steve

-----Original Message-----

**From:** anton **PRIVACY REDACTION**  
**Sent:** Mon 3/14/2005 6:52 PM  
**To:** Behnke, Stephen; Donnelly, Paul; Gerald P. Koocher, Ph.D.; Ronald F. Levant, Ed.D, M.B.A., ABPP  
**Cc:** Jacobson, Rhea  
**Subject:** RE: Ethics and National Security Task Force

Dear All;  
I'm available at 6:30 a.m. (3:30 a.m. my time, but who keeps track?). May need  
a Koocher 4 shot Starbucky get things going.

>www.DrRonaldLevant.com website  
>  
>President, American Psychological Association, 2005  
>"Making Psychology a Household Word"

>  
>  
>  
>-----Original Message-----  
>From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
>Sent: Sunday, March 13, 2005 9:07 PM  
>To: Gerald P. Koocher, Ph.D.; Donnelly, Paul  
>Cc: anton; Jacobson, Rhea; Ronald F. Levant, Ed.D, M.B.A., ABPP  
>Subject: RE: Ethics and National Security Task Force

>  
>  
>I am awake, although hardly wide, at 6:30 am, but will be very happy to

APA\_0035177



>meet at the convenience of Drs. Levant, Koocher, and Anton.  
>  
>Also, given that Heather Kelly in Science has had contact with a  
number  
>of these individuals, she might be quite helpful to include as  
well. I  
>know Heather will be at the Consolidated meetings on Friday.  
>  
>-----Original Message-----  
>From: Gerald P. Koocher, Ph.D.  
>**PRIVACY REDACTION**  
>Sent: Sunday, March 13, 2005 8:06 PM  
>To: Donnelly, Paul  
>Cc: Behnke, Stephen; anton; Jacobson, Rhea; Ronald F. Levant,  
Ed.D,  
>M.B.A., ABPP  
>Subject: Re: Ethics and National Security Task Force  
>  
>  
>  
>  
>Donnelly, Paul wrote:  
>  
>>There are times and a space available both Friday and Saturday  
>mornings.  
>>  
>I'm wide awake from 6:30 am onward.  
>Gerry

Barry S. Anton, Ph.D., ABPP  
Department of Psychology  
University of Puget Sound  
Tacoma, WA 98416-1046



**Sender:** Dunivin, Debra L. LtCol (L) <DunivinDL@JTFGTMO.southcom.mil>  
**Sent:** Thursday, March 17, 2005 4:44:14 PM  
**Recipient:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Subject:** RE: nomination for Task Force re: Ethical Aspects/ National Security  
**Attachments:** Steve-TF.doc

---

Hope there are no typos, Steve. If there are, please correct or overlook.  
Hope this accomplishes its purpose....  
REALLY appreciate your help with this.  
Debra

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Thursday, March 17, 2005 2:31 PM  
To: Dunivin, Debra L. LtCol (L)  
Subject: RE: nomination for Task Force re: Ethical Aspects/ National Security

Hi Debra,

If tonight would be at all possible (hate to write that!) that would be ideal. Otherwise, as early in the am as possible--

Sorry!

Steve

-----Original Message-----

From: Dunivin, Debra L. LtCol (L)  
[<mailto:DunivinDL@JTFGTMO.southcom.mil>]  
Sent: Thursday, March 17, 2005 2:07 PM  
To: Behnke, Stephen  
Subject: RE: nomination for Task Force re: Ethical Aspects/ National Security

Steve:

Will Friday morning be OK to receive my note? It's almost written.  
(sigh!)

Debra

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Tuesday, March 15, 2005 10:42 AM  
To: Dunivin, Debra L. LtCol (L)  
Subject: RE: nomination for Task Force re: Ethical Aspects/ National Security

(831) 393-1115, ext. 716

-----Original Message-----

From: Dunivin, Debra L. LtCol (L)  
[<mailto:DunivinDL@JTFGTMO.southcom.mil>]  
Sent: Tue 3/15/2005 10:35 AM



To: Behnke, Stephen  
Cc:  
Subject: RE: nomination for Task Force re: Ethical Aspects/ National Security

Steve:

Are you some place I can call you now?

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Tuesday, March 15, 2005 10:22 AM  
To: Dunivin, Debra L. LtCol (L)  
Subject: RE: nomination for Task Force re: Ethical Aspects/ National Security

Debra,

How does this Thursday look as a possibility for a phone conversation? We are getting down to the wire--

Tonight would also be a possibility, around 8:15 East Coast time, or tomorrow am, around 9:45. (I am in California)

Steve

-----Original Message-----

From: Dunivin, Debra L. LtCol (L)  
[<mailto:DunivinDL@JTFGTMO.southcom.mil>]  
Sent: Thu 3/3/2005 10:08 AM  
To: Behnke, Stephen  
Cc:  
Subject: RE: nomination for Task Force re: Ethical Aspects/

National Security

Yuck! Meeting after a cross-country redeye....

The call will be international for you. [REDACTED] and  
folks often have  
trouble getting through. Thursday and Friday morning will be  
better than the  
afternoons. It's really a catch as catch can, unless we  
actually schedule  
something. I'm assuming your meeting carries through the  
weekend, so  
if you  
tell me a time next week I could call you then.

Nothing urgent. I just wanted to talk a bit about the  
composition of  
the  
Task Force before it's finalized.



Thanks, Debra

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Wednesday, March 02, 2005 8:32 PM  
To: Dunivin, Debra L. LtCol (L)  
Subject: RE: nomination for Task Force re: Ethical Aspects/

National

Security

Hi Debra, I'm in LA, taking the redeye back for an ethics  
committee  
meeting  
that starts tomorrow. Are there good times to reach you?

Steve

-----Original Message-----

From: Dunivin, Debra L. LtCol (L)  
[<mailto:DunivinDL@JTFGTMO.southcom.mil>]  
Sent: Wed 3/2/2005 5:10 PM  
To: Behnke, Stephen  
Cc:  
Subject: RE: nomination for Task Force re: Ethical

Aspects/

National

Security

Steve:

I'd like to talk with you. What is your  
direct line?  
Can't  
seem to  
find a person to answer the main number...  
Thanks,  
Debra

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Thursday, February 24, 2005 4:01 PM  
To: Dunivin, Debra L. LtCol (L); **Ron Levant**  
Cc: Newman, Russ; banks1@soc.mil  
Subject: RE: nomination for Task Force re: Ethical

Aspects/

National

Security

Thank you, Debra!

-----Original Message-----

From: Dunivin, Debra L. LtCol (L)  
[<mailto:DunivinDL@JTFGTMO.southcom.mil>]  
Sent: Thursday, February 24, 2005 3:30 PM  
To: Behnke, Stephen; **Ron Levant**  
Cc: Newman, Russ; 'banks1@soc.mil'  
Subject: nomination for Task Force re: Ethical

Aspects/



National  
Security

Hi, Steve!. Hi, Ron!

Good to see both of you last week. As a  
follow-up to  
our  
conversations last week, I thought I would send this  
along  
in the  
manner  
requested for nominations, just to underscore how  
strongly I  
feel  
that you  
must include Colonel Morgan Banks on this Task  
Force. He's  
the  
person with  
the absolute most experience in this area.  
Again, I applaud you for your efforts. And,  
I agree  
with  
you, Ron,  
that this is likely the most important thing that  
APA will  
do this  
year. I  
will be available at any time to provide you with  
any help I  
can  
offer.  
Please do not distribute this email address,  
but OK  
for you  
to use  
as needed.  
Thanks again,  
Debra Dunivin  
<<COL Banks bio.doc>>



Steve: I'm sending a note as follow-up to our telephone conversation. We are agreed that composition of the Task Force is critical to accomplishing its mission. I am concerned that in our efforts to be broad-based within psychology, we will miss some critical areas of expertise in the actual field that is the focus of the TF. There are truly only a few dozen psychologists in the country who have expertise and actual experience in matters of national security. I am suggesting that the following people MUST be included in order to ensure certain that we:

- 1.) cover the various categories of expertise within the field of psychology related to national security (i.e., interrogation support, profiling, counterintelligence, policy development) and
- 2.) include some folks who provide a bridging or cross-over function between the various components – those known and respected within APA governance, with experience working in these unique areas of professional practice, familiar with the ethics issues inherent in this work.

Morgan Banks – the USASOC Command psychologist with policy oversight for behavioral science consultation team support for all Special Operations Command in support of national security issues. Decades of experience in this area. Absolutely essential to the work of the TF.

Tom Williams – provided psychological support and consultation to the Army's largest counterintelligence unit; has provided psychological consultation on worldwide basis for over 5 years; deployed to Iraq with Special Forces Task Force serving as an operational psychologist, and has worked across the national security interagency and intelligence spectrum. Essential.

Scott Schumate – the director of behavioral sciences for Counterintelligence Field Activity (CIFA), a Department of Defense (DoD) agency with oversight over all psychology support for counterintelligence activities. He ranks at the Senior Executive Service level (SES, general officer equivalent, very senior). This is one of those cross-over areas and broadens beyond military to DoD. Essential.

Mike Gelles – chief Navy psychologist for counterintelligence. His background and experience includes legal as well as counterintelligence focus. Expand beyond Army to Navy branch of service. Essential.

Kathleen Civiello – brings perspective of National Security Agency (NSA) with over 20 years experience and currently holds position as senior psychologist for NSA, ranks at the Senior Intelligence Service level (SIS, general officer equivalent, very senior). Is both a credentialed counterintelligence agent and licensed psychologist. Nice cross-over function. Need the NSA perspective.

Dick Ault – retired from FBI as one of their senior behavioral science profilers. Need FBI perspective.

Finally – Joe Mattarazzo can provide a long history with military psychology and is highly respected within APA governance and in the general public associated with psychology - tremendous bridging function. (Others who could function in this role include Mel Gravitz and Charlie Spielberger.)

Folks like Larry James and I can provide some of the expertise necessary and could serve a good bridging functioning between the military, psychology support to the Global War on Terror, and APA. We've both been involved in psychology training programs, know ethics from that perspective, and I've served on the Ethics Committee (including as Co-Chair) at state association level. Having recently been involved in a potentially contentious TF, I can attest to the power of including someone with this bridging/ cross-over function. However our experience in the field of psychologists' involvement in national security matters is quite limited compared to those I have noted. So don't let us bump one of the above!

I urge you to ensure inclusion of the handful of people who can provide the necessary expertise, broad-based, on issues of psychologists' involvement in national security matters.

THANK YOU!! Debra



**Sender:** Brandon, Susan </O=APA/OU=DC/CN=RECIPIENTS/CN=SYB>  
**Sent:** Thursday, March 28, 2002 7:52:26 AM  
**Recipient:** Behnke, Stephen <sbehnke@apa.org>;Faith Mitchell (E-mail)  
 PRIVACY REDACTION;James Fitzgerald (E-mail)  
 PRIVACY REDACTION;Jonathan Drummond (E-mail)  
 PRIVACY REDACTION;Kareem Shora (E-mail)  
 PRIVACY REDACTION;Melvin A. Gravitz (E-mail) PRIVACY REDACTION;Robert  
 Kinscherff (E-mail) PRIVACY REDACTION;Steve Band (E-mail)  
 PRIVACY REDACTION  
**Cc:** Mumford, Geoffrey <gmumford@apa.org>  
**Subject:** Comments on Scenario 2, FBI meeting  
**Attachments:** Scenario 2.doc;Scenario 2 rtf.rtf

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Dear Friends,

*In the body of this email* are the notes taken during the meeting around "Scenario #2" at the meeting at the FBI Academy last Feb. 28.

Please review these and add more comments or make whatever editorial changes you would like to make. We are hoping this might be a way to let each participant in the various groups "continue to converse." If you want to send papers or separate notes that you think might be useful to the issues discussed, they are welcome also.

These also are attached as files in Word and Rich Text Format formats. However, attachments often don't work very well, which is why the whole text is copied below.

*We welcome also your general comments (good and bad) about the meeting.*

Thanks,  
 Susan

## **Scenario 2 (Cluster of three scenarios)**

### **Discussion Participants:**

Kinscherff (facilitator), Band, Barrett, Drummond, Fitzgerald, Gravitz, Galfano, Kelly (scribe), Shora

- a. *A woman contacts her psychologist from whom she has been receiving therapy for the past year for bouts with depression. She reports that she has just learned that a friend of her 19-year-old son appears to be recruiting her son for a "martyrdom" mission. This friend has voiced some fundamental Islamic beliefs that are very "anti-American." The woman has overheard worrisome conversations between her son and his friend but has tried to discount their significance until her son revealed today that he was asked to become a "Martyr" for an unspecified attack against the United States. He is very concerned that his friend is involved in something that may be planned for the near future. They are afraid to report this to the police because her son does have a juvenile record and he is somewhat anti-American himself. They are naturalized citizens of the U.S. after having moved from Iran many years ago.*

### Psychologists' ethical requirements in the context of law enforcement needs

Initial discussion focused on the ethical code of psychologists and its apparent limitations in situations in which national security may be threatened. The question posed in response to this scenario was whether psychologists should consider an obligation to provide law enforcement with information like that described above, given their primary responsibility to help clients while maintaining confidentiality. There already exist exceptions to confidentiality, including a mandate for psychologists to report suspected abuse of children and the elderly,



and a client's intention to harm himself or herself or another identified person.

#### Implications for training and practice of psychologists and law enforcement

The group agreed that psychologists could benefit from more substantial training in cultural issues, general and more specific kinds of risk assessment, and ways to encourage clients themselves to report potentially dangerous information when appropriate. The American Psychological Association should take initiative in addressing these issues. Law enforcement already is attentive to approaching and working with specific sub-groups within their communities, but may need to investigate more innovative, proactive ways to work with these populations.

#### Implications for research

Research on cult recruitment in this country may be particularly relevant to questions of how future terrorists become involved in these groups and which factors may predict a movement towards proximate violence. Law enforcement personnel also emphasized that our models of criminal behavior most often presume that culprits want to escape capture and stay alive, whereas these martyrdom paradigms don't meet those characteristics.

- a. *A young man walks into a local FBI office and claims to be from Palestine. He reports that the recent suicide bombing in Israel that is being widely reported in the international media was committed by his brother. The reporting person is conflicted about his desire to stay in the United States, his need to return to his family, and his previous thoughts about becoming a martyr for the Palestinian cause. His work permit expires in one week and his family expects him to come home. He has met a young woman who is a U.S. citizen, a devote Muslim, and will not leave her close knit family here in the U.S. He doesn't want to abandon his family or raise any suspicion from them. Both he and his brother previously talked about becoming "martyrs" but they decided against it. Apparently his brother lied to him or changed his mind. He is dedicated to his family and has many friends and associates at home.*

#### Law enforcement's operational strategies

This scenario was described by the FBI staff as a perfect opportunity to "open up" the young man and work on developing his trust as a potential "asset." The FBI primarily is interested in help from social and behavioral science in understanding this kind of person in more depth - his motivations and possible behaviors - without violating civil rights or resorting to profiling or stereotyping. To do so, law enforcement interviewers must have enough cultural expertise to conduct appropriate discussions with a possible source, and must be able to differentiate between multiple motivations in order to determine what appropriate benefits the FBI could offer an asset in return for more information.

#### Implications for research

Risk assessments rely on data about baselines of normal behavior within populations, so that abnormal behavior may be clearly distinguished, but there are few data about violence, for example, in Arab-American and Muslim populations.

- a. *An off duty law enforcement officer received a call from his neighbor who is a teacher at a local private elementary school. Today a ten-year-old boy student told her that he was worried about his father killing himself "like the people who flew planes into the buildings." The student asked if this school would put his father's picture on the wall if that happened. The boy claimed that the picture of his friend's older brother was placed on the wall in his previous school when he died a "Martyr." The boy was recently enrolled in this elementary*



*school after moving from a foreign country. The boy also revealed that his father is very strict and usually questions him every day after school about who he talked to and what they talked about. His father has been away for several days and is expected home tomorrow or the next day. (What if the “foreign country” were \_\_\_\_\_?)*

#### Immediate law enforcement and clinician strategies

From a law enforcement standpoint, local police would be expected to immediately call in special operations to conduct surveillance and conduct a risk assessment before making decisions about possible operations. The group suggested that for purposes of discussion, we make the teacher in this scenario a psychologist - and in that case, we returned again to the issue of what rises to the level of mandated reporting.

#### Implications for practice, training and research

If multiple agencies (law enforcement, child protective services) become involved with a family, clearly there is a need for some level of collaboration or at least communication to avoid inadvertent, negative effects on the family and any investigation underway. In order to conduct timely, appropriate risk assessments, law enforcement must have access to information on minority communities, what their experiences may suggest in terms of motivations and behavior, and effective engagement with these communities and their citizens. Social and behavioral sciences have experience in these areas.

#### **[The following is a close-to-verbatim record of the discussion]**

##### **Discussion:**

##### **(Scenario a)**

(Gravitz) What does the woman expect her psychologist to do? The APA code is very clear on this.

(Fitzgerald) Where is that line drawn? This is 2 people removed from her, so how would ethical obligations relate, and would it be a violation?

(Band) This is “low-hanging fruit” for law enforcement, great intelligence information. I would hope the psychologist would call the FBI to relate the information.

(Drummond) Perception of disadvantage, explanatory ideology or worldview, facilitating social network that moves a person into more action, fear of deportation plays in when ambivalent about a situation, social psychology research suggests strong ethnic identity may not lead to separatism if there also is a strong American (superordinate) identity.

(Fitzgerald) So what should the psychologist do? This is a real threat balanced against client confidentiality

(Shora) There is another question to pose - why did the family leave Iran? The son may have anti-American views that are still different from his friend’s Islamist view. It’s important to look at the family’s background.

(Barrett) What is the social environment of this family? Do they belong to a mosque, are there counteracting, good forces such as a local Imam? We need to know a lot about her background.

(Kinscherff) If the woman says she has no need for confidentiality, do we agree? Also, the family has been here, being in therapy suggests some degree of acculturation, I wouldn’t be so quick to pick up the phone.

(Gravitz) Psychology is almost never in a position to weigh national security interests, so how can we expect that? We are helpers, not assessors of this kind of information.

(Band) Tarasoff?

(Kinscherff) There’s only a duty to warn or protect for the actual client, though state courts and legislatures differ. There are very little legal grounds for third party violence.

(Band) To what extent could APA provide some guidance on the ethics questions?



Also, in continuing education, we need to provide information on risk assessment, broaden that training, it's a new world.

(Fitzgerald) It's not black or white, within therapy, a therapist can move a woman to report?

(Kelly) Therapists can make calls to APA ethics describing a hypothetical situation for consultation without breaking confidentiality. Can also work with the client to get her to contact law enforcement.

(Shora) Does law enforcement have a duty to talk with these communities, reinforcing that they won't get in trouble just for reporting? These are tremendous concerns in Middle-Eastern communities.

(Kinscherff) It's useful to teach psychologists how to ask questions of the client regarding her concerns, what she wants to happen

(Galfano) Police departments have been getting lots of calls from "concerned citizens" after September 11, and we're struggling with how far to go, weed out the calls. At a local precinct level, it's harder to weed out given the legal restraints.

(Band) Recommended solutions? Certainly there are tip lines, within a therapeutic contract with a client, is it wrong for a therapist to provide these phone numbers? No, it's fine. If armed with a signed release from a client and the psychologist says "are you asking me to break confidentiality?"

(Kinscherff) Yes, a therapist could even escort a client to the police, etc. Are psychologists trained to think about options much like they do regarding the risk of homicide, suicide? What is the time window?

(Drummond) Subdisciplines within psychology may see very different things here. We can identify a recruitment process.

(Gravitz) We should ensure that the APA ethics mechanism considers these issues. Make clear the responsibility to the client.

(Kinscherff) APA needs to examine this kind of scenario, look into training of psychology (are they aware of how to report information anonymously, not be so distracted by details of ethnic groups rather than larger social psychology processes), address law enforcement (styles of approaching communities, families), and work with legislatures and licensing boards (in addition to APA).

What if this were Idaho? Same responses.

(Drummond) Clergy etc. trained/educated to look at the long process of recruitment and isolation

(Galfano) Precincts have been encouraged for a long time to develop relationships within groups in their communities.

(Kinscherff) Is there consensus on when information from a community reaches a threshold to then call the FBI?

(Drummond) Impressed in rural communities with relationships developed with militia, especially in terms of prevention

(Kelly) Does law enforcement get formal training in community entrée?

(Galfano) Yes, through community outreach officers.

(Band) What if the kid were 15, not 19? If the mother is really neglectful, there are needs for mandated reports. This poses a new dilemma for how social services relate to law enforcement. (Kinscherff) probation officers can also be source of information. (Band) law enforcement also lives by an ethical code regarding civil rights while vigorously pursuing truth.

(Kinscherff) The first scenario highlights that there are situations pushing the edges of confidentiality, and it might be interesting to look at the literature regarding precedents with organized crime.

(Drummond) Certainly organized crime often has been involved in funding terrorism, can sometimes get to terrorist concerns through mob patterns



(Galfano) New model of martyrdom, paradigms used to be for culprits who wanted to live, escape. Compared to suicide bombers. Until we come up with anything new, we still treat the situation as dealing with an armed perpetrator.

### **(Scenario b)**

(Band) If this happens to the FBI, we consider it time to “open him up.” Methods would be key to developing trust, turning him into an “asset.” Where we can benefit is to understand the person deeper, in terms of motivation, etc. Knowing what buttons to push for critical information without violating rights. Want to be careful about profiling, stereotyping.

(Fitzgerald) this scenario happens a lot for malintended reasons, people wanting to extend their work visas to stay...

(Shora) What does he want? To stay in the US. He’s distinguishing the GBI from his traditional enemy, Israel. He wants to protect his family back home. How would the FBI do it well?

(Fitzgerald) Of course his identity would be protected, one of the FBI’s duty. There’s no question that the FBI would contact legislative attache in Israel and the Israeli authorities. Could fake an arrest to protect him. There were some mistakes post-September 11 due to the vigor of agents being overdone in some cases.

(Band) What jumps out operationally is the “singular source information.” This means possibly extra protection for the source. If I didn’t have the cultural expertise to do a good interview, I’d get someone who did. We need to teach duty agents to call experts in. (Kelly) does the culture of the FBI support that? (Band) Yes, we really have an apprenticeship model.

(Fitzgerald) Such detailed structure within the FBI that there are obvious calls and places to immediately funnel this guy.

(Kinscherff) Given his conflicted past, would the FBI look to keep him here, develop him as an asset?

(Band) Could be, depends on the whole picture.

(Shora) Can we work with international intelligence agencies to bring his family over if he’s that important?

(Fitzgerald) Yes, but after his information is verified.

(Kinscherff) But this is a family who already created one martyr...

(Band) We’d call on behavioral analysis unit to do a risk assessment on the guy. We always call on experts.

(Drummond) The young woman is important to look at - could be positive because she’s outside his family or she could be part of the cell. It’s so important to differentiate among terrorist groups, people can have affiliations with these groups that are more benign due to specific, sometimes positive or neutral activities.

(Kinscherff) Perfect analogy is Irish Natinoalism

(Gravitz) Shouldn’t we focus on psychology, not politics

(Drummond) We have to understand the world to effectively look at psychological issues

(Barrett) We now have Arabic speaking agents

(Shora) FBI can grant special visa status to assets

(Kinscherff) Crucial theme here is to understand his world, and not quick snapshots or stereotypes. Good news/bad news - staying here we get no fresh intelligence, but sending back places him in more proximate risk

(Fitzgerald) It’s easier to work with pragmatic, quid pro quo motivations from informants

(Galfano) Analogous to narcotics...

### **(Scenario c)**

(Band) Hope the police would talk to superiors to call in special operations for



surveillance on father. Risk assessment is key to deciding operations.

(Kinscherff) Timing is important - even with rapid response, what can you learn about the family? What if the father comes home?

(Band) Within 24 hours...could be discreet about checking indicators for level of risk

(Barrett) Local law enforcement, this is why relationships with local groups is so important

(Galfano) A similar situation actually happened, contacted the FBI

(Kelly) Teachers are mandated reporters, social services may also be investigating

(Shora) The country of origin matters, so does number of that ethnicity in a given community. One family in rural West Virginia, for example. How would a local sheriff's deputy, usually untrained, handle this?

(Band) Very complex matter of how/when FBI shares information with other law enforcement. The FBI has been strongly criticized for lack of sharing. Right now not good way to share classified information and still protect source. Thus the vague, "cleaned" but now useless threat communications.

(Gravitz) What does this have to do with psychology?

(Kinscherff) So make the teacher a psychologist...now we're back to what rises to the level of reporting? Back to issues of training, developing a consensus for reporting, review of relationships between CPS and law enforcement

(Band) Tom Ridge and Homeland Security. Should he be making links to social services agencies

(Gravitz) Sensitizing early on

(Band) We've been teaching cultural diversity, how about "spiritual diversity".

(Gravitz) Mandating training in cultural, ethnic, spiritual diversity for all psychologists, not just clinical

(Kinscherff) But also are inadvertent side effects of getting CPS and law enforcement closer

(Drummond) Psychology has a lot to say, threat perception, attitude change, trust legitimacy, which is perception of procedural justice, benevolence

(Band) Is it okay to profile Arab-American males walking through airports but not African Americans driving?

(Drummond) It's still a matter of how they talk to me, how a process goes

(Shora) Because of where Arab Americans come from, it's a given that anything associated with government is a bad thing.

(Kinscherff) Analogous to Central America. Participatory versus nonparticipatory profiling, some say I don't like it, but I get it.

(Shora) It's dumb law enforcement to use airport profiling as sole source information

(Galfano) Profiling post-case in NYC decreased, community wanted it back because it was done well and successful.

(Kinscherff) One of models may be the Boston anti-gang teams, close attention to faith-based groups.

(Band) Are there parallel theoretical models that cross the scenarios

(Kinscherff) We have experience in engaging communities





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Washington DC 20002-4242  
202 336 5925  
202 336 5953 (fax)  
SBrandon@apa.org



**Sender:** Paul Rozin  
**Sent:** Monday, March 18, 2002 10:24:14 AM  
**Recipient:** Brandon, Susan <SBrandon@apa.org>; Behnke, Stephen  
<sbehnke@apa.org>; David Crane (E-mail) PRIVACY REDACTION; George  
Bonanno (E-mail) PRIVACY REDACTION; Martin Lustick (E-mail)  
PRIVACY REDACTION; Paul Rozin (E-mail)  
PRIVACY REDACTION; Robert Kinscherff (E-mail)  
PRIVACY REDACTION; Steve (Robt Louis) Benson (E-mail)  
PRIVACY REDACTION  
**Cc:** Mumford, Geoffrey <gmumford@apa.org>  
**Subject:** Re: Comments on Question #7, meeting at FBI Academy

---

I think this is an excellent summary. I would just like to add some emphasis. We all agreed that a situation that would involve a mass quarantine (as opposed to holding, say, all the people on a particular airplane) was highly unlikely, because of the delay in onset of symptoms and the wide traveling habits of people. Perhaps the major error we may encounter is the establishment of a useless quarantine, in the same sense that many of the current tactics in airport security seem to me to produce delays and accomplish little. That is, there is a tendency for officials, to be sure that they don't get tarred with callousness or incompetence, to overcompensate. If that amounts to quarantining a large building or airport, this could be a massive inconvenience, introducing some risk, for only public relations benefits. Now it is critical that institutions have credibility, so they may have to do some things like this, as currently re some of the activities at airports. We should all be aware that one missed opportunity for adding security that leads to a major negative event counts for more in the minds of the public (and that includes Congress, etc.) than 50 decisions to not engage in an additional intrusive security measure that are not followed by negative consequences.

In general, people underestimate how much they will adapt to existing, baseline risks, such as, in the USA, automobile accidents, the possibility of sudden death from heart attacks, etc., and in Israel and North Ireland, the possibility that a car might explode from a planted bomb, etc.  
Paul

At 12:16 PM 3/12/2002 -0500, Brandon, Susan wrote:

>Dear Friends,  
>In the body of this email are the notes taken during the meeting around  
>"Question #7" at the meeting at the FBI Academy last Feb. 28.  
>Please review these and add more comments or make whatever editorial changes  
>you would like to make. We are hoping this might be a way to let each  
>participant in the various groups "continue to converse." If you want to  
>send papers or separate notes that you think might be useful to the issues  
>discussed, they are welcome also.  
>In some instances, the note taker missed some points and so asks for help --  
>these can be seen within the text.  
>These also are attached as files in Word and Rich Text Format formats.  
>However, attachments often don't work very well, which is why the whole text  
>is copied below.  
>We look forward to hearing from you.  
>Thanks,  
>Susan  
>  
>Discussion group: Question #7



>

>Participants: Catherine Ahmad, Stephen Behnke (Facilitator), Robert Benson,  
>George Bonanno, Dave Crane, Dickson Diamond, Martin Lustick, Paul Rozin

>

>Question 7

>Biological terrorism can pose unusually sensitive and explosive dangers for  
>an open society. The uncertain and gradual appearance of a dread and highly  
>contagious disease may require strict and sudden quarantines on hospitals or  
>other facilities to impede secondary and tertiary waves of infection.

>Consider how the imposition of such drastic measures might endanger people,  
>for example, by confining them against their will with infected persons and  
>severely interrupting family and work relationships. How can violent  
>resistance to such measures, and protracted struggles to escape the  
>restrictions of quarantines and emergency orders be managed or prevented?

>

>

>I. Important to study past quarantine experiences and disease  
>breakouts (ex. polio, anthrax).

>A. To determine the likelihood that quarantine will be necessary or  
>even possible.

>1. Quarantine should be considered as a last-resort strategy.

>2. Given air travel and the fact that an infected individual could be  
>in many different places in a short amount of time, quarantine may be  
>virtually impossible to attain.

>A. To devise best strategies.

>1. Early Renaissance period in Northern Europe, people not prepared for  
>disease and the mass panic that occurred only spread the infection, but in  
>Venice, the City-State had made preparations for disease: isolations were  
>mandatory, and the citizens were not only informed but the emergency  
>procedures were made part of the culture.

>2. People generally inflate the seriousness of a disease, and  
>over-react to it. This creates more panic than would occur if there were  
>more realistic assessments of threats.

>3. There are many instances of the public being deceived by media or  
>other fictional accounts of threats: we can use people's reactions here to  
>help shape strategies.

>A. The anthrax cases showed that disease can be spread in  
>unconventional ways. Are we being creative about thinking of future methods  
>of infection?

>B. At B'nai B'rith Hospital in Washington D.C., there was a quarantine  
>imposed because of a red Jell-O box found with a note saying, "anthrax."  
>People tried to escape and there was a lot of trauma, even though the threat  
>turned out to be a hoax.

>

>I. How can we best create an infrastructure for the people responsible  
>for emergency responses?

>A. Must identify and prepare the people who will manage crisis  
>situations (e.g., this is often the police or fire departments, since they  
>are most local).

>B. Must establish clear lines of authority and communication, and set  
>these up before hand so that there is no debate or confusion during the  
>crisis.

>C. Use what is known in social science to decide how information is  
>communicated to the public

>1. Information must be as comprehensive as possible.

>2. Information must be as accurate as possible, but if something is not  
>known, that should be made clear as well.

>3. How the message is framed will determine how it is perceived and  
>much of the response to it.

>4. Recognize that people inflate perceived dangers of disease and  
>overestimate problems.



- >5. Should understand that people do not think of the long-term effects of their behavior when they are under pressure to act quickly.
- >6. Consider the various cultural contexts in which communications must be offered, and the social, political and religious restrictions already in place in any given community.
- >7. The American public is not prepared to deal with any instance of mass casualties.
- >8. The American public does not take seriously the possibility of a bioterrorist incident.
- >A. Increase capacity for treatment of potential disease must be made available to local health facilities apart from quarantine: during the anthrax incidents in 2001 and 2002, many people did not want to leave the hospital because they felt safe there.
- >B. Make mental health professionals available for both the victims of the disease and their caretakers.
- >C. Make social scientists part of the communications team.
- >D. Try to coordinate among States for standard operating procedures.
- >
- >I. What are the long-term strategies?
- >A. Offer people coping strategies, such as gas masks, filters, hand washing information, that they can employ at no or little cost and with current technology.
- >B. Include bioterrorist events in public education, along with other health information.
- >C. Frame the messages in terms of benefits, rather than risks.
- >D. Take advantage of large gatherings of people (e.g., football games) to offer inoculations.
- >E. Create communication lines that are independent of the general public so that emergency workers can communicate even while cell phones are jammed, and on the other hand, create ways for family members to contact each other even when cell phone lines are jammed.
- >
- >
- >
- >Susan E. Brandon
- >Senior Scientist
- >Science Directorate
- >American Psychological Association
- >
- >750 First Street NE
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- >202 336 5925
- >202 336 5953 (fax)
- >SBrandon@apa.org
- >



















Maybe we can read the stuff and do a conf call?

Gerry

Behnke, Stephen wrote:

>Thank you, Barry. I hope your trip goes well. I will have your copy at the meetings, for when you arrive Thursday evening.

>

>Paul, would a Sunday time (please see Barry's message below) be a possibility?

>

>Thank you for letting us know,

>

>Steve

>

> -----Original Message-----

> From: Barry Anton

> Sent: Sat 3/12/2005 11:34 AM

> To: Behnke, Stephen; Gerry Koocher

> Cc: Donnelly, Paul; Jacobson, Rhea; Ronald F. Levant, Ed.D,

M.B.A., ABPP

> Subject: RE: Ethics and National Security Task Force

>

>

>

> Dear Steve:

> I will be out of the country on a site visit beginning tomorrow (Sunday) and

> will arrive at the Consolidated meetings Thursday around 8 p.m.

I guess you

> could send the materials there for me to review before we meet over the

> weekend.

> My plane doesn't leave until 5:15 p.m. Sunday, so Sunday afternoon is a

> possibility - at least for me, to meet to discuss the applicants.

> Best,

>

> Barry

> >>Dear Gerry and Barry,

>

> >>I hope you are both well. I write to you as the Board liaisons to the Task

> Force to Explore the Ethical Aspects of Psychologists'

Involvement and the Use

> of Psychology in National Security-Related Investigations.

>

> >>

> >>We have just completed compiling the list of nominees for the Task Force,

> and have 110 names. These have been collected in a booklet with accompanying

> materials. Ron would like to meet at the Consolidated meetings next weekend,

> to discuss the names and the process for the Task Force to begin its work.

>

> >>

> >>By copy, I am asking Paul Donnelly for a place and a time to meet. (I

> realize, of course, that given your very busy schedules it may be a challenge



> to find a time when you are all free, but Paul will give the possibilities.)  
> >>  
> >>Please let me know where you would like the booklet sent, and whether you  
> would like us to send the booklet to you to arrive on Saturday (tomorrow), or  
> whether Monday would work as well.  
> >>  
> >>Thank you,  
> >>  
> >>Steve  
> >>  
> >>  
> >>  
> >>  
>  
> Barry S. Anton, Ph.D., ABPP  
> Department of Psychology  
> University of Puget Sound  
> Tacoma, WA 98416-1046  
>  
>  
>  
>  
>  
>



**Sender:** Brandon, Susan </O=APA/OU=DC/CN=RECIPIENTS/CN=SYB>  
**Sent:** Wednesday, February 20, 2002 3:25:05 PM  
**Recipient:** Arie Kruglanski (E-mail) [REDACTED]; Baruch Fischhoff (E-mail) [REDACTED]; Behnke, Stephen <sbehnke@apa.org>; Brandon, Susan <SBrandon@apa.org>; Brendan O'Leary (E-mail) [REDACTED]; Charles F. Bond (E-mail) [REDACTED]; Clark McCauley (E-mail) [REDACTED]; David Washington (E-mail) <david\_washington@labor.senate.gov>; Deborah Frisch (E-mail) <dfrisch@nsf.gov>; Denyse Sabagh (E-mail) [REDACTED]; Donald A. Norman (E-mail) [REDACTED]; Eldar Shafir (E-mail) [REDACTED]; Faith Mitchell (E-mail) [REDACTED]; George Bonanno (E-mail) [REDACTED]; George Loewenstein (E-mail) [REDACTED]; Howard Timm (E-mail) <Timmhw@osd.pentagon.mil>; Ian Lustick (E-mail) [REDACTED]; Jim Griffin (E-mail) <JGriffin@ostp.eop.gov>; Jonathan Drummond (E-mail) [REDACTED]; Kareem Shora (E-mail) [REDACTED]; Kathie Olsen (E-mail) <kolsen@hq.nasa.gov>; Khalil Jahshan (E-mail) [REDACTED]; Laura Frumkin (E-mail) [REDACTED]; Marc Ross (E-mail) [REDACTED]; Martin Lustick (E-mail) [REDACTED]; Melvin A. Gravitz (E-mail) [REDACTED]; Mumford, Geoffrey <gmumford@apa.org>; Paul Rozin (E-mail) [REDACTED]; Peter Suedfeld (E-mail) [REDACTED]; Robert Kinscherff (E-mail) [REDACTED]; Somerstein, Marla <MSomerstein@apa.org>; Sy Frenkel (E-mail) [REDACTED]; Victoria Esses (E-mail) [REDACTED]; Wanchisen, Barbara <BWanchisen@apa.org>  
**Subject:** attachments

---

For reasons that I do not understand, many of you are not getting some or all of the attachments that were included in my last email.

Rather than frustrate you further, here it all is: first, the scenarios and questions, then the list of attendees.

My apologies!

Susan

*Countering Terrorism: Integration of Theory and Practice*  
*FBI Academy, Quantico, Virginia*  
*February 28, 2002*

Schedule: 10:00 AM - 12:00 PM: Small group discussions: scenarios  
1:00 PM - 3:00 PM: Small group discussions: questions  
3:00 PM - 5:00 PM: Large group discussion

The bulk of the meeting time (from 10 AM to 3 PM) will consist of small group discussions. These groups will focus on the "scenarios" (10 AM -12 PM) and then on the "questions" (1 PM - 3 PM). Each group will consist of an approximately equal number of researchers and law enforcement/intelligence



personnel, and be interdisciplinary and interagency. The make-up of the groups will differ, depending on the preferences individuals indicate. (That is, the group you are in for the scenario discussion will be different from that you are in for the question discussion.)

During the large group discussion (from 3:00 to 5:00 PM), each small group will briefly summarize their individual discussions and recommendations. Every participant will be invited to comment on all the scenarios and questions and on the work of the individual groups.

The goal of the small group meetings is twofold: first, to provide concrete strategies germane to the issues raised that can be of immediate use. The second is to develop general models that will be useful in the long-term by providing a way of thinking about the issues involved. Each small group will have a facilitator, who will be asked to keep his or her own notes, and someone who is serving in a support capacity whose primary job will be to take notes.

Subsequent to the meeting, the notes from each group for each considered scenario and question will be written up and circulated among members of the group, for comments, additions, and editions. These then will be sent back to the Behavioral Science Unit of the FBI Academy, who can distribute them as they wish.

Please read the seven scenarios and the seven questions and indicate your preferences by rank ordering each, from 1 to 7, less to more preferred. Send these rankings to Susan at APA as soon as you have them. As much as possible, we will try to honor indicated preferences.

The scenarios provided are deliberately vague in specifics. This is because (1) information available to law enforcement often is incomplete and even, inconsistent, and (2) the group is asked to consider alternative situations within the scenario, such as a different country of origin, ethnicity, and so on. The questions are meant to be more general and broader in scope. Some of the scenarios are offered in clusters.

### *List of scenarios*

#### Scenario 1

A citizen contacts a detective in a small east coast city. The detective knows the caller to be a trustworthy local businessman. He reports suspicious activity by a neighbor who moved into a rental residence nearby. The neighbor appears "middle eastern." The neighbor claims to be a student at the local university however is noticed to be absent from the residence weeks at a time. The caller engaged the neighbor in conversation and learned that although he claimed to be enrolled in an "International Studies" program at the University he was very vague and clearly did not recognize the names of the most prominent professors within that program. The neighbor has observed three other "middle eastern" males intermittently staying at the neighbors home sometimes when his neighbor is not there.

#### Scenario 2 (Cluster)

a) A woman contacts her Psychologist from whom she has been receiving therapy for the past year for bouts with depression. She reports that she has just learned that a friend of her 19 year old son appears to be recruiting her son for a "martyrdom" mission. This friend has voiced some fundamental Islamic beliefs that are very "anti-American." The woman has overheard worrisome conversations between her son and his friend but has tried to discount their significance until her son revealed today that he was asked to become a "Martyr" for an unspecified attack against the United States. He is very concerned



that his friend is involved in something that may be planned for the near future. They are afraid to report this to the police because her son does have a juvenile record and he is somewhat anti-American himself. They are naturalized citizens of the U.S. after having moved from Iran many years ago.

b) A young man walks into a local FBI office and claims to be from Palestine. He reports that the recent suicide bombing in Israel that is being widely reported in the international media was committed by his brother. The reporting person is conflicted about his desire to stay in the United States, his need to return to his family, and his previous thoughts about becoming a martyr for the Palestinian cause. His work permit expires in one week and his family expects him to come home. He has met a young woman who is a U.S. citizen, a devote Muslim, and will not leave her close knit family here in the U.S. He doesn't want to abandon his family or raise any suspicion from them. Both he and his brother previously talked about becoming "martyrs" but they decided against it. Apparently his brother lied to him or changed his mind. He is dedicated to his family and has many friends and associates at home.

c) An off duty law enforcement officer received a call from his neighbor who is a teacher at a local private elementary school. Today a ten year old boy student told her that he was worried about his father killing himself "like the people who flew planes into buildings." The student asked if this school would put his father's picture on the wall if that happened. The boy claimed that the picture of his friend's older brother was placed on the wall in his previous school when he died a "Martyr." The boy was recently enrolled in this elementary school after moving from a foreign country. The boy also revealed that his father is very strict and usually questions him every day after school about who he talked to and what they talked about. His father has been away for several days and is expected home tomorrow or the next day.

What if the "foreign country" were \_\_\_\_\_.

What if the "foreign country" were \_\_\_\_\_.

### Scenario 3 (Cluster)

a) A city police department of a medium size U.S. city received an anonymous telephone call to their published but non-emergency number. The caller reported overhearing a conversation that took place in a local Mosque regarding a plan to attack an "American" city. The caller identified the Mosque but did not provide the names or indicate if he knew the people having the conversation. However he expressed his confidence that the individuals having this conversation hate the United States and have the ability to commit a terrorist act. No law enforcement agency has any confidential source within the Mosque and the Police Department does not have a confidential source or cooperating witness within the Islamic community. At least one concern of the police department is how to develop assets or informants within this community.

b) Investigators arrest an individual that has made several "anonymous" terrorist threats directed toward a city facility. Substantial investigative and security enhancements have occurred during the course of these threats. No financial or specific demands were ever made but sufficient credibility was attributed to the caller's threats to generate a significant investigative and security response, as well as a public notification and closing of several city facilities. The subject was arrested at a public telephone in the act of making his third related threat. It has been determined that he never intended nor had the ability to carry out the events he threatened. Investigators involved in the case have established rapport with the subject and he has agreed to be interviewed. Subject denies any history of mental illness or mental health treatment. The investigators are asking for any information available about possible motivations and behavioral issues to be explored with the subject. They also want specific recommendations to consider as they construct an interrogation plan and a media release. City officials are asking for law



enforcement input to developing plans to prevent future "hoax" terrorist threats. The response to these threats have generated major media interest and daily reporting.

#### Scenario 4

Three individuals arrested for trespassing near a nuclear power plant after having been observed by plant security photographing and sketching the facility. The three individuals have been separated and interviewed individually. Two individuals appear to have limited English language skills. They have asked for an attorney and refuse to talk with police. The third person has signed a waiver of Miranda and is fluent in English. He has offered weak explanations about their purpose. A passport issued in Saudi Arabia has been found along with information that he has traveled to Indonesia, Yemen and Germany in the past two months. His interaction with investigators indicates he is willing to keep talking to find out as much as he can about what they know and what his associates may have said.

#### Scenario 5

Fire and rescue personnel respond to an explosion and subsequent fire in an apartment building near an industrial section of the city. Arson investigators determine the cause and origin to be detonation of an improvised explosive device (IED) within a backpack near or on the one deceased victim. Investigators found evidence that the detonated IED, and other unrecovered IED's, were constructed in the apartment. Documents have also been recovered that indicate that the resident of the apartment recently received inpatient treatment at a mental health facility in a neighboring state. A neighborhood canvas located one witness that observed several males in their early to mid 20's carrying backpacks leave the residence yesterday. The witness could not further describe the individuals stating that he only observed the people for a short period of time and did not pay close attention to them. Their automobile may have been parked on the street but the witness cannot be certain. The witness lives on the street and is in Alcohol Withdrawal having been unable to obtain alcohol in the past 48 hours.

#### Scenario 6 (Cluster)

a) FBI behavioral specialists have been requested to provide a local police department and field office with specific recommendations to improve trust and cooperation within their large Muslim community. There have already been two incidents of violent "retaliation" against members of the Muslim community. These incidents, a homicide and violent physical assault, remain unsolved. Both incidents are being actively investigated by the FBI and local police, yet there is very limited cooperation from the victims' families and the community.

b) The wealthier families and the Imam of a moderate Muslim mosque are discussing ways to attract and keep youth involved in religious and community activities. Many of the community's young people have latched onto other charismatic speakers in Mosques who preach a strident, yet more hopeful sense of rules and order to the basic interpretation of the Koran.

The families and the moderate Imam are wondering what is the best way to mobilize the international Muslim community to speak out against abuses of the Koran and negative perceptions of mainstream Islam. They are also wondering how the mainstream Muslim community might help in deterring the development of extremist ideas in Mosques.

During this period of time, threats have been made to moderate and mainstream Muslims. They are being accused of "watering down" the Koran. Several of the moderates, within the Muslim community, received various damage to their cars and homes.



c) Members of the Muslim community are being harassed and victimized but are reluctant to report these crimes to the police. In regards to community policing issues, what are strategies police can utilize to build effective communications between the Muslim community and the local, state, and federal agencies? Do the strategies depend on the gender, age, and education of the community members?

#### Scenario 7

Officers and Agents are sent to interview relatives, friends, and/or acquaintances of terrorists and/or suicide bombers. Identify interview strategies to be utilized with Middle Eastern women, children, and/or relatives of terrorists (e.g., nonverbal behaviors, cultural practices, communication styles, gender differences, etc.). Do these strategies differ depending on the outcome of the terrorist acts (e.g., attempted terrorist acts vs. accomplished suicide terrorist, etc).

#### *List of questions*

1. What non-law enforcement campaigns or activities by government and civic organizations are needed/advisable to help create a climate within which law enforcement can operate more effectively? (e.g., less stereotyping, more education, more inclusion of Muslim clerics/holidays/references in public discourse, more consideration of fundamentalist vs. non fundamentalist tensions in all religious traditions, etc.)
2. What sort of educational modules might be designed to help law enforcement and other relevant agents understand and distinguish among different kinds of Islam with reference to sects, mores, relationships with different countries, attitudes toward women, violence, etc?
3. What studies of the life problems and circumstances of immigrants and students from Muslim/Middle Eastern countries might be commissioned which would help law enforcement discriminate between normal problems and responses and abnormal ones; and help identify real opportunities for the acquisition of valuable assets?
4. What arrangements might be made for including representatives of law enforcement and intelligence in various allied Middle Eastern countries to be involved in the interrogation of suspects or informants and for the acquisition of relevant familial, educational, and employment background information?
5. Stereotypes can function as shortcuts to quick, valuable, and relatively accurate assessments. Are there ways in which stereotypes can be used productively in law enforcement? How can we tell when stereotypes are producing particularly malignant and distorted impressions?
6. How is law enforcement challenged and how are relations with the Muslim/Middle Eastern community likely to be affected by a ramped up overt and covert attempt to overthrow the Iraqi regime?
7. Biological terrorism can pose unusually sensitive and explosive dangers for an open society. The uncertain and gradual appearance of a dread and highly contagious disease may require strict and sudden quarantines on hospitals or other facilities to impede secondary and tertiary waves of infection. Consider how the imposition of such drastic measures might endanger people, for example, by confining them against their will with infected persons and severely interrupting family and work relationships. How can violent resistance to such measures, and protracted struggles to escape the restrictions of quarantines and emergency orders be managed or prevented?



*You might consider the scenarios and the questions in terms of the following:*

1. Resources
  - a. What can be done now with current resources, restrictions and regulations?  
  
What additional resources are needed?  
  
What can we do to make these additional resources available?
1. Agencies involved
  - (a) U.S. government
  - (b) American civic groups & associations  
  
academia (multidisciplinary)  
  
international: police, intelligence, citizen groups  
  
American public/international public  
  
confidential sources (physician, therapist, priest, attorney)
1. Apparent characteristics of terrorists
  - a. Behavioral
  - b. Motivational
  - c. National variations
  - d. Home base/network/family
  - e. Those with targets other than U.S.
1. Interactions with terrorists or terrorist networks
  - a. Strategies to elicit reliable information: interviewer and interviewee characteristics
  - b. Variation in strategies dependent on cultural differences
  - c. Officer/agent safety issues
  - d. Rights of detainees/suspects
  - e. Development of additional assets within targeted communities
1. How can we be proactive?
  - a. Other fundamentalist groups, other nationalities
  - b. Alternate modes: bioterrorism, agricultural terrorism, cyber terrorism
  - c. What other targets besides the U.S. will come under attack?
  - d. Educating the public regarding risk perception and communication
  - e. Shaping U.S. policy: international, domestic
1. What kinds of new knowledge and different expertise are needed?
1. What role should the media play in the dissemination of information, education of the public, assistance in suspect identification, and risk communication?

**List of attendees:**

*Countering*



*Terrorism:  
Integration  
of  
Theory  
and  
Practice.  
FBI  
Academy,  
Quantico,  
VA  
(Feb.  
28,  
2002)*

*“academics”*

1. Baruch Fischhoff: University Professor, Engineering and Public Policy and Social and Decision Mellon University; Director, Center for Integrated Study of the Human Dimensions of Global Change.
  2. George Loewenstein: Department of Social & Decision Sciences, Carnegie Mellon University.
  3. Eldar Shafir: Professor of Psychology and Public Affairs, Department of Psychology and the Woodrow Wilson School of Public and International Affairs.
  4. Deborah Frisch: Program Director, Decision, Risk and Management Sciences, The National Science Foundation.
  5. Arie W. Kruglanski: Professor of Psychology, Department of Psychology, University of Maryland.
  6. Peter Suedfeld: Professor of Psychology and Distinguished Scholar in Residence at the Peter Wall Institute of Advanced Studies, University of British Columbia.
  7. Victoria M. Esses: Professor, Social Psychology, The Department of Psychology, Social Science Centre, The University of Western Ontario, London, Ontario.
  8. Clark McCauley Jr.: Professor of Psychology, Department of Psychology, University of Pennsylvania; Co-founder, Solomon Asch Center.
  9. Donald A. Norman: Professor of Computer Science, Northwestern University.
  0. Charles F. Bond Jr.: Assistant Professor, Department of Psychology, Texas Christian University.
  1. Howard Timm: PERSEREC Senior Program Manager, Defense Personnel Security Research Center.
  2. Robert Kinscherff: Director of forensic training at the Law and Psychiatry Service of the Massachusetts General Hospital; senior forensic psychologist for the Boston Juvenile Court Clinic; member of the faculty of Harvard Medical School.
  3. George A. Bonanno: Assistant Professor of Psychology and Education, Department of Psychology, Columbia Teachers College.
  4. Paul Rozin: Professor of Psychology, Department of Psychology, University of Pennsylvania and Co-Director, Solomon Asch Center.
  5. Jonathan Drummond: Major, USAF; Ph.D. candidate Princeton University.
  6. Marc Howard Ross: William Rand Kenan, Jr. Professor, Political Science, Bryn Mawr.
  7. Brendan O’Leary: Professor of Political Science and Chair of the Department of Government at the London School of Economics and Political Science (Visiting Professor at the University of Pennsylvania, Department of Political Science).
  8. Laura Frumkin: forensic psychology; FBI Counter-Terrorism research.
  9. David O’Neil Washington: APA Congressional and Executive Branch Fellow. Committee, which the senator now chairs.
  0. Khalil Jahshan: Executive Director, National Association of Arab Americans.
  1. Kareem W. Shora, J.D. Legal advisor, National Association of Arab Americans.
  2. Ian Lustick: Professor of Political Science and Richard L. Simon Chair in the Social Sciences at the University of Pennsylvania.
  3. Denyse Sabagh: Attorney and Counsel, National Association of Arab Americans.
  4. Martin Lustick: Dr. Marty Lustick is the Vice President, Associate Medical Director - Operations for the Mid-Atlantic Permanente Medical Group (MAPMG). [Three of the 4 patients with documented Anthrax infections were Kaiser Permanente members.]
  5. Melvin Gravitz: Clinical Professor of Psychiatry & Behavioral Sciences, George Washington University.
  6. Sy Frenkel: at the Defense Intelligence Agency (DIA) from 1976 through 1998.
- 
1. Kathie Olsen: Chief Scientist, NASA.
  2. Faith Mitchell: Deputy Executive Director of the Division of Behavioral and Social Sciences and Education of the National Academy of Sciences/ National Research Council.
  3. James Griffin: Assistant Director for Social and Behavioral Sciences, Office of Science and Technology Policy.



*Law enforcement & intelligence personnel (30)*

These include representatives from:

1. FBI (Behavioral Science Unit; Behavioral Assessment Units; International Terrorism Intelligence; Child Abduction & Serial Murder Investigations; Leadership, Management & Science Units).
2. Police & Sheriff's Offices (Stafford County, Arlington County, D.C., New York City).
3. Office of Homeland Security
4. CIA
5. Military security (Quantico)
6. US Secret Service
7. Transportation Security Agency

Susan E. Brandon  
Senior Scientist  
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**Sender:** Felder, Debbie </O=APA/OU=DC/CN=RECIPIENTS/CN=DXF>  
**Sent:** Wednesday, February 20, 2002 11:28:52 AM  
**Recipient:** Celia Fisher  
**Cc:** Tin, Jonathan <jtin@apa.org>; Behnke, Stephen <sbehnke@apa.org>  
**Subject:** RE: Ethics Code Revision

---

Hi Celia,  
Thanks. Yes, we received the Pincus to log. All set on that.

Do you remember the recent email exchange you had with Phil Pierce? I was not sure if you sent that as an FYI or if you wanted that logged as a comment. Shall I send you the note so that you can advise me?

Debbie

-----Original Message-----

Celia Fisher **PRIVACY REDACTION**  
Wednesday, February 20, 2002 11:06 AM  
Felder, Debbie  
Tin, Jonathan; Behnke, Stephen; Jones, Stanley E.  
Re: Ethics Code Revision

Hi Debbie  
Please do not log my response.  
Also, did you get the other comment by Jeffrey Pincus to log?  
Celia

Felder, Debbie wrote:

> Hi Celia,  
> Jonathan and I will log this as a comment. Before we do, however, I want to  
> ask if you would like your response to be part of the comment or if you just  
> want Ed's submission to stand alone. Thanks. Debbie  
>

>> -----Original Message-----

>> From: Celia Fisher **PRIVACY REDACTION**  
>> Sent: Wednesday, February 20, 2002 10:11 AM  
>> To: Nightingale, Edmund J.  
>> Cc: dfelder@apa.org; jtin@apa.org; sbehnke@apa.org; sjones@apa.org  
>> Subject: Re: Ethics Code Revision  
>>

>> Hi Ed,  
>> Thank you for your continued support and comments. I will certainly  
>> forward your questions to the ECTF.  
>>

>> I think that there are general standards relevant to the issues.  
>> However, providing specific guidance on alternative ethical pathways  
>> that correctional and military psychologists might select to address the  
>> complexity and contextual nature of the types of dilemmas you describe  
>> is beyond the scope of the ethics code.  
>>

>> For example, Principle A: "Because psychologists' scientific and  
>> professional judgments and actions may affect the lives of others, they  
>> are alert to and guard against personal, financial, social,  
>> organization, or political factors that might lead to misuse of their  
>> influence" and Standard 1.01 "Misuse of Psychologist's Work." are



>> relevant to your "spin" example. Other standards relevant to examples  
>> you gave are Other Harassment (3.02), Avoiding Harm (3.04), Exploitative  
>> Relationships (3.08), Boundaries of Competence (2.01); Providing  
>> Services in Extraordinary Circumstances (2.02), and Cooperation with  
>> Other Professional (3.09). For all the dilemmas you describe, Standard  
>> 1.02 is also relevant, recognizing that correctional, military, and  
>> other psychologists need to make ethical decisions within the context of  
>> laws, regulations, and other legal authorities governing their work.  
>>  
>> As always, I appreciate your drawing the attention of the ECTF to the  
>> complex and important ethical challenges faced by military and  
>> correctional psychologists.  
>>  
>> Best regards,  
>> Celia  
>>  
>> Nightingale, Edmund J. wrote:  
>>  
>>> Hi Celia,  
>>>  
>>> Nicely done at COR last weekend! The point which I mentioned briefly is  
>>> that the current ethics code focuses on a number of general issues and  
>>  
>> then  
>>  
>>> upon certain specific activities of psychologists such as assessment,  
>>> therapy, teaching, and research.  
>>>  
>>> I wondered aloud whether activities such as advising a physician on  
>>> psychotropics, a politician on self-presentation and "spin" on  
>>  
>> information  
>>  
>>> and events, "psychological profiling", hostage negotiation, consultation  
>>> with police interrogators in vivo who are trying to "break down" a  
>>  
>> suspect  
>>  
>>> [at this point still innocent until proven guilty], with SWAT teams,  
>>> national intelligence organizations (CIA, NSA, FBI, etc) would have  
>>  
>> anything  
>>  
>>> in common with each other which would not be covered already in the more  
>>> general principles. Perhaps the general principle of "beneficence"  
>>  
>> covers  
>>  
>>> it, but there are certainly competing views about who benefits from some  
>>  
>> of  
>>  
>>> these activities....perhaps some principles on Consultation as an  
>>  
>> activity  
>>  
>>> would make explicit what is already implicit in the larger picture.  
>>>  
>>> Perhaps another time, another place would be the venue for these issues  
>>  
>> to



>>  
>>> be considered.  
>>>  
>>>  
>>> Edmund J. Nightingale, Ph.D. ABPP  
>>> Director for Psychology  
>>> Minneapolis VAMC  
>>>  
>>>  
>>>  
>>>  
>> --  
>> Celia B. Fisher, Ph.D.  
>> Director, Center for Ethics Education  
>> Fordham University  
>> **PRIVACY REDACTION**  
>>  
>>  
>>  
>>  
>>  
>

--  
Celia B. Fisher, Ph.D.  
Director, Center for Ethics Education  
Fordham University

**PRIVACY REDACTION**



**Sender:** Ronald F. Levant, Ed.D, M.B.A., ABPP **PRIVACY REDACTION**  
**Sent:** Friday, March 04, 2005 12:44:56 AM  
**Recipient:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Subject:** RE: APA Task Force on Interrogations

---

Thanks Steve

Ronald F. Levant, Ed.D., M.B.A., ABPP  
Professor  
Center for Psychological Studies  
Nova Southeastern University

**PRIVACY REDACTION**

President, American Psychological Association, 2005  
"Making Psychology a Household Word"

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Thursday, March 03, 2005 9:25 AM  
To: Ronald F. Levant, Ed.D, M.B.A., ABPP  
Subject: RE: APA Task Force on Interrogations  
Sensitivity: Confidential

Yes, Larry and I are in touch.

Thanks Ron,

Steve

-----Original Message-----

From: Ronald F. Levant, Ed.D, M.B.A., ABPP **PRIVACY REDACTION**  
Sent: Wednesday, March 02, 2005 10:00 PM  
To: Behnke, Stephen  
Subject: RE: APA Task Force on Interrogations  
Sensitivity: Confidential

Okie doke  
Thanks Steve  
Can you call Larry?

Ronald F. Levant, Ed.D., M.B.A., ABPP  
Professor  
Center for Psychological Studies  
Nova Southeastern University

**PRIVACY REDACTION**



## PRIVACY REDACTION

President, American Psychological Association, 2005  
"Making Psychology a Household Word"

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Wednesday, March 02, 2005 8:39 PM  
To: Ronald F. Levant, Ed.D., M.B.A., ABPP  
Subject: RE: APA Task Force on Interrogations  
Sensitivity: Confidential

Ron,

I would be happy to speak with Larry directly. We will strive to be sensitive to the concerns of our colleagues in the military, and when assembling the task force a top priority will be to ensure that we have individuals who are informed about the issues, and bring an open mind to the complexity and challenge of thinking through the ethical aspects of this work. We are aware of the strong feeling that media accounts have elicited, but as a scientific profession our first obligation is to begin with the data.

I've just finished up a meeting at Division 41, and am catching the redeye back to DC for the Ethics Committee meeting that starts tomorrow; let's be in touch as is helpful,

Steve

-----Original Message-----

From: Ronald F. Levant, Ed.D., M.B.A., ABPP

PRIVACY REDACTION

Sent: Wed 3/2/2005 5:12 PM  
To: Behnke, Stephen  
Cc:  
Subject: FW: APA Task Force on Interrogations

Steve: suggestion for how to ally his concerns?

Ronald F. Levant, Ed.D., M.B.A., ABPP

Professor

Center for Psychological Studies

Nova Southeastern University

PRIVACY REDACTION



## PRIVACY REDACTION

President, American Psychological Association, 2005

"Making Psychology a Household Word"

-----Original Message-----

From: James, Larry C COL TAMC [<mailto:larry.james@us.army.mil>]

Sent: Tuesday, March 01, 2005 11:52 AM

To: Ronald Levant

Subject: APA Task Force on Interrogations

Hi Ron,

would it be possible to talk with you about the task force on Interrogation.

Ron I have been very much involved in Cuba and Abu Ghraib in regards to setting up appropriate procedures that would avoid abuse/torture.

But Ron I am hesitant to be involved with the Task Force (if selected) for fear of pre-conceived biases of some who may be anti-military. And, moreover, much of Army Psychology's involvement with this is classified.

I'll be at the SLC meeting this weekend and if possible I would like to chat with you then or if not by phone.

Thanks,

Larry C James, Ph.D., ABPP

Colonel, U.S. Army

Chair, Dept of Psychology

Tripler Army Medical Center



PRIVACY REDACTION



**Sender:** Brandon, Susan </O=APA/OU=DC/CN=RECIPIENTS/CN=SYB>  
**Sent:** Thursday, February 14, 2002 5:02:55 PM  
**Recipient:** Behnke, Stephen <sbehnke@apa.org>  
**Subject:** RE: driving & ethics

---

(here's my comments, so we have a record, even if it is off the record:)

I, on the other hand, am having a rather Kafka-esque day. I just got off the telephone from an attorney at the National Association of Arab Americans who said that they are tired of talking to the FBI about why Arab Americans don't talk to them, given that several people who have volunteered information were immediately put in jail!

So, now I have someone from the FBI that wants to know about the ethics of this scenario.

This is not a real case. The question is whether APA would mind that we bring up this imaginary case to consider the ethical issues involved.

Please keep my comments above confidential!

Susan

-----Original Message-----

Behnke, Stephen

Thursday, February 14, 2002 4:43 PM

Brandon, Susan

RE: driving & ethics

Hmmm. Still not entirely clear on the question, Susan (all my neurons not firing today).

Is this based on an actual case? Is the psychologist worried that sharing the scenario would be a breach of confidentiality?

-----Original Message-----

Brandon, Susan

Thursday, February 14, 2002 4:40 PM

Behnke, Stephen

RE: driving & ethics

The question is whether APA would mind handing this scenario around to people, using an instance of a psychologist talking about something that a client told them, for instances of national security. I think.

Susan

-----Original Message-----

Behnke, Stephen

Thursday, February 14, 2002 3:39 PM

Brandon, Susan

RE: driving & ethics

Hi Susan--what's the question?

-----Original Message-----

Brandon, Susan

Thursday, February 14, 2002 3:06 PM

Behnke, Stephen

RE: driving & ethics

OK. I assume you can find where this is via mapquest: address is

PRIVACY REDACTION

PRIVACY REDACTION



I have a question that one of the FBI Academy faculty asked me to ask you (he is a clinical psychologist, on their regular faculty). This is whether the attached "scenario," that is (roughly) an example of one of the scenarios that we are going to ask the group to consider, will be in any way considered unethical or to raise issues of ethics that APA would want to have no part in. I am not a clinician and so I don't know about ethics -- well, this is not entirely true! In any case, would you mind looking at this? If you need to ask someone else to read it, would you mind letting me know first?

I hope this is making too much of out this, but better to err on the side of caution (I do know about Type I error rates).

Susan

here is the scenario:

A  
woman  
contacts  
her  
Psychologist  
from  
whom  
she  
has  
been  
receiving  
therapy  
for  
the  
past  
year  
for  
bouts  
with  
depression.  
She  
reports  
that  
she  
has  
just  
learned  
that  
a  
friend  
of  
her  
19  
year  
old  
son  
appears  
to



be  
recruiting  
her  
son  
for  
a  
"martyrdom"  
mission.  
This  
friend  
has  
voiced  
some  
fundamental  
Islamic  
beliefs  
that  
are  
very  
"anti  
-  
American."  
The  
woman  
has  
overheard  
worrisome  
conversations  
between  
her  
son  
and  
his  
friend  
but  
has  
tried  
to  
discount  
their  
significance  
until  
her  
son  
revealed  
today  
that  
he  
was  
asked  
to



become  
a  
"Martyr"  
for  
an  
unspecified  
attack  
against  
the  
United  
States.  
He  
is  
very  
concerned  
that  
his  
friend  
is  
involved  
in  
something  
that  
may  
be  
planned  
for  
the  
near  
future.  
They  
are  
afraid  
to  
report  
this  
to  
the  
police  
because  
her  
son  
does  
have  
a  
juvenile  
record  
and  
he  
is  
somewhat



anti  
-  
American  
himself.  
They  
are  
naturalized  
citizens  
of  
the  
U.S.  
after  
having  
moved  
from  
Iran  
many  
years  
ago.

-----Original Message-----

Behnke, Stephen

Thursday, February 14, 2002 11:25 AM

Brandon, Susan

RE: driving

Hi Susan,

Not a problem at all--I'll just pick Robert up. Really, no problem.

Steve

-----Original Message-----

Brandon, Susan

Thursday, February 14, 2002 11:18 AM

Behnke, Stephen

driving

Dear Stephen,

I just realized that if Robert Kinscherff is staying via our hotel accommodations, this puts him at the Comfort Inn in Stafford, VA, which is about 15 minutes drive from the Academy. I am sure this is a modest inn. . . and this makes your driving arrangements more complicated. My budget here comes from U. Penn. and not from APA (APA was too slow to come up or even promise money for this meeting to occur), so there are limited funds (thus, the Comfort Inn - also, it is where the FBI houses off-campus visitors).

Why don't you let me know what you think about this?

Susan

Susan E. Brandon

APA\_0036339



Senior Scientist  
Science Directorate  
American Psychological Association

750 First Street NE  
Washington DC 20002-4242  
202 336 5925  
202 336 5953 (fax)  
SBrandon@apa.org



**Sender:** Brandon, Susan </O=APA/OU=DC/CN=RECIPIENTS/CN=SYB>  
**Sent:** Thursday, January 31, 2002 9:08:57 AM  
**Recipient:** Arie Kruglanski (E-mail) [REDACTED]; Baruch Fischhoff (E-mail) [REDACTED]; Behnke, Stephen <sbehnke@apa.org>; Brandon, Susan <SBrandon@apa.org>; Brendan O'Leary (E-mail) [REDACTED]; Charles F. Bond (E-mail) [REDACTED]; Clark McCauley (E-mail) [REDACTED]; David Washington (E-mail) <david\_washington@labor.senate.gov>; Deborah Frisch (E-mail) <dfrisch@nsf.gov>; Donald A. Norman (E-mail) [REDACTED]; Eldar Shafir (E-mail) [REDACTED]; Francisco Gil-White (E-mail) [REDACTED]; George Bonanno (E-mail) [REDACTED]; George Loewenstein (E-mail) [REDACTED]; Ian Lustick (E-mail) [REDACTED]; Jack Glaser (E-mail) [REDACTED]; John L. Esposito (E-mail) [REDACTED]; Jonathan Drummond (E-mail) [REDACTED]; Kathie Olsen (E-mail) <kolsen@hq.nasa.gov>; Kelly, Heather <hkelly@apa.org>; Khalil Jahshan (E-mail) [REDACTED]; Laura Frumkin (E-mail) [REDACTED]; Marc Ross (E-mail) [REDACTED]; Martin Lustick (E-mail) [REDACTED]; Melvin A. Gravitz (E-mail) [REDACTED]; Mumford, Geoffrey <gmumford@apa.org>; Neal Schmitt (E-mail) [REDACTED]; Paul Rozin (E-mail) [REDACTED]; Peter Suedfeld (E-mail) [REDACTED]; Philip E. Tetlock (E-mail) [REDACTED]; Robert Kinscherff (E-mail) [REDACTED]; Somerstein, Marla <MSomerstein@apa.org>; Sy Frenkel (E-mail) [REDACTED]; Victoria Esses (E-mail) [REDACTED]; Wanchisen, Barbara <BWanchisen@apa.org>  
**Cc:** Anthony Pinizzotto (E-mail) [REDACTED]; Cynthia Laskiewicz (E-mail) [REDACTED]; Steve Band (E-mail) [REDACTED]; Nancy Ward (E-mail) [REDACTED]; Leslie Sebastian (E-mail) [REDACTED]; Salzinger, Kurt <KSalzinger@apa.org>  
**Subject:** Conference at FBI Academy Feb. 28 2002  
**Attachments:** Invitation.Form.doc

---

January 31, 2002

Dear Friends,

This confirmation of your participation in the meeting on Feb. 28, 2002, at the FBI Academy has some additional information and some requests.

*Information about the meeting:*

We have 30 scholars attending this meeting, and an approximately equal number of field agents. In order to take best advantage of so many good people and good ideas within the limitations of a single day, Geoff Mumford and I here at APA, along with several of the faculty at the FBI Academy, decided to use a format that is designed to facilitate interaction among participants, as well as allow the invited academics to contribute in a concrete manner to the current needs and concerns of

APA\_0036644



the field agents.

Following a brief introductory session, small groups of eight to ten people, composed equally of academics and field agents, will "break out" to discuss questions and scenarios that reflect the current concerns of the FBI and associated agencies in ongoing counter-terrorism efforts. These will include issues such as how to identify individuals and communities that participate in, or support, terrorist networks, interview current detainees, understand the historical and global nature of terrorist networks, and educate the media and the public about how to cope with, assess and communicate terrorist threats. The specific scenarios currently are being constructed by the field agents, and should be available within a week or less. When we have them, I will mail them out to you and ask that you indicate your preferred focus scenario; hopefully, we will be able to honor most requests.

The small-group meetings will be followed by a general discussion where all are invited to offer thoughts and observations on the results of the groups' ideas and proposals. The meeting will begin at 9 AM and end after a dinner that will probably be served at about 7 PM.

*A important request:*

Enclosed in this email is a form that from the FBI Academy that needs to be filled out ASAP. Please do so via email, using the address **PRIVACY REDACTION** indicated.

*Information about travel and hotel arrangements:*

Air travel arrangements for those people travelling within the U.S. are being made by the FBI, and they will provide further instructions on how to do this (I think you will be asked to contact your local FBI field office). For those who are travelling outside the U.S., we must make other arrangements and I will be in touch with you about this. Travel and other incidental expenses will be covered by the meeting co-sponsors but for those of you who are not travelling by air, it will probably be simplest to reimburse you for those costs and expense reports will be provided for your convenience in advance. For those of you who are driving, we will provide directions.

Hotel accommodations are available at a hotel that is about 15 minutes by car from the FBI Academy. We will make reservations for all who want to stay there either the night before (27th), the night of (28th), or both. Please let me know what your preference is. A van or bus will be available to take people from there to the Academy.

*An additional opportunity:*

To take advantage of your presence in Washington, APA would like to facilitate an informational briefing for congressional staff on the morning of March 1 by asking a small group of interested participants to join us on Capitol Hill. While several congressional committees have examined issues related to the events of September 11, the hearings to date have focused on victim compensation, technological fixes to aviation security, bioterrorism, etc. None have focused on behavioral and social science issues that we believe are integral to addressing terrorism. For those of you who can stay through Friday, this is a good opportunity for us to highlight the importance of behavioral and social science as a means to inform domestic and foreign policy in the aftermath of 9/11.

Working with Kevin Kayes, the Staff Director of the Senate Committee on Commerce, Science and Transportation, we have arranged a slot (sometime between 9:00-11:00) to meet informally to have a discussion relevant to the counter-terrorism agenda. The format remains to be determined but it may be that we'd simply provide some introductions, give you a couple of minutes to introduce yourselves and describe your research and then turn it into a general Q&A.

For planning purposes we need to get a sense of who among you would be interested in such a meeting so that we can accommodate that schedule in your travel plans. Staff of the comparable Committee in the House (House Science Committee) have been slow to respond but if time permits and we can generate interest on their part, we would consider taking a group over there after the meeting with the Senate staff.

If you're interested please let us know as soon as possible. To provide maximum flexibility for scheduling it would be best for you to plan on departing DC late afternoon or early evening on March 1. If you'd prefer to spend that night in DC we be pleased to arrange accommodations and cover those expenses as well.

All comments and questions are welcome.

Kind regards,

Susan Brandon





Susan E. Brandon  
Senior Scientist  
Science Directorate  
American Psychological Association

750 First Street NE  
Washington DC 20002-4242  
202 336 5925  
202 336 5953 (fax)  
SBrandon@apa.org



**Sender:** Ronald F. Levant, Ed.D, M.B.A., ABPP **PRIVACY REDACTION**  
**Sent:** Friday, February 18, 2005 5:51:50 AM  
**Recipient:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Cc:** Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>; Jacobson, Rhea </O=APA/OU=DC/CN=RECIPIENTS/CN=RSS>; Strassburger, Judith </O=APA/OU=DC/CN=RECIPIENTS/CN=JAS>  
**Subject:** RE: Task Force on Ethics and National Security

---

Wow!  
200 names...  
that is amazing

Ronald F. Levant, Ed.D., M.B.A., ABPP  
Professor  
Center for Psychological Studies  
Nova Southeastern University  
**PRIVACY REDACTION**

[www.DrRonaldLevant.com](http://www.DrRonaldLevant.com) website

President, American Psychological Association, 2005  
"Making Psychology a Household Word"

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Thursday, February 17, 2005 11:39 PM  
To: Ronald F. Levant, Ed.D, M.B.A., ABPP  
Cc: Kelly, Heather; Jacobson, Rhea; Strassburger, Judith  
Subject: Task Force on Ethics and National Security

Ron,

I simply want to confirm our discussion of earlier today, concerning the President's Task Force on Ethics and National Security.

The Board liasons are Gerry Koocher and Barry Anton.

The Task Force will be staffed by the Ethics Office and the Science Directorate. Nominations are being sent to me, and the Ethics Office (Rhea Jacobson) is updating the list daily. The final day for nominations is March 1.

We will have a conference call (tentatively scheduled for Tuesday, March 9), at which time you will choose the individuals for the Task Force. Before then we will have provided you a complete list of individual's names and biographical sketches for your review. We will also have drafted a letter that will be sent to the individuals whom you choose, that will provide possible meeting dates and other relevant information (e.g., the person will need to be able to attend and able to vote in



order to be on the task force).

My guess is that we will have over 200 names for your consideration.

Steve



**Sender:** Ronald F. Levant, Ed.D, M.B.A., ABPP [REDACTED]  
**Sent:** Friday, February 18, 2005 5:50:29 AM  
**Recipient:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Subject:** RE: [CAPP] FW: APA President seeks nominations for Task Force on ethics and national security--pleas

---

Smile...  
Thanks, Steve

Ronald F. Levant, Ed.D., M.B.A., ABPP  
Professor  
Center for Psychological Studies  
Nova Southeastern University  
[REDACTED]

[www.DrRonaldLevant.com](http://www.DrRonaldLevant.com) website

President, American Psychological Association, 2005  
"Making Psychology a Household Word"

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Thursday, February 17, 2005 9:57 PM  
To: Ronald F. Levant, Ed.D, M.B.A., ABPP  
Subject: RE: [CAPP] FW: APA President seeks nominations for Task Force on ethics and national security--please distribute to APA lists

Thanks, Ron. At your suggestion, I did speak with Ron about the task several weeks ago. I will certainly keep him "in the loop," although without requiring his fingerprints.

Steve

-----Original Message-----

From: Ronald F. Levant, Ed.D, M.B.A., ABPP [REDACTED]  
Sent: Thursday, February 17, 2005 7:52 PM  
To: Behnke, Stephen  
Subject: FW: [CAPP] FW: APA President seeks nominations for Task Force on ethics and national security--please distribute to APA lists

Fyi

Ronald F. Levant, Ed.D., M.B.A., ABPP  
Professor  
Center for Psychological Studies  
[REDACTED]



PRIVACY REDACTION

[www.DrRonaldLevant.com](http://www.DrRonaldLevant.com) website

President, American Psychological Association, 2005  
"Making Psychology a Household Word"

-----Original Message-----

From: ronald e fox **PRIVACY REDACTION**  
Sent: Thursday, February 17, 2005 2:11 PM  
To: Ron levant  
Subject: Fwd: [CAPP] FW: APA President seeks nominations for Task Force on ethics and national security--please distribute to APA lists

Ron: Good idea. If it helps, I am willing to be an informal advisor behind the scenes as long as I do not leave my fingerprints on it, so to speak.

Hope you are doing OK.

the other ron

>> -----Original Message-----

>> From: Behnke, Stephen  
>> Sent: Wednesday, February 16, 2005 8:35 PM  
>> To: 'Ronald F. Levant, Ed.D, M.B.A., ABPP'  
>> Cc: O'Brien, Maureen; Sullivan, Michael; Jordan, Sarah; Honaker, Michael; Strassburger, Judith  
>> Subject: APA President seeks nominations for Task Force on ethics  
> and national security--please distribute to APA lists  
>>

>> At its February meeting, the Board of Directors voted to establish and  
> fund an APA Presidential Task Force to explore the ethical aspects of  
> investigations related to national security. The Board item, which is  
> attached to this message, explains the Task Force's background and  
> charge.  
>>

>> Ron Levant, APA president, seeks nominations for the Task Force, which  
> will be comprised of individuals with relevant expertise. Please  
> forward the names of nominees to Stephen Behnke, director of APA's  
> Ethics Office, at [sbehnke@apa.org](mailto:sbehnke@apa.org), along with a brief statement, no  
> longer than 200 words (please do not send CVs), concerning the  
> individual's qualifications for the Task Force. Nominations must be  
> received by March 1, 2005.  
>>

>>> <<APAEthicsNat'lSecurityTF.doc>>

>  
>  
Ronald E. Fox, PhD  
Executive Director  
The Consulting Group of HRC  
**PRIVACY REDACTION**



PRIVACY REDACTION



**Sender:** Robert Fein [REDACTED]  
**Sent:** Thursday, April 14, 2005 7:08:22 PM  
**Recipient:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Subject:** RE: Presidential Task Force

---

great, what is your phone number? or feel free to call me at [REDACTED]

I'm in now...

-----Original Message-----

**From:** Robert Fein [REDACTED]  
**Sent:** Thursday, April 14, 2005 6:49 PM  
**To:** Behnke, Stephen  
**Subject:** RE: Presidential Task Force

Steve,

Sorry. I have been out most of the day. Are you in the office now (5:50)? Or are you around tomorrow some time?

Thanks.

Robert

Are you available now?

-----Original Message-----

**From:** Robert Fein [REDACTED]  
**Sent:** Thursday, April 14, 2005 12:32 PM  
**To:** Behnke, Stephen  
**Subject:** Re: Presidential Task Force

Dear Steve,

Thank you for your note. My contact information is

Robert A. Fein, Ph.D.

[REDACTED]

[REDACTED]

[REDACTED]



## PRIVACY REDACTION

Please do not distribute my contact information.

Below is my bio. I have added "and his Diplomat from the American Board of Forensic Psychology in 1982" to the first sentence of the fourth paragraph.

I have one question I would like to talk with you about re the composition of the group. Might I be able to call you sometime?

Thanks.

Robert

### **Robert A. Fein, Ph.D.**

Robert Fein, Ph.D., is a forensic psychologist with a specialty in threat assessment and the prevention of targeted violence. He is currently a consultant to the Directorate for Behavioral Sciences of the Department of Defense Counterintelligence Field Activity (CIFA), the DOD Criminal Investigative Task Force (CITF), and the U.S. Secret Service's National Threat Assessment Center. He also serves as a member of the Intelligence Science Board.

Dr. Fein has spent the last twenty-eight years working to understand and prevent targeted violence. He has conducted forensic mental health evaluations of several thousand violent offenders, has testified in state and federal courts on over 1,000 occasions on questions of "dangerousness," and has consulted on many hundreds of cases of potential workplace violence.

For more than twenty years, Dr. Fein has worked with the United States Secret Service. In his work with the Secret Service, he reviewed and consulted on several hundred protective intelligence cases concerning the assessment and management of persons who might



present harm to the President and other national leaders. He co-directed two major Secret Service operational studies of targeted violence: one on assassination; the other on school attacks. In the first of these studies, Dr. Fein examined the cases of all persons known to have attacked or attempted to attack a prominent public official or public figure in the U.S. from 1950 to 2000. As part of this work, he personally interviewed more than 20 assassins and near-assassins. In the second study, he and his colleagues systematically reviewed 37 instances of targeted school attacks in the U.S. in the past twenty-five years.

Recently, Dr. Fein has turned his attention to the prevention of targeted terrorist attacks. He is currently working with the Directorate for Behavioral Sciences of the DOD Counterintelligence Field Activity to conduct operational studies of al Qa'ida pre-attack terrorist behaviors.

Dr. Fein received his Ph.D. from Harvard University in 1974 in Clinical Psychology and Public Practice and his Diplomate from the American Board of Forensic Psychology in 1982. He received the American Academy of Forensic Psychology's Award for Distinguished Career Contributions to Forensic Psychology for 2003. He holds appointments at the Harvard Medical School and the University of Massachusetts Medical School.

Dr. Fein is co-author with Bryan Vossekuil of "Threat Assessment: An Approach to Prevent Targeted Violence", published by the National Institute of Justice in 1995, **Protective Intelligence and Threat Assessment Investigations: A Guide for State and Local Law Enforcement Officials**, published in 1998 by NIJ, and "Assassination in the United States: an operational study of recent assassins, attackers, and near-lethal approachers," published in 1999 in the *Journal of Forensic Sciences*. In addition, together with Mr. Vossekuil, he has co-authored a guide to school threat assessment, a monograph on preventing assassination, a book chapter on assassination and stalking behaviors, and other work on preventing targeted violent attacks.



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Dear Members of the Presidential Task Force on Psychological Ethics and National Security,

As Director of the APA Ethics Office, I would like to say how pleased and excited I am to work with my colleagues from the APA Science Directorate in staffing the Presidential Task Force, and how grateful I am to Ron Levant for giving the Ethics Office this role. APA staff will do everything we can to facilitate your work, and you should feel free to contact us at any time with your Task Force-related questions or needs.

I am writing for three reasons. First, we would like to compile your contact information. Please send that information to me in a reply message (business address, phone number(s), fax number). If you do not want this information distributed beyond the members of the Task Force and staff, please simply indicate "Not for further distribution."

Second, we have collected a set of readings in preparation for our meeting on the weekend of June 24. If you would prefer to have the readings mailed to an address other than the one you have provided in your contact information, please so indicate and provide your preferred mailing address.

Finally, attached you will find the biographical statements you provided. These statements have been collected into a single file and will be made available to interested parties when your names are made public. Because some of your statements have been slightly edited, please review your statement and indicate "fine as is," or send me back an edited version of your statement (Please simply cut and paste into your reply message).



Because your names have not yet been distributed more widely than this list, we ask that you not share the names of your colleagues on the Task Force at the present time (but will be able to do so very shortly).

I look forward to working with you,

Stephen Behnke  
(202) 336-6006

<<TFbios.doc>>

Content-Type: application/msword;  
name="TFbios.doc"  
Content-Description: TFbios.doc  
Content-Disposition: attachment;  
filename="TFbios.doc"

Attachment converted: Squilt:TFbios.doc  
(WDBN/«IC») (00099D84)



**Sender:** Olivia Moorehead-Slaughter [REDACTED]  
**Sent:** Tuesday, April 05, 2005 10:27:27 AM  
**Recipient:** Ronald F. Levant, Ed.D, M.B.A., ABPP [REDACTED]  
**Cc:** Murphy, JoAnne </O=APA/OU=DC/CN=RECIPIENTS/CN=JMM>; Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>; Strassburger, Judith </O=APA/OU=DC/CN=RECIPIENTS/CN=JAS>; Jacobson, Rhea </O=APA/OU=DC/CN=RECIPIENTS/CN=RSS>  
**Subject:** Re: Presidential Task Force on Psychological Ethics and National Security

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Dear Dr. Levant,

I am most pleased to accept your invitation to chair this task force. I have been in touch with Dr. Stephen Behnke and look forward to communicating further with all of you as we proceed. This will be a challenging and important undertaking for our field and I am honored to be a part of it.

Sincerely,

Olivia Moorehead-Slaughter, Ph.D.



**Sender:** President </O=APA/OU=DC/CN=RECIPIENTS/CN=PRESIDENT>  
**Sent:** Monday, June 06, 2005 2:15:24 PM  
**Recipient:** Behnke, Stephen <sbehnke@apa.org>  
**Subject:** FW: Are any psychologists involved in torture?

---

Hi Steve,

Is this an Ask the President question you could handle?

Thanks,

Liz

-----Original Message-----

**From:** Sharon Gadberry [REDACTED] **PRIVACY REDACTION**

**Sent:** Monday, June 06, 2005 2:03 PM

**To:** President

**Subject:** Are any psychologists involved in torture?

Dear Dr. Levant,

I have been an APA member since 1971, and have great respect for the organization and the profession.

About four years ago, I received an RFP from the Federal Government (FBI) asking for psychologists who could use "behavioral methods" (such as those used with severely impaired autistic patients) for interrogation. I did not respond to the RFP, which requested someone who could train agents to use these methods.

Recently, seeing some of the "techniques" used in Guantanamo and Abu Ghraib, I am wondering if there are any psychologists involved. If there are, I think our organization ought to consider an investigation,,at the very least of ethics violations.

Sharon Gadberry

Sharon Gadberry, Ph.D.

Managing Partner, PowerTransitions

[REDACTED] **PRIVACY REDACTION**



**Sender:** Gerry Koocher [REDACTED]  
**Sent:** Wednesday, May 18, 2005 2:27:33 PM  
**Recipient:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Cc:** Olivia Moorehead-Slaughter [REDACTED]  
**Subject:** Re: PENS Task Force

---

Hi Steve (and Olivia),

I'd be glad to meet the morning of the 16th, but am leaving for a meeting of a licensing task force in DC the afternoon of the 16th.

Gerry

Behnke, Stephen wrote:

>Hi Olivia and Gerry,

>

>I hope you are both well. I'm very pleased with how the discussion is unfolding on the listserve and think it is focusing on the right issues. I'm hopeful that those who have not yet joined in will soon do so.

>

>I will be in Montpelier Vermont on Friday, June 16, for an ethics workshop. I'm wondering about the possibility of the three of us getting together, perhaps for lunch on Thursday or over the weekend, to think about the Task Force meeting (which will take place the following weekend). I think it might be very helpful to think through some of details concerning how to structure the meeting, as well as some of the larger questions, such as what the Task Force can reasonably be expected to accomplish with this meeting.

>

>Would getting together be a possibility?

>

>Thanks,

>

>Steve

>

>

>

>



**Sender:** Mihaly, Martha </O=APA/OU=DC/CN=RECIPIENTS/CN=MYM>  
**Sent:** Tuesday, July 26, 2005 2:00:40 PM  
**Recipient:** Behnke, Stephen <sbehnke@apa.org>  
**Subject:** FW: [SPSSI] Psychologists and torture  
**Attachments:** Div48TortureStatement.pdf

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-----Original Message-----

**From:** Society for the Psychological Study of Social Issues List [mailto:SPSSI@LISTS.APA.ORG] **On Behalf Of** Linda Woolf, Ph.D.

**Sent:** Sunday, July 24, 2005 10:23 PM

**To:** SPSSI@LISTS.APA.ORG

**Subject:** Re: [SPSSI] Psychologists and torture

Dear Colleagues,

The Executive Committee of the Society for the Study of Peace, Conflict, and Violence: Peace Psychology Division 48 (APA) has issued a *Statement Concerning the Use of Torture with Prisoners*. Included in the Statement is a call for action within APA.

I've attached the Statement but if you have any problems opening the document, it can be viewed on the Society's webpage (<http://www.peacepsych.org>) as well as downloaded in PDF format. Simply go to the webpage and scroll down to "Announcements." It is the first item listed. The Society has also compiled a list of educational resources concerning the use and psychological effects of torture and these are listed under "Educational Resources."

Best wishes,

Linda

--

Linda M. Woolf, Ph.D.  
President-Elect, Peace Psychology Division 48, APA  
Professor of Psychology  
Coordinator - Holocaust & Genocide Studies,  
Center for the Study of the Holocaust, Genocide, and Human Rights  
Webster University

PRIVACY REDACTION

Main Webpage: <http://www.webster.edu/~woolfm/>

PRIVACY REDACTION

"Outside of a dog, a book is a man's (and woman's) best friend. . . .  
Inside a dog, it's too dark to read."

-

Groucho Marx



**Statement Concerning the Use of Torture with Prisoners**  
**Executive Committee**  
**Society for the Study of Peace, Conflict, and Violence: Peace Psychology Division 48**  
**July 2005**

*Psychologists strive to benefit those with whom they work and take care to do no harm. In their professional actions, psychologists seek to safeguard the welfare and rights of those with whom they interact professionally and other affected persons.... Psychologists respect the dignity and worth of all people.*

General Principles in APA's Ethical Principles of Psychologists and Code of Conduct  
<http://www.apa.org/ethics/code2002.html>

The Executive Committee (EC) of the Society for the Study of Peace, Conflict, and Violence: Peace Psychology Division 48 of the APA (American Psychological Association) reaffirms its position denouncing the use of torture in the interrogation of prisoners.

The Executive Committee affirms that:

- ❑ All psychologists are bound by the ethical standards of their profession regardless of whether they are providing clinical services to patients or serving as researchers, as consultants to governmental or private agencies, or as experts providing information to the public.
- ❑ All psychologists are bound by the requirement to use their knowledge for human betterment and to do no harm.
- ❑ There are no circumstances under which the application of psychology to the degradation, coercive interrogation, or physical/mental torture either direct or indirect of others can be condoned
- ❑ Any provision of assistance, information, or sharing of records, to any group or individual in their application of coercive or inhumane methods of interrogation represents a serious breach of professional ethics.

The Executive Committee further affirms the United Nations (UN) Conventions and articles prohibiting torture and APA Resolution concerning Human Rights cited below.

United Nation's Conventions

The UN has adopted several human rights instruments that contain articles prohibiting torture. These standards include Article 5 of the Universal Declaration of Human Rights, Article 7 of the International Covenant on Civil and Political Rights, and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Article 1 of the Convention Against Torture includes in its definition of torture the following: “Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he



or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity...” The Convention goes on to state that no exceptional circumstances whatsoever, whether induced by a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for torture.

### APA Human Rights Resolutions

#### 1. 1986

WHEREAS, the American psychologists are bound by the Ethical Principles to respect the dignity and worth of the individual and strive for the preservation and protection of fundamental human rights and;

WHEREAS, the existence of state-sponsored torture and other cruel, inhuman, or degrading treatment has been documented in many nations around the world and;

WHEREAS, psychological knowledge and techniques may be used to design and carry out torture and;

WHEREAS, torture victims may suffer from long-term, multiple psychological and physical problems,

BE IT RESOLVED, that the American Psychological Association condemns torture wherever it occurs, and

BE IT FURTHER RESOLVED, that the American Psychological Association supports the U.N. Declaration and Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and the U.N. Principles of Medical Ethics, as well as the joint congressional Resolution opposing torture that was signed into law by President Reagan on October 4, 1984.

#### 2. 1987

That the discipline of psychology, and the academic and professional activities as psychologists, are relevant for securing and maintaining human rights. That it therefore be resolved that APA applauds the ongoing efforts of the United Nations to defend and promote human rights and undertakes to commend the main UN human rights instruments and documents to the attention of its boards, committees, and membership at large.

### Call for Action

Recent reports (*New York Times*, Nov, 23, 2004; June 23, 2005; July 6, 2005; *New Yorker*, July 11-18, 2005) citing a confidential report from the International Committee of the Red Cross as



well as accounts from former interrogators at Guantanamo Bay implicate psychologists in the use of torture during the interrogation of prisoners. Advising, training, or directly implementing torture of individuals or groups in either national or international, governmental or non-governmental settings is unacceptable in view of APA's obligations as an accredited non-governmental organization at the United Nations (UN) and APA's 1986 Resolution against the use of torture.

As such, the Executive Committee of the Society for the Study of Peace, Conflict, and Violence: Peace Psychology Division 48 of APA calls for the leadership of the American Psychological Association to:

- ❑ Issue a clear statement against the use of inhumane, degrading, or coercive interrogations and the use of torture either physical or mental in the interrogation of prisoners.
- ❑ Acknowledge, based on the U.N. Convention Against Torture, that there are no exceptional circumstances whatsoever, whether induced by a state of war or a threat of war, internal political instability or any other public emergency, that may be invoked as a justification for torture.
- ❑ Publicize both within and outside of APA the 1986 resolution concerning human rights and torture.
- ❑ Issue a clear statement against the direct or indirect involvement of psychologists in inhumane, degrading, or coercive interrogations including interrogations involving the use of either physical or mental torture.
- ❑ Finally, in light of the evidence implicating psychologists in the use of coercive interrogations and torture at Guantanamo Bay, the Executive Committee of Division 48 calls on the leadership of APA to pursue through whatever organizational and legal means possible an investigation of these charges.



**Sender:** Farberman, Rhea K. </O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>  
**Sent:** Monday, July 11, 2005 10:07:18 AM  
**Recipient:** Behnke, Stephen <sbehnke@apa.org>  
**Subject:** RE: [PRESIDENTIAL] Response to Inquiries

---

Yes, I'm here today -- Monday

-----Original Message-----

From: Behnke, Stephen  
Sent: Sunday, July 10, 2005 5:08 PM  
To: Farberman, Rhea K.  
Subject: FW: [PRESIDENTIAL] Response to Inquiries

Rhea, are you in the office tomorrow? Thanks, Steve

-----Original Message-----

From: Behnke, Stephen  
Sent: Sunday, July 10, 2005 4:49 PM  
To: 'Ronald F. Levant, Ed.D, M.B.A., ABPP'; 'Gerald P. Koocher, Ph.D.'; 'anton'; Farberman, Rhea K.  
Subject: FW: [PRESIDENTIAL] Response to Inquiries

I think Olivia has very eloquently captured where we are in the process. I would note:

- 1) The PENS task force was named in March, began its work in April, and issued a Report in June. The task force clearly recognized the importance of the issue and responded with an extraordinary amount of work in a very short period of time.
- 2) The task force explicitly recognized the complexity of the issues and the importance of APA further developing its thinking when it recommended that the Report be viewed as an "initial step" in a "continuing process" of APA engaging in "thoughtful reflection of complex ethical considerations."
- 3) To the extent that people respond, criticize, or object that the Report is ambiguous or does not provide sufficiently clear guidance, I think we can thank them for their concern and ask that they re-read the "Recommendation" section, especially recommendation #2, which calls for a companion to the twelve statements that will provide commentary and illustrative examples. (A commentary, as opposed to guiding principles or statements, does provide a measure of specificity)
- 4) To the extent that people respond, criticize, or object to the composition of the Task Force, we can point out the the first goal of assembling the Task Force was to convene experts in this area and that without that expertise the Task Force could not have done its work.
- 5) In terms of the next steps, I think that following up on recommendation #2 and writing the commentary will be very important and serve useful political purposes as well. If the commentary is seen as a joint project of the Task Force and the Ethics Committee--a natural collaboration--it will both provide clarification and guidance and, at the same time, address any concerns such as those in point 4 above, since, to my knowledge (I'll check) none of the members or associates of the Ethics Committee is a member of Division 19 or has a military background. Such a collaboration would seem to defuse any implication or innuendo that the process is somehow biased toward the military.

Steve

-----Original Message-----

From: Presidential Task Force on Psychological Ethics and National Security [<mailto:PENS@LISTS.APA.ORG>] On Behalf Of Olivia Moorehead-Slaughter  
Sent: Saturday, July 09, 2005 9:49 PM  
To: PENS@LISTS.APA.ORG



Subject: Re: [PRESIDENTIAL] Response to Inquiries

Hello to All,

I appreciate all of your continued interest and passion around the work which we began some weeks ago and that culminated (for now at least) in the production of the Task Force report. In some ways, now that the report is open to public scrutiny, the most difficult part of the task has likely begun. As anticipated, all of the feedback has not been positive. This is difficult to hear but I do not think that we should now begin to second-guess ourselves. The issue covered in the report were addressed in a well-reasoned and careful manner and I think that our deliberations took into account the wording of the statements that we put forth. We were well-aware that this document was not about specificity so much as guidance for psychologists who are in positions where they must make judgments about their actions. We should not be surprised at the level of intensity with which some are responding to this report and we should not allow the intensity of these responses to minimize the import of the document which all of you produced. This is the beginning of a process.

My best as all of this continues to unfold.

Olivia



**Sender:** Banks, Louie M. COL <louie.morgan.banks@us.army.mil>  
**Sent:** Wednesday, July 06, 2005 11:11:10 AM  
**Recipient:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Subject:** RE: Read this one instead. Thank you.

---

Steve,

You already corrected on this one my one comment ref: psychiatry. I friend of mine has asked me to speak at the next American Psychiatric Associations' Fall Institute in October. They would like me to be on a panel with one of their ethicists. My point being that it looks like they are going to address the issue, and they will take a very close look at our document.

Bottom line is that this looks very good. Concise, but it gets the main points of the ethics statement across.

As a side note, Gregg Bloche has been hammering trying to talk to me. I am working everything through my PAO, but will keep you informed if I give him responses. (They will only be by email.)

You're doing great stuff for psychology.

Morgan

COL L. Morgan Banks  
Director, Psychological Applications Directorate  
US Army Special Operations Command  
DSN 239-6833 COM (910) 432-6833  
**PRIVACY REDACTION**  
banks1@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Wednesday, July 06, 2005 10:52 AM  
To: Banks, Louie M. COL  
Subject: Read this one instead. Thank you.

> In focusing on perceived shortcomings of an American Psychological Association Task Force report, (Psychologists See Ethics Risks at Guantanamo, July 6), Neil Lewis failed to report on the strict ethical boundaries the APA sets forth when its members are involved in national security activities, and thus overlooked a critical point: Professional codes of ethics are more than simple laundry lists. Lewis> '> example--using a phobia to inflict severe psychological distress--is clearly prohibited by the Task Force report. The report makes clear that psychologists never: engage in, direct, support, or facilitate torture or cruel, inhuman, or degrading treatment; use information from a medical record to the detriment of an individual> '> s safety and well-being; mix treatment and consultant roles. Psychologists have an ethical obligation to report such behaviors and are bound by the APA Ethics Code in all their professional activities, regardless of whether they identify themselves as > '> behavioral scientists> '> or some other term.



**Sender:** Joseph Matarazzo [REDACTED]  
**Sent:** Thursday, July 07, 2005 2:13:52 PM  
**Recipient:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Subject:** Re:

---

Steve Can you email or fax [REDACTED] me what Neil Kewis said. Thanks. My reading is that DOD psychologists are not upset with the Task Force report. Joe

>>> "Behnke, Stephen" <sbehnke@apa.org> 07/06/05 10:37 AM >>>

In focusing on perceived shortcomings of an American Psychological Association Task Force report, (Psychologists See Ethics Risks at Guantanamo, July 6), Neil Lewis failed to report on the strict ethical boundaries the APA sets forth when its members are involved in national security activities, and thus overlooked a critical point: Professional codes of ethics are more than simple laundry lists. Lewis' example--using a phobia to inflict severe psychological distress--is clearly prohibited by the Task Force report. The report makes clear that psychologists never: engage in, direct, support, or facilitate torture or cruel, inhuman, or degrading treatment; use information from a medical record to the detriment of an individual's safety and well-being; mix treatment and consultant roles. Psychologists have an ethical obligation to report such behaviors and are bound by the APA Ethics Code in all their professional activities, regardless of whether they identify themselves as "behavioral scientists" or some other term.

Ronald F. Levant, EdD  
President  
American Psychological Association























**Sender:** Anderson, Norman </O=APA/OU=DC/CN=RECIPIENTS/CN=NBA>  
**Sent:** Thursday, July 07, 2005 10:36:17 AM  
**Recipient:** Behnke, Stephen <sbehnke@apa.org>;Farberman, Rhea K.  
<rfarberman@apa.org>;'Ronald F. Levant, Ed.D, M.B.A., ABPP'  
PRIVACY REDACTION  
**Subject:** RE: recommendations on ethics and national security

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Good suggestions.

Norman Anderson, Ph.D.  
Chief Executive Officer  
American Psychological Association  
750 First Street, NE  
Washington, DC 20002  
(202) 336-6080  
(202) 336-6069 (fax)  
[www.apa.org](http://www.apa.org)

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**From:** Behnke, Stephen  
**Sent:** Thursday, July 07, 2005 10:26 AM  
**To:** Farberman, Rhea K.; 'Ronald F. Levant, Ed.D, M.B.A., ABPP'; Anderson, Norman  
**Subject:** RE: recommendations on ethics and national security

I agree on proceeding with caution--I do think we need to respond, and I'd like to ratchet it down a notch by having Ron hand to me.

-----Original Message-----

**From:** Farberman, Rhea K.  
**Sent:** Thursday, July 07, 2005 10:18 AM  
**To:** Behnke, Stephen; 'Ronald F. Levant, Ed.D, M.B.A., ABPP'; Anderson, Norman  
**Subject:** RE: recommendations on ethics and national security

I think we need to be cautious here. I believe Rubenstein wants us to make a blanket statement condemning current DoD procedures. I don't think that's something we want to do. If we meet with the physicians group and they don't get what they want, they may attempt to pressure us through public criticism –

Rhea

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**From:** Behnke, Stephen  
**Sent:** Thursday, July 07, 2005 10:01 AM  
**To:** 'Ronald F. Levant, Ed.D, M.B.A., ABPP'; Farberman, Rhea K.; Anderson, Norman  
**Subject:** RE: recommendations on ethics and national security

I've received a letter from Dr. Rubenstein, very much along this same line. My sense is that it would be best to thank him for his message; indicate that you understand he has sent a letter to APA's Ethics Director, Stephen Behnke; convey that we are very interested in more fully understanding his concerns and positions on these important issues; and close by saying that Dr. Behnke will be in touch with him shortly.



Rhea?

-----Original Message-----

**From:** Ronald F. Levant, Ed.D., M.B.A., ABPP [REDACTED]

**Sent:** Thursday, July 07, 2005 9:52 AM

**To:** Behnke, Stephen; Farberman, Rhea K.; Anderson, Norman

**Subject:** FW: recommendations on ethics and national security

Thoughts?

Ronald F. Levant, Ed.D., M.B.A., ABPP

Professor

Center for Psychological Studies

Nova Southeastern University

[REDACTED]

[www.DrRonaldLevant.com](http://www.DrRonaldLevant.com) website

President, American Psychological Association, 2005  
"Making Psychology a Household Word"

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**From:** Leonard Rubenstein [REDACTED]

**Sent:** Thursday, July 07, 2005 8:44 AM

**To:** [REDACTED]

**Subject:** recommendations on ethics and national security

Dear Dr. Levant,

I saw your letter in the New York Times this morning and I expect you saw the quote from me in the article you criticize.

Physicians for Human Rights has been deeply engaged in reviewing the interrogation practices of U.S. military and role of health personnel in them, including the ethical issues involved. As our own lengthy report, Break Them Down: The Use of Psychological Torture by U.S. Forces, available at [http://www.phrusa.org/research/torture/pdf/psych\\_torture.pdf](http://www.phrusa.org/research/torture/pdf/psych_torture.pdf), shows, psychological coercion has been at the heart of interrogation practice, and even the criminal law against torture has been reinterpreted by the Justice Department to facilitate the use of these techniques. Jane Mayer's piece in the New Yorker this week demonstrates, too, how coercive psychological means evolve into serious abuse of detainees.

It is our view that the APA's new guidelines do not go far enough in assuring that psychologists will not become complicit in abuse. I would be pleased to discuss our concerns with you. I would also be pleased to organize a broader meeting that would include others who have been concerns about ethics and interrogation.

Thank you very much.

Sincerely,

Len Rubenstein

Leonard S. Rubenstein

Executive Director

Physicians for Human Rights

[REDACTED]

[www.phrusa.org](http://www.phrusa.org)

APA\_0040293



**Sender:** Ronald F. Levant, Ed.D, M.B.A., ABPP [REDACTED]  
**Sent:** Thursday, July 07, 2005 6:28:49 AM  
**Recipient:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>;Farberman, Rhea K. </O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>;Strassburger, Judith </O=APA/OU=DC/CN=RECIPIENTS/CN=JAS>  
**Cc:** Ronald Levant [REDACTED]  
**Subject:** RE: [COR] Response to NYT Article

---

Steve wrote: People seem especially interested in the second recommendation, writing a commentary to the report with illustrative examples, and we may want to consider getting that process underway before August)

My response: Sounds good to me

See also Bradt's idea

Ronald F. Levant, Ed.D., M.B.A., ABPP  
Professor  
Center for Psychological Studies  
Nova Southeastern University  
[REDACTED]

[www.DrRonaldLevant.com](http://www.DrRonaldLevant.com) website

President, American Psychological Association, 2005  
"Making Psychology a Household Word"

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**From:** Behnke, Stephen [mailto:sbehnke@apa.org]  
**Sent:** Wednesday, July 06, 2005 3:31 PM  
**To:** Ronald F. Levant, Ed.D, M.B.A., ABPP; Farberman, Rhea K.; Strassburger, Judith  
**Subject:** RE: [COR] Response to NYT Article

Perhaps best to sit tight for the moment and see how this unfolds. I've spoken to half dozen members today and people are pleased with your letter. I think they'll be more so after reading the report.

Also, regarding the recommendations, the item that the Board voted on states that the Board "plans to review the recommendations provided in Section IV of the report at its August 2005 meeting," so we can certainly indicate that the Board will be carefully reviewing the Task Force recommendations at its next meeting. (People seem especially interested in the second recommendation, writing a commentary to the report with illustrative examples, and we may want to consider getting that process underway before August)

-----Original Message-----

**From:** Ronald F. Levant, Ed.D, M.B.A., ABPP [REDACTED]  
**Sent:** Wednesday, July 06, 2005 4:18 PM  
**To:** Farberman, Rhea K.; Behnke, Stephen; Strassburger, Judith



**Subject:** FW: [COR] Response to NYT Article

Trouble....  
Maybe tied in to Kimmel  
Suggestions to handle?

Ronald F. Levant, Ed.D., M.B.A., ABPP  
Professor  
Center for Psychological Studies  
Nova Southeastern University

PRIVACY REDACTION

[www.DrRonaldLevant.com](http://www.DrRonaldLevant.com) website

President, American Psychological Association, 2005  
"Making Psychology a Household Word"

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**From:** Bernice Lott PRIVACY REDACTION  
**Sent:** Wednesday, July 06, 2005 1:06 PM  
**To:** Maureen O'Brien; Levant Ed.D M.B.A.  
**Subject:** Re: [COR] Response to NYT Article

good letter, Ron. Will there be an opportunity at CoR to discuss the PENS report?

bernice

On Jul 6, 2005, at 12:23 PM, O'Brien, Maureen wrote:

The following letter to the editor has been submitted to the New York Times in response to this morning's article.

In focusing on perceived shortcomings of an American Psychological Association Task Force report, (Psychologists See Ethics Risks at Guantanamo, July 6), Neil Lewis failed to report on the strict ethical boundaries the APA sets forth when its members are involved in national security activities, and thus overlooked a critical point: Professional codes of ethics are more than simple laundry lists. Lewis' example--using a phobia to inflict severe psychological distress--is clearly prohibited by the Task Force report. The report makes clear that psychologists never: engage in, direct, support, or facilitate torture or cruel, inhuman, or degrading treatment; use information from a medical record to the detriment of an individual's safety and well-being; mix treatment and consultant roles. Psychologists have an ethical obligation to report such behaviors and are bound by the APA Ethics Code in *all* their professional activities, regardless of whether they identify themselves as "behavioral scientists" or some other term.

Ronald F. Levant, EdD  
President

APA\_0040304



American Psychological Association

Rhea K. Farberman, APR  
Executive Director, Public and Member Communications  
American Psychological Association  
(202) 336-5709  
RFarberman@apa.org  
www.apa.org



**Sender:** President </O=APA/OU=DC/CN=RECIPIENTS/CN=PRESIDENT>  
**Sent:** Wednesday, July 06, 2005 5:13:31 PM  
**Recipient:** Behnke, Stephen <sbehnke@apa.org>  
**Cc:** Farberman, Rhea K. <rfarberman@apa.org>  
**Subject:** FW: Gitmo response: What happened to the APA?

---

Hi Steve,  
Another one for you.  
Liz

-----Original Message-----

From: Sharon Gadberry [REDACTED]  
Sent: Wednesday, July 06, 2005 2:54 PM  
To: President  
Subject: Gitmo response: What happened to the APA?

Dear Dr. Levant,

In contrast to the American Psychiatric Association, which issued a strong and unequivocal response to the question of whether assisting in the stressful interrogation of illegally detained prisoners is ethical, the American Psychological Association has come up with a fuzzy statement.

For over 25 years I have been proud to be a member of the APA, and always assumed that we stood for the highest ethical standards. It often takes courage to speak out for these standards, as well as a commitment to the well-being of all people. As professionals we are dedicated to helping others, not to harming them.

I am ashamed that professional Psychologists are participating in interrogations that are

--Illegal by international standards of law  
--Unethical in that they create stress, including permanent psychological and physical harm

The public response of the APA should be clear. Our organization needs to conduct immediate investigations of the Psychologists involved in Guantanamo and in other interrogations around the world.

Sincerely,

Sharon Gadberry, PH.D.

Sharon Gadberry, Ph.D.  
Managing Partner, PowerTransitions

[REDACTED]  
[REDACTED]

[REDACTED] <http://www.tmgoi.com>



**Sender:** Banks, Louie M. COL <louie.morgan.banks@us.army.mil>  
**Sent:** Tuesday, July 05, 2005 5:13:24 PM  
**Recipient:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Subject:** RE: American Psychological Association Task Force Report

---

OK. I am familiar with the UN Principles of Medical Ethics. I am not aware of its legal standing for US citizens. (This is one of those areas that we agreed to disagree on.)

My personal assessment is that the document is VERY poorly written.

It is easy to interpret Principle 3. as disallowing the use of a psychologist to support ANY interrogation, to include a police interrogation, if you believe that to be a professional relationship.

Principle 4(a) & (b) depend on what international instruments they are referring to (I see the footnote, but have not reviewed them lately), assuming that the "and" connection means it must both adversely affect their mental health AND be not in accordance with the relevant international instruments.

As an aside, a senior Army psychologist, not supporting interrogations, was asked by the ICRC if detention, per se, was bad for someone's mental health. (He tried to stay professional and not laugh out loud.) Clearly, detention causes harm. Successful interrogation, no matter how conducted, will be harmful to an individual who has committed crimes. This is one reason I think our statement, "minimize harm," is well thought out.

A simple example: If a police interrogator implies to one suspect that another suspect has already admitted to a crime, and is implicating suspect number one, that is likely to cause at least moderate emotional distress in suspect number one. Are we saying that having any participation by a police psychologist in this scenario is unethical?

My opinion (since you asked) is that I do not know if it does or not, since I have not reviewed the annotated instruments. I would be very careful about addressing it without reviewing them.

I see this as an area we did not get into as a Task Force, and my recommendation is that if you are asked if our recommendations are consistent with the UN Principles of Medical Ethics, you answer that this question was not addressed by the Task Force.

Sorry I cannot be of more help.

Morgan

COL L. Morgan Banks  
Director, Psychological Applications Directorate  
US Army Special Operations Command  
DSN 239-6833 COM (910) 432-6833  
PRIVACY REDACTION  
banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Tuesday, July 05, 2005 3:19 PM  
To: Banks, Louie M. COL



Subject: RE: American Psychological Association Task Force Report

Morgan, the APA 1986 Resolution Against Torture "supports" both the UN Declaration Against Torture and the UN Principles of Medical Ethics. Principle 4(b) of the Principles of Medical Ethics states (the document in its entirety is at the end of the message):

#### Principle 4

It is a contravention of medical ethics for health personnel, particularly physicians:

( b ) To certify, or to participate in the certification of, the fitness of prisoners or detainees for any form of treatment or punishment that may adversely affect their physical or mental health and which is not in accordance with the relevant international instruments, or to participate in any way in the infliction of any such treatment or punishment which is not in accordance with the relevant international instruments.

Is Principle 4(b) at odds with the Task Force report? Do you see Principle 4(b) and the Report as consistent?

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

Adopted by General Assembly resolution 37/194 of 18 December 1982

#### Principle 1

Health personnel, particularly physicians, charged with the medical care of prisoners and detainees have a duty to provide them with protection of their physical and mental health and treatment of disease of the same quality and standard as is afforded to those who are not imprisoned or detained.

#### Principle 2

It is a gross contravention of medical ethics, as well as an offence under applicable international instruments, for health personnel, particularly physicians, to engage, actively or passively, in acts which constitute participation in, complicity in, incitement to or attempts to commit torture or other cruel, inhuman or degrading treatment or punishment. 1

#### Principle 3

It is a contravention of medical ethics for health personnel, particularly physicians, to be involved in any professional relationship with prisoners or detainees the purpose of which is not solely to evaluate, protect or improve their physical and mental health.

#### Principle 4

It is a contravention of medical ethics for health personnel, particularly



physicians:

( a ) To apply their knowledge and skills in order to assist in the interrogation of prisoners and detainees in a manner that may adversely affect the physical or mental health or condition of such prisoners or detainees and which is not in accordance with the relevant international instruments; 2

( b ) To certify, or to participate in the certification of, the fitness of prisoners or detainees for any form of treatment or punishment that may adversely affect their physical or mental health and which is not in accordance with the relevant international instruments, or to participate in any way in the infliction of any such treatment or punishment which is not in accordance with the relevant international instruments.

#### Principle 5

It is a contravention of medical ethics for health personnel, particularly physicians, to participate in any procedure for restraining a prisoner or detainee unless such a procedure is determined in accordance with purely medical criteria as being necessary for the protection of the physical or mental health or the safety of the prisoner or detainee himself, of his fellow prisoners or detainees, or of his guardians, and presents no hazard to his physical or mental health.

#### Principle 6

There may be no derogation from the foregoing principles on any ground whatsoever, including public emergency.

1 See the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (resolution 3452 (XXX), annex).

2 Particularly the Universal Declaration of Human Rights (resolution 217 A (III)), the International Covenants on Human Rights (resolution 2200 A (XXI), annex), the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (resolution 3452 (XXX), annex) and the Standard Minimum Rules for the Treatment of Prisoners (First United Nations Congress on the Prevention of Crime and the Treatment of Offenders: report by the Secretariat (United Nations publication, Sales No. E.1956.IV.4, annex I.A)).

-----Original Message-----

From: Banks, Louie M. COL [<mailto:louie.morgan.banks@us.army.mil>]  
Sent: Tuesday, July 05, 2005 2:59 PM  
To: Behnke, Stephen  
Subject: RE: American Psychological Association Task Force Report

Given how I was misquoted in the New Yorker, I am not so sure how good a source I am, but here goes:

(I am not sure he fully read the document when he asked you those questions, because they seem to be answered in the explanation.)

Psychologists cannot use medical record information against a detainee. In other words, there is a separation between interrogation and medical care. The psychologist is not providing medical care. There is nothing in the statement that says the psychologist cannot assist in causing



some level of distress, as long as it does not rise to the level of cruel, inhuman, or degrading treatment.

In the two examples he gives, I think most of us would agree that using a phobia against someone rises to that level. However, suggesting that the interrogator discuss the detainee's home, and how hard it is to be away from his family does not.

Withholding of medical care, to include anti-anxiety medication, is clearly unethical, and, in my opinion, illegal.

(Use me as best you can -- just don't tell Neil Lewis -- I really don't want to talk to any more reporters...)

Morgan

COL L. Morgan Banks  
Director, Psychological Applications Directorate US Army Special Operations  
Command DSN 239-6833 COM (910) 432-6833 [REDACTED]  
banks1@usasoc.socom.smil.mil/louie morgan.banks@us.army.mil

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Tuesday, July 05, 2005 2:42 PM  
To: Banks, Louie M. COL  
Subject: FW: American Psychological Association Task Force Report

Morgan, I'm in touch with Neil Lewis from the New York times. He has initial questions below--he's put his finger right on one of the central issues, as I imagined he would. I'd be very interested in hearing your thoughts on the questions below; more to follow, I'm sure.

Thanks Morgan,

Steve

-----Original Message-----

From: Neil Lewis [REDACTED]  
Sent: Tuesday, July 05, 2005 2:44 PM  
To: Behnke, Stephen  
Subject: RE: American Psychological Association Task Force Report

ok - the first and third items summarized in the press release may be at odds with each other (or may not) the first says its ok to participate as behavioral scientist in nat-security related, etc.  
the third said that the psych is not supposed to use health care information "to the detriment ....well-being."

so -- they can advise, but cannot advise as to increasing duress or distress? quite unclear. can they advise about increasing stress or duress as long as it is not coming from the medical records? how would this affect cases like those in the nytimes article, ie using a detainee's fear of darkness or longing for family member?  
does the report address issues like withholding of medication for, let's say anxiety, ie manipulation of medication.  
i will now read the report and send along any other questions, by e-mail as you would have it.  
neil lewis



At 02:07 PM 7/5/2005, you wrote:

>Sure--the full text of the report can be found at [www.apa.org](http://www.apa.org)

>

>I found you very straightforward in our conversation and your article,  
>and am happy to speak with you by phone. I do think, though, that I  
>could be more responsive to your questions if I'm able to think them  
>over a bit first (and may be better able to elaborate once I've thought  
them through).

>

>Steve

>

>-----Original Message-----

>From: Neil Lewis [REDACTED]

>Sent: Tuesday, July 05, 2005 1:57 PM

>To: Behnke, Stephen

>Subject: Re: American Psychological Association Task Force Report

>

>

>i do not have the report of the task force as of now. i called to see  
>if it was still expected. does yr unwillingness to fone signify any  
>problems with earlier dealings? i certainly hope not and believe it  
>should not as the article fully explicated yr position. in any event, i  
>wud like to see the report soonest. tks, neil lewis

>

>

>At 12:38 PM 7/5/2005, you wrote:

>>Dear Mr. Lewis,

>>

>>This morning the American Psychological Association released a  
>>report, written by a task force on psychological ethics and national  
>>security, that you have received or will receive shortly. I am more  
>>than happy to respond to any questions you might have about the  
>>report; perhaps most efficient would be for you to send any questions  
>>or issues that you would like to discuss in an email message, and I  
>>will

review and get back to you.

>>

>>Thank you very much,

>>

>>Stephen Behnke



**Sender:** Ronald F. Levant, Ed.D, M.B.A., ABPP [REDACTED]  
**Sent:** Tuesday, July 05, 2005 12:22:15 PM  
**Recipient:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Subject:** RE: [COR] Report of the APA Presidential Task Force on Psychological Ethics and National Security

---

Hi Ron,

I have to say that I am extremely pleased by the first two responses to the Report (Donchin and Mulich). In terms of names of individuals on the Task Force, those were distributed shortly after the Task Force was named. Since that time, names have become a sensitive issue, especially after the article in the New England Journal of Medicine, when certain task force members had a VERY strong reaction to a psychologist being named in the article; the feeling was that his name in such a public arena might place the psychologist at risk, and last week, after the Task Force had completed its work, a journalist contacted a member of the Task Force (Nina Thomas), pressing her for details of the meeting.

I UNDERSTAND

I'd like to keep the list of Task Force members separate from the Report itself, in order to protect them (both the military people from any type of public exposure, and all the task force members from exposure to the press).

OK

Could I ask Maureen O'Brien to resend the list of Task Force names to Council?

SURE

Steve

-----Original Message-----

From: Ronald F. Levant, Ed.D, M.B.A., ABPP [REDACTED]  
Sent: Tuesday, July 05, 2005 11:01 AM  
To: 'Emanuel Donchin'  
Cc: Behnke, Stephen  
Subject: RE: [COR] Report of the APA Presidential Task Force on Psychological Ethics and National Security

Oversight

I'll get it to you and CoR by way of a cc to Steve Behnke

Ronald F. Levant, Ed.D., M.B.A., ABPP  
Professor  
Center for Psychological Studies  
Nova Southeastern University

[REDACTED]

[REDACTED]

[www.DrRonaldLevant.com](http://www.DrRonaldLevant.com) website

President, American Psychological Association, 2005  
"Making Psychology a Household Word"



-----Original Message-----

From: Emanuel Donchin [REDACTED]

Sent: Tuesday, July 05, 2005 7:26 AM

To: Ronald F. Levant, Ed.D. M.B.A., ABPP

Cc: Emanuel Donchin [REDACTED]

Subject: Re: [COR] Report of the APA Presidential Task Force on Psychological Ethics and National Security

At 05:07 PM 7/4/2005, you wrote:

>The Report of the APA Presidential Task Force on Psychological Ethics and  
>National Security is being distributed to Council, today, in advance of  
>its wider distribution to the APA membership and the news media tomorrow.

Dear Ron,

Just finished reading the excellent report. I plan to distribute it to the department's faculty at the appropriate time.

I am puzzled by the absence in the report of a listing of the membership of the Task Force. Is this an oversight, or is this normal operating procedure?

It seems to me that it is useful to know the make up of the Task Force.

With regards,

Manny

p.s. Your message, as is true for almost all mail that comes from the APA Executive Office, arrived at my PC in a hard to read format as it used tiny, shimmering, characters. I am using Eudora, rather than Outlook. In my experience this unreadable text is a consequence of the fact that most Outlook users have their system (usually unwittingly) set to use HTML, rather than "plain text". The setting can be readily changed in the Outlook options box. Unfortunately most organizations distribute the program with the HTML setting, which is very unfriendly to non-Outlook users.

---

Emanuel Donchin  
Professor and Chair  
Department of Psychology  
University of South Florida  
Tampa, FL.

[REDACTED]

[REDACTED]

[REDACTED]

Mailing address

[REDACTED]



**Sender:** Halpern, Diane [REDACTED]  
**Sent:** Friday, July 01, 2005 12:02:50 PM  
**Recipient:** anton [REDACTED]  
**Cc:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Subject:** RE: PENS report

---

Good points. There was some discussion about this at the meeting, but I don't know how much because I wasn't at all of the sessions or places where it may have come up and almost all of the sessions were in Spanish. Ultimately I think the only deterrent is that it doesn't work and that there are data on this--I don't know the area and have been told that there are data--Steve perhaps you know. Really great job!!

Diane

-----Original Message-----

From: anton [REDACTED]  
Sent: Thursday, June 30, 2005 8:21 PM  
To: Halpern, Diane  
Cc: sbehnke@apa.org  
Subject: PENS report

Hi Diane:

Glad to hear of your safe return from Argentina. Must have been very

interesting. You are such a good ambassador for psychology.

I was at the TF meeting where the point you raise about effectiveness was

raised. The issue was discussed at length and I think the report addresses

and

embraces your point entirely in statements 8 and 10.

I sincerely believe it will be critical for the BoD to move on this

very

quickly; simply by acknowledging that the appropriate APA committee made

a

positive determination. We, the BoD can respond more fully if need be

after it

is released.

Best,

Barry

Barry S. Anton, Ph.D., ABPP  
Distinguished Professor  
Department of Psychology  
University of Puget Sound  
Tacoma, WA 98416-1046

#####

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**Sender:** Farberman, Rhea K.  
</O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>  
**Sent:** Friday, July 01, 2005 2:38:36 PM  
**Recipient:** 'RUTH PAIGE' [REDACTED]; 'Gerry Koocher'  
[REDACTED]; Strassburger, Judith  
<jstrassburger@apa.org>; Ronald F. Levant, Ed.D, M.B.A.,  
ABPP [REDACTED]  
**Cc:** Anderson, Norman <NAnderson@apa.org>; 'Barry S. Anton,  
PhD' [REDACTED]; 'Carol Goodheart, EdD'  
[REDACTED]; Halpern, Diane  
[REDACTED]; 'Jessica Henderson  
Daniel, PhD' [REDACTED]; 'Koocher,  
Dr. Gerald P.' [REDACTED]; 'Michael  
Madson' [REDACTED]; 'Paul L. Craig,  
PhD' [REDACTED]; 'Ronald H. Rozensky, PhD'  
[REDACTED]; 'Sandra L. Shullman, PhD'  
[REDACTED]; 'Thomas J. DeMaio, PhD'  
[REDACTED]; Behnke, Stephen  
<sbehnke@apa.org>; Gilfoyle, Nathalie <ngilfoyle@apa.org>  
**Subject:** RE: FW: PENS Task Force Report

---

Ruth and all. We've weighed our options about the timing of the release very carefully and think that holding the report until MONDAY, JULY 4 is our best option. There is a lot of pent up interest in the report and APA's position on these issues. We need to be ready to answer questions from the media, the Hill and Federal agencies once the report is in circulation. Any early leaks of the report this weekend will put us in a difficult situation in terms of staff availability and our relationships with important media outlets. So, to lessen the possibilities of the report leaking we have worked out the following release schedule. It does ensure that, as an appropriate courtesy and procedure, the Council will receive the report the day before any other release.

Here's the schedule:

July 4 (afternoon) -- report is sent to Council.

July 5 9:00 AM -- report is distributed to division and state list serves; all APA staff

10:00 AM -- report courtesy copies to Hill, DoD and Federal contacts.

11:00 AM -- report is released to media

On Monday, I will be sending each of you a copy of the press release that will accompany the report's distribution to media. We want to funnel all media calls on this issue to either Steve Behnke or myself. But, I will also suggest talking points and some potential pitfalls (and how to avoid them).



Thanks.  
Rhea

---

**From:** RUTH PAIGE **PRIVACY REDACTION**

**Sent:** Friday, July 01, 2005 2:09 PM

**To:** 'Gerry Koocher'; Strassburger, Judith; Ronald F. Levant, Ed.D, M.B.A., ABPP

**Cc:** Anderson, Norman; 'Barry S. Anton, PhD'; 'Carol Goodheart, EdD'; Halpern, Diane; 'Jessica Henderson Daniel, PhD'; 'Koocher, Dr. Gerald P.'; 'Michael Madson'; 'Paul L. Craig, PhD'; 'Ronald H. Rozensky, PhD'; 'Sandra L. Shullman, PhD'; 'Thomas J. DeMaio, PhD'; Behnke, Stephen; Gilfoyle, Nathalie; Farberman, Rhea K.

**Subject:** Re: FW: PENS Task Force Report

No surprise here, I prefer option 2, and as I indicated in an earlier email, COR should receive an email explaining the urgency asap--preferably **before** the weekend and before the 7/4 release. I am so pleased with our speedy action here. Ruth

\*\*\*\*\*

Ruth Ullmann Paige, Ph.D  
First Hill Psychological Services  
Seattle, Wa 98104

**PRIVACY REDACTION**

----- Original Message -----

**From:** [Ronald F. Levant, Ed.D, M.B.A., ABPP](#)

**To:** ['Gerry Koocher'](#); ['Strassburger, Judith'](#)

**Cc:** ['Anderson, Norman B. PhD'](#); ['Barry S. Anton, PhD'](#); ['Carol Goodheart, EdD'](#); ['Diane F. Halpern, PhD'](#); ['Jessica Henderson Daniel, PhD'](#); ['Koocher, Dr. Gerald P.'](#); ['Michael Madson'](#); ['Paul L. Craig, PhD'](#); ['Ronald H. Rozensky, PhD'](#); ['Ruth Ullmann Paige, PhD'](#); ['Sandra L. Shullman, PhD'](#); ['Thomas J. DeMaio, PhD'](#); ['Behnke, Stephen'](#); ['Gilfoyle, Nathalie'](#); ['Farberman, Rhea K.'](#)

**Sent:** Friday, July 01, 2005 4:44 AM

**Subject:** RE: FW: PENS Task Force Report

Folks: I wonder what you all would think about declaring an emergency to adopt it, and so inform Council (immediately) -- the emergency being that APA and psychology are getting pretty well trashed in the media, damaging our public image. Although I am sure Steve Behnke meant to convey a different impression (one of thoughtfulness) The NYT piece portrayed APA as unsure of where the ethical boundaries lie. I think that situations like this are the very reason to have a Board that acts as Executive Committee of Council, to act in timely manner to pressing events.

Judy has drafted two possible resolutions (see below). I favor the second one, but want to hear your thoughts. In any event we need to wrap this up today so that Rhea can do a release on 7/4. So please indicate your preference by COB today:

Option 1:

Option 2:

Best  
Ron

Option 1. The American Psychological Association (APA) Ethics Committee has determined that the twelve statements included in the Report of the Presidential Task Force on Psychological Ethics and National Security are appropriate interpretations and applications of the APA Ethics Code. The APA Board of Directors thanks the Task Force for the report and plans to review the recommendations provided in Section IV of the report at its August 2005 meeting. Upon completion of the Board's review, the recommendations will be forwarded to the Council of Representatives for consideration. In addition, the Board requests that the Report of the Presidential Task Force on Psychological Ethics and National Security be provided to APA governance

APA\_0040485



groups for their information, posted on the APA website and provided to the public as appropriate.

Option 2. Affirming the determination by the American Psychological Association (APA) Ethics Committee that the twelve statements included in the Report of the Presidential Task Force on Psychological Ethics and National Security are appropriate interpretations and applications of the APA Ethics Code, the APA Board of Directors adopts the task force report as APA policy. The Board of Directors plans to review the recommendations provided in Section IV of the report at its August 2005 meeting and upon completion of its review, will forward the recommendations to the Council of Representatives for consideration. In addition, the Board requests that the Report of the Presidential Task Force on Psychological Ethics and National Security be provided to APA governance groups for their information, posted on the APA website and provided to the public as appropriate.

#### **Draft Minute from February 2005 Council Meeting**

Council received information regarding the Board's approval, at its February 16 & 17, 2005, meeting, of a Task Force to Explore the Ethical Aspects of Psychologists' Involvement and the Use of Psychology in National Security-Related Investigations.

Ronald F. Levant, Ed.D., M.B.A., ABPP  
Professor  
Center for Psychological Studies  
Nova Southeastern University

PRIVACY REDACTION

[www.DrRonaldLevant.com](http://www.DrRonaldLevant.com) website

President, American Psychological Association, 2005  
"Making Psychology a Household Word"

---

**From:** Gerry Koocher PRIVACY REDACTION

**Sent:** Thursday, June 30, 2005 3:41 PM

**To:** Strassburger, Judith

**Cc:** Anderson, Norman B. PhD; Barry S. Anton, PhD; Carol Goodheart, EdD; Diane F. Halpern, PhD; Jessica Henderson Daniel, PhD; Koocher, Dr. Gerald P.; Michael Madson; Paul L. Craig, PhD; Ronald F. Levant, EdD; Ronald H. Rozensky, PhD; Ruth Ullmann Paige, PhD; Sandra L. Shullman, PhD; Thomas J. DeMaio, PhD; Behnke, Stephen; Gilfoyle, Nathalie; Farberman, Rhea K.

**Subject:** Re: FW: PENS Task Force Report

Strassburger, Judith wrote:

Hello: Forwarding for Steve Behnke. This was sent earlier in the week to you pri  
Ron will send you a proposal tomorrow on how this might be handled by the Board ar

I am very happy with the document and hope that we can publicize it quickly, even if only as a recommendation of the B/D forwarded to Council for action in August (under suspension of 30 rule,



if needed).

Regards,

Gerry

**Gerald P. Koocher, Ph.D. ABPP**  
**Professor and Dean**  
**School for Health Studies**  
**Simmons College**  
**300 The Fenway**  
**Boston, MA 02115**

PRIVACY REDACTION

PRIVACY REDACTION

Visit: [www.koocher.com](http://www.koocher.com)  
Editor, *Ethics & Behavior*



**Sender:** Thomas J. DeMaio, PhD [REDACTED]  
**Sent:** Friday, July 01, 2005 11:46:33 AM  
**Recipient:** Ronald F. Levant, Ed.D, M.B.A., ABPP [REDACTED]; 'Gerry Koocher'  
[REDACTED]; Strassburger, Judith  
</O=APA/OU=DC/CN=RECIPIENTS/CN=JAS>  
**Cc:** Anderson, Norman </O=APA/OU=DC/CN=RECIPIENTS/CN=NBA>; 'Barry S.  
Anton, PhD' [REDACTED]; 'Carol Goodheart, EdD'  
[REDACTED]; Halpern, Diane  
</O=APA/OU=DC/CN=RECIPIENTS/CN=HALPERN, DIANE>; 'Jessica  
Henderson Daniel, PhD' [REDACTED]; 'Koocher, Dr.  
Gerald P.' [REDACTED]; 'Michael Madson'  
[REDACTED]; 'Paul L. Craig, PhD'  
[REDACTED]; 'Ronald H. Rozensky, PhD' [REDACTED]; 'Ruth  
Ullmann Paige, PhD' [REDACTED]; 'Sandra L. Shullman, PhD'  
[REDACTED]; Behnke, Stephen  
</O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>; Gilfoyle, Nathalie  
</O=APA/OU=DC/CN=RECIPIENTS/CN=NPG>; Farberman, Rhea K.  
</O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>  
**Subject:** RE: FW: PENS Task Force Report

---

Of course, I wish we could wait for Council, but we probably do need to move forward quickly.  
Council will have the opportunity to accept or reject. I would ask that once we take the action we send an  
immediate note to Council informing them of our actions and the need for a timely response.  
Tom

Thomas J. De Maio, PhD  
[REDACTED]

[www.HerschDeMaio.com](http://www.HerschDeMaio.com)

-----Original Message-----

**From:** Ronald F. Levant, Ed.D, M.B.A., ABPP [REDACTED]  
**Sent:** Friday, July 01, 2005 7:45 AM  
**To:** 'Gerry Koocher'; 'Strassburger, Judith'  
**Cc:** 'Anderson, Norman B. PhD'; 'Barry S. Anton, PhD'; 'Carol Goodheart, EdD'; 'Diane F. Halpern, PhD';  
'Jessica Henderson Daniel, PhD'; 'Koocher, Dr. Gerald P.'; 'Michael Madson'; 'Paul L. Craig, PhD'; 'Ronald H.  
Rozensky, PhD'; 'Ruth Ullmann Paige, PhD'; 'Sandra L. Shullman, PhD'; 'Thomas J. DeMaio, PhD'; 'Behnke,  
Stephen'; 'Gilfoyle, Nathalie'; 'Farberman, Rhea K.'  
**Subject:** RE: FW: PENS Task Force Report

Folks: I wonder what you all would think about declaring an emergency to adopt it, and so inform Council  
(immediately) -- the emergency being that APA and psychology are getting pretty well trashed in the media,  
damaging our public image. Although I am sure Steve Behnke meant to convey a different impression (one  
of thoughtfulness) The NYT piece portrayed APA as unsure of where the ethical boundaries lie. I think that  
situations like this are the very reason to have a Board that acts as Executive Committee of Council, to act  
in timely manner to pressing events.

Judy has drafted two possible resolutions (see below). I favor the second one, but want to hear your  
thoughts. In any event we need to wrap this up today so that Rhea can do a release on 7/4. So please  
indicate your preference by COB today:

APA\_0040491



Option 1:  
Option 2:

Best  
Ron

Option 1. The American Psychological Association (APA) Ethics Committee has determined that the twelve statements included in the Report of the Presidential Task Force on Psychological Ethics and National Security are appropriate interpretations and applications of the APA Ethics Code. The APA Board of Directors thanks the Task Force for the report and plans to review the recommendations provided in Section IV of the report at its August 2005 meeting. Upon completion of the Board's review, the recommendations will be forwarded to the Council of Representatives for consideration. In addition, the Board requests that the Report of the Presidential Task Force on Psychological Ethics and National Security be provided to APA governance groups for their information, posted on the APA website and provided to the public as appropriate.

Option 2. Affirming the determination by the American Psychological Association (APA) Ethics Committee that the twelve statements included in the Report of the Presidential Task Force on Psychological Ethics and National Security are appropriate interpretations and applications of the APA Ethics Code, the APA Board of Directors adopts the task force report as APA policy. The Board of Directors plans to review the recommendations provided in Section IV of the report at its August 2005 meeting and upon completion of its review, will forward the recommendations to the Council of Representatives for consideration. In addition, the Board requests that the Report of the Presidential Task Force on Psychological Ethics and National Security be provided to APA governance groups for their information, posted on the APA website and provided to the public as appropriate.

#### **Draft Minute from February 2005 Council Meeting**

Council received information regarding the Board's approval, at its February 16 & 17, 2005, meeting, of a Task Force to Explore the Ethical Aspects of Psychologists' Involvement and the Use of Psychology in National Security-Related Investigations.

Ronald F. Levant, Ed.D., M.B.A., ABPP  
Professor  
Center for Psychological Studies  
Nova Southeastern University

PRIVACY REDACTION

[www.DrRonaldLevant.com](http://www.DrRonaldLevant.com) website

President, American Psychological Association, 2005  
"Making Psychology a Household Word"

---

**From:** Gerry Koocher, PRIVACY REDACTION

**Sent:** Thursday, June 30, 2005 3:41 PM

**To:** Strassburger, Judith

**Cc:** Anderson, Norman B. PhD; Barry S. Anton, PhD; Carol Goodheart, EdD; Diane F. Halpern, PhD; Jessica Henderson Daniel, PhD; Koocher, Dr. Gerald P.; Michael Madson; Paul L. Craig, PhD; Ronald F. Levant, EdD; Ronald H. Rozensky, PhD; Ruth Ullmann Paige, PhD; Sandra L. Shullman, PhD; Thomas J. DeMaio, PhD; Behnke, Stephen; Gilfoyle, Nathalie; Farberman, Rhea K.

APA\_0040491



**Subject:** Re: FW: PENS Task Force Report

Strassburger, Judith wrote:

Hello: Forwarding for Steve Behnke. This was sent earlier in the week to you  
Ron will send you a proposal tomorrow on how this might be handled by the Board

I am very happy with the document and hope that we can publicize it quickly, even if only as a recommendation of the B/D forwarded to Council for action in August (under suspension of 30 rule, if needed).

Regards,

Gerry  
**Gerald P. Koocher, Ph.D. ABPP**  
**Professor and Dean**  
**School for Health Studies**  
**Simmons College**  
**300 The Fenway**  
**Boston, MA 02115**

PRIVACY REDACTION  
PRIVACY REDACTION

Visit: [www.koocher.com](http://www.koocher.com)  
Editor, *Ethics & Behavior*



**Sender:** Farberman, Rhea K. </O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>  
**Sent:** Friday, July 01, 2005 9:47:53 AM  
**Recipient:** Behnke, Stephen <sbehnke@apa.org>  
**Subject:** RE: Cover letter for advance PENS release

---

Re: Spain -- yes, I agree. It would be really helpful to have you around next week.

Re: talking points and prep. I'm definitely available to help. Let's see how things go and when would be best for us to block out some "rehersal" time. I hate to say it but I have a feeling I may have to work part of Monday. Monday might be a more relaxed time for us to focus... Did you have other plans?

Rhea

---

Behnke, Stephen  
Friday, July 01, 2005 9:34 AM  
Farberman, Rhea K.  
RE: Cover letter for advance PENS release

**Agree competely. I've been thinking quite a bit about my talking points, and will definitely want to sit down with you and review Tuesday am.**

**Re: Spain, I just don't see how it's doable. I'd very much like to present the Report to an international crowd, but Gerry will be there and I think I'll ask him to take my place at the discussion. As I see this unfolding, my strong sense is that I should be around all next week. Make sense?**

-----Original Message-----

Farberman, Rhea K.  
Friday, July 01, 2005 9:28 AM  
Behnke, Stephen  
FW: Cover letter for advance PENS release

Steve -- Nathalie's last caution is a good one to remember for your talking points. If we are asked whether APA has concluded that the activities of psychologists and psychiatrists at Gitmo were ethical our response has to be we don't know because we don't know the facts of what took place at Gitmo. What we have provided through the report are clear statements about which activities would be ethical and which would not.

Rhea

---

Gilfoyle, Nathalie  
Thursday, June 30, 2005 11:01 PM  
Kelly, Heather; Behnke, Stephen; Farberman, Rhea K.; Mumford, Geoffrey; Breckler, Steven J.  
RE: Cover letter for advance PENS release

Just digging out here. Continuing to sound the voice of doom, or at least paranoia, but not I hope being "oppositional" as some might say, it makes me very nervous that Rumsfeld's office is eager for this. They are testifying on the Hill about conditions at G-mo and I guess that continues through tomorrow when Congress recesses for the holiday.(Is that right?) The nightmare is that they snatch it up and wave it around on live TV announcing that APA has investigated the issues and concluded that psychologists participation in interrogations at Gmo and Abu G are ethical. It's not a huge leap from the report to that kind of sleight of hand



that suggests we investigated what went on . If you read the report it's all there. But .. well... you need to read the report. Anyway I guess my two cents is that it's not a bad thing that this won't come out until the hearings are over. N

---

**From:** Kelly, Heather  
**Sent:** Thursday, June 30, 2005 3:42 PM  
**To:** Behnke, Stephen; Farberman, Rhea K.; Mumford, Geoffrey; Breckler, Steven J.  
**Cc:** Gilfoyle, Nathalie  
**Subject:** RE: Cover letter for advance PENS release

Yes, I agree and will make the change. By the way, Rumsfeld's exec assistant will apparently be waiting by the fax for this! His super secret direct access fax line. They're just a tad interested. Steve Be. -- is Ron signing this?

Heather

---

**From:** Behnke, Stephen  
**Sent:** Thursday, June 30, 2005 3:20 PM  
**To:** Farberman, Rhea K.; Mumford, Geoffrey; Breckler, Steven J.; Kelly, Heather  
**Cc:** Gilfoyle, Nathalie  
**Subject:** RE: Cover letter for advance PENS release

Nicely said.

-----Original Message-----

Farberman, Rhea K.  
Thursday, June 30, 2005 2:05 PM  
Mumford, Geoffrey; Breckler, Steven J.; Kelly, Heather  
Behnke, Stephen; Gilfoyle, Nathalie  
RE: Cover letter for advance PENS release

Good letter -- I just have one suggested edit that I think helps emphasize an important finding --

**The Task Force was unambiguous that when psychologists serve in a **ANY** position by virtue of their training, experience and expertise, the APA Ethics Code applies. Psychologists do not engage in, direct, support, facilitate, or offer training in torture or other cruel, inhuman, or degrading treatment, and psychologists have an ethical responsibility to be alert to and report any such acts to appropriate authorities**

Does this make sense?

FYI, I am working on copy similar to this draft that will serve as a transmittal note when the report is shared with APA governance and members and a second version for media. Will have that circulated for review this afternoon.

Rhea

---

Mumford, Geoffrey  
Thursday, June 30, 2005 12:58 PM  
Breckler, Steven J.; Kelly, Heather  
Behnke, Stephen; Farberman, Rhea K.



RE: Cover letter for advance PENS release

Thanks when we get concurrence from Rhea and Steve, Heather or I can forward to Ron for his review.  
-geoff

---

**From:** Breckler, Steven J.

**Sent:** Thursday, June 30, 2005 12:53 PM

**To:** Kelly, Heather; Behnke, Stephen; Farberman, Rhea K.; Mumford, Geoffrey

**Subject:** RE: Cover letter for advance PENS release

This looks good and right to me.  
Steve B(reckler)

---

Kelly, Heather

Thursday, June 30, 2005 11:02 AM

Behnke, Stephen; Farberman, Rhea K.; Mumford, Geoffrey; Breckler, Steven J.

Cover letter for advance PENS release

Hi:

I'm attaching a file with our proposed advance release contacts (faxes to be filled in tomorrow) and a draft cover letter. Please take a look at the cover letter and let me know what you think -- I kept it really straightforward by using language from the task force report charge and overview (in case they only read the cover letter, which is highly likely) and giving Steve as a contact for more information. I'm using Ron's signature, though I haven't heard from you whether that's definitely appropriate or not.

I'm only in for an hour or so today right now. I'll be on email later today from home and will be in the office tomorrow -- I'd love to have a final okay with edits from you all by tomorrow morning so that I can leave the actual letters for Geoff to fax Tuesday when I'm gone.

Thanks!

Heather << File: PENS Federal Release Letter.doc >>

Heather O'Beirne Kelly, Ph.D.  
Senior Legislative and Federal Affairs Officer  
Science Public Policy Office  
American Psychological Association  
750 First Street, N.E., 5th Floor  
Washington, D.C. 20002  
phone 202.336.5932  
fax 202.336.6063  
email hkelly@apa.org



**Sender:** Gilfoyle, Nathalie </O=APA/OU=DC/CN=RECIPIENTS/CN=NPG>  
**Sent:** Friday, July 01, 2005 9:42:05 AM  
**Recipient:** Behnke, Stephen <sbehnke@apa.org>  
**Subject:** RE: Eyes only

---

nice....let me know what you get by way of a response. n

*Nathalie Gilfoyle  
General Counsel  
American Psychological Association  
750 First Street , N.E.  
Washington, D.C. 20002  
202-336-6186*

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-----Original Message-----

**From:** Behnke, Stephen  
**Sent:** Friday, July 01, 2005 9:39 AM  
**To:** Gilfoyle, Nathalie  
**Subject:** FW: Eyes only

FYI--

-----Original Message-----

**From:** Behnke, Stephen  
**Sent:** Friday, July 01, 2005 9:30 AM  
**To:** 'Gerry Koocher'  
**Subject:** Eyes only

Hi Gerry,

At some point, I'd very much enjoy sitting down with you and discussing many aspects of events.

I wanted to share a thought with you alone. There seems to be some confusion among Board members between options 1 and 2, insofar as both options call for immediate release of the Task Force report. It seems to me that the real distinction is that Option 1 allows the Board to maintain a distance from the Report, while Option 2 commits the Board to endorsing the Report. While I believe the Report is very strong and represents APA very well (that you, the military members of the Task Force, and Walter Robinson are all in support gives me great confidence), nonetheless, only a very limited number of people have seen it.

As of Monday/Tuesday, there will be a vastly wider distribution (under either option). If there were a negative reaction to some aspect of the Report, option 2 would have inextricably tied the Board to the Report. Option 1, on the other hand, would leave the Board with greater leeway in a response, and would still have the weight of the Ethics Committee behind it.

Please don't understand this message as any reflection on the quality of the Report--I think it's excellent. But from the perspective of the Board, I wonder whether putting it out there and seeing



the reaction might be helpful before the Board puts its own stamp of approval down.

On the other hand, given the press of the past week, Option 1 may simply appear too tepid.

Thanks for reading,

Steve



**Sender:** Farberman, Rhea K. </O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>  
**Sent:** Friday, July 01, 2005 9:23:13 AM  
**Recipient:** Gilfoyle, Nathalie <ngilfoyle@apa.org>; Behnke, Stephen <sbehnke@apa.org>  
**Subject:** RE: PENS Task Force Report

---

Agreed. Hopefully, Diane's suggestion is dead in the water (see Gerry's note).

Rhea

-----Original Message-----

From: Gilfoyle, Nathalie  
Sent: Thursday, June 30, 2005 10:36 PM  
To: Behnke, Stephen; Farberman, Rhea K.  
Subject: FW: PENS Task Force Report

Okay --now we are cooking . It does seem to me though that linking our condemnation of torture in any way with the fact that it is ineffective should be avoided at all costs. I guess you could say "aside from the fact that torture is inhumane it has also been demonstrated to be ineffective. " but is that true? And I guess more to your point , do you want to start down the path of line edits .... probably best to wait and see what happens or see if Barry or Gerry chimes in .

-----Original Message-----

From: Halpern, Diane **PRIVACY REDACTION**  
Sent: Thursday, June 30, 2005 9:13 PM  
To: Strassburger, Judith; Anderson, Norman; Barry S. Anton, PhD; Carol Goodheart, EdD; Jessica Henderson Daniel, PhD; Koocher, Dr. Gerald P.; Michael Madson; Paul L. Craig, PhD; Ronald F. Levant, EdD; Ronald H. Rozensky, PhD; Ruth Ullmann Paige, PhD; Sandra L. Shullman, PhD; Thomas J. DeMaio, PhD  
Cc: Behnke, Stephen; Gilfoyle, Nathalie; Farberman, Rhea K.  
Subject: RE: PENS Task Force Report

Dear Steve et al:

I just returned from the InterAmerican Psychology meetings in Argentina where the NY Times article was on the front page of the English language paper. Janel Gauthier, who is known to many of you, was at the Congress to talk about the need for an international ethics code--he and others were especially interested in the allegations in the NY Times, which were repeated in today's paper (today's NY Times) in another article. (As most of us who have traveled internationally know, the US is not popular right now.)

I think the task force response is excellent. I have one very strong recommendation--that somewhere we add data showing that torture is ineffective in obtaining good information. I believe it is a critically important message that should go along with everything we say about torture and it is the only real deterrent. People kill each other during war, so saying don't hurt each other may not go far--but saying the information you get is worthless because someone being tortured will say anything you want is more likely to prevent torture (I think).

Again, really great job with a difficult task,  
Diane

-----Original Message-----

From: Strassburger, Judith [<mailto:jstrassburger@apa.org>]  
Sent: Thursday, June 30, 2005 1:31 PM  
To: Anderson, Norman B. PhD; Barry S. Anton, PhD; Carol Goodheart, EdD;



Halpern, Diane; Jessica Henderson Daniel, PhD; Koocher, Dr. Gerald P.; Michael Madson; Paul L. Craig, PhD; Ronald F. Levant, EdD; Ronald H. Rozensky, PhD; Ruth Ullmann Paige, PhD; Sandra L. Shullman, PhD; Thomas J. DeMaio, PhD  
Cc: Behnke, Stephen; Gilfoyle, Nathalie; Farberman, Rhea K.; Strassburger, Judith  
Subject: FW: PENS Task Force Report

Hello: Forwarding for Steve Behnke. This was sent earlier in the week to you prior to review by the Ethics Committee. After review by the Ethics Committee there were only minor non-substantive changes which have been approved by the Task Force. If you have any issues of concern we ask that you let us know by noon tomorrow (Friday). We realize a couple have sent feedback but want you to have one final look.

Ron will send you a proposal tomorrow on how this might be handled by the Board and Council. Thank you.

Judy

Judy A. Strassburger, Executive Director  
Governance Affairs Office  
American Psychological Association  
750 First Street, NE  
Washington, DC 20002-4242  
(202) 336-6088  
(202) 336-6157 Fax  
jstrassburger@apa.org

-----Original Message-----

From: Behnke, Stephen  
Sent: Thursday, June 30, 2005 3:58 PM  
To: Strassburger, Judith  
Cc: 'Ronald F. Levant, Ed.D, M.B.A., ABPP'; 'Barry Anton'; 'Gerald P. Koocher, Ph.D.'; Anderson, Norman; 'Olivia Moorehead-Slaughter'; Gilfoyle, Nathalie  
Subject: PENS Task Force Report

Dear Judy,

Attached please find the Report of the Task Force on Psychological Ethics and National Security. The Report has been revised, following review by the Ethics Committee. The Ethics Committee unanimously voted the following motion:

That the Ethics Committee affirms that the 12 statements in the Report of the Task Force on Psychological Ethics and National Security are appropriate interpretations and applications of the American Psychological Association Ethical Principles of Psychologists and Code of Conduct (2002).

Please note that the word "Draft" is still contained in the title of the Report. The Task Force Chair has indicated that "Draft" should remain in the title until the Board indicates its satisfaction with the Report.

The Task Force will await further instruction from the Board of Directors.



Thank you,

Steve

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#####

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For more information, connect to <http://www.f-secure.com/>



**Sender:** Sandra Shullman  
**Sent:** Friday, July 01, 2005 8:54:56 AM  
**Recipient:** Ronald Levant; Gerald Koocher; Strassburger, Judith </O=APA/OU=DC/CN=REC  
**Cc:** Anderson, Norman </O=APA/OU=DC/CN=RECIPIENTS/CN=NBA>; Barry Anton; PRIVACY REDACTION Jessica Henderson; Gerald Koocher; Michael Madson; Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>; Gilfoyle, Nathalie </O=APA/OU  
**Subject:** RE: FW: PENS Task Force Report

---

I am inclined toward Option 2, a more immediate public response from APA, unless I hear a compelling argument in opposition from other BOD or EMG members. I think a timely and immediate response, all other things being equal, is in the best interests of APA.

Sandy



**Sender:** Ronald F. Levant, Ed.D., M.B.A., ABPP [REDACTED]  
**Sent:** Friday, July 01, 2005 8:01:50 AM  
**Recipient:** 'RUTH PAIGE' [REDACTED]; Anderson, Norman  
</O=APA/OU=DC/CN=RECIPIENTS/CN=NBA>; 'Barry S. Anton, PhD'  
[REDACTED]; 'Carol Goodheart, EdD'  
[REDACTED]; Halpern, Diane  
</O=APA/OU=DC/CN=RECIPIENTS/CN=HALPERN, DIANE>; 'Jessica  
Henderson Daniel, PhD' [REDACTED]; 'Koocher, Dr.  
Gerald P.' [REDACTED]; 'Michael Madson'  
[REDACTED]; 'Paul L. Craig, PhD'  
[REDACTED]; 'Ronald H. Rozensky, PhD'  
[REDACTED]; 'Sandra L. Shullman, PhD'  
[REDACTED]; 'Thomas J. DeMaio, PhD'  
[REDACTED]; Strassburger, Judith  
</O=APA/OU=DC/CN=RECIPIENTS/CN=JAS>  
**Cc:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>; Gilfoyle,  
Nathalie </O=APA/OU=DC/CN=RECIPIENTS/CN=NPG>; Farberman, Rhea K.  
</O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>; Strassburger, Judith  
</O=APA/OU=DC/CN=RECIPIENTS/CN=JAS>  
**Subject:** RE: PENS Task Force Report

---

Thanks Ruth. See my last email, it is right in tune with your suggestions.....

Ronald F. Levant, Ed.D., M.B.A., ABPP  
Professor  
Center for Psychological Studies  
Nova Southeastern University  
[REDACTED]

[www.DrRonaldLevant.com](http://www.DrRonaldLevant.com) website

President, American Psychological Association, 2005  
"Making Psychology a Household Word"

---

**From:** RUTH PAIGE [REDACTED]  
**Sent:** Thursday, June 30, 2005 9:55 PM  
**To:** Anderson, Norman B. PhD; Barry S. Anton, PhD; Carol Goodheart, EdD; Diane F. Halpern, PhD; Jessica  
Henderson Daniel, PhD; Koocher, Dr. Gerald P.; Michael Madson; Paul L. Craig, PhD; Ronald F. Levant, EdD;  
Ronald H. Rozensky, PhD; Sandra L. Shullman, PhD; Thomas J. DeMaio, PhD; Strassburger, Judith  
**Cc:** Behnke, Stephen; Gilfoyle, Nathalie; Farberman, Rhea K.; Strassburger, Judith  
**Subject:** Re: PENS Task Force Report

First, thanks to the TF and Steve Behnke for completing a wonderful, thoughtful and thorough report in such an efficient manner. Second, I very much appreciate the ethics focus versus a political focus. Because of the ethics focus the report and recommendations will be better



received and will, therefore, serve us and psychologists who work in national security environments well. Third, I think the report should be adopted by COR as official interpretations of the Ethics Code. Fourth, The recommendations are strong, useful and identify important future activities, and I'd like the BOD or COR to discuss the recommendations, and perhaps help prioritize them. Clearly the Ethic Committee might need to think about adding one or two members with new areas of expertise. Fifth, since there is some time urgency here and I think we can act for COR. I'd suggest we hold an email vote because of the time urgency, and if we vote to distribute the report that we do so now, and at the same time send the report to COR with an explanation. I think COR will be relieved we have done something to respond to all the publicity instead of waiting for the next COR meeting. Again, thanks to Steve and the TF for such a helpful report. Ruth

\*\*\*\*\*

Ruth Ullmann Paige, Ph.D  
First Hill Psychological Services  
Seattle, Wa 98104

PRIVACY REDACTION

----- Original Message -----

**From:** [Strassburger, Judith](#)

**To:** [Anderson, Norman B. PhD](#) ; [Barry S. Anton, PhD](#) ; [Carol Goodheart, EdD](#) ; [Diane F. Halpern, PhD](#) ; [Jessica Henderson Daniel, PhD](#) ; [Koocher, Dr. Gerald P.](#) ; [Michael Madson](#) ; [Paul L. Craig, PhD](#) ; [Ronald F. Levant, EdD](#) ; [Ronald H. Rozensky, PhD](#) ; [Ruth Ullmann Paige, PhD](#) ; [Sandra L. Shullman, PhD](#) ; [Thomas J. DeMaio, PhD](#)

**Cc:** [Behnke, Stephen](#) ; [Gilfoyle, Nathalie](#) ; [Farberman, Rhea K.](#) ; [Strassburger, Judith](#)

**Sent:** Thursday, June 30, 2005 1:31 PM

**Subject:** FW: PENS Task Force Report

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Judy

Judy A. Strassburger, Executive Director  
Governance Affairs Office  
American Psychological Association  
750 First Street, NE  
Washington, DC 20002-4242  
(202) 336-6088  
(202) 336-6157 Fax  
[jstrassburger@apa.org](mailto:jstrassburger@apa.org)

-----Original Message-----

From: Behnke, Stephen

Sent: Thursday, June 30, 2005 3:58 PM

To: Strassburger, Judith

Cc: 'Ronald F. Levant, Ed.D, M.B.A., ABPP'; 'Barry Anton'; 'Gerald P. Koocher, Ph.D.'; Anderson, Norman; 'Olivia Moorehead-Slaughter'; Gilfoyle, Nathalie



Subject: PENS Task Force Report

Dear Judy,

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The Task Force will await further instruction from the Board of Directors.

Thank you,

Steve



**Sender:** Gerry Koocher [REDACTED]  
**Sent:** Friday, July 01, 2005 7:53:42 AM  
**Recipient:** Halpern, Diane </O=APA/OU=DC/CN=RECIPIENTS/CN=HALPERN, DIANE>  
**Cc:** Strassburger, Judith </O=APA/OU=DC/CN=RECIPIENTS/CN=JAS>; Anderson, Norman </O=APA/OU=DC/CN=RECIPIENTS/CN=NBA>; Barry S. Anton, PhD [REDACTED]; Carol Goodheart, EdD [REDACTED]; Jessica Henderson Daniel, PhD [REDACTED]; Koocher, Dr. Gerald P. [REDACTED]; Michael Madson [REDACTED]; Paul L. Craig, PhD [REDACTED]; Ronald F. Levant, EdD [REDACTED]; Ronald H. Rozensky, PhD [REDACTED]; Ruth Ullmann Paige, PhD [REDACTED]; Sandra L. Shullman, PhD [REDACTED]; Thomas J. DeMaio, PhD [REDACTED]; Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>; Gilfoyle, Nathalie </O=APA/OU=DC/CN=RECIPIENTS/CN=NPG>; Farberman, Rhea K. </O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>  
**Subject:** Re: PENS Task Force Report

---

Halpern, Diane wrote:

>I think the task force response is excellent. I have one very strong  
>recommendation--that somewhere we add data showing that torture is  
>ineffective in obtaining good information. I believe it is a critically  
>important message that should go along with everything we say about  
>torture and it is the only real deterrent.

>  
>

With due respect, I believe that the suggestion (above) goes beyond the mission/mandate of the task force and makes a claim not in evidence. That is to say, if we want to make such a statement we must first undertake a study to document the claim. The nature of the issue does not lend itself to rigorous methodology (e.g., any volunteers for the experimental versus control group?).

Gerry



**Sender:** Ronald F. Levant, Ed.D, M.B.A., ABPP [REDACTED]  
**Sent:** Friday, July 01, 2005 7:44:43 AM  
**Recipient:** 'Gerry Koocher' [REDACTED]; Strassburger, Judith  
</O=APA/OU=DC/CN=RECIPIENTS/CN=JAS>  
**Cc:** Anderson, Norman </O=APA/OU=DC/CN=RECIPIENTS/CN=NBA>; Barry S.  
Anton, PhD [REDACTED]; Carol Goodheart, EdD  
[REDACTED]; Halpern, Diane  
</O=APA/OU=DC/CN=RECIPIENTS/CN=HALPERN, DIANE>; Jessica  
Henderson Daniel, PhD [REDACTED]; Koocher, Dr.  
Gerald P. [REDACTED]; Michael Madson  
[REDACTED]; Paul L. Craig, PhD  
[REDACTED]; Ronald H. Rozensky, PhD [REDACTED]; Ruth  
Ullmann Paige, PhD [REDACTED]; Sandra L. Shullman, PhD  
[REDACTED]; Thomas J. DeMaio, PhD [REDACTED]; Behnke,  
Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>; Gilfoyle, Nathalie  
</O=APA/OU=DC/CN=RECIPIENTS/CN=NPG>; Farberman, Rhea K.  
</O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>  
**Subject:** RE: FW: PENS Task Force Report

---

Folks: I wonder what you all would think about declaring an emergency to adopt it, and so inform Council (immediately) -- the emergency being that APA and psychology are getting pretty well trashed in the media, damaging our public image. Although I am sure Steve Behnke meant to convey a different impression (one of thoughtfulness) The NYT piece portrayed APA as unsure of where the ethical boundaries lie. I think that situations like this are the very reason to have a Board that acts as Executive Committee of Council, to act in timely manner to pressing events.

Judy has drafted two possible resolutions (see below). I favor the second one, but want to hear your thoughts. In any event we need to wrap this up today so that Rhea can do a release on 7/4. So please indicate your preference by COB today:

Option 1:

Option 2:

Best  
Ron

Option 1. The American Psychological Association (APA) Ethics Committee has determined that the twelve statements included in the Report of the Presidential Task Force on Psychological Ethics and National Security are appropriate interpretations and applications of the APA Ethics Code. The APA Board of Directors thanks the Task Force for the report and plans to review the recommendations provided in Section IV of the report at its August 2005 meeting. Upon completion of the Board's review, the recommendations will be forwarded to the Council of Representatives for consideration. In addition, the Board requests that the Report of the Presidential Task Force on Psychological Ethics and National Security be provided to APA governance groups for their information, posted on the APA website and provided to the public as appropriate.

Option 2. Affirming the determination by the American Psychological Association (APA) Ethics Committee that the twelve statements included in the Report of the Presidential Task Force on Psychological Ethics and National Security are appropriate interpretations and applications of the APA Ethics Code, the APA Board of Directors adopts the task force report as APA policy. The Board of Directors plans to review the recommendations provided in Section IV of the report at its August 2005 meeting and upon completion of its review, will forward the recommendations to the Council of Representatives for consideration. In addition, the Board requests that the Report of the Presidential Task Force on Psychological Ethics and National Security be provided to APA governance groups for their information, posted on the APA website and provided to the public as appropriate.



## Draft Minute from February 2005 Council Meeting

Council received information regarding the Board's approval, at its February 16 & 17, 2005, meeting, of a Task Force to Explore the Ethical Aspects of Psychologists' Involvement and the Use of Psychology in National Security-Related Investigations.

Ronald F. Levant, Ed.D., M.B.A., ABPP  
Professor  
Center for Psychological Studies  
Nova Southeastern University

PRIVACY REDACTION

[www.DrRonaldLevant.com](http://www.DrRonaldLevant.com) website

President, American Psychological Association, 2005  
"Making Psychology a Household Word"

---

**From:** Gerry Koocher PRIVACY REDACTION

**Sent:** Thursday, June 30, 2005 3:41 PM

**To:** Strassburger, Judith

**Cc:** Anderson, Norman B. PhD; Barry S. Anton, PhD; Carol Goodheart, EdD; Diane F. Halpern, PhD; Jessica Henderson Daniel, PhD; Koocher, Dr. Gerald P.; Michael Madson; Paul L. Craig, PhD; Ronald F. Levant, EdD; Ronald H. Rozensky, PhD; Ruth Ullmann Paige, PhD; Sandra L. Shullman, PhD; Thomas J. DeMaio, PhD; Behnke, Stephen; Gilfoyle, Nathalie; Farberman, Rhea K.

**Subject:** Re: FW: PENS Task Force Report

Strassburger, Judith wrote:

Hello: Forwarding for Steve Behnke. This was sent earlier in the week to you prior  
Ron will send you a proposal tomorrow on how this might be handled by the Board and

I am very happy with the document and hope that we can publicize it quickly, even if only as a recommendation of the B/D forwarded to Council for action in August (under suspension of 30 rule, if needed).

Regards,

Gerry  
Gerald P. Koocher, Ph.D. ABPP  
Professor and Dean  
School for Health Studies  
Simmons College  
300 The Fenway  
Boston, MA 02115

PRIVACY REDACTION



Visit: [www.koocher.com](http://www.koocher.com)  
Editor, *Ethics & Behavior*



**Sender:** Farberman, Rhea K. </O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>  
**Sent:** Thursday, June 30, 2005 6:34:12 PM  
**Recipient:** Behnke, Stephen <sbehnke@apa.org>; 'Barry Anton' [REDACTED]; 'Gerald P. Koocher, Ph.D.' [REDACTED]  
**Cc:** Anderson, Norman <NAnderson@apa.org>; Gilfoyle, Nathalie <ngilfoyle@apa.org>  
**Subject:** RE: PENS Task Force Report

---

While I recognize that the Board has a critical role in this process and will need the time it needs to respond I also feel I have to let you know that I'm worried that if this New Yorker article does hit the streets on Monday will we be facing lots of questions about the ethics of psychologists working in national security interrogations on Tuesday. My hope is that we will have the report fully approved by that juncture -- with it we have very strong talking points. Without it we're not in as strong a position.

My two cents.

Thanks.  
Rhea

-----Original Message-----

From: Behnke, Stephen  
Sent: Thursday, June 30, 2005 4:28 PM  
To: 'Barry Anton'; 'Gerald P. Koocher, Ph.D.'  
Cc: Farberman, Rhea K.; Anderson, Norman; Gilfoyle, Nathalie  
Subject: PENS Task Force Report

Hi Gerry and Barry,

The Task Force Report, revised following Ethics Committee review, will be sent out to the Board very shortly (it may have already been).

From what I have heard, there will be an article in the New Yorker released Sunday that discusses the role of psychology in these matters. I assume that the article will be circulating by Tuesday.

I assume that Judy will be touch with Ron concerning Board action; probably good to realize that there would not be enough time for the Task Force to review the document again before Tuesday, should the Board want further Task Force action/review before releasing.

Steve



**Sender:** Banks, Louie M. COL <louie.morgan.banks@us.army.mil>  
**Sent:** Wednesday, June 29, 2005 6:54:55 PM  
**Recipient:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Subject:** RE:

---

Yes.

COL L. Morgan Banks  
Director, Psychological Applications Directorate  
US Army Special Operations Command  
DSN 239-6833 COM (910) 432-6833  
PRIVACY REDACTION  
banks@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Wednesday, June 29, 2005 6:51 PM  
To: Banks, Louie M. COL  
Subject: RE:

Excellent, thank you Morgan. May I forward your message to Barry? I'd like the Board to have the information about the Surgeon General.

Steve

-----Original Message-----

From: Banks, Louie M. COL [<mailto:louie.morgan.banks@us.army.mil>]  
Sent: Wednesday, June 29, 2005 6:48 PM  
To: Behnke, Stephen  
Subject: RE:

My full support. I just finished with the Surgeon General, and he will be in front of the Senate soon, on this issue. (He is very supportive.) Having APA's support will mean a lot. (I know, you are already working at light speed.) Thanks.

Morgan

COL L. Morgan Banks  
Director, Psychological Applications Directorate US Army Special Operations  
Command DSN 239-6833 COM (910) 432-6833 PRIVACY REDACTION  
banks@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Wednesday, June 29, 2005 6:14 PM  
To: Banks, Louie M. COL  
Subject:

Morgan, as a heads-up, the Ethics Committee recommended adding the words "from an individual's medical record" to statement three, which now reads:

3. Psychologists who serve in the role of supporting an interrogation do not use health care related information from an individual's medical record to the detriment of the individual's safety and well-being. While information from a medical record may be helpful or necessary to ensure that an



interrogation process remains safe, psychologists do not use such information to the detriment of an individual's safety and well-being. (Ethical Standards 3.04, Avoiding Harm and 3.08, Exploitative Relationships)

The Committee also recommended moving the sentence:

"Regardless of their role, psychologists who are aware of an individual in need of health or mental health treatment may seek consultation regarding how to ensure that the individual receives needed care. (Principle A, Beneficence and Nonmaleficence)"

from under statement 3 to statement 5, which is more on point.

Those were pretty much the substantive changes--will they work for you?



**Sender:** Gilfoyle, Nathalie </O=APA/OU=DC/CN=RECIPIENTS/CN=NPG>  
**Sent:** Wednesday, June 29, 2005 6:44:51 PM  
**Recipient:** Behnke, Stephen <sbehnke@apa.org>  
**Subject:** FW: [APABODEMG] FW: message to Board of Directors

---

-----Original Message-----

From: APA's Board of Directors Executive Management Group [<mailto:APABODEMG@LISTS.APA.ORG>] On Behalf Of anton  
Sent: Wednesday, June 29, 2005 6:35 PM  
To: APABODEMG@LISTS.APA.ORG  
Subject: Re: [APABODEMG] FW: message to Board of Directors

Jessica:

I appreciate your point. We discussed this point at length during the meeting of the TF. Consult is meant in a very broad context. It could mean consulting a text, or thinking deeply about an issue. It doesn't mean that the psychologist has to consult formally.  
Hope that helps a bit to clarify your concern.

Best,

Barry

\*\*\*\*\*

>I want to commend the PENS TF on the draft report. The generation of  
>such a document in a very brief period of time is quite remarkable. I  
>also thank APA staff for all their hard work.

>  
>On page 5 line 1--the word "such" can be omitted.

>  
>I do question Statement #12 about consultation. In the absence of agreed  
>upon procedures, is it fair to include this in this section of the  
>document? I suspect the implementation of this statement might be quite  
>complicated. It is noteworthy that this matter is addressed on page 8,  
>as conclusion # 3.

>  
>Again, thanks for a job well-done.

>  
>Jessica

>  
>-----Original Message-----

>From: APA's Board of Directors Executive Management Group  
>[<mailto:APABODEMG@LISTS.APA.ORG>] On Behalf Of Strassburger, Judith  
>Sent: Monday, June 27, 2005 9:12 PM  
>To: APABODEMG@LISTS.APA.ORG  
>Subject: [APABODEMG] FW: message to Board of Directors

>  
>In Ron's stead, Gerry requested that I send you the Report from this  
>past weekend's meeting of the Task Force on Psychological Ethics and  
>National Security. Judy

>  
>Judy A. Strassburger, Executive Director  
>Governance Affairs Office  
>American Psychological Association  
>750 First Street, NE



>Washington, DC 20002-4242  
>(202) 336-6088  
>(202) 336-6157 Fax  
>jstrassburger@apa.org  
>  
>  
>-----Original Message-----  
>From: Behnke, Stephen  
>Sent: Monday, June 27, 2005 4:28 PM  
>To: Strassburger, Judith  
>Cc: 'Ronald F. Levant, Ed.D, M.B.A., ABPP'; 'Barry Anton'; 'Gerald P.  
>Koocher, Ph.D.'; Anderson, Norman; 'Olivia Moorehead-Slaughter';  
>Gilfoyle, Nathalie  
>Subject: FW: message to Board of Directors  
>  
>  
>Dear Judy,  
>  
>I am forwarding you this message from Dr. Olivia Moorehead-Slaughter,  
>Chair of the Presidential Task Force on Psychological Ethics and  
>National Security, to be forwarded to the Board of Directors.  
>  
>I note that the Task Force completed this document, in its entirety,  
>over the course of a single meeting, under Dr. Moorehead-Slaughter's  
>leadership.  
>  
>Attached please find the Final Draft of the Task Force Report and its  
>cover.  
>  
>Thank you,  
>  
>Steve  
>  
>-----Original Message-----  
>From: Olivia Moorehead-Slaughter **PRIVACY REDACTION**  
>Sent: Monday, June 27, 2005 3:41 PM  
>To: Behnke, Stephen  
>Subject: message to Board of Directors  
>  
>  
>Dear Board of Directors,  
>  
>On behalf of the Task Force on Psychological Ethics and National  
>Security,  
>I wish to thank you for the privilege of allowing each of us to serve  
>APA  
>in this important effort. As Chair of this Task Force, I was honored to  
>have been a part of this endeavor alongside such committed and talented  
>colleagues. I would like to extend a special thanks to Drs. Gerry  
>Koocher  
>and Barry Anton, who served as Board of Director liaisons. Their  
>support  
>and guidance were invaluable.  
>  
>I have included for your review the document prepared by the Task Force  
>during our June 24-26, 2005 meeting. Please provide me with directives  
>in  
>terms of how I and the Task Force might be helpful beyond this point.  
>  
>Again, thank you for giving the Task Force the opportunity to serve APA  
>in



>this important and challenging way.

>

>

>Dr. Olivia Moorehead-Slaughter

Barry S. Anton, Ph.D., ABPP  
Distinguished Professor  
Department of Psychology  
University of Puget Sound  
Tacoma, WA 98416-1046







**Sender:** Neil Massoth  
**Sent:** Monday, June 27, 2005 7:33:02 PM  
**Recipient:** Behnke, Stephen  
</O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>; Katherine DiFrancesca; Olivia Moorehead-Slaughter  
**Cc:** Gerald Koocher; Gilfoyle, Nathalie </O=APA/OU=DC/CN=RECIPIENTS/CN  
**Subject:** Re: Psychological Ethics and National Security

---

Hello All:

I just did a quick read of the Task Force Report. I leave for Japan tomorrow and will, therefore, be unavailable for the conference call Wednesday.

My thoughts:

- 1) I am very much in favor of the 12 statements being adopted as official statements interpreting the Ethics Code. There is nothing that is inconsistent with the Ethics Code.
  - 2) I am not in favor of recommending that the 12 statements be incorporated as Guidelines since the guidelines process will take at least a year and the topic is too important for that long a delay prior to a response.
  - 3) I love the integration of the aspirational principles and the ethical standards.
  - 4) When discussion of the possible task force was mentioned during the last Council meeting (February 2005), there were some calling for a list of prohibited activities by psychologists. While I understand the emotion behind this, it would be a mistake. We do not need incorporated in our current Code or any code a list of prohibited activities (e.g., one must not give the Rorschach, conduct EMD, etc.). The prohibition regarding sexual intimacies with clients is the only prohibition that we need.
  - 5) The document illustrates both the decision making process that is vital in such situations, as well as illustrates how the Code can protect the psychologist when facing possible pressure in difficult situations.
- Neil Massoth



**Sender:** Ronald F. Levant, Ed.D, M.B.A., ABPP [REDACTED]  
**Sent:** Tuesday, June 28, 2005 5:16:50 PM  
**Recipient:** 'Barry Anton' [REDACTED]  
**Cc:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Subject:** RE: [APABODEMG] Concerns re: New York Times article of 6/24/05

---

I agree!

Ronald F. Levant, Ed.D., M.B.A., ABPP  
Professor  
Center for Psychological Studies  
Nova Southeastern University  
[REDACTED]

[www.DrRonaldLevant.com](http://www.DrRonaldLevant.com) website

President, American Psychological Association, 2005  
"Making Psychology a Household Word"

-----Original Message-----

From: Barry Anton [REDACTED]  
Sent: Tuesday, June 28, 2005 3:17 PM  
To: Ronald F. Levant, Ed.D, M.B.A., ABPP  
Cc: Behnke, Stephen  
Subject: Re: [APABODEMG] Concerns re: New York Times article of 6/24/05

Ron:  
I believe that COR should be notified as well.

Best,

Barry

On 6/28/05 12:31 PM, "Ronald F. Levant, Ed.D, M.B.A., ABPP"  
[REDACTED] wrote:

> Thanks Steve, that helps  
>  
>  
> Ronald F. Levant, Ed.D., M.B.A., ABPP  
> Professor  
> Center for Psychological Studies  
> Nova Southeastern University  
[REDACTED]

> [www.DrRonaldLevant.com](http://www.DrRonaldLevant.com) website



>  
> President, American Psychological Association, 2005  
> "Making Psychology a Household Word"  
>  
>  
>  
> -----Original Message-----  
> From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
> Sent: Tuesday, June 28, 2005 2:21 PM  
> To: Ronald F. Levant, Ed.D, M.B.A., ABPP; Apabodemg; Farberman, Rhea K.  
> Cc: Gerald P. Koocher, Ph.D.; Gilfoyle, Nathalie; Honaker, Michael; Barry  
> Anton  
> Subject: RE: Concerns re: New York Times article of 6/24/05  
>  
>

> Ron, I believe we have established a process that will allow us to move as  
> quickly as possible in the APA system. The Ethics Committee has a  
> conference call scheduled for tomorrow afternoon at 4:30 pm, to vote on a  
> motion affirming that the statements in the Report are appropriate  
> interpretations and applications of the APA Ethics Code. I will forward  
the  
> result of that vote to the Board, I am hopeful by 5:30 pm.  
>

> The Board may then choose to adopt the report, at which point the Board  
may  
> choose to make the Report public and Rhea may issue a press release, if  
that  
> is what you deem appropriate.  
>

> Steve  
>

> -----Original Message-----  
> From: Ronald F. Levant, Ed.D, M.B.A., ABPP **PRIVACY REDACTION**  
> Sent: Tuesday, June 28, 2005 2:57 PM  
> To: Apabodemg; Farberman, Rhea K.; Behnke, Stephen  
> Subject: FW: Concerns re: New York Times article of 6/24/05  
>  
>

> Folks: Just coming back to over 300 emails, and seeing many items  
addressed  
> to this matter, it seems to me that we need to quickly get a handle on how  
> we are going to respond to the NYT & NEJM articles (specifically their  
> statements about APA and psychologists) in way that settles this explosive  
> issue. I realize we have the PENS draft report, but that is not yet APA  
> policy, and I think that we need to speak out very soon, perhaps by doing  
as  
> the authors of the attached letter suggest (e.g., correcting the factual  
> errors in the NYT piece). Norman and Rhea: I'd appreciate your suggestions  
> as well as those of Gerry, Barry, and Steve.  
> Time is of the essence!

> Best,  
> Ron  
>

>  
> Id F. Levant, Ed.D., M.B.A., ABPP  
> Professor  
> Center for Psychological Studies  
> Nova Southeastern University  
**PRIVACY REDACTION**  
**PRIVACY REDACTION**



PRIVACY REDACTION

> [www.DrRonaldLevant.com](http://www.DrRonaldLevant.com) website

> President, American Psychological Association, 2005  
> "Making Psychology a Household Word"

> -----Original Message-----

> From: Anne Anderson

> Sent: Monday, June 27, 2005 7:08 PM

> To: Ronald Levant

> Subject: Concerns re: New York Times article of 6/24/05

> Dear Dr. Levant,

> Attached is a letter that was written by participants at the Ninth  
> International Symposium on the Contributions of Psychology to Peace  
> that took place this past week in Portland, OR. I was tasked with  
> delivering it to you, since my office is just around the corner from  
> APA. One of our interns will be delivering a copy to your office at  
> APA tomorrow, but I thought since I had your email from the messages  
> that Scott Plous sent out, I would send you an electronic version  
> tonight.

> You have two pdf files: One with the text of the letter and the list  
> of signatories with their affiliations, and the second with their  
> signatures.

> All the best in these difficult times,

> Anne Anderson

> Co-Coordinator

> Psychologists for Social Responsibility

> 208 I St. NE

> Washington, DC 20002-4340

PRIVACY REDACTION

> [www.psysr.org](http://www.psysr.org)

> -----  
> mail2web - Check your email from the web at

> <http://mail2web.com/> .



**Sender:** Farberman, Rhea K. </O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>  
**Sent:** Monday, June 27, 2005 11:44:17 AM  
**Recipient:** Behnke, Stephen <sbehnke@apa.org>; Gilfoyle, Nathalie  
<ngilfoyle@apa.org>; Newman, Russ <rnewman@apa.org>  
**Cc:** Breckler, Steven J. <SBreckler@apa.org>  
**Subject:** RE: [APABOD] TF on Psychological Ethics and Nationabl Security (PENS)

---

Yes, I know, but I don't think we can weigh that more heavily than all these governance and public relations issues...

Maybe Morgan can give a verbal summary on Wednesday

Rhea

-----Original Message-----

From: Behnke, Stephen  
Sent: Monday, June 27, 2005 11:35 AM  
To: Farberman, Rhea K.; Gilfoyle, Nathalie; Newman, Russ  
Cc: Breckler, Steven J.  
Subject: RE: [APABOD] TF on Psychological Ethics and Nationabl Security (PENS)

Morgan was VERY hopeful he'd been able to share this with the Surgeon General this Wednesday, at a meeting...

-----Original Message-----

From: Farberman, Rhea K.  
Sent: Monday, June 27, 2005 11:30 AM  
To: Gilfoyle, Nathalie; Newman, Russ; Behnke, Stephen  
Cc: Breckler, Steven J.  
Subject: RE: [APABOD] TF on Psychological Ethics and Nationabl Security (PENS)

I'm worried that we will really piss off (pardon my language) the ethics committee by making the document public before they reviewed it. Marked draft or not this is extremely hot right now. I will not be able to keep it under wraps with the media.

Can we do the following --

Day 1 -- Report goes to Board with a 24 hour review  
Day 2 -- Report goes to Ethics Committee with a 24 - 48 hour review  
Day 3 or 4 -- Report approved  
Day 4 or 5 -- Report goes to Council, governance divisions list serves DOD, Hill committees  
Day 5 or 6 -- Report goes to media

Because of the July 4 holiday weekend we might hold on the media release until July 5.

Rhea

-----Original Message-----

From: Gilfoyle, Nathalie  
Sent: Monday, June 27, 2005 11:16 AM  
To: Farberman, Rhea K.; Newman, Russ; Behnke, Stephen  
Cc: Breckler, Steven J.  
Subject: RE: [APABOD] TF on Psychological Ethics and Nationabl Security (PENS)

Another approach that Steve and I just discussed is for the Board to refer it to the Ethics Committee for review (which can be expedited ) but possibly to make it public/ post it as a draft report that is under review by the EC who will make a recommendation to the Board . That would allow people (DOD included ) to express their views to the EC . That may be



more process than you (or the EC ) want but on the other hand it does provide a mechanism to at least identify competing views. If the 12 points are really interpretations, that is well within the EC 's purview and they don't need public comment to interpret the Code. The downside of making the report public before the EC acts, is that if the EC hates the interpretations there is a more public dialogue about that . Given Olivia's stature , that seems unlikely but as we all know, one never knows.

How do you see Council's role in this? Many of the recommendations are about ethics process and future EC work it seems to me . But will Council want to put its fingerprints on this e.g. the repository , more research etc which they would normally do if it is to be APA policy?

Nathalie Gilfoyle  
General Counsel  
American Psychological Association  
750 First Street , N.E.  
Washington, D.C. 20002  
202-336-6186

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-----Original Message-----

From: Farberman, Rhea K.  
Sent: Monday, June 27, 2005 10:11 AM  
To: Newman, Russ; Gilfoyle, Nathalie; Behnke, Stephen  
Cc: Breckler, Steven J.  
Subject: RE: [APABOD] TF on Psychological Ethics and Nationabl Security (PENS)

I agree that if this has to go to the ethics committee we can't release it ...not even to friendly DOD sources. The potential for leaks is just too great.

So, I hope we decide that the report is interpretive and that we can proceed quickly.

Rhea

-----Original Message-----

From: Newman, Russ  
Sent: Monday, June 27, 2005 8:42 AM  
To: Gilfoyle, Nathalie; Behnke, Stephen  
Cc: Breckler, Steven J.; Farberman, Rhea K.  
Subject: RE: [APABOD] TF on Psychological Ethics and Nationabl Security (PENS)

From my vantage point, I was hoping this would simply be interpretive, not new guidelines. To the extent that is so (or it can be "tweaked" so it is only interpretive), sending to the Ethics Committee is necessary, but I would be reluctant put this out widely for public comment. Russ

-----Original Message-----

From: Gilfoyle, Nathalie  
Sent: Monday, June 27, 2005 8:34 AM  
To: Behnke, Stephen  
Cc: Newman, Russ; Breckler, Steven J.; Farberman, Rhea K.  
Subject: RE: [APABOD] TF on Psychological Ethics and Nationabl Security (PENS)



Maybe the board could conditionally approve it subject to Ethics Committee review and comment. If you want to stay clear of public comment, we definitely want to stay away from calling anything the board does guidelines. When I reviewed the draft yesterday morning, I read that recommendation to mean developing guidelines in the future not that these 12 principles would be adopted as guidelines. If they are viewed as guidelines we are in a different ballgame and would really have to suspend rules to avoid putting them through the comment process (not true for the other recommendations). I think there is a lot more latitude with an "interpretation of the existing ethics code" (as opposed to imposing new standards which gets back to the rule requiring public comment-- which is what I want to talk through re ## 4,6,and8, ) but that job is pretty squarely one for the Ethics Committee so the board has to be careful about usurping that role. I'll look at the relevant rules and bylaws as soon as I am in to see if that approach flies. Somehow I don't have the relevant docs here at home.N

iginal Message-----

From: Behnke, Stephen

Sent: Sunday, June 26, 2005 11:16 PM

To: Gilfoyle, Nathalie

Cc: Newman, Russ; Breckler, Steven J.; Farberman, Rhea K.

Subject: RE: [APABOD] TF on Psychological Ethics and Nationabl Security (PENS)

Now that I think of it, we do need to be careful. Several people want the Report asap (e.g., Morgan for a meeting with the Surgeon General on Wednesday). I think we should be careful about setting up a process whereby the Report would potentially undergo significant changes...certainly we can indicate that the Report is a draft, and perhaps as background that the Board is pleased with the Report (if they are), so that the Report is distributed as a draft, with the understanding that it has not yet been formally accepted by the Board...

-----Original Message-----

From: Gilfoyle, Nathalie

Sent: Sunday, June 26, 2005 11:03 PM

To: Behnke, Stephen

Cc: Newman, Russ; Breckler, Steven J.; Farberman, Rhea K.

Subject: RE: [APABOD] TF on Psychological Ethics and Nationabl Security (PENS)

Sure --I just worried that they would jump to wanting to approve the recommendations as policy and if I tell them of the issue in advance it is better than after they are set on a course.

-----Original Message-----

From: Behnke, Stephen

Sent: Sunday, June 26, 2005 10:36 PM

To: Gilfoyle, Nathalie

Cc: Newman, Russ; Breckler, Steven J.; Farberman, Rhea K.

Subject: RE: [APABOD] TF on Psychological Ethics and Nationabl Security (PENS)

I think what we need to do is to make clear the distinction between the Board making the Report public and the Board adopting the Report--that's a critical distinction. I think it probably makes very good sense for the Board to make the Report public asap (Heather and Russ have looked at how APA would distribute, to whom--the military people are asking for the report soon--Morgan has a meeting with the Surgeon General on Wednesday). I think the Board could easily decide to make the report public, could they not? E.g, with a statement, the Board makes available to members and the public the Report of the Task Force on Psychological Ethics and National Security, which the Task Force completed at its June 24-26 meeting and has forwarded to the Board. The Board invites comments on the Report, and will review the Report for the purpose of determining an appropriate official action after a reasonable time to receive feedback.

-----Original Message-----

From: Gilfoyle, Nathalie

Sent: Sunday, June 26, 2005 10:29 PM

To: Behnke, Stephen

Cc: Newman, Russ; Breckler, Steven J.; Farberman, Rhea K.

Subject: FW: [APABOD] TF on Psychological Ethics and Nationabl Security (PENS)



I'm a little worried that Barry is a bit ahead of the curve with the following note to the Board . I am worried that we are missing a step in the degree of input needed to interpret the Code --and that Ethics Committee review and some public comment would be needed before the Board adopts an interpretation. Items 4.6. and 8 in particular seem to me to not be totally clear from the standards but EC involvement would rectify any issues on that . I am thinking of sending the following in response to the email you sent to Olivia , Gerry and Barry and staff or perhaps directly to the Board once the report is in hand . Thoughts? Nathalie

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In this case one approach could be for the Board to post the draft for public comment before acting on it or at least on that part of it that sets standards and interprets the Code. The board could ask the EC to provide comment as soon as possible.

-----Original Message-----

From: American Psychological Association's Board of Directors [<mailto:APABOD@LISTS.APA.ORG>] On Behalf Of anton  
Sent: Sunday, June 26, 2005 9:11 PM  
To: APABOD@LISTS.APA.ORG  
Subject: [APABOD] TF on Psychological Ethics and National Security (PENS)

Colleagues:

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Best,

Barry

Barry S. Anton, Ph.D., ABPP  
Department of Psychology  
University of Puget Sound  
Tacoma, WA 98416-1046



















































































































**Sender:** Newman, Russ </O=APA/OU=DC/CN=RECIPIENTS/CN=RSN>  
**Sent:** Monday, June 27, 2005 10:13:52 AM  
**Recipient:** Gilfoyle, Nathalie <ngilfoyle@apa.org>; Behnke, Stephen <sbehnke@apa.org>  
**Cc:** Breckler, Steven J. <SBreckler@apa.org>; Farberman, Rhea K. <rfarberman@apa.org>  
**Subject:** RE: [APABOD] TF on Psychological Ethics and Nationabl Security (PENS)

---

Can review by the Ethics Committee be expedited? Russ

-----Original Message-----

From: Farberman, Rhea K.  
Sent: Monday, June 27, 2005 10:11 AM  
To: Newman, Russ; Gilfoyle, Nathalie; Behnke, Stephen  
Cc: Breckler, Steven J.  
Subject: RE: [APABOD] TF on Psychological Ethics and Nationabl Security (PENS)

I agree that if this has to go to the ethics committee we can't release it ...not even to friendly DOD sources. The potential for leaks is just too great.

So, I hope we decide that the report is interpretive and that we can proceed quickly.

Rhea

-----Original Message-----

From: Newman, Russ  
Sent: Monday, June 27, 2005 8:42 AM  
To: Gilfoyle, Nathalie; Behnke, Stephen  
Cc: Breckler, Steven J.; Farberman, Rhea K.  
Subject: RE: [APABOD] TF on Psychological Ethics and Nationabl Security (PENS)

From my vantage point, I was hoping this would simply be interpretive, not new guidelines. To the extent that is so (or it can be "tweaked" so it is only interpretive), sending to the Ethics Committee is necessary, but I would be reluctant put this out widely for public comment. Russ

-----Original Message-----

From: Gilfoyle, Nathalie  
Sent: Monday, June 27, 2005 8:34 AM  
To: Behnke, Stephen  
Cc: Newman, Russ; Breckler, Steven J.; Farberman, Rhea K.  
Subject: RE: [APABOD] TF on Psychological Ethics and Nationabl Security (PENS)

Maybe the board could conditionally approve it subject to Ethics Committee review and comment. If you want to stay clear of public comment, we definitely want to stay away from calling anything the board does guidelines. When I reviewed the dreaft yesterday morning, I read that recommendation to mean developing guidelines in the future not that these 12 principles would be adopted as guidelines. If they are viewed as guidelines we are in a different ballgame and would really have to suspend rules to avoid putting them through the comment process (not true for the other recommendations). I think there is a lot more latitude with an "interpretation of the existing ethics code" (as opposed to imposing new standards which gets back to the rule requiring public comment-- which is what I want to talk through re ## 4,6,and8, ) but that job is pretty squarely one for the Ethics Committee so the board has to be careful about usurping that role. I'll look at the relevant rules and bylaws as soon as I am in to see if that approach flies. Somehow I don't have the relevant docs here at home.N

iginal Message-----



From: Behnke, Stephen  
Sent: Sunday, June 26, 2005 11:16 PM  
To: Gilfoyle, Nathalie  
Cc: Newman, Russ; Breckler, Steven J.; Farberman, Rhea K.  
Subject: RE: [APABOD] TF on Psychological Ethics and Nationabl Security (PENS)

Now that I think of it, we do need to be careful. Several people want the Report asap (e.g., Morgan for a meeting with the Surgeon General on Wednesday). I think we should be careful about setting up a process whereby the Report would potentially undergo significant changes...certainly we can indicate that the Report is a draft, and perhaps as background that the Board is pleased with the Report (if they are), so that the Report is distributed as a draft, with the understanding that it has not yet been formally accepted by the Board...

-----Original Message-----

From: Gilfoyle, Nathalie  
Sent: Sunday, June 26, 2005 11:03 PM  
To: Behnke, Stephen  
Cc: Newman, Russ; Breckler, Steven J.; Farberman, Rhea K.  
Subject: RE: [APABOD] TF on Psychological Ethics and Nationabl Security (PENS)

Sure --I just worried that they would jump to wanting to approve the recommendations as policy and if I tell them of the issue in advance it is better than after they are set on a course.

-----Original Message-----

From: Behnke, Stephen  
Sent: Sunday, June 26, 2005 10:36 PM  
To: Gilfoyle, Nathalie  
Cc: Newman, Russ; Breckler, Steven J.; Farberman, Rhea K.  
Subject: RE: [APABOD] TF on Psychological Ethics and Nationabl Security (PENS)

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Cc: Newman, Russ; Breckler, Steven J.; Farberman, Rhea K.  
Subject: FW: [APABOD] TF on Psychological Ethics and Nationabl Security (PENS)

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Subject: [APABOD] TF on Psychological Ethics and Nationabl Security (PENS)

Colleagues:

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Best,

Barry

Barry S. Anton, Ph.D., ABPP  
Department of Psychology  
University of Puget Sound  
Tacoma, WA 98416-1046



**Sender:** Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>  
**Sent:** Sunday, June 26, 2005 10:40:39 PM  
**Recipient:** Behnke, Stephen <sbehnke@apa.org>  
**Subject:** RE: PENS Task Force Report

---

Yup. Really think it's ego and a sense that his fabulous expertise was not fawned over.

---

**From:** Behnke, Stephen  
**Sent:** Sunday, June 26, 2005 10:39 PM  
**To:** Kelly, Heather  
**Subject:** RE: PENS Task Force Report

Okay, I'll check in with him tomorrow, but this does seem a bit odd...

-----Original Message-----

Kelly, Heather  
Sunday, June 26, 2005 10:38 PM  
Behnke, Stephen  
RE: PENS Task Force Report

Yes. She told me this morning because she was asking if I knew what had happened to him.

---

**From:** Behnke, Stephen  
**Sent:** Sunday, June 26, 2005 10:36 PM  
**To:** Kelly, Heather  
**Subject:** RE: PENS Task Force Report

Rhea Jacobson?

-----Original Message-----

Kelly, Heather  
Sunday, June 26, 2005 10:31 PM  
Behnke, Stephen  
RE: PENS Task Force Report

Good idea. I wouldn't be surprised if he's worked himself into some sort of snit. Rhea apparently saw him Thursday and said "see you tomorrow," and when he didn't show up Friday morning, I went and saw him during the morning break and said "hey, it's started, you should come on up, you've got a seat at the table," and he acted as though he had no idea. Don't know what the deal is other than his ego might not have been able to handle being a staff observer. Makes me crazy.

---

**From:** Behnke, Stephen  
**Sent:** Sunday, June 26, 2005 10:26 PM  
**To:** Kelly, Heather  
**Subject:** RE: PENS Task Force Report

Hey, I'm a bit worried about Jeff McIntyre, with whom I had no contact at all. I think I'll stop by and see him in the am...



-----Original Message-----

Kelly, Heather

Sunday, June 26, 2005 10:16 PM

Behnke, Stephen

RE: PENS Task Force Report

I think you're delusional from sleep deprivation!!!

---

**From:** Behnke, Stephen  
**Sent:** Sunday, June 26, 2005 10:11 PM  
**To:** Kelly, Heather  
**Subject:** RE: PENS Task Force Report

"LETTING YOU SIT IN"?!?!?!

Honey, without all your help for the last three months this Task Force would have gone NOWhere!

-----Original Message-----

Kelly, Heather

Sunday, June 26, 2005 8:43 PM

Behnke, Stephen

RE: PENS Task Force Report

Steve - this really looks terrific. Only comment is that it says "inhuman" a couple of times when I think the term is "inhumane." Really like how this has been reformatted, and the opening is so much stronger!

Thanks so much for letting me sit in,  
Heather

---

**From:** Behnke, Stephen  
**Sent:** Sunday, June 26, 2005 7:38 PM  
**To:** 'Olivia Moorehead-Slaughter'  
**Cc:** Ronald F. Levant, Ed.D, M.B.A., ABPP; Gerald P. Koocher, Ph.D.; anton; Gilfoyle, Nathalie; Farberman, Rhea K.; Breckler, Steven J.; Kelly, Heather; Farberman, Rhea K.; Newman, Russ; Mumford, Geoffrey; Anderson, Norman  
**Subject:** PENS Task Force Report

Dear Olivia,

Attached please find the draft Task Force Report. Please forward to the Task Force for their review, and indicate that I have followed the same process with this draft as with the others, attempting as best I could to incorporate everyone's good thinking into a coherent document. Also, please tell the Task Force that they will have until tomorrow noon to review and post messages on the listserve with suggestions or recommendations for changes; I will forward the report, on your behalf, to the Board of Directors at 1 pm. I know that you will also welcome comments and recommendations from everyone copied on this message, whose help has been invaluable throughout the process.

When I forward the Draft Report to the Board, I will indicate that it is a draft report, so it will be quite easy for the Board to ask the Task Force to work on the Report further, if the Board thinks that appropriate. On the other hand, the Board may be pleased with the Report, and want to



make the Report publicly available without any delay. The Board will indicate to you what is best.

I look forward to providing the Report to the Board of Directors tomorrow at 1 pm.

Steve

<< File: PENSTFdraftreport.doc >>



**Sender:** Farberman, Rhea K. </O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>  
**Sent:** Sunday, June 26, 2005 10:02:32 AM  
**Recipient:** Gilfoyle, Nathalie <ngilfoyle@apa.org>; Behnke, Stephen <sbehnke@apa.org>; 'Gerry Koocher' [PRIVACY REDACTION]; 'anton' [PRIVACY REDACTION]; 'Olivia Moorehead-Slaughter' [PRIVACY REDACTION]  
**Subject:** RE: Task Force Report--draft

---

That would work for me.

Rhea

---

**From:** Gilfoyle, Nathalie  
**Sent:** Sunday, June 26, 2005 9:52 AM  
**To:** Farberman, Rhea K.; Behnke, Stephen; 'Gerry Koocher'; 'anton'; 'Olivia Moorehead-Slaughter'  
**Subject:** RE: Task Force Report--draft

I'm wondering if a different way to put that caveat would be to emphasize the fact that the TF was not charged with investigating whether any individuals engaged in unethical behavior and thus the Report should not be construed as commenting on how if at all psychologists may have participated in recent interrogations reported in the media .  
Nathalie

---

**From:** Farberman, Rhea K.  
**Sent:** Sunday, June 26, 2005 9:27 AM  
**To:** Gilfoyle, Nathalie; Behnke, Stephen; 'Gerry Koocher'; 'anton'; 'Olivia Moorehead-Slaughter'  
**Subject:** RE: Task Force Report--draft

Steve – This is a remarkable job given the complexity of the issues and the limited time the task force had to produce this. I agree with Nathalie's edits.

I also strongly suggest that we add a phrase up front (maybe in the preamble) that the reassertion of the 1986 resolution on torture not be interpreted as APA saying that torture or other inappropriate treatment has taken place. Possibly add

*Without casting aspersions about what may or may not have taken place during recent interrogations, The Task Force first state that psychologists do not engage in direct, support, facility....*

In terms of next steps -- there are a number of questions that I'm sure the media will raise -- off the top of my head, one is:

Is it ethical for psychologists to participate in integration of suspected terrorists?

Based on the draft report I think the answer is yes, but.. We will need carefully crafted talking points to deal with the yes, but

Another question -- given the yes, but, nature of the allowable work -- is it realistic that psychologists work for the military in this role?

I'm sure I will think of more as the day progresses.

I'M AVAILABLE TO SPEAK TO THE TASK FORCE BY PHONE ANY TIME THIS MORNING.

Rhea



---

**From:** Gilfoyle, Nathalie  
**Sent:** Sunday, June 26, 2005 7:25 AM  
**To:** Behnke, Stephen; 'Gerry Koocher'; 'anton'; Farberman, Rhea K.; 'Olivia Moorehead-Slaughter'  
**Subject:** RE: Task Force Report--draft

Steve, I think this looks great and captures the discussion well . I have a very few questions/comments as noted and caught a few typos sprinkled throughout. Nathalie

---

**From:** Behnke, Stephen  
**Sent:** Sunday, June 26, 2005 12:47 AM  
**To:** 'Gerry Koocher'; anton; Gilfoyle, Nathalie; Farberman, Rhea K.; Olivia Moorehead-Slaughter  
**Subject:** Task Force Report--draft

Hello Everyone,

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The thought is to send the Report to the Board as a "Final Draft," which gives the Board room should it not like aspects of the Report.

I think the Task Force should have a spokesperson, but don't see the Task Force as issuing a public statement, since the Report will be in the Board's hands very soon, for the Board to do with the Report what it deems appropriate.

Rhea, please alert me if you see problems here. I have let the Task Force know you are available in the morning, and I know the Task Force wants to touch base with you.

Thank you all,

Steve

<< File: PENSdraftreport.doc >>

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**Sender:** Gilfoyle, Nathalie </O=APA/OU=DC/CN=RECIPIENTS/CN=NPG>  
**Sent:** Sunday, June 26, 2005 7:25:22 AM  
**Recipient:** Behnke, Stephen <sbehnke@apa.org>; 'Gerry Koocher'  
PRIVACY REDACTION; 'anton' PRIVACY REDACTION; Farberman, Rhea K.  
<rfarberman@apa.org>; 'Olivia Moorehead-Slaughter' PRIVACY REDACTION  
**Subject:** RE: Task Force Report--draft  
**Attachments:** PENSdraftreport.doc

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Thank you all,

Steve



# **PRESIDENTIAL TASK FORCE ON PSYCHOLOGICAL ETHICS AND NATIONAL SECURITY**

## **Final Draft Report**

**The Presidential Task Force on Psychological Ethics and National Security met to address ethical challenges facing psychologists whose work involves national security-related activities. Recognizing the ethical complexity of this work, which takes place in unique settings and constantly evolving circumstances, the Task Force was nonetheless able to set forth clear and unanimous statements about psychologists' ethical obligations. The Task Force first states that psychologists do not engage in, direct, support, facilitate, or offer training in torture or other cruel, inhuman, or degrading treatment. This report contains eleven additional Task Force statements and a series of recommendations to the American Psychological Association Board of Directors.**

The Presidential Task Force on Psychological Ethics and National Security (PENS) met on the weekend of June 24-26. The PENS Task Force met in response to the Board of Directors February, 2005 charge, that the Task Force:

[E]xamine whether our current Ethics Code adequately addresses [the ethical dimensions of psychologists' involvement in national security-related activities], whether the APA provides adequate ethical guidance to psychologists involved in these endeavors, and whether APA should develop policy to address the role of psychologists and psychology in investigations related to national security.

The Task Force believes it is critical for the American Psychological Association to address these issues. APA is the world's largest association of mental health professionals. Article I of the Association Bylaws states:

The objects of the American Psychological Association shall be to advance psychology as a science and profession and as a means of promoting health, education and human welfare...by the improvement of the qualifications and usefulness of psychologists through high standards of ethics...[and] by the establishment and maintenance of the highest standards of professional ethics and conduct of the members of the Association...

Many association members work for the United States government as employees or consultants in national security-related positions. It is the responsibility of APA to think through and provide guidance on the complex ethical challenges that face these psychologists, who apply their training, skills, and expertise in our nation's service.

In the APA Ethical Principles of Psychologists and Code of Conduct (hereinafter the Ethics Code), Principle B, Fidelity and Responsibility, states that psychologists "are



aware of their professional and scientific responsibilities to society.” Psychologists have a valuable and ethical role to assist in protecting our nation, other nations, and innocent civilians from harm, which will at times entail gathering information that can be used in our nation’s and other nations’ defense. The Task Force believes that a central role for psychologists working in the area of national security-related investigations is to assist to ensure that processes are safe, legal, and ethical for all participants.

The Task Force confronted [evaluated ? addressed ? it sounds a bit like someone on the task force was arguing this position](#) the argument that when psychologists act in certain roles outside traditional health-service provider relationships, for example as consultants to interrogations, they are not acting in a professional capacity as psychologists and are therefore not bound by the APA Ethics Code. The Task Force rejected this contention. The Task Force believes that when psychologists serve in a position by virtue of their training, experience, and expertise as psychologists, the APA Ethics Code applies. Thus in any such circumstance, psychologists are bound by the APA Ethics Code.

The Task Force looked to the APA Ethics Code for fundamental principles to guide its thinking. The Task Force found such principles in the Preamble to the Ethics Code, “Psychologists respect and protect civil and human rights” and “[The Ethics Code] has as its goals the welfare and protection of the individuals and groups with whom psychologists work” [would you say that psychologists are “working with” detainees?](#); Principle A, Beneficence and Nonmaleficence, “In their professional actions, psychologists seek to safeguard the welfare and rights of those with whom they interact professionally and other affected persons”; Principle D, Justice, “Psychologists exercise reasonable judgment and take precautions to ensure that their potential biases, the boundaries of their competence, and the limitations of their expertise do not lead to or condone unjust practices”; and Principle E, Respect for People’s Rights and Dignity, “Psychologists respect the dignity and worth of all people.” The Task Force derived [\[delete?\] a number of \[are some of the positions not derived from the EC?\]](#) positions from these and other statements in the APA Ethics Code. The Task Force concluded that the Ethics Code is fundamentally sound in addressing the ethical dilemmas that arise in the context of national security-related work.

**First**, psychologists do not engage in, direct, support, facilitate, or offer training in torture or other cruel, inhuman, or degrading treatment. The Task Force endorses the 1986 Resolution Against Torture, adopted by the American Psychological Association Council of Representatives, and the 1985 Joint Resolution Against Torture of the American Psychological Association and the American Psychiatric Association.

**Second**, psychologists are alert to acts of torture or other cruel, inhuman, or degrading treatment and have an ethical responsibility to report these acts to the appropriate authorities. This ethical responsibility is rooted in the Preamble, which states “Psychologists respect and protect civil and human rights...the development of a dynamic set of ethical standards for psychologists’ work-related conduct requires a personal commitment and lifelong effort to act ethically [and] to encourage ethical behavior by...colleagues,” and Principle B, Fidelity and Responsibility, which states that



psychologists “are concerned about the ethical compliance of their colleagues’ scientific and professional conduct.” (Ethical Standard 1.05, Reporting Ethical Violations)

**Third**, psychologists do not engage in behaviors that violate the laws of the United States, although psychologists may refuse to follow laws or orders that are unjust or that ~~that~~ violate basic principles of human rights. Psychologists involved in national security-related activities follow all applicable rules and regulations that govern their roles. Over the course of the recent United States military presence in locations such as Afghanistan, Iraq, and Cuba, such rules and regulations have been significantly developed and refined. Psychologists have an ethical responsibility to be informed of, familiar with, and follow the most recent applicable regulations and rules. The Task Force notes that certain such rules and regulations incorporate texts that are fundamental to the treatment of individuals whose liberty has been curtailed, such as the Geneva Conventions.

The Task Force notes that psychologists sometimes encounter conflicts between ethics and law. When such conflicts arise, psychologists make known their commitment to the APA Ethics Code and attempt to resolve the conflict in a responsible manner. If the conflict cannot be resolved in this manner, psychologists may adhere to the requirements of the law. (Ethical Standard 1.02) If psychologists follow the law in such circumstances, they do so “in keeping with basic principles of human rights.” (Introduction and Applicability section of the APA Ethics Code) The Task Force encourages psychologists working in this area to review essential human rights documents, such as the Geneva Conventions.

**Fourth**, psychologists are aware of and clarify their role in situations where the nature of their professional identity and professional function may be ambiguous. Psychologists have a special responsibility to clarify their role in situations where individuals may have an incorrect impression that psychologists are serving in a health care provider role. The Task Force derived this position from standards in the APA Ethics Code that address the importance of clarity regarding a psychologist’s role. (Ethical Standards 3.07 and 3.11)

The Task Force noted that psychologists acting in the role of consultant to national security issues most often work closely with other professionals from various disciplines. As a consequence, psychologists rarely act alone or independently, but rather as part of a group of professionals who bring together a variety of skills and experience in order to provide an ethically appropriate service. (Ethical Standard 3.09, Cooperating with Other Professionals)

**Fifth**, psychologists are sensitive to the problems inherent in mixing potentially inconsistent roles, such as health care provider and consultant to an interrogation, and refrain from engaging in such multiple relationships (Ethical Standard 3.05, “A psychologist refrains from entering into a multiple relationship if the multiple relationship could reasonably be expected to impair the psychologist’s objectivity, competence, or effectiveness in performing his or her functions as a psychologist, or otherwise risks exploitation or harm to the person with whom the professional relationship exists.”)



**Sixth**, the Task Force believes that psychologists may serve in various national security-related roles, such as a consultant to interrogations, in a manner that is consistent with the Ethics Code, provided that psychologists are mindful of factors unique to these roles that require special ethical consideration. The Task Force noted that psychologists have served in consultant roles to law enforcement on the state and federal levels for a considerable period of time. Psychologists have proven highly effective in lending assistance to law enforcement in the vital area of information gathering and have done so in an ethical manner. The Task Force noted special ethical considerations for psychologists serving as consultants to interrogation processes in national security-related settings, especially when individuals from countries other than the United States have been detained by United States authorities. Such ethical considerations include:

- How certain settings may instill in individuals a profound sense of powerlessness and may place individuals in considerable positions of disadvantage in terms of asserting their interests and rights. (Ethical Standards 1.01, Misuse of Psychologists' Work, and 3.08, Exploitative Relationships)
- How failures to understand aspects of individuals' culture and ethnicity may generate misunderstandings, compromise the efficacy and hence the safety of investigatory processes, and result in significant mental and physical harm. (Principle E, "Psychologists are aware of and respect cultural, individual, and role differences, including those based on...race, ethnicity, culture, national origin... and consider these factors when working with members of such groups"; Ethical Standard 2.01(b), Boundaries of Competence, "Where scientific or professional knowledge in the discipline of psychology establishes that an understanding of factors associated with...race, ethnicity, culture, national origin...is essential for effective implementation of their services or research, psychologists have or obtain the training, experience, consultation, or supervision necessary to ensure the competence of their services, or they make appropriate referrals..."; and Ethical Standard 3.01, Unfair Discrimination, "In their work-related activities, psychologists do not engage in unfair discrimination based on...race, ethnicity, culture, national origin...")
- How the combination of a setting's ambiguity with high stress may facilitate individuals engaging in behaviors that cross the boundaries of competence and ethical propriety. As behavioral scientists, psychologists are trained to observe, respond to, and ideally correct such processes as they occur. (Principle A, Beneficence and Nonmaleficence, and Ethical Standard 3.04, Avoiding Harm)

**Seventh**, psychologists who consult on interrogation techniques are mindful that the subject of the interrogation may not have engaged in untoward behavior and may not have information of interest to the interrogator. When psychologists serve as consultants to interrogation, and especially when such consultation concerns techniques that potentially generate psychological distress, psychologists consider whether the



techniques consulted upon would be deemed ethically appropriate should such determinations related to guilt and relevance ultimately be made. [I'm not sure it's clear what you mean here –if they are innocent or had no info , would the tactics used stand up to scrutiny?I didn't really get this issue when they were discussing it and I don't think the average bear reading this will get the point . It also sort of raises the specter that they may just be detained indefinitely and never have such a determination made] At all times psychologists remain mindful of the prohibitions against engaging in or facilitating torture and other cruel, inhuman, or degrading treatment. Psychologists inform themselves about research regarding the most effective and humane methods of obtaining information and become familiar with how culture may interact with the techniques consulted upon. (Ethical Standards 2.01, Boundaries of Competence; 2.03, Maintaining Competence; and 3.01, Unfair Discrimination)

**Eighth**, psychologists who serve in the role of supporting an interrogation do not use health care related information for the detriment of an individual's safety and well-being. (Ethical Standard 3.04, Avoiding Harm). Regardless of their role, psychologists who become aware of an individual in need of mental health treatment may seek consultation regarding how to ensure that the individual receives needed care. (Principle A, Beneficence and Nonmaleficence)

**Ninth**, psychologists make clear the limits of confidentiality. (Ethical Standard 4.02, Discussing the Limits of Confidentiality). Psychologists who have access to, utilize, or share medical or mental health related information do so with an awareness of the sensitivity of such information, keeping in mind that “Psychologists have a primary obligation and take reasonable precautions to protect confidential information...” (Ethical Standard 4.01, Maintaining Confidentiality). When disclosing sensitive information, psychologists share the minimum amount of information necessary, and only with individuals who have a clear professional purpose for obtaining the information. (Ethical Standard 4.04, Minimizing Intrusions on Privacy) Psychologists take care not to leave a misimpression that information is confidential when in fact it is not. (Ethical Standards 3.10, Informed Consent, and 4.02, Discussing the Limits of Confidentiality)

**Tenth**, psychologists are aware of and do not act beyond their competencies, except in unusual circumstances, such as set forth in the Ethics Code. (Ethical Standard 2.02, Providing Services in Emergencies) Thus, psychologists ensure that their activities are effective, in addition to being safe, legal, and ethical. (Ethical Standards 2.01, Boundaries of Competence; 2.04, Bases for Scientific and Professional Judgments; 9.01 Bases for Assessments)

**Eleventh**, psychologists clarify the identity of their client and retain ethical obligations to individuals who are not their clients. Regardless of whether an individual is considered a “client,” psychologists have an ethical obligation to ensure that their activities in relation to the individual are safe, legal, ethical, and effective. Sensitivity to the entirety of a psychologist's ethical obligations is especially important where, because of a setting's unique characteristics, an individual may not be fully able to assert relevant rights and interests. (Principle A, Beneficence and Nonmaleficence, “In their professional actions,



psychologists seek to safeguard the welfare and rights of those with whom they interact professionally and other affected persons...” and Principle D, Justice, “Psychologists exercise reasonable judgment and take precautions to ensure that their potential biases, the boundaries of their competence, and the limitations of their expertise do not lead to or condone unjust practices.”)

**Twelfth**, psychologists have an ethical obligation to consult when they are facing difficult ethical dilemmas. The Task Force was emphatic that consultation on ethics questions and dilemmas is highly appropriate for psychologists at all levels of experience, especially in this very challenging and ethically complex area of practice. (Preamble to the Ethics Code, “The development of a dynamic set of ethical standards for psychologists’ work-related conduct requires a personal commitment and lifelong effort to act ethically...and to consult with others concerning ethical problems.”)

The Task Force drew several other conclusions:

- The development of professional skills and competencies, ethical consultation and ethical self-reflection, and a willingness to take responsibility for one’s own ethical behavior are the best ways to ensure that the national security-related activities of psychologists are safe, legal, ethical, and effective.
- It is critical to offer ethical guidance and support especially to psychologists at the beginning of their careers, who may experience pressures to engage in unethical or inappropriate behaviors that they are likely to find difficult to resist.
- APA should develop a process whereby psychologists whose work involves classified material and who need ethical guidance or consultation may consult their national organization for assistance and support.
- Psychologists should engage in research to examine and develop effective ways of obtaining information for the purpose of preventing acts of violence. Psychologists conducting such research should focus on the quality of the information obtained through various techniques. In addition to research into the effectiveness of information gathering techniques, psychologists should examine the psychological effects of conducting interrogations on the interrogators themselves, to explore ways of helping to ensure that the process of gathering information is likely to remain within ethical boundaries.
- The Task Force noted a potential area of tension between conducting research that is classified or whose success could be compromised if the research purpose and/or methodology become known, and ethical standards that require debriefing after participation in a study as a research subject. (Ethical Standards 8.07 and 8.08). APA should identify and further examine the ethical dimensions of such tensions.
- Psychologists working in this area should inform themselves of how culture and ethnicity interact with investigative or information-gathering techniques, with special attention to how failing to attend to such factors may result in harm.



The Task Force engaged in vigorous discussion and debate and did not reach consensus on several issues:

- The role of human rights standards in an ethics code. While all Task Force members felt that respect for human rights is critical, some task force members felt strongly that international standards of human rights should be built into the ethics code and others felt that the laws of the United States should be the touchstone.
- The degree to which psychologists may ethically disguise the nature and purpose of their work. While all members of the Task Force agreed that full disclosure of the nature and purpose of a psychologist's work is not **be** ethically required or appropriate in every circumstance, members differed on the degree to which psychologists may ethically dissemble their activities from individuals whom they engage directly.
- Whether the discussion of the Task Force should have been made available outside the Task Force. -Some members believed that sharing the substance of the discussions, debates, and disagreements of the Task Force would be helpful to others in understanding how the Task Force reached its conclusions. Others felt that not sharing information beyond this report and other public statements would facilitate richer and more productive exchanges during the Task Force meeting. The Task Force voted on this issue. By a vote of seven to one, with one abstention, the Task Force voted to limit what information is disclosed concerning its deliberations to this report and other public statements made by the Task Force as a whole.

### **Recommendations:**

The Task Force recommends that:

- 1) APA publicly reaffirm its 1986 Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment.
- 2) APA consider whether it would be appropriate to adopt the twelve statements in this Task Force Report either as guidelines or as official statements interpreting the APA Ethical Principles of Psychologists and Code of Conduct.
- 3) APA develop a document that will serve as a companion to the twelve statements contained in this report, for the purpose of providing illustrative examples and providing commentary. Such a document will be especially important if APA adopts the statements as guidelines or official interpretations of the Ethics Code.
- 4) APA continue to examine the goodness of fit between the Ethics Code and this area of practice. While the Task Force believes the Ethics Code is fundamentally sound and adequately addresses the great majority of ethical dilemmas that arise in national security-related settings, there may be certain aspects in which the Code does not speak as well to this area of practice as it does to other areas of practice. The Task Force believes the Ethics Committee could undertake this task.



- 5) APA develop a process to offer ethics consultation to psychologists whose work involves classified material and who seek ethical guidance.
- 6) APA continue to develop a strong relationship with psychologists working in national security-related settings, with special attention to the unique ethical challenges these psychologists confront in their daily work, and that APA collaborate with organizations having national security-related responsibilities to promote psychological practice consistent with APA Ethical Standards.
- 7) APA forward a copy of this task force report, or a relevant summary of the report, to the United States Department of Defense, as the Defense Department develops policy on these complicated and challenging ethical issues.
- 8) APA encourage psychologists to engage in research to evaluate the efficacy of methods for gathering information that is accurate, relevant, and reliable. Such research should be designed to minimize risks to research participants such as emotional distress, and should be consistent with standards of human subject research protection and the APA Ethics Code.
- 9) APA consider supporting the creation of a repository to record psychologists' contributions to national security. Such information, divided into classified and unclassified sections, could serve as a historical record and a resource concerning how psychologists involved in national security-related activities have met the ethical challenges of their work.
- 10) APA view the work of this Task Force as an initial step in addressing the very complicated and challenging ethical dilemmas that confront psychologists working in national security-related activities. Viewed as an initial step in a continuing process, APA may use this Report to engage in thoughtful reflection of complex ethical considerations in an area of psychological practice that is likely to expand significantly in coming years.



**Sender:** anton [REDACTED]  
**Sent:** Sunday, June 26, 2005 7:21:50 AM  
**Recipient:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Subject:** RE: TF update part 2

---

Hi Gerry:

You probably received my general response to Rhea a few minutes ago. Jean Maria got pretty loose today - e.g. questioning why the American Psychological Association was called the the American Psychological Association. She did a lot of splitting too, in my opinion, and was quite difficult. She continued to take notes, writing on the margins of our in-progress papers in spite of assurances yesterday that she wouldn't. I think she alienated everyone but Mike Wessels and I'm not too sure about his feelings. I have to say that the DoD folks were gentle, respectful, and open to her, but also were able to express their views. They are very interested in a continuing dialogue with APA and were pleased to be there and look forward to collaborating on other projects. Robert Fein even offered to brief the BoD.

I think we will have a dozen or so points for you to review that has pretty good agreement before the morning light.

[REDACTED]

>Hi Barry,

>

>Thanks VERY much for this update. I hope you do not mind my copying my response to Steve Behnke.

>

[REDACTED]

>

>I too noticed Jean Maria's note taking and felt concerned because of her note taking. I am glad you brought it up. I'd suggest that the group agree on one "confidential" means. I suggest the following definition as a starting point:

>

- >1. The TF report should be reached by consensus.
- >2. All communications about the TF report or findings come from the report itself (i.e., nothing discussed in the meeting that does should be reported in any public form unless it is included in the public report).
- >3. Under no circumstances should the comments or anecdotes offered by any member of the TF be cited for attribution UNLESS there is unanimous agreement and these appear in the approved report.

>

>I have plans to talk with Steve today between Noon and 1 pm. I strongly support your idea about going through bullet points.

>

>Regards,

>

>Gerry

>

>

>

>anton wrote:

>

>>Dear Gerry:



>> **PRIVACY REDACTION**

>>We missed you this afternoon. There was some progress on defining the issues

>>but it was hard keeping people on task to answer the charge to the TF. The DoD

>>folks gave a lot of very interesting examples and scenarios that helped

>>exemplify how complicated some of these issues of role are. Around 3 p.m. I

>>raised the issue of whether what we were talking about in the TF was

>>confidential or not as Jean Maria sitting next to me was taking copious notes

>>and as we discussed the issue it was clear that this was making Scott and

>>others uncomfortable. On a split vote, we agreed that what was said in the

>>meeting would be confidential, but the report would reflect the thinking of

>>the group. We are working on some talking points now, but I wish we would

>>systematically go through the bullet points. My sense is that the group needed

>>to bond today and feel each other out. Tomorrow will hopefully be more

>>productive.

>> Would you like me to call you either tomorrow or Sunday?

>>Best,

>>

>>Barry

>>

>>Barry S. Anton, Ph.D., ABPP

>>Department of Psychology

>>University of Puget Sound

>>Tacoma, WA 98416-1046

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>>

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>>

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Tacoma, WA 98416-1046



**Sender:** Gilfoyle, Nathalie </O=APA/OU=DC/CN=RECIPIENTS/CN=NPG>  
**Sent:** Friday, June 24, 2005 7:54:19 PM  
**Recipient:** Gilfoyle, Nathalie <ngilfoyle@apa.org>; Behnke, Stephen <sbehnke@apa.org>  
**Cc:** Childress-Beatty, Lindsay <LChildress-Beatty@apa.org>  
**Subject:** RE:

---

I assume you didn't include the list of activities for a reason but Morgan's list is very informative e.g assessment, environmental consultation, profiling of detainees , training of guards and interrogators , oversight of guards and interrogators , psychological screening of personnel. NOW I am outta here. N

*Nathalie Gilfoyle  
General Counsel  
American Psychological Association  
750 First Street , N.E.  
Washington, D.C. 20002  
202-336-6186*

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-----Original Message-----

Gilfoyle, Nathalie  
Friday, June 24, 2005 7:34 PM  
Gilfoyle, Nathalie; Behnke, Stephen  
Childress-Beatty, Lindsay  
RE:

also I liked Morgan's inclusion of "effective" in the list of qualifiers for interrogation operations...I know you have a problem with that (beyond the fact that it was more focused on competence) but am curious what it is ? The other three --safe , legal and ethical --if standing alone seem to make them into policemen and miss the expertise that explains why they are there in the first place. my 2 cetns and now I am outta here. N

*Nathalie Gilfoyle  
General Counsel  
American Psychological Association  
750 First Street , N.E.  
Washington, D.C. 20002  
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-----Original Message-----

Gilfoyle, Nathalie  
Friday, June 24, 2005 7:27 PM  
Gilfoyle, Nathalie; Behnke, Stephen

APA\_0040831



Childress-Beatty, Lindsay

RE:

what about Principle E ? It starts off strong "Psy's respect the dignity and worth of all people " so far so good ,, then talks about rights to privacy, confidentiality and self determination...maybe not .

Here is my laundry list of standards that might come into play ....

- 1.01 (misuse)
- 1.02 (conflicts between ethics and legal authority )
- 1.03 (conflicts between ethics and organizational demands)
- 2.01 (competence)
- 2.02 (?)(services in emergencies)
- 2.04 bases for professional judgment )
- 3.01 (unfair discrimination)
- 3.03 (harassment)
- 3.04 the biggie --avoid harm but to whom?
- 3.07 (third party requests for services )
- 3.10 (informed consent??)
- 3.11 (limited to services to an individual and therefore not applicable?)
- 4.01 (confidentiality )
- 4.02 (limits on confidentiality of "psychological activities")
- 4.04 (minimizing intrusions )
- 4.06 (consultations)
- 6.01 (documentation of work )
- 9.01 (bases for assessment )
- 9.02 (use of assessment)
- 9.06 ( interpreting assessment results)
- 9.10 (explaining test results)

*Nathalie Gilfoyle  
General Counsel  
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-----Original Message-----

Gilfoyle, Nathalie

Friday, June 24, 2005 7:00 PM

Behnke, Stephen

RE:

APA\_0040831



here are a very few editorial suggestions...I excised a lot of "numerous" and a "many"...I'll be in a bit early in the morning . N

*Nathalie Gilfoyle  
General Counsel  
American Psychological Association  
750 First Street , N.E.  
Washington, D.C. 20002  
202-336-6186*

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-----Original Message-----

Behnke, Stephen

Friday, June 24, 2005 6:28 PM

Gilfoyle, Nathalie

Nathalie, this is the start to what I am drafting for the Task Force's review tomorrow--can you tell me how it sounds? THANK YOU! (I'm now heading off to the dinner)

The Presidential Task Force on Psychological Ethics and National Security (PENS) met on the weekend of June 24-26. The PENS Task Force met in response to the Board of Directors charge, that the Task Force:

**“...examine whether our current Ethics Code adequately addresses [the ethical dimensions of psychologists’ involvement in national security-related activities], whether the APA provides adequate ethical guidance to psychologists involved in these endeavors, and whether APA should develop policy to address the role of psychologists and psychology in investigations related to national security.”**

The Task Force believes it is critical for the American Psychological Association to address these issues. The American Psychological Association is the world’s largest association of mental health professionals. The United States Department of Defense is the largest employer of psychologists in the country, and many psychologists who do not work for the Department of Defense are involved in work related to our national defense and our national security. It is the responsibility of APA to accept the challenge of thinking through and providing guidance on the complex ethical challenges that face psychologists working in our nation’s service.

In the Ethical Principles of Psychologists and Code of Conduct (hereinafter the APA Ethics Code), Principle B, Fidelity and Responsibility, states that psychologists “are aware of their professional and scientific responsibilities to society.” Psychologists have a valuable and ethical role to assist in gathering information that can be used in our Nation’s and other nations’ defense. The Task Force believes that a central role for psychologists working in the area of national security-related investigations is to assist to ensure that processes are safe, legal, and ethical for all participants in the process.

The Task Force confronted the argument that when psychologists act in certain roles,



such as consultants to interrogations, they are not acting in a professional capacity as psychologists and are therefore not bound by the APA Ethics Code. The Task Force rejected this contention. The Task Force believes that when psychologists serve in a position by virtue of their training, experience, and expertise as psychologists, the APA Ethics Code applies. In any such circumstance, psychologists are bound by the APA Ethics Code.

The Task Force looked to the APA Ethics Code for fundamental principles to guide its thinking. The Task Force found such principles in the Preamble to the Ethics Code, which states “Psychologists respect and protect civil and human rights,”; Principle A, Beneficence and Nonmaleficence, which states “In their professional actions, psychologists seek to safeguard the welfare and rights of those with whom they interact professionally and other affected persons”; and Principle E, Respect for People’s Rights and Dignity, which states “Psychologists respect the dignity and worth of all people.” The Task Force derived a number of positions from these and other statements in the APA Ethics Code.

First, psychologists do not condone or participate in torture. In addition, psychologists have an ethical responsibility to report acts of torture to the appropriate authorities when they become aware of such acts. This ethical responsibility is rooted in the Preamble, which states “Psychologists respect and protect civil and human rights,” and Principle B, Fidelity and Responsibility, which states that psychologists “are concerned about the ethical compliance of their colleagues’ scientific and professional conduct.” [\[Gilfoyle, Nathalie\] do you want to reference the 1986 council resolution?](#)

Second, psychologists do not engage in behaviors that violate the law of the United States. Psychologists involved in national security-related activities follow all applicable rules and regulations that govern their roles. Over the course of the United States [\[Gilfoyle, Nathalie\] recent \(?\) military \[Gilfoyle, Nathalie\] presence \[ involvement \[Gilfoyle, Nathalie\] ? \] \[Gilfoyle, Nathalie\] \(?\) in \[Gilfoyle, Nathalie\] foreign \[deleted numerous\]](#) locations, such as Afghanistan, Iraq, and Cuba, such rules and regulations have been significantly developed and refined. Psychologists have an ethical responsibility to be informed of, familiar with, and follow the most recent applicable regulations and rule. The Task Force notes that certain such rules and regulations incorporate texts that are fundamental to the treatment of individuals whose liberty has been curtailed, such as the Geneva Conventions.

Third, psychologists are aware of their role and clarify their role in situations where the nature of their professional identity and professional function may be ambiguous. Psychologists have a special responsibility to clarify their role in situations where individuals may have an incorrect impression that the psychologists are serving in a health care provider role. The Task Force derived this position from [\[Gilfoyle, Nathalie\] \[delete? numerous \[Gilfoyle, Nathalie\] \] standards in the APA Ethics Code that address the importance of clarity regarding a psychologist’s role \(e.g., standard 3.07\).](#)

Fourth, the Task Force reviewed the [\[Gilfoyle, Nathalie\] \[ many delete?\[Gilfoyle, Nathalie\] \] different](#) roles that psychologists take in national security-related activities. The Task Force reviewed in particular the role of a consultant to interrogations and believes that psychologists can serve in this role in a manner that is entirely consistent with the APA Ethics Code. The Task Force noted that psychologists have served in consultant roles to law enforcement on the state and federal levels for a considerable



period of time, and have proven highly effective in lending assistance to law enforcement in the vital area of information-gathering. The Task Force noted special ethical considerations for psychologists serving in this role when individuals from countries other than the United States have been detained by United State authorities, such as:



**Sender:** Olivia Moorehead-Slaughter [REDACTED]  
**Sent:** Wednesday, June 22, 2005 9:58:49 PM  
**Recipient:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Cc:** Gerald P. Koocher, Ph.D. [REDACTED];anton  
[REDACTED];Ronald F. Levant, Ed.D, M.B.A., ABPP  
[REDACTED];Anderson, Norman  
</O=APA/OU=DC/CN=RECIPIENTS/CN=NBA>;Gilfoyle, Nathalie  
</O=APA/OU=DC/CN=RECIPIENTS/CN=NPG>;Farberman, Rhea K.  
</O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>;Breckler, Steven J.  
</O=APA/OU=DC/CN=RECIPIENTS/CN=SJB>;Kelly, Heather  
</O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>;Honaker, Michael  
</O=APA/OU=DC/CN=RECIPIENTS/CN=MYH>  
**Subject:** Re: PENS Task Force/NEJM article

---

Hi Steve,

I agree that given the nature and the timing of this article, it would likely be in our best interests to have access to Dr. Bloche and Mr. Marks. The parameters which you noted for the conversation are critical ,i.e, information flowing one way. If there are no objections, could you begin to preliminarily be in touch with both of them to determine their availability to come in during the weekend? Theirs will likely be a very valuable perspective for us to access and the timing could not be better for the purpose of the Task Force's agenda.

Olivia



**Sender:** Barry Anton [REDACTED]  
**Sent:** Monday, June 20, 2005 10:31:01 AM  
**Recipient:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Cc:** Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>  
**Subject:** Re: Glossary-NY Times Magazine Article

---

Dear Steve:

I understand the problems and issues. I thought that there might be interpretations of terms that would differ amongst us and get us stuck. Perhaps in the ongoing conversation, we could be particularly sensitive to asking what a particular term is referring to, and perhaps compile those in or report, if appropriate. That way, when a reader comes upon a term, it would have a common referent.

See you soon.

Best,

Barry  
\*\*\*\*\*

On 6/19/05 7:25 PM, "Behnke, Stephen" <sbehnke@apa.org> wrote:

Hi Barry,

I hope you are well, and looking forward to what promises to be a very interesting and engaging meeting this coming weekend. After Robert Fein posted the NY Times Magazine article, you suggested that "we might want to compile a glossary so that we all understand terminology in a consistent manner."

We've discovered that this project is a bit more complicated than we had initially thought; I'm forwarding you exchanges that discuss the complexities, and will see if there is a way we can nonetheless elucidate some of this language that's going to seem a bit arcane to those of us not in the military.

Steve

-----Original Message-----

**From:** Kelly, Heather

**Sent:** Sunday, June 19, 2005 10:15 PM

**To:** Behnke, Stephen

**Subject:** RE: Glossary-NY Times Magazine Article

Sure! I have to admit I hadn't really thought through it or expected this reaction either...  
Heather

---

**From:** Behnke, Stephen

**Sent:** Sunday, June 19, 2005 10:12 PM

**To:** Kelly, Heather

**Subject:** RE: Glossary-NY Times Magazine Article

Heather, would it be okay simply for me to forward your message to Barry, copy to you, conveying to Barry that the issue may be a bit more complicated than it initially appeared to us nonmilitary folk?



-----Original Message-----

**From:** Kelly, Heather

**Sent:** Sunday, June 19, 2005 10:09 PM

**To:** Behnke, Stephen; Gavioli, Tara; Mumford, Geoffrey

**Subject:** RE: Glossary-NY Times Magazine Article

Yes, probably. The response I got this weekend from the counter-intelligence psychologists (when I asked them for some definitions) was that there was no way they could provide anything without running into problems. Both because everything goes through public affairs for them, but also because these many of these terms have legal definitions defined by US law and policy and they thought it would result in the task force debating US law rather than APA ethics – which they as federal employees can't legally work against (Barry will remember this from when Debra Dunivin sat on our task force last year and she had to avoid all discussion of "Don't Ask/Don't Tell" because it is current US law and she's an Army officer).

My suggestion is for one of you to ask Scott Shumate to respond to Barry's request directly, since he's the head guy within DoD counterintelligence psychology and he's on the task force. He's the one who responded to me in writing saying they couldn't give me anything, and he also confirmed that the military guys on the task force would have removed themselves if (currently legal) procedures such as interrogation techniques were defined as cruel and inhuman and equated with torture.

Plus it will force him to write something before we all meet in person!

Heather

---

**From:** Behnke, Stephen

**Sent:** Friday, June 17, 2005 4:24 PM

**To:** Kelly, Heather; Gavioli, Tara; Mumford, Geoffrey

**Subject:** RE: Glossary-NY Times Magazine Article

Heather, would it make sense to alert Barry to the problem?



-----Original Message-----

**From:** Kelly, Heather

**Sent:** Fri 6/17/2005 10:27 AM

**To:** Gavioli, Tara; Behnke, Stephen; Mumford, Geoffrey

**Cc:**

**Subject:** RE: Glossary-NY Times Magazine Article

Hi, everyone:

Tara, thanks for taking a stab at this! I think we're going to have problems, though, in describing any coercive, counter-resistance or professional interrogation techniques as cruel and inhuman and lumping them all together -- especially with something the NYTimes is calling "torture-lite." This would send any one of our military psychologists off the roof and out of the Task Force before it even begins...I'll see if I can find anything more definitional.

Heather

Heather O'Beirne Kelly, Ph.D.  
Senior Legislative and Federal Affairs Officer  
Science Public Policy Office  
American Psychological Association  
750 First Street, N.E., 5th Floor  
Washington, D.C. 20002  
phone 202.336.5932  
fax 202.336.6063  
email hkelly@apa.org

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**From:** Gavioli, Tara

**Sent:** Wednesday, June 15, 2005 2:55 PM

**To:** Behnke, Stephen; Mumford, Geoffrey; Kelly, Heather

**Subject:** Glossary-NY Times Magazine Article

Hi,

Many of the terms were already defined in the article, so here is what I came up with. Let me know if this is what you're looking for, or if you have suggestions and/or changes.

Thanks!!

Tara Gavioli

<< File: New York Times Magazine.doc >>







**Sender:** Gilfoyle, Nathalie </O=APA/OU=DC/CN=RECIPIENTS/CN=NPG>  
**Sent:** Sunday, August 14, 2005 3:03:41 PM  
**Recipient:** Behnke, Stephen <sbehnke@apa.org>  
**Subject:** RE:

---

Another thing that worries me is if Council gets into amending that old resolution. Well mainly I think we need to have some bullet points in everyone's hip pocket about why Council shouldn't act on any of this now. If that is what you think. An alternative approach I guess is to not worry about it and have the EC define coercive for enforcement purposes later. Anyway my point re being off line was really to say go ahead and send what you want today if that seems best. I am really not suggesting in any way that you wait . I just want some background time with you tomorrow aside from this . As always (just ask Andy Benjamin) my role is to worry and play D.A. which can get to be pretty annoying if you are ready to roll. Soooooo. Whatever and we will work it all out on the fly which is how it usually works out anyway . off again . In my absence , do the right thing. N .

---

**From:** Behnke, Stephen  
**Sent:** Sunday, August 14, 2005 1:21 PM  
**To:** Gilfoyle, Nathalie  
**Subject:** RE:

Okay, let's talk about this tomorrow (as you've been saying all along). I would like:

- 1) to convey very positive feedback to them--that is, to make clear that this is not anticipated to be the source of contention
- 2) to find out what they have in mind in terms of the status of the "Call to Action"
- 3) to indicate that, depending on what they view as the status, they're may be an additional process involved, especially if they want to keep the word "coercive" in.

Probably best if we could have something in mind by end of day Monday...

-----Original Message-----

Gilfoyle, Nathalie  
Sunday, August 14, 2005 12:24 PM  
Behnke, Stephen  
RE:

I'm not sure we would ever enforce the Divisions Call for Action would we ? The issue to me is : Is Division 48 changing the intent of the 10 statements that are in the Report , which were adopted by the EC prior to the Board acting ?.In addition to guiding psychologists in the field, those statements will of course guide the EC in processing complaints about psychologists participating in detainee interrogations . If Division 48 is intending to change what behavior is to be deemed unethical to add "coercive" as a lower threshold , and Council adopts their statement , what effect will that have on enforcing the Ethics Code.? Is that an interpretation or a new standard ? For that reason , unless the term does not add anything new beyond cruel or inhumane (in which case it should be deleted), any resolution seeking to endorse this language needs to be circulated for comment, in particular to the Ethics Committee, before being brought back to Council for a vote. I would not lose the opportunity to note that there is going to be a public comment process and commentary and that these types of comments should be entered there.

Just as a piece of data for you in your thinking on this , I really don't like that bit about an interrogation is coercive by its nature. Detention is coercive but I don't see that interrogation is per se coercive...but that's just a side bar.

Anyhoo....this time next week it will be over.  
I'm going to be offline for a while ...carry on !



**From:** Behnke, Stephen  
**Sent:** Sunday, August 14, 2005 11:54 AM  
**To:** Gilfoyle, Nathalie  
**Subject:**

Hi Nathalie, could you look this tweaked version over. I've removed references to supporting the document and to offering other definitions of coercive, and added a caveat about enforcement should the document become APA policy. I think this letter is a positive comment on the Div. letter, without suggesting that we would "support" the Call to Action (or that anything needs to happen with the Call at this Council meeting. Thanks, Steve

Dear Ron,

Thank you for asking me to review the letter from the Executive Committee of Division 48. I am extremely pleased by the letter and once again impressed by the significant contributions Division 48 continues to make to APA's thinking on this critically important issue. Members of Division 48, including Corann Okorududu and Judith Van Hoorn, and of course PENS Task Force members Jean Maria Arrigo, Nina Thomas, and Mike Wessells have played a central role in fashioning APA's response. Certainly this letter further enhances the Division's role.

The only question I have about the letter concerns the definition of "coercive." At one point I questioned a military member of the PENS Task Force concerning this term. He responded by explaining that the term "coercive" is complicated (and apparently not used in that community), insofar as an interrogation is coercive by its very nature (and hence by definition): an individual is being detained and not allowed to leave until certain questions have been answered. (He quickly added that the more coercive the interrogation, the less reliable the information obtained.) As a consequence, I think that the term "coercive" could generate confusion, especially among the very communities who are involved in this work and will look to the document for guidance. Such confusion would be significantly problematic for APA enforcing the Division's Call for Action, should any aspects of the Call for Action become APA policy.

One option would be to ask the Division if the word "coercive" could be removed from the Resolution without diluting the Resolution's meaning. Another possibility would be to substitute "cruel" for "coercive" (in keeping with the 1987 Convention Against Torture's language, which the PENS Report tracks and Division 48's letter appears to track--"torture or...cruel, inhuman, or degrading treatment.")

My central focus is for APA to have as clear a position as we can on this issue, especially for the psychologists who will be using these materials in their work. I think Division 48's letter takes us further in that direction, and I'm very hopeful we can address the definitional issue I've raised without too much difficulty.

Again, thank you for asking me to review,  
Steve



**Sender:** Gilfoyle, Nathalie </O=APA/OU=DC/CN=RECIPIENTS/CN=NPG>  
**Sent:** Sunday, August 14, 2005 12:23:54 PM  
**Recipient:** Behnke, Stephen <sbehnke@apa.org>  
**Subject:** RE:

---

I'm not sure we would ever enforce the Divisions Call for Action would we ? The issue to me is : Is Division 48 changing the intent of the 10 statements that are in the Report , which were adopted by the EC prior to the Board acting ?. In addition to guiding psychologists in the field, those statements will of course guide the EC in processing complaints about psychologists participating in detainee interrogations . If Division 48 is intending to change what behavior is to be deemed unethical to add "coercive" as a lower threshold , and Council adopts their statement , what effect will that have on enforcing the Ethics Code.? Is that an interpretation or a new standard ? For that reason , unless the term does not add anything new beyond cruel or inhumane (in which case it should be deleted), any resolution seeking to endorse this language needs to be circulated for comment, in particular to the Ethics Committee, before being brought back to Council for a vote. I would not lose the opportunity to note that there is going to be a public comment process and commentary and that these types of comments should be entered there.

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---

**From:** Behnke, Stephen  
**Sent:** Sunday, August 14, 2005 11:54 AM  
**To:** Gilfoyle, Nathalie  
**Subject:**

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The only question I have about the letter concerns the definition of "coercive." At one point I questioned a military member of the PENS Task Force concerning this term. He responded by explaining that the term "coercive" is complicated (and apparently not used in that community), insofar as an interrogation is coercive by its very nature (and hence by definition): an individual is being detained and not allowed to leave until certain questions have been answered. (He quickly added that the more coercive the interrogation, the less reliable the information obtained.) As a consequence, I think that the term "coercive" could generate confusion, especially among the very communities who are involved in this work and will look to the document for guidance. Such confusion would be significantly problematic for APA enforcing the Division's Call for Action, should any aspects of the Call for Action become APA policy.

One option would be to ask the Division if the word "coercive" could be removed from the Resolution without diluting the Resolution's meaning. Another possibility would be to substitute "cruel" for "coercive" (in keeping with the 1987 Convention Against Torture's language, which the PENS Report tracks and Division 48's letter appears to track--"torture or...cruel, inhuman, or degrading treatment.")

My central focus is for APA to have as clear a position as we can on this issue, especially for the psychologists who will be using these materials in their work. I think Division 48's letter takes us further in that direction, and I'm very hopeful we can address the definitional issue I've raised without too much difficulty.

Again, thank you for asking me to review,

Steve



**Sender:** Gilfoyle, Nathalie </O=APA/OU=DC/CN=RECIPIENTS/CN=NPG>  
**Sent:** Saturday, August 13, 2005 11:58:13 PM  
**Recipient:** Behnke, Stephen <sbehnke@apa.org>  
**Subject:** RE:

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I guess I was sort of trying to suggest we try to push any further steps like resolutions and the wording of such to later . That the commentary is the next step and then there could be further recommendations. I worry that asking them to define what they mean is going to lead to a very wide definition that we will then have to try to scale back. I also worry that if we put forward our definition it is going to be cast as allowing psychologists to inflict some "pain suffering and distress" albeit not severe or lasting . I worry that you have to spend time with this to understand how reasonable the definition you suggest is . But as noted earlier , we may not be able to control this so being ready with our own definition and understanding what they would advance is probably wise. Nathalie

---

**From:** Behnke, Stephen  
**Sent:** Saturday, August 13, 2005 10:37 PM  
**To:** Gilfoyle, Nathalie  
**Subject:** FW:

-----Original Message-----

**From:** Behnke, Stephen  
**Sent:** Saturday, August 13, 2005 10:35 PM  
**To:** 'Banks, Louie M. COL'  
**Subject:**

Morgan, one thought would be not to push for a definition of "coercive," but simply let it stand in this resolution, and define "coercive" when it comes to writing the commentary.

How do you think it would be if APA passed the resolution as is? Would that work for you, or would it be a problem?

Steve

-----Original Message-----

**From:** Behnke, Stephen  
**Sent:** Saturday, August 13, 2005 9:48 AM  
**To:** 'Banks, Louie M. COL'  
**Subject:**

Morgan, Ron Levant sent me this letter from Division 48, APA's Division on Peace Psychology. If you could review my response below, and let me know if you think that works, I'd be very appreciative. If Division 48 is on board, I think we're going to be in very good shape.

Also, did you provide any official response to the Jane Mayer article? It's likely that someone is going to make reference to the article, and that you are a member of the Task Force, so if you could give me any type of response that I could share, that would be great.

At some point tomorrow I'm going to send you the five questions I think we're most likely to get at Council. If I could catch you for half an hour by phone on Monday to discuss them, that would be very helpful in getting ready for the meetings this week.

Thanks Morgan,

Steve



Ron, actually I think this is a good thing. As it stands, 98% of this document fully supports/is fully supported by the PENS Report. And even for the 5th bullet, the current phrasing is to pursue an investigation "through whatever organization and legal means possible"--and I am comfortable saying that we are doing that now.

My one concern--and I'll need to ponder on this--is their use of the word "coercive." The problem with their wording is that an interrogation is coercive by definition (you have retained an individual and will not permit that individual to leave the situation--that's coercive). Now, as members of the PENS Task Force will be quick to add, the more coercive the interrogation the less reliable the information you obtain.

My inclination is to convey a very positive reply, with a request that either they provide a definition of coercion or that we define coercion as "the intentional use of any technique that would cause severe or lasting pain, suffering, or distress."

Let me think this through and I'll get back to you,

Steve



**Sender:** Ronald F. Levant, Ed.D., M.B.A., ABPP [REDACTED]  
**Sent:** Saturday, August 13, 2005 8:11:39 AM  
**Recipient:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>;Farberman, Rhea K. </O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>;Strassburger, Judith </O=APA/OU=DC/CN=RECIPIENTS/CN=JAS>  
**Cc:** 'Ronald F. Levant, Ed.D., M.B.A., ABPP' [REDACTED]  
**Subject:** FW: ResponsetoRonLevant.pdf  
**Attachments:** ResponsetoRonLevant.pdf

---

Steve and all: I see no problem here except that they need to be educated about what the APA Ethics Comm can do (5<sup>th</sup> bullet). Since they indicate this is being widely distributed we should have a response and ask them to distribute that

---

**From:** Eileen R. Borris [REDACTED]  
**Sent:** Friday, August 12, 2005 11:51 PM  
**To:** Ronald Levant [REDACTED]  
**Subject:** ResponsetoRonLevant.pdf

Dear Ron,

Sorry for the delay in getting a response back to you. Our executive committee wanted to send you a thoughtful reply.

Sincerely,  
Dr. Eileen R. Borris - President Division 48





## *Society for the Study of Peace, Conflict, and Violence*

### **Division 48 of the American Psychological Association**

#### **President**

Eileen Borris  
Institute for Multi-Track Diplomacy  
6450 East Hummingbird Lane  
Paradise Valley, AZ 95253-3655

#### **President-elect**

Linda M. Woolf  
Webster University  
St. Louis, MO 63119

#### **Past President**

Ethel Tobach  
American Museum of Natural History  
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#### **Journal Editor**

Richard V. Wagner  
Bates College  
Lewiston, ME 04240

Dear Dr. Levant,

Thank you for your response to the Society for the Study of Peace, Conflict, and Violence: Peace Psychology Division 48 Executive Committee *Statement Concerning the Use of Torture With Prisoners*. We are pleased that the APA Council of Representatives is going to address the issue of the involvement of psychologists in inhumane, degrading, or coercive interrogations and the use of torture either physical or mental in the interrogation of prisoners within the context of the PENS report.

The PENS Report offers a good beginning as an internal APA ethics document towards addressing the involvement of psychologists in the inhumane, degrading, or coercive interrogations and the use of torture either physical or mental in the interrogation of prisoners. However, more action needs to be taken by the APA including the Council of Representatives. The Executive Committee of the Society of the Study of Peace, Conflict, and Violence: Peace Psychology Division 48, therefore, reiterates its Call for Action as outlined in the *Statement Concerning the Use of Torture With Prisoners*:

- ❑ Issue a clear statement against the use of inhumane, degrading, or coercive interrogations and the use of torture either physical or mental in the interrogation of prisoners.
- ❑ Acknowledge, based on the U.N. Convention Against Torture, that there are no exceptional circumstances whatsoever, whether induced by a state of war or a threat of war, internal political instability or any other public emergency, that may be invoked as a justification for torture.
- ❑ Publicize both within and outside of APA the 1986 resolution concerning human rights and torture.
- ❑ Issue a clear statement against the direct or indirect involvement of psychologists in inhumane, degrading, or coercive interrogations including interrogations involving the use of either physical or mental torture.
- ❑ Finally, in light of the evidence implicating psychologists in the use of coercive interrogations and torture at Guantanamo Bay, the Executive Committee of Division 48 calls on the leadership of APA to pursue through whatever organizational and legal means possible an investigation of these charges.

As others have raised the issue of the PENS report in discussion with the *Statement Concerning the Use of Torture with Prisoners*, the Executive Committee is distributing the attached statement to others involved in APA governance.

Sincerely,

The Executive Committee  
Society of the Study of Peace, Conflict, and Violence: Peace Psychology Division 48





## *Society for the Study of Peace, Conflict, and Violence*

### **Division 48 of the American Psychological Association**

Dear Colleagues,

Dr. Ron Levant, president of the American Psychological Association, has acknowledged receipt of the Society for the Study of Peace, Conflict, and Violence: Peace Psychology Division 48 Executive Committee *Statement Concerning the Use of Torture With Prisoners*. We thank him for his response and we are pleased that the APA Council of Representatives is going to address the issue of the involvement of psychologists in inhumane, degrading, or coercive interrogations and the use of torture either physical or mental in the interrogation of prisoners within the context of the PENS report.

The PENS Report offers a good beginning as an internal APA ethics document towards addressing the involvement of psychologists in the inhumane, degrading, or coercive interrogations and the use of torture either physical or mental in the interrogation of prisoners. However, more action needs to be taken by the APA including the Council of Representatives. The Executive Committee of the Society of the Study of Peace, Conflict, and Violence: Peace Psychology Division 48, therefore, reiterates its Call for Action as outlined in the *Statement Concerning the Use of Torture With Prisoners*:

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- ❑ Finally, in light of the evidence implicating psychologists in the use of coercive interrogations and torture at Guantanamo Bay, the Executive Committee of Division 48 calls on the leadership of APA to pursue through whatever organizational and legal means possible an investigation of these charges.

Sincerely,

The Executive Committee

Society of the Study of Peace, Conflict, and Violence: Peace Psychology Division 48



**Sender:** Newman, Russ </O=APA/OU=DC/CN=RECIPIENTS/CN=RSN>  
**Sent:** Saturday, August 13, 2005 10:09:35 AM  
**Recipient:** Gilfoyle, Nathalie <ngilfoyle@apa.org>; Behnke, Stephen  
<sbehnke@apa.org>; 'Ronald F. Levant, Ed.D., M.B.A., ABPP'  
PRIVACY REDACTION; Honaker, Michael <mhonaker@apa.org>; Farberman, Rhea  
K. <rfarberman@apa.org>  
**Subject:** RE: PENS Task Force

---

Sorry I wasn't available for the strategy session. (I am just now getting back online.) I don't think I could have said it nearly as well as Steve's note below. Russ

-----Original Message-----

From: Gilfoyle, Nathalie  
Sent: Saturday, August 13, 2005 9:16 AM  
To: Behnke, Stephen; 'Ronald F. Levant, Ed.D., M.B.A., ABPP'  
Cc: Newman, Russ; Honaker, Michael; Farberman, Rhea K.  
Subject: RE: PENS Task Force

Well said. Nathalie

-----Original Message-----

From: Behnke, Stephen  
Sent: Friday, August 12, 2005 9:21 PM  
To: 'Ronald F. Levant, Ed.D., M.B.A., ABPP'  
Cc: Gilfoyle, Nathalie; Newman, Russ; Honaker, Michael; Farberman, Rhea K.  
Subject: PENS Task Force

Ron, I just wanted to add a thought to our conversation of earlier today. I do think we are well-positioned to focus the discussion on the "How" rather than the "Whether" question (that is, the question is not WHETHER psychologists may participate as advisors or consultants to the interrogation process, but rather HOW they may do so in an ethical manner.) As part of our discussion, I do think it is appropriate to appeal to APA's pride in its members: As experts in human behavior, psychologists have a valuable and important contribution to make to these processes. Really, it represents psychology in our nation's service, which is where we found our roots as a profession in this country. What a shame--and an irony--it would be to abandon that tradition. (And what little confidence it would show in the capacity of the members of our profession and our association to do the right thing.)



**Sender:** Gregg Bloche **PRIVACY REDACTION**  
**Sent:** Wednesday, June 22, 2005 6:47:20 PM  
**Recipient:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Subject:** NEJM piece (8 pm EDT embargo)  
**Attachments:** Doctors&InterrogatorsatGuantanamoBay-NEJM 7-7-05.pdf


---

Hi, Steve -- sorry for not sending this to you earlier (I only received it at 3 something & was swamped with distractions, mostly press stuff, at the time).

Best,

Gregg

M. Gregg Bloche, M.D.  
Visiting Fellow, The Brookings Institution  
Professor of Law, Georgetown University  
Adjunct Professor, Bloomberg School of Public  
Health, Johns Hopkins University

**PRIVACY REDACTION**  




**Sender:** Farberman, Rhea K. </O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>  
**Sent:** Friday, August 12, 2005 10:22:59 AM  
**Recipient:** Gilfoyle, Nathalie <ngilfoyle@apa.org>; 'Ronald F. Levant, Ed.D., M.B.A., ABPP' [REDACTED]; Behnke, Stephen <sbehnke@apa.org>  
**Subject:** RE: Response to letter from Physicians for Human Rights

---

Letter looks fine to me as well...and I agree, from Steve.

Rhea

-----Original Message-----

From: Gilfoyle, Nathalie  
Sent: Friday, August 12, 2005 7:42 AM  
To: 'Ronald F. Levant, Ed.D., M.B.A., ABPP'; Behnke, Stephen; Farberman, Rhea K.  
Subject: RE: Response to letter from Physicians for Human Rights

Agree re the letter coming from Steve. Nathalie

-----Original Message-----

From: Ronald F. Levant, Ed.D., M.B.A., ABPP [REDACTED]  
Sent: Friday, August 12, 2005 7:36 AM  
To: Behnke, Stephen; Farberman, Rhea K.; Gilfoyle, Nathalie  
Cc: 'Ronald F. Levant, Ed.D., M.B.A., ABPP'  
Subject: RE: Response to letter from Physicians for Human Rights

Thanks Steve. I think the letter is fine and I agree with your idea of ratcheting it down, so I think it should come from you.

On another note, will you or PENS be offering the Board any guidance for how to deal with item 3, particularly the 10 rec's?

Finally, I think the PENS report should have a link on the Ethics webpage and in general be more visible on the website

Best  
Ron

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Thursday, August 11, 2005 11:16 PM  
To: Ronald F. Levant, Ed.D., M.B.A., ABPP  
Cc: Gilfoyle, Nathalie; Farberman, Rhea K.  
Subject: Response to letter from Physicians for Human Rights

Ron, could you please review this response to the letter from Physicians for Human Rights? Given that our response will be distributed widely and will be the subject of discussions between PHR and the psychologists whom Len Rubenstein mentions, I think we should attend carefully to both tone and substance. I don't want to provoke or inflame any feelings that are already present, but rather want to thank PHR for its interest, indicate that there will be a continuing process, and invite PHR to provide materials relevant to that process as we will invite any interested group to do.

Nathalie has reviewed and "okayed," and Rhea will look at today.

Nathalie/Rhea, would you recommend that the letter come from Ron or me?  
(The PHR letter was addressed to us both). My inclination is to have it come from me, both so that we do not offer Ron up as a target, and in order to ratchet it down a notch. Thoughts?)

Thanks so much,

Steve



-----Original Message-----

From: Behnke, Stephen

Sent: Tuesday, August 09, 2005 12:22 PM

To: 'Banks, Louie M. COL'

Subject: Morgan, could you review PHR letter and my response?

Thanks!

>

> Dear Mr. Rubenstein,

>

> Thank you for your letter of July 15. We very much appreciate the

> care

that you have taken in reading and responding to the Report of the APA Task Force on Psychological Ethics and National Security.

>

> You remark in your letter, "certain types of consultations by psychologists on interrogation may be quite benign." Your remark suggests that the issue is not whether psychologists may participate in interrogation processes, but rather how they may do so in an ethical manner. The APA agrees, and feels strongly that as experts in human behavior, psychologists have important contributions to make in gathering information that can be used in our nation's defense and to protect innocent life. At the same time psychologists must act within strict ethical guidelines, and APA welcomes and appreciates PHR's contribution to our thinking about the ethics that govern psychologists' involvement in these activities.

>

> It is very important to place our exchange in the context of the Task

Force's recommendation, that APA "View the work of this Task Force as an initial step in addressing the very complicated and challenging ethical dilemmas that confront psychologists working in national security-related activities." As part of this ongoing process, the Task Force has recommended that a commentary on the Report be written, and that the commentary contain illustrative examples. The Task Force felt that such a commentary was critical in addressing many of the precise issues that you raise in your letter. As an example, your letter indicates that the Task Force Report does not "address the ethical implications in any concrete way"

of interventions that "can and have caused very severe and long-lasting harm to detainees." I would respectfully suggest that the Report, if properly understood and applied, speaks directly to and prohibits psychologists' involvement in any activity that can cause severe and long-lasting harm. As another example, you indicate that by virtue of the Report's wording, psychologists "can easily become enlisted in supporting interrogation techniques that violate domestic and international human rights law, and amount to torture or cruel treatment, because military authorities incorrectly claim that the techniques are authorized and legal." Again, I would respectfully suggest that the Report, if properly understood and applied, speaks directly to and prohibits psychologists involvement in any activity that constitutes torture or that violates domestic law, and that a military authority indicating that such activities are legal would not thereby make participation for a psychologist ethical.

>

> At this juncture, I think it is vitally important that APA continue

> its

work in this area, with the input of groups such as the Physicians for Human Rights. I believe that the commentary, with examples, will speak directly to most if not all of the > concerns you raise in your letter, by illustrating how the Report is to be applied in actual practice. We welcome your further thinking on these issues and I will ensure that your materials, including your July 15 letter, are provided to the group writing the commentary.

>

> Sincerely,

>

>

>

>> <<PHR.doc>>



**Sender:** Banks, Louie M. COL <louie.morgan.banks@us.army.mil>  
**Sent:** Friday, August 12, 2005 6:31:36 AM  
**Recipient:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Subject:** RE: Morgan, could you review PHR letter and my response? Thanks!

---

Anytime, anywhere - I mean that. I am currently in Louisville, KY (with Larry James) until tomorrow AM. I drive home to NC most of tomorrow, but will have my cell phone on. If you don't get me, try again. If I don't answer, it is probably because I will be in a dead zone, and it may take a while for a message to work through the system to get to me. I will be home all day Sunday, and in my office on Monday. I will check my email tonight, and then again Saturday night/Sunday morning.

COL L. Morgan Banks  
Director, Psychological Applications Directorate  
US Army Special Operations Command  
DSN 239-6833 COM (910) 432-6833  
**PRIVACY REDACTION**  
banks|@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Thursday, August 11, 2005 10:44 PM  
To: Banks, Louie M. COL  
Subject: RE: Morgan, could you review PHR letter and my response? Thanks!

Thanks, Morgan--if I'm ever in a foxhole, I hope you're in there with me!

Just wanted to make sure that what I say in the letter is sound--thanks for reviewing.

Would you be around Monday for a phone call? I'm expecting to get hit next week when the Report comes up in a variety of venues at Convention, and I'd like to go over a few things with you. I'll probably send a message or two over the weekend, if that's okay.

Steve

-----Original Message-----

From: Banks, Louie M. COL [<mailto:louie.morgan.banks@us.army.mil>]  
Sent: Thursday, August 11, 2005 10:22 PM  
To: Behnke, Stephen  
Subject: RE: Morgan, could you review PHR letter and my response?  
Thanks!

Steve,

My apologies -- I am on the road, and having severe problems with my dial-up internet access. I quickly reviewed your letter and the PHR letter when I first got them, and have just relooked your response. In my opinion, you have articulated a thoughtful response to an unfair attack, but who said life was fair. I have read your response about three times, now, and cannot find much to say that would improve it. Sorry, as I know you did not ask me to look at it uncritically, but I cannot think of anything appropriate to



add.

I received a phone call early, about 0815, from NPR asking me to take part with you in the "round table." I was in the middle of a meeting, and could not assist, and probably would not have done so anyway. I just reviewed the transcript. It looks like they gave you maybe 10% of the time to speak, with 90% absolute propaganda from the others. It is nice to see fair and accurate reporting in action. You are my hero. Don't let the bastards get you down.

Stay safe.

Morgan

COL L. Morgan Banks  
Director, Psychological Applications Directorate US Army Special Operations  
Command DSN 239-6833 COM (910) 432-6833 **PRIVACY REDACTION**  
banksl@usasoc.socom.smil.mil/louie morgan.banks@us.army mil

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Thursday, August 11, 2005 3:59 PM  
To: Banks, Louie M. COL  
Subject: RE: Morgan, could you review PHR letter and my response? Thanks!

Hey Morgan,

Any chance you might be able to look over this letter tonight or tomorrow am?

Appreciate whatever you can do, as always,

Steve

> -----Original Message-----

> From: Behnke, Stephen  
> Sent: Tuesday, August 09, 2005 12:22 PM  
> To: 'Banks, Louie M. COL'  
> Subject: Morgan, could you review PHR letter and my response?  
Thanks!  
>  
> Dear Mr. Rubenstein,  
>  
> Thank you for your letter of July 15. We very much appreciate the  
> care  
that you have taken in reading and responding to the Report of the APA Task Force on Psychological Ethics and National Security.  
>  
> You remark in your letter, "certain types of consultations by psychologists on interrogation may be quite benign." Your remark suggests that the issue is not whether psychologists may participate in interrogation processes, but rather how they may do so in an ethical manner. The APA agrees, and feels strongly that as experts in human behavior, psychologists have important contributions to make in gathering information that can be used in our nation's defense and to protect innocent life. At the same time psychologists must act within strict ethical guidelines, and APA welcomes and appreciates PHR's contribution to our thinking about the ethics that govern psychologists' involvement in these activities.



>  
> It is very important to place our exchange in the context of the Task Force's recommendation, that APA "View the work of this Task Force as an initial step in addressing the very complicated and challenging ethical dilemmas that confront psychologists working in national security-related activities." As part of this ongoing process, the Task Force has recommended that a commentary on the Report be written, and that the commentary contain illustrative examples. The Task Force felt that such a commentary was critical in addressing many of the precise issues that you raise in your letter. As an example, your letter indicates that the Task Force Report does not "address the ethical implications in any concrete way" of interventions that "can and have caused very severe and long-lasting harm to detainees." I would respectfully suggest that the Report, if properly understood and applied, speaks directly to and prohibits psychologists' involvement in any activity that can cause severe and long-lasting harm. As another example, you indicate that by virtue of the Report's wording, psychologists "can easily become enlisted in supporting interrogation techniques that violate domestic and international human rights law, and amount to torture or cruel treatment,, because military authorities incorrectly claim that the techniques are authorized and legal." Again, I would respectfully suggest that the Report, if properly understood and applied, speaks directly to and prohibits psychologists involvement in any activity that constitutes torture or that violates domestic law, and that a military authority indicating that such activities are legal would not thereby make participation for a psychologist ethical.

>  
> At this juncture, I think it is vitally important that APA continue  
> its  
work in this area, with the input of groups such as the Physicians for Human Rights. I believe that the commentary, with examples, will speak directly to most if not all of the concerns you raise in your letter, by illustrating how the Report is to be applied in actual practice. We welcome your further thinking on these issues and I will ensure that your materials, including your July 15 letter, are provided to the group writing the commentary.

>  
> Sincerely,  
>  
> RL  
>  
> << File: PHR.doc >>



**Sender:** Shumate, Scott (GOV) <Scott.Shumate@cifa.mil>  
**Sent:** Thursday, August 11, 2005 11:19:07 AM  
**Recipient:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Subject:** RE: Steve your

---

Steve: I believe there have been open source documents, including statements from the SECDEF himself stating that

Dr. R. Scott Shumate  
Director Behavioral Sciences  
DoD/Counterintelligence Field Activity  
703-699-7792  
scott.shumate@CIFA.MIL  
scott.shumate@CIFA.SMIL.MIL

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Thursday, August 11, 2005 11:17 AM  
To: Shumate, Scott (GOV)  
Subject: RE: Steve your

Scott, that's great--I'm going to be a bit under the gun next week, I think, at Convention, so I'm wondering...Many people are under the impression that the Administration has stated that the Geneva and Torture Conventions do not apply. When you say that interrogators are reminded that they "have" to adhere, is there an authority I can cite for the obligatory nature of that statement?

-----Original Message-----

From: Shumate, Scott (GOV) [<mailto:Scott.Shumate@cifa.mil>]  
Sent: Thursday, August 11, 2005 11:14 AM  
To: Behnke, Stephen  
Subject: RE: Steve your

Stephen:

I think it's best stated that all interrogators are trained and reminded that they have to adhere to the Geneva Convention and the Torture Convention. Both documents are readily available on line. Scott

Dr. R. Scott Shumate  
Director Behavioral Sciences  
DoD/Counterintelligence Field Activity  
703-699-7792  
scott.shumate@CIFA.MIL  
scott.shumate@CIFA.SMIL.MIL

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Thursday, August 11, 2005 9:55 AM  
To: Shumate, Scott (GOV)  
Subject: RE: Steve your

Scott, can you tell me to what extent the Geneva and Torture conventions now govern detainee interrogations, and would you have a citation to a



statute/regulation? Thanks.

-----Original Message-----

From: Shumate, Scott (GOV) [<mailto:Scott.Shumate@cifa.mil>]

Sent: Wednesday, August 10, 2005 10:49 PM

To: Behnke, Stephen

Subject: RE: Steve your

Steve I sent a response to Kelly that also stated that coercion is outlined in general terms in the Geneva Conventions and the Torture Conventions. Other than that coercion is not defined with specificity, principally for legal reasons, I would assume

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]

Sent: Wed 8/10/2005 3:07 PM

To: Shumate, Scott (GOV)

Cc:

Subject: RE: Steve your

Excellent. Thanks.

-----Original Message-----

From: Shumate, Scott (GOV) [<mailto:Scott.Shumate@cifa.mil>]

Sent: Wednesday, August 10, 2005 3:04 PM

To: Behnke, Stephen

Subject: Steve your

Writeup looked good go for it

-----  
Dr. R. Scott Shumate  
Director Behavioral Sciences  
DoD/Counterintelligence Field Activity  
703-699-7792  
[scott.shumate@CIFA.MIL](mailto:scott.shumate@CIFA.MIL)  
[scott.shumate@CIFA.SMIL.MIL](mailto:scott.shumate@CIFA.SMIL.MIL)

Sent from my BlackBerry Wireless Handheld ([www.BlackBerry.net](http://www.BlackBerry.net))



**Sender:** Daniel, Jessica (Psychiatry) [REDACTED]  
**Sent:** Monday, August 08, 2005 1:18:58 PM  
**Recipient:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Subject:** RE: PENS

---

Steve

We are so fortunate to have your leadership and insight around these critical issues.

Jessica

---

**From:** Behnke, Stephen [mailto:sbehnke@apa.org]  
**Sent:** Monday, August 08, 2005 12:58 PM  
**To:** Daniel, Jessica (Psychiatry); Farberman, Rhea K.  
**Subject:** RE: PENS

Thank you very much, Jessica; your support is both helpful and appreciated. It's important that we move forward with an understanding of the issues in their complexity and nuance. I continue to feel strongly that we have a solid, thoughtful, and balanced report, and that APA should be PROUD of the very important contributions psychologists have to make in these difficult and challenging times, when we work within clear ethical guidelines.

I've made this point before, but--should our country suffer another attack, could we really imagine APA taking the position that psychologists, even though experts in human behavior, have no ethical role to play in contributing to the information-gathering processes, to assist in preventing further loss of innocent life?

-----Original Message-----

**From:** Daniel, Jessica (Psychiatry) [REDACTED]  
**Sent:** Monday, August 08, 2005 12:39 PM  
**To:** Farberman, Rhea K.; Behnke, Stephen  
**Subject:** PENS

Thanks to both of you staying this challenging course. I hope people read the latest document—I just printed it so that I can read it tonight. Emotionally charged issues need grounding—I suspect that this is one document to provide that.  
Jessica

Jessica Henderson Daniel, PhD, ABPP  
Director, Psychology Training Program  
Department of Psychiatry-Fegan 8  
Children's Hospital  
300 Longwood Avenue  
Boston, MA 02115  
[REDACTED]



**Sender:** Robert Kinscherf  
**Sent:** Friday, August 05, 2005 7:38:27 PM  
**Recipient:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Subject:** Re: APA Convention Nat'l Security Panel

---

uber-dude,  
yes, i would like very much to talk to you about this panel at your very earliest convenience....  
regards,  
quizzicus

In a message dated 8/3/2005 10:00:38 PM Eastern Standard Time, sbehnke@apa.org writes:

Dear Mike, Robert, and Andy,

I look forward to seeing you all in Washington shortly. Our program, "Ethics on the Frontlines: Psychology, Behavioral Science, and National Security," will be held on Friday in the Convention Center Room 143C, 4-5:50pm. Robert Fein will be with us in spirit, but cannot make a physical appearance.

Each of you has sent me an outline of your talk. I suggest that we each speak for between 15-20 minutes, and leave the balance of the time for questions and discussions.

Robert and I are Co-Chairs. I will begin with a brief introduction to the topic and the panelists (Andy, could you please send me a brief biography? Thank you)

Mike will speak first on "Ethical Challenges of Indirect Assessment"

Andy will next speak on "Scientific Basis and Research on Coercive and Noncoercive Methods of Interrogation"

Robert will then speak on "Ethics of Behavioral Scientists Working in National Security"

I will finish by giving an overview of the PENS Task Force Report (Robert, let's you and I discuss this. In fact, I am not listed as a speaker, and if you wanted to give such an overview, that would be fine. Then, each of the speakers could have a full 20 minutes, even up to 25)

I expect that this session will be very well attended, and each of you has a topic that will generate significant interest. I attended a panel on this question today at the Center for American Progress (a left think tank in DC), and there was lengthy discussion about who is the client; whether coercive tactics generate good information; and what professional organizations are doing to provide their members ethical guidance. So I am confident that we are speaking to issues that are front and central to the debate.

Please let me know what questions you have. Also, if you would, please send me contact information for you in DC.

Steve



**Sender:** Laumeier, Emily </O=APA/OU=DC/CN=RECIPIENTS/CN=ELL>  
**Sent:** Friday, August 05, 2005 4:35:47 PM  
**Recipient:** Behnke, Stephen <sbehnke@apa.org>  
**Subject:** confidential agenda  
**Attachments:** agcf0905.doc

---

Here is the extremely rough version of the confidential agenda. Please quickly review if you wish to get an idea of the input that will be needed from you **next week**.

Em



Emily Laumeier  
Governance Coordinator  
Ethics Office  
American Psychological Association  
750 First Street NE  
Washington, DC 20002-4242  
Phone 202 336 5930  
Fax 202 336-5997  
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**Sender:** Banks, Louie M. COL <louie.morgan.banks@us.army.mil>  
**Sent:** Tuesday, August 30, 2005 2:56:41 PM  
**Recipient:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>; James, Larry C COL TAMC <larry.james@us.army.mil>; **Larry James**  
**Subject:** RE: [PRESIDENTIAL] Two Commentaries on our Report: Message from Steve

---

My few thoughts.

If you read the report carefully, you will see that a psychologist witnessed the use of a military working dog. The report does not address what the psychologist did once he witnessed this use.

The report goes on to state that there is no evidence that this happened again, and that current SOPs expressly prohibit the use of dogs. Again, the role of the psychologist in preventing the recurrence of this, and in the establishment of SOPs is not addressed.

To the best of my knowledge, no psychologist has been, or is under investigation for misbehavior related to detainee operations.

There is little doubt that inappropriate behavior occurred at various locations early on in the War. Psychologists have worked very hard to prevent, stop, and report inappropriate behavior, and to insure humane treatment of detainees.

COL L. Morgan Banks  
Director, Psychological Applications Directorate  
US Army Special Operations Command  
DSN 239-6833 COM (910) 432-6833  
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banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Monday, August 29, 2005 10:33 PM  
To: James, Larry C COL TAMC; Banks, Louie M. COL; jamesbdaddy@aol.com  
Subject: RE: [PRESIDENTIAL] Two Commentaries on our Report: Message from Steve

Hey Morgan and Larry,

In the Schmidt Report (url below), on page 15, there is a report of a psychologist being present when a dog was used during an interrogation at Guantanamo (November 2002). We're going to get asked about this in a public forum relatively soon (Physicians for Human Rights is mentioning it).

Thoughts?

<http://www.globalsecurity.org/security/library/report/2005/d20050714report.pdf>

Thanks, Steve

-----Original Message-----

From: James, Larry C COL TAMC [<mailto:larry.james@us.army.mil>]



Sent: Tuesday, August 23, 2005 11:37 PM  
To: Behnke, Stephen; Banks, Louie M. COL; [Larry James]  
Subject: RE: [PRESIDENTIAL] Two Commentaries on our Report: Message from Steve

Hi Steve, regardless of what the task force report says, the Army has a regulation(s) in place now that strictly prohibits the use of medical information from medical records. from about Feb of 2003 when I was in GITMO, it was not allowed because of the recommendations I made to the commanding general there. when I had dinner with John Leso the other day, he confirmed what I already knew and that is neither he, nor the psychiatrist who was there with him ever gave medical information to anyone! where Bloche is getting this stuff I have no idea.

You may want to mention to him that a psychologist (me) wrote this into local policy at GITMO and Abu Ghraib and now it is Army medical department policy. I need to send you a copy of this when I get back to my office.

the only thing I would ask is that you don't mention me by name. I'll get busy with my public affairs officer at Tripler and the Pentagon when I get back to my office on Monday. more to follow

Larry

---

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Tue 8/23/2005 4:56 PM  
To: Banks, Louie M. COL; James, Larry C COL TAMC; [Larry James]  
Subject: RE: [PRESIDENTIAL] Two Commentaries on our Report: Message from Steve

Hey Morgan and Larry,

I have the distinct honor and privilege of spending an hour Thursday morning on National Public Radio (Philadelphia) with none other than our own Gregg Bloche. My guess is that Gregg will take on the task force for having so many psychologists affiliated with the military, and in thinking through a response I'll first say that APA wanted the expertise, so we included psychologists who knew what they were talking about (a novel idea, I realize). I am also going to mention news reports (Boston Globe, tab 25 in our readings), that one of our task force members took steps to ensure that abusive interrogation techniques did NOT take place. Larry, would it be possible to say anything about your role at Abu Ghraib, as having been sent following reports of abuse to ensure that interrogations were conducted in a safe, legal, ethical and effective manner? I'd love to include that in my talking points, if I could.

Also, I am going to press Gregg on EXACTLY where he disagrees with the report, that is, what does the Report permit that he believes is unethical. Last time I asked this question he punted, which I'll try not to let him get away with. He did say that "the report explicitly endorses psychologists taking information from a medical record to formulate an interrogation strategy." When I pointed out that, in fact, the Report states that a psychologist may not use information from a medical record to the detriment of an individual's safety and well-being, he plowed ahead undeterred. Query: In the commentary, do you think it is possible that the task force could conclude that this statement (#3 in the report), in fact means that



psychologists do not take information from a medical record and use it to formulate or construct an interrogation strategy? (note, that would be different than saying interrogators cannot have access to the record, or cannot use information from the record to ensure that the interrogation is safe--it means rather that the psychologists do not use the record to determine how best to interrogate the subject.) What do you think?

Thanks very much,

Steve



**Sender:** Banks, Louie M. COL <louie.morgan.banks@us.army.mil>  
**Sent:** Monday, August 29, 2005 11:08:13 AM  
**Recipient:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Subject:** RE: Query #2

---

Bill Hagmeier is not ringing a bell, but I have a memory like a steel sieve. I attended the crisis negotiation course at Quantico a number of years ago, and used to work with some FBI agents in various situations with Army Special Operations (in some rather strange and unusual locations, I might add), and have actually recently done some work with John Hall, former Chief of their Firearms Unit.

Morgan

COL L. Morgan Banks  
Director, Psychological Applications Directorate  
US Army Special Operations Command  
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-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Sunday, August 28, 2005 10:39 PM  
To: Banks, Louie M. COL  
Subject: RE: Query #2

Morgan, this is all excellent. I am very much looking forward to working on the commentary (we'll be asking everyone to gather for a meeting sometime in 2006, although we'll need to do a fair amount of preparation before we're ready to roll up our sleeves around a table).

Sometime you'll have to meet a good friend of mine, Bill Hagmeier, an ex-FBI agent who for many years worked in the behavioral sciences unit at Quantico. Do you know him or know of him by any chance?

-----Original Message-----

From: Banks, Louie M. COL [<mailto:louie.morgan.banks@us.army.mil>]  
Sent: Sunday, August 28, 2005 12:29 PM  
To: Behnke, Stephen  
Subject: RE: Query #2

Steve, you just don't understand:

He really just wants to help...

Nothing personal....

He really would be glad to help you re-write it if asked (given his successful experience in the past)...

Of course, if you had listened to him the first time...

It really is OK for you to admit that I (Gregg) was right all along...



The world is a Rorschach, and he is telling you everything you could ever want to know about him.

If he is friend of yours -- I DO NOT want to meet your enemies. It makes me want to use hand sanitizer after just reading it.

Your're doing great work.

Just FYI, I spent two days at the Army's (& DoD's) interrogation school earlier this week. They are working on revising their current manual and other training documents. Most of them will be unclassified, and I hope I can give you copies when they are published. I think everyone on the task force, and I mean everyone, would be pleased with the thrust and specifics of the training. It makes very clear what is, and what is not, allowed. It gives great examples, some of which I may be able to steal for the TF's use (with appropriate permission, of course). The problem is that we still do not want the enemy (remember them, Dr. Bloche?) to know how we are going to approach them. That makes proving that we are not conducting torture difficult to anyone outside of DoD.

Anyway, thanks from lots of us for what you are doing. (Just remember to wash your hands when you are done.)

Morgan

COL L. Morgan Banks  
Director, Psychological Applications Directorate US Army Special Operations  
Command DSN 239-6833 COM (910) 432-6833 **PRIVACY REDACTION**  
banks1@usasoc.socom.smil.mil/louie morgan.banks@us.army mil

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]

Sent: Saturday, August 27, 2005 1:39 PM

To: Banks, Louie M. COL

Subject: RE: Query #2

Morgan, am I just not feelin' the love, or is the love just not there??

Hi -- glad you were OK with the Philly program. And I'd be glad to offer you my line-by-line thoughts in a phone chat, if you'd like (while the report is still fresh in my mind) -- I should be in my GULC office after 3:30 on Mon. & Tues.

I confess I was reminded, upon rereading the APA task force report, of how and why I found it so disheartening the first time -- disheartening because it's so disconnected, on key issues, from mainstream understandings of the relevant law & ethics -- and from the available evidence.

Some of your critics miss the mark by categorically rejecting application of psychology (& medicine) toward social purposes. And they're out of line when they attack you personally. But, Steve, my heartfelt advice to you is to withdraw this draft. Treat it as a proposal, worthy of discussion, but not as a governing set of rules, to be refined by further commentary. And constitute another panel, more broadly representative of diverse perspectives, with a more open process.



The IOM/NAS model -- broad representation, public presentations to the panel, public discussions, and a final document thoroughly vetted by an independent review process -- would be a wise approach. I served on such a panel when the IOM took up an even more bitterly-contested issue -- racial disparities in health care. Our report (which I wrote a fair amount of) received a good deal of criticism from various perspectives. But the process we went through ensured that we were exposed to all of these criticisms (& many others) in advance -- and that we reflected on them carefully and revised our drafts accordingly.

And speaking of the IOM, I'd urge you to encourage the powers-that-be at APA to devote their considerable advocacy resources toward support for the proposal now pending, in the Senate Armed Services Committee, for an IOM study of these issues. This bipartisan approach, drawing upon IOM's rigor & scholarly/scientific cache, could be an effective means for achieving accommodation among the competing concerns at stake -- and for educating people about these concerns.

Please don't make that classic Washington mistake of "staying the course" -- for the purpose of "staying the course."

Best,

Gregg

-----Original Message-----

From: Banks, Louie M. COL [<mailto:louie.morgan.banks@us.army.mil>]

Sent: Thursday, August 25, 2005 11:00 AM

To: Behnke, Stephen

Subject: RE: Query #2

Good job!

(my running commentary)

You stayed in charge, and answered questions you wanted to answer.

We do not ordinarily directly interact with detainees. Bloche's points about deception are straw men. The point is that we do not represent ourselves to anyone, including detainees, as having a medical or mental health function.

You covered the medical records issue well. Bloche sounded like an idiot.

Child killer -- good emotional context!

There is no legal basis for detainee medical record confidentiality. That is why every time it has been reviewed by our legal advisors, the response has been clear that they have no right to confidentiality. Now, we can take a more restrictive view, but let us not confuse the law.

He REALLY ran away from your question on specifics!!!

"We know..." show me the data.



His question is what if someone breaks the law, using my profile? That makes no sense. Abuse is against the law.

(It sounds like Dr. Bloche wants to be a defense attorney for the detainees.)

No reason to believe they are guilty??!?!?!? Holy shit! Is he really that naïve, or does he just have no integrity? (I'm sorry, this is where I make a lawyer joke.)

Great example of Mike Gelles.

He has no clue what the term "stove piped" means.

Abuse is against the law.

"A whole lot more than wind that things have gone wrong at GTMO?" He has a fascinating imagination. The world is a Rorschach.

One of the real issues that we will continue to struggle with, is whether or not medical ethics, international or not, apply to psychologists.

Great job. Take the afternoon off.

Morgan

COL L. Morgan Banks  
Director, Psychological Applications Directorate US Army Special Operations  
Command DSN 239-6833 COM (910) 432-6833 [REDACTED]  
banksl@usasoc.socom.smil.mil/louie morgan.banks@us.army mil

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Thursday, August 25, 2005 9:37 AM  
To: Banks, Louie M. COL  
Subject: RE: Query #2

What's the "D" there?

-----Original Message-----

From: Banks, Louie M. COL [<mailto:louie.morgan.banks@us.army.mil>]  
Sent: Thursday, August 25, 2005 9:37 AM  
To: Behnke, Stephen  
Subject: RE: Query #2

The DAIG report with its finding on abuse.

COL L. Morgan Banks  
Director, Psychological Applications Directorate US Army Special Operations  
Command DSN 239-6833 COM (910) 432-6833 [REDACTED]  
banksl@usasoc.socom.smil.mil/louie morgan.banks@us.army mil



-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]

Sent: Thursday, August 25, 2005 9:34 AM

To: Banks, Louie M. COL; James, Larry C COL TAMC; **Larry James**

Subject: RE: Query #2

Excellent, Morgan, thanks. To date, we have the Church report, the Kiley report, and the Schmidt report--are there others?

-----Original Message-----

From: Banks, Louie M. COL [<mailto:louie.morgan.banks@us.army.mil>]

Sent: Thursday, August 25, 2005 9:31 AM

To: Behnke, Stephen; James, Larry C COL TAMC; Banks, Louie M. COL;

**Larry James**

Subject: RE: Query #2

Steve, I realize you probably won't get this until too late, but here goes.

The DoD has conducted a number of investigations, to include the latest, by the Army Surgeon General, who found no evidence that psychologists or psychiatrists acted improperly.

Criminal trials continue, although none involve psychologists or psychiatrists.

Your last point is great. It is easy for Dr. Bloche to continue to make unsubstantiated (and completely specious) allegations; it is another for someone with some actual knowledge to stand up and make a formal allegation. Cowards not invited.

COL L. Morgan Banks

Director, Psychological Applications Directorate US Army Special Operations

Command DSN 239-6833 COM (910) 432-6833 **PRIVACY REDACTION**

banks1@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]

Sent: Wednesday, August 24, 2005 11:20 AM

To: James, Larry C COL TAMC; Banks, Louie M. COL; **Larry James**

Subject: Query #2

I am think it likely that tomorrow Gregg will press me to call for an independent inquiry regarding prisoner abuse at Guantanamo Bay and Abu Ghraib. I need to think through how best to handle, especially if he becomes tenacious as Gregg is wont to do.

I think I will try a three-pronged approach. The first is to say that the DoD has conducted an investigation. (what more should/could I say?)

Second, there have been criminal trials in which individuals have been found guilty and sentenced to prison, which is entirely appropriate.

Third, that I will ask Gregg whether he has any credible evidence that any psychologist has engaged in or supported torture or cruel, inhuman, or degrading acts, or whether he knows of anyone with personal knowledge that a psychologist has engaged in this behavior. If he does, please provide me



that information. Gregg will likely reply that no one with such information is likely to come forward, to which I will reply that, in fact, one of our task force members has been identified in the press as having brought forth precisely such information to his superiors. I would add that our PENS Task Force would, in my opinion, absolutely support investigating any such credible evidence, but that APA is proud of its members who serve their country and protect innocent life, and we're not going to cast aspersions on a group of our colleagues in the absence of any substantiating evidence, especially since what I'm hearing from Gregg is that following months of pursuing this story he still doesn't have anyone who, even off the record, claims to have this type of information.

Thoughts?



**Sender:** Sharon Gadberry **PRIVACY REDACTION**  
**Sent:** Thursday, August 18, 2005 12:26:09 PM  
**Recipient:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Subject:** Re: FW: Ethical complaint ignored

---

Dear Dr. Behnke,

Thank you. I spoke to your representative today, and she has agreed to send me the form for filing an ethics violation.

Hopefully this will start a process whereby it will be possible for a member to file a complaint. Am I the only APA member who is concerned about this?

Sharon Gadberry  
"Behnke, Stephen" <sbehnke@apa.org> wrote:

Dear Ms. Gadberry,

I am sorry you have not yet received a more substantive reply to your inquiry. You will be hearing from the Ethics Office shortly.

Sincerely,

Stephen Behnke  
Director, APA Ethics Office

---

From: Sharon Gadberry **PRIVACY REDACTION**  
Sent: Tuesday, August 16, 2005 3:34 PM  
To: President  
Subject: Ethical complaint ignored  
Dear Dr. Levant,

I have been trying since early June to file an ethical complaint against the psychologist who are involved with US torture in Guantanamo, Iraq, and Pakistan.

Dr. Behnke called me once, and I returned his call. But since then I have not heard back.

Two weeks ago, I sent a written request to file a complaint and have not heard.

This is an urgent and very serious problem for the APA to address...these alleged ethical violations undermine everything our organization and our profession stands for.

As I indicated in my letter, I cannot as an individual find out the names of the individual psychologists in order to address a charge. I believe it is the responsibility of the APA to request this secret information from the government, in order to allow us to go ahead with our charges.

In case you have not kept up with the continuing documentation, here is a recent link:



[http://www.truthout.org/docs\\_2005/081605Z.shtml](http://www.truthout.org/docs_2005/081605Z.shtml)

Sincerely,

Sharon Gadberry, Ph.D.

Sharon Gadberry, Ph.D.

PRIVACY REDACTION





**Sender:** Reeve, Casey </O=APA/OU=DC/CN=RECIPIENTS/CN=CAR>  
**Sent:** Wednesday, August 17, 2005 10:43:26 AM  
**Recipient:** Behnke, Stephen <sbehnke@apa.org>  
**Cc:** President <President@apa.org>  
**Subject:** FW: Ethical complaint ignored

---

Hi Steve,  
I believe this should go to you. Thanks,  
-Casey-

---

**From:** Sharon Gadberry [REDACTED] **PRIVACY REDACTION**  
**Sent:** Tuesday, August 16, 2005 3:34 PM  
**To:** President  
**Subject:** Ethical complaint ignored

Dear Dr. Levant,

I have been trying since early June to file an ethical complaint against the psychologist who are involved with US torture in Guantanamo, Iraq, and Pakistan.

Dr. Behnke called me once, and I returned his call. But since then I have not heard back.

Two weeks ago, I sent a written request to file a complaint and have not heard.

This is an urgent and very serious problem for the APA to address...these alleged ethical violations undermine everything our organization and our profession stands for.

As I indicated in my letter, I cannot as an individual find out the names of the individual psychologists in order to address a charge. I believe it is the responsibility of the APA to request this secret information from the government, in order to allow us to go ahead with our charges.

In case you have not kept up with the continuing documentation, here is a recent link:

[http://www.truthout.org/docs\\_2005/081605Z.shtml](http://www.truthout.org/docs_2005/081605Z.shtml)

Sincerely,

Sharon Gadberry, Ph.D.

Sharon Gadberry, Ph.D.  
[REDACTED] **PRIVACY REDACTION**



**Sender:** Farberman, Rhea K. </O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>  
**Sent:** Monday, August 15, 2005 11:44:23 AM  
**Recipient:** 'Ronald F. Levant, Ed.D., M.B.A., ABPP' [REDACTED]; Behnke, Stephen  
<sbehnke@apa.org>  
**Cc:** Gilfoyle, Nathalie <ngilfoyle@apa.org>  
**Subject:** RE: PENS Report -call for action CoR Cover Letter]

---

I lean toward Ron's reaction -- I think it would be wise for us to be more subtle observers of the situation at this point. Let's see what Council wants to do rather than outline what council might want to do.

We can work the caucus meetings to make sure that people notice the replacement of coercive for cruel and the serious issues it raises.

Rhea

-----Original Message-----

From: Ronald F. Levant, Ed.D., M.B.A., ABPP [REDACTED]  
Sent: Monday, August 15, 2005 11:26 AM  
To: Behnke, Stephen; Farberman, Rhea K.  
Cc: Gilfoyle, Nathalie  
Subject: RE: PENS Report -call for action CoR Cover Letter]

I am not sure about this Steve, would like to hear what Rhea says. I think we may be getting out too far in front of the division, and maybe a better approach might be to let them play their hand and see where are then Also, it help to address the fact that psychologists have been involved in "coercion" for quite some time, e.g. court ordered treatment for offenders, etc.

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Monday, August 15, 2005 10:35 AM  
To: Ronald F. Levant, Ed.D., M.B.A., ABPP; Farberman, Rhea K.  
Cc: Gilfoyle, Nathalie  
Subject: RE: PENS Report -call for action CoR Cover Letter]

Dear Ron and Rhea,

Nathalie and I have worked on this letter--it is a letter from me, to Ron, in response to Division 48's letter to him. My thought is that Ron would simply send this note electronically to Eileen Borris, and have it posted on the Council listserve, with the explanation that he had asked me to review the Division 48 letter and that he was providing my response (thus, Ron need not take any kind of position on either the Division's Call to Action or on my feedback--he's simply putting it out there). Rhea, please make a recommendation regarding the fourth paragraph, on the definition of "coercive." Nathalie believes that raising this issue at this point may be premature, and may be akin to rattling a hornet's nest (my phrase) that will generate more heat than light at this point. The letter stands without the paragraph, so it may be best simply to remove paragraph 4.

Thank you, Steve

Dear Ron,

Thank you for asking me to review the letter from the Executive Committee of Division 48 to you. I am extremely pleased by the letter and am once again



impressed by the significant contributions Division 48 continues to make to APA's thinking on this critically important issue. Members of Division 48, including Corann Okorodudu and Judith Van Hoorn, and of course PENS Task Force members Jean Maria Arrigo, Nina Thomas, and Mike Wessells have played a central role in fashioning APA's response. Certainly this letter further enhances the Division's role. My strong sense is that the PENS Task Force will welcome Division 48's work and view it as a very positive development.

I'm not entirely sure whether or not Division 48 intends to introduce five new business items, by asking Council to act on the five components of the "Call to Action" discussed in the letter. I believe that virtually of the Call is outstanding and would be fully endorsed by the PENS Task Force, but there is one potentially significant complication that arises from a definitional issue. The first bullet point of the Division's Call to Action calls for a clear statement against "inhuman, degrading, or coercive interrogations and the use of torture." The PENS Report uses this exact same language, except for one word: "cruel," rather than "coercive." The PENS Task Force took its language--"torture or other cruel, inhuman, or degrading treatment"--from a variety of texts, including the APA 1986 Resolution Against Torture; the 1987 Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; and the 1975 UN General Assembly Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. The Task Force was deliberate in choosing this language, and substituting "coercive" for "cruel" potentially raises significant complications, depending upon what the Division would like to do.

The APA Ethics Committee has determined that the twelve statements in the PENS Report are appropriate interpretations and applications of the APA Ethics Code (the first of the twelve statements is an absolute prohibition of any psychologist's involvement in torture or cruel, inhuman, or degrading treatment; the second is an ethical obligation to report any of these behaviors). If the word "coercive" differs from "cruel," then Ethics Committee input before asking Council to act on that particular aspect of the Call to Action would be extremely valuable. (Again, I simply don't know whether the Division intends to submit business items for each of the five aspects of its Call. The Task Force has recommended that a commentary on the PENS Report be written, and I know the Task Force would welcome the Division's input and thinking in the process of writing the commentary, so it is possible that the commentary would adequately address the Division's concerns.)

I would also note that at one point I questioned a military member of the PENS Task Force concerning the definition of "coercive." From what I can gather, the term "coercive" can have a wide range of meanings in the interrogation process, from telling an individual that they will receive more favorable treatment if they provide relevant information (which I think most people would accept as permissible), to techniques that are abusive (and so clearly contrary to the Ethics Code and PENS Report). This individual emphasized that the more coercive the interrogation, the less reliable the information--but our exchange made clear that there is no commonly accepted meaning of "coercive" in the interrogation context (despite its frequent usage in popular media discussions of this issue), so using the term risks generating considerable confusion about what is meant.

Would the Division be open to substituting "cruel" for "coercive"? If not, then I think we'll need to ask the Division what it would like to do with this aspect of its Call to Action. If the intent is that this aspect of the Call go before Council as a new business item, or that it have enforcement implications, General Counsel will need to review and the Division will possibly need to follow the guidelines process. Certainly additional review



by the Ethics Committee would be very important before Council votes, since the Ethics Committee would ultimately be responsible for any enforcement action (in the same way the Board wanted Ethics Committee review before the Board acted on the PENS Report). Again, however, given how consonant the Division 48 Call to Action is with the PENS Report, and that the PENS Task Force has recommended a commentary on the Report, it strikes me that Division 48 may want to make its position clear to the Task Force as the Task Force writes the commentary, which may well adequately address Division 48's concerns, especially since there are three Division 48 members on the PENS Task Force.

My central focus is for APA to have as clear a position as we can on this issue (in particular for the psychologists who will be using these materials in their work) and that the entities responsible for enforcing APA policies and standards have an opportunity to review any materials they may be in the position of enforcing before those materials are officially adopted by APA (much like the Ethics Committee reviews drafts of a revised Ethics Code before Council officially adopts the new Code). I think Division 48's letter is a very positive development in APA's thinking, and I'm very hopeful we can address the definitional issue I've raised without undue difficulty.

Again, thank you for asking me to review Division 48's letter to you,

Steve



**Sender:** Levant,Ronald F [REDACTED]  
**Sent:** Saturday, October 15, 2005 8:08:49 AM  
**Recipient:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Subject:** FW: FW: Aloha

---

Ronald F. Levant, EdD, ABPP, MBA  
Dean and Professor of Psychology  
Buchtel College of Arts and Sciences  
The University of Akron  
Akron, OH 44325-1901  
[REDACTED]

Website: [www.DrRonaldLevant.com](http://www.DrRonaldLevant.com)

President, American Psychological Association, 2005  
"Making Psychology a Household Word"

>From: Forster, Ellen E COL OTSG [<mailto:Ellen.Forster@us.army.mil>]  
>Sent: Thursday, October 13, 2005 10:31 AM  
>To: DeLeon, Patrick (Inouye)  
>Cc: Ball, Vicki (Inouye)  
>Subject: RE: Aloha

>  
>  
>  
>Already done.....aloha

>  
>  
>  
>-----

>From: DeLeon, Patrick (Inouye)  
>[[mailto:Patrick\\_DeLeon@inouye.senate.gov](mailto:Patrick_DeLeon@inouye.senate.gov)]  
>Sent: Thursday, October 13, 2005 10:29 AM  
>To: Forster, Ellen E COL OTSG  
>Cc: Ball, Vicki (Inouye)  
>Subject: Aloha

>  
>Since vicki out&.

>  
>  
>  
>Could you let general kiley know that

>  
>A long time friend of mine, ron levant (psychology), will be with him  
>at  
>the Guantanamo bay trip



**Sender:** Dunivin, Debra L LTC WRAMC-Wash DC  
<Debra.Dunivin@NA.AMEDD.ARMY.MIL>  
**Sent:** Wednesday, October 12, 2005 8:32:46 AM  
**Recipient:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Subject:** RE: Report of the APA Presidential Task Force on Psychological Ethics and National Security

---

Steve:

I'm trying to include Marshall Goby, if we can. He and I are both available Thursday after 1000 and pretty much all day Friday. Marshall is a senior Army psychologist who's been working many of the Army/ DoD policy issues re: behavioral science consultation to interrogation operations.

If we need to meet today...I'll be returning from a meeting in Virginia around noon. Could stop by then. Please call Marshall's cell phone at [REDACTED] - I'll be with him this morning.

Thanks. We'll make this happen...

Debra

---

**From:** Behnke, Stephen [mailto:sbehnke@apa.org]  
**Sent:** Tuesday, October 11, 2005 1:18 PM  
**To:** Dunivin, Debra L LTC WRAMC-Wash DC  
**Subject:** RE: Report of the APA Presidential Task Force on Psychological Ethics and National Security  
**Sensitivity:** Confidential

Office is (202) 336-6006; cell is [REDACTED]; would coffee/breakfast or an early dinner tomorrow be possibilities? Much to discuss...

-----Original Message-----

**From:** Dunivin, Debra L LTC WRAMC-Wash DC [mailto:Debra.Dunivin@NA.AMEDD.ARMY.MIL]  
**Sent:** Tuesday, October 11, 2005 12:52 PM  
**To:** Behnke, Stephen  
**Subject:** RE: Report of the APA Presidential Task Force on Psychological Ethics and National Security  
**Sensitivity:** Confidential

Steve: I'm so sorry I missed this. Wed I'm away for a meeting thru middle of day. But I'll be out on metro perhaps I can call you - what's your number? Thursday actually looks open as an alternative....running....

---

**From:** Behnke, Stephen [mailto:sbehnke@apa.org]  
**Sent:** Tuesday, October 11, 2005 11:01 AM  
**To:** Dunivin, Debra L LTC WRAMC-Wash DC  
**Subject:** RE: Report of the APA Presidential Task Force on Psychological Ethics and National Security  
**Sensitivity:** Confidential

Love to try the chow hall, Deborah! Are you near a metro?

-----Original Message-----

**From:** Dunivin, Debra L LTC WRAMC-Wash DC [mailto:Debra.Dunivin@NA.AMEDD.ARMY.MIL]  
**Sent:** Tuesday, October 11, 2005 7:55 AM  
**To:** Behnke, Stephen  
**Subject:** RE: Report of the APA Presidential Task Force on Psychological Ethics and National Security  
**Sensitivity:** Confidential



Steve:

Seems I've been tasked to attend a meeting up here this afternoon (1:00 - 5:00). Must reschedule location, perhaps time, too, unless you want to try out our chow hall...

My apologies,  
Debra

---

**From:** Behnke, Stephen [mailto:sbehnke@apa.org]  
**Sent:** Wednesday, October 05, 2005 1:44 PM  
**To:** Dunivin, Debra L LTC WRAMC-Wash DC  
**Subject:** RE: Report of the APA Presidential Task Force on Psychological Ethics and National Security  
**Sensitivity:** Confidential

How about the Dubliner, at noon?

-----Original Message-----

**From:** Dunivin, Debra L LTC WRAMC-Wash DC  
[mailto:Debra.Dunivin@NA.AMEDD.ARMY.MIL]  
**Sent:** Wednesday, October 05, 2005 11:20 AM  
**To:** Behnke, Stephen  
**Subject:** RE: Report of the APA Presidential Task Force on Psychological Ethics and National Security  
**Sensitivity:** Confidential

Steve: Tuesday should work. Where shall we meet? I can drive or hop on metro red line...

---

**From:** Behnke, Stephen [mailto:sbehnke@apa.org]  
**Sent:** Wednesday, October 05, 2005 10:09 AM  
**To:** Dunivin, Debra L LTC WRAMC-Wash DC  
**Subject:** Report of the APA Presidential Task Force on Psychological Ethics and National Security  
**Sensitivity:** Confidential

Hi Debra,

Here is the PENS Report...

Would Tuesday work for lunch, say noon?

Steve



**Sender:** Levant,Ronald F [REDACTED]  
**Sent:** Monday, October 10, 2005 3:04:44 PM  
**Recipient:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Subject:** RE: List of GITMO Participants

---

smile

Ronald F. Levant, EdD, ABPP, MBA  
Dean and Professor of Psychology  
Buchtel College of Arts and Sciences  
The University of Akron  
Akron, OH 44325-1901

[REDACTED]

Website: [www.DrRonaldLevant.com](http://www.DrRonaldLevant.com)  
President, American Psychological Association, 2005  
"Making Psychology a Household Word"

---

**From:** Behnke, Stephen [mailto:sbehnke@apa.org]  
**Sent:** Monday, October 10, 2005 2:53 PM  
**To:** Levant,Ronald F  
**Subject:** RE: List of GITMO Participants

Do you have an extra pair of fatigues at the dry cleaners??

I'll be on this first thing in the am.

-----Original Message-----

**From:** Levant,Ronald F [REDACTED]  
**Sent:** Monday, October 10, 2005 2:44 PM  
**To:** Behnke, Stephen  
**Subject:** RE: List of GITMO Participants

Ok

See last email

Got a response which wasn't completely clear

Do wonder about what you wear to a detention facility in the tropics

Ronald F. Levant, EdD, ABPP, MBA  
Dean and Professor of Psychology  
Buchtel College of Arts and Sciences

The University of Akron  
Akron, OH 44325-1901

[REDACTED]

Website: [www.DrRonaldLevant.com](http://www.DrRonaldLevant.com)



President, American Psychological Association, 2005  
"Making Psychology a Household Word"

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**From:** Behnke, Stephen [mailto:sbehnke@apa.org]  
**Sent:** Monday, October 10, 2005 1:40 PM  
**To:** Levant,Ronald F  
**Subject:** RE: List of GITMO Participants

Absolutely, Ron. It's a federal holiday, so not much can be done today, but I will be on this first thing in the am.

Steve

-----Original Message-----

**From:** Levant,Ronald F [REDACTED]  
**Sent:** Monday, October 10, 2005 6:21 AM  
**To:** Behnke, Stephen  
**Cc:** Levant,Ronald F  
**Subject:** FW: List of GITMO Participants

I have received no information yet on logistics (making flight reservations, ground transport, hotel accommodations, dress code for Gitmo and the dinner). As it is getting so close can staff help?

Ronald F. Levant, EdD, ABPP, MBA  
Dean and Professor of Psychology  
Buchtel College of Arts and Sciences

The University of Akron  
Akron, OH 44325-1901

[REDACTED]

Website: [www.DrRonaldLevant.com](http://www.DrRonaldLevant.com)  
President, American Psychological Association, 2005  
"Making Psychology a Household Word"

---

**From:** Ireland, Robert, COL, OASD(HA) [mailto:robert.ireland@ha.osd.mil]  
**Sent:** Friday, October 07, 2005 11:37 AM  
**To:** Levant,Ronald F  
**Subject:** List of GITMO Participants

Dr. Levant,

Here is the list of participants.

You will need your passport to clear customs upon your return from GITMO.

Again, more to follow.

Bob

Col Bob Ireland

APA\_0042913



**19 Oct 2005 GITMO TRIP ATTENDEES**

-

Dr. William Winkenwerder, Jr., MD  
Assistant Secretary of Defense (Health Affairs)

VADM Richard Carmona,  
Surgeon General of the United States

Lt Gen Kevin Kiley  
Surgeon General of the Army

Maj Gen Joseph Kelley  
Joint Staff Surgeon

Dr. Audiey Kao  
AMA: Vice President, Ethics Group

Dr. Ronald Levant  
American Psychological Association, President

Dr. Larry Mohr  
Board of Regents, USUHS; Professor of Medicine, Med Un of So Carolina

Dr. Susan Okie  
New England Journal of Medicine, Contributing Editor

Dr. Steven Sharfstein  
American Psychiatric Association, President

Dr. Nancy Sherman  
Annapolis Inaugural Ethics Chair, Prof of Philosophy, Georgetown Univ.

Dr. Priscilla Ray  
AMA: Chair, Council on Ethical and Judicial Affairs

Anthony Fortune, Col (ret)  
Detainee Affairs Escort



**Sender:** Levant,Ronald F [REDACTED]  
**Sent:** Friday, September 30, 2005 8:49:35 AM  
**Recipient:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Subject:** RE: Can You Visit to Guantanamo Bay, Cuba, U.S. Detainee Operations, 19 Oct 05?

---

Okie doke

Ronald F. Levant, EdD, ABPP, MBA  
Dean and Professor of Psychology  
Buchtel College of Arts and Sciences  
The University of Akron  
Akron, OH 44325-1901

[REDACTED]

Website: [www.DrRonaldLevant.com](http://www.DrRonaldLevant.com)

President, American Psychological Association, 2005  
"Making Psychology a Household Word"

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Friday, September 30, 2005 8:44 AM  
To: Levant,Ronald F  
Subject: RE: Can You Visit to Guantanamo Bay, Cuba, U.S. Detainee Operations, 19 Oct 05?

Ron, this is all excellent. Morgan Banks has been EXTREMELY responsive to requests for information, feedback, and advice, so we should feel free to use him liberally as a resource.

Steve

---

From: Levant,Ronald F [REDACTED]  
Sent: Fri 9/30/2005 8:11 AM  
To: Behnke, Stephen  
Subject: RE: Can You Visit to Guantanamo Bay, Cuba, U.S. Detainee Operations, 19 Oct 05?

Just a start, but it was reassuring that this is for real and that psychology has an important role to play. Ill need a lot more info as this evolves, as I learn the agenda and plan. He said I could call later as did the other Morgan (Sammons)

Ronald F. Levant, EdD, ABPP, MBA  
Dean and Professor of Psychology  
Buchtel College of Arts and Sciences  
The University of Akron  
Akron, OH 44325-1901

[REDACTED]



Website: [www.DrRonaldLevant.com](http://www.DrRonaldLevant.com)  
President, American Psychological Association, 2005  
"Making Psychology a Household Word"

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Friday, September 30, 2005 8:06 AM  
To: Levant,Ronald F; Gilfoyle, Nathalie  
Subject: RE: Can You Visit to Guantanamo Bay, Cuba, U.S. Detainee Operations, 19 Oct 05?

Thanks, Ron. Do you feel you got from Morgan what you needed?

---

From: Levant,Ronald F **PRIVACY REDACTION**  
Sent: Fri 9/30/2005 7:23 AM  
To: Behnke, Stephen; Gilfoyle, Nathalie  
Subject: RE: Can You Visit to Guantanamo Bay, Cuba, U.S. Detainee Operations, 19 Oct 05?

Thanks Steve. I spoke with Morgan yesterday.

Ronald F. Levant, EdD, ABPP, MBA  
Dean and Professor of Psychology  
Buchtel College of Arts and Sciences  
The University of Akron  
Akron, OH 44325-1901  
**PRIVACY REDACTION**

Website: [www.DrRonaldLevant.com](http://www.DrRonaldLevant.com)  
President, American Psychological Association, 2005  
"Making Psychology a Household Word"

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Thursday, September 29, 2005 10:35 PM  
To: Gilfoyle, Nathalie; Levant,Ronald F  
Subject: RE: Can You Visit to Guantanamo Bay, Cuba, U.S. Detainee Operations, 19 Oct 05?

Ron, I believe Morgan is in or on his way to San Diego. I would be more than happy to get in touch with him, brief him on the situation, and ask when he would be available to speak with you--I'm very sure he will be thrilled by this development. Please let me know what you would like,

Steve

---

From: Gilfoyle, Nathalie  
Sent: Thu 9/29/2005 4:41 PM  
To: 'Levant,Ronald F'; Behnke, Stephen; Breckler, Steven J.  
Cc: Farberman, Rhea K.; Newman, Russ; Kelly, Heather; Anderson, Norman; Honaker, Michael  
Subject: RE: Can You Visit to Guantanamo Bay, Cuba, U.S. Detainee Operations, 19 Oct 05?



Ron, Steve is on a train to New Haven and I don't think will be on email until tomorrow. The only contact info I have for Morgan is an email address from the PENS list which is [louie.morgan.banks@US.ARMY.MIL](mailto:louie.morgan.banks@US.ARMY.MIL) <<mailto:louie.morgan.banks@US.ARMY.MIL>>

Nathalie

---

From: Levant,Ronald F [REDACTED]  
Sent: Thursday, September 29, 2005 4:26 PM  
To: Behnke, Stephen; Breckler, Steven J.  
Cc: Farberman, Rhea K.; Gilfoyle, Nathalie; Newman, Russ; Kelly, Heather; Anderson, Norman; Honaker, Michael  
Subject: RE: Can You Visit to Guantanamo Bay, Cuba, U.S. Detainee Operations, 19 Oct 05?

Thanks All. Steve Behnke, how would I reach Morgan Banks?

Ronald F. Levant, EdD, ABPP, MBA

Dean and Professor of Psychology

Buchtel College of Arts and Sciences

The University of Akron

Akron, OH 44325-1901

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Website: [www.DrRonaldLevant.com](http://www.DrRonaldLevant.com)

President, American Psychological Association, 2005

"Making Psychology a Household Word"

---

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Thursday, September 29, 2005 12:57 PM  
To: Breckler, Steven J.; Levant,Ronald F  
Cc: Farberman, Rhea K.; Gilfoyle, Nathalie; Newman, Russ; Kelly, Heather; Anderson, Norman; Honaker, Michael  
Subject: RE: Can You Visit to Guantanamo Bay, Cuba, U.S. Detainee Operations, 19 Oct 05?



Ron, this is all excellent. In terms of getting information concerning logistical details, agenda, and other participants in the trip, I wonder whether Rhea or Heather have any thoughts on whether APA staff could take care of that for you.

In terms of talking with Kevin Kiley, the Army Surgeon General, it may be good to speak with Morgan Banks first. Also, I will send you by overnight mail the "Kiley Report," which is Lieutenant General Kiley's review of the assessment of detainee medical operations. You do not need to be familiar with the entire report, but there are certain aspects relevant to the PENS report which you will want to review.

Steve

-----Original Message-----

From: Breckler, Steven J.

Sent: Thursday, September 29, 2005 12:26 PM

To: 'Levant,Ronald F'

Cc: Behnke, Stephen

Subject: RE: Can You Visit to Guantanamo Bay, Cuba, U.S.

Detainee Operations, 19 Oct 05?

Ron,

This is indeed a fantastic opportunity, and I'm thrilled that you have agreed to accept it. I suspect that you meant this request for advice to go to Steve Behnke, so I am cc'ing him on this. Of course, those of us in Science with knowledge of the issues are also happy to advise (e.g., Geoff Mumford or Heather Kelly).

Steve Breckler

---

From: Levant,Ronald F **PRIVACY REDACTION**

Sent: Thursday, September 29, 2005 11:02 AM

To: Breckler, Steven J.; Sammons, Morgan T. CDR BUMED

Subject: FW: Can You Visit to Guantanamo Bay, Cuba, U.S.

Detainee Operations, 19 Oct 05?

Steve: As you can see below the President of UA has approved my attending this event, so I am good to go. Morgan Sammons has good background info on this, and suggested my asking Dr. Ireland what the agenda is and also talking with the Army SG (Dr. Kiley?)

Please advise

Thanks

Ron



Ronald F. Levant, EdD, ABPP, MBA

Dean and Professor of Psychology

Buchtel College of Arts and Sciences

The University of Akron

Akron, OH 44325-1901

PRIVACY REDACTION

PRIVACY REDACTION

PRIVACY REDACTION

PRIVACY REDACTION

Website: [www.DrRonaldLevant.com](http://www.DrRonaldLevant.com)

President, American Psychological Association, 2005

"Making Psychology a Household Word"

---

From: Stroble,Elizabeth J [PRIVACY REDACTION]  
Sent: Thursday, September 29, 2005 9:59 AM  
To: [PRIVACY REDACTION]  
Subject: Fw: Can You Visit to Guantanamo Bay, Cuba, U.S.  
Detainee Operations, 19 Oct 05?

-----  
Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Proenza,Luis M [PRIVACY REDACTION]  
To: Stroble,Elizabeth J [PRIVACY REDACTION]  
Sent: Thu Sep 29 08:14:31 2005  
Subject: RE: Can You Visit to Guantanamo Bay, Cuba, U.S.  
Detainee Operations, 19 Oct 05?

Beth:

I am sure there are some, but I think this is exactly what it is and that Ron should accept. AS this is a U.S. Government agency, and not a corporation, the travel arrangements are standard. Let us plan to acknowledge the honor when we meet with our trustees as well as with our leadership team.

Please extend my congratulations to Ron!



Luis

---

From: Stroble,Elizabeth J  
Sent: Wednesday, September 28, 2005 7:18 PM  
To: Proenza,Luis M  
Subject: FW: Can You Visit to Guantanamo Bay, Cuba, U.S.  
Detainee Operations, 19 Oct 05?

Are there sensitivities here that I should be aware of as I advise Ron?

Thanks,

Beth

---

From: Levant,Ronald F  
Sent: Wed 9/28/2005 7:06 PM  
To: Stroble,Elizabeth J  
Subject: FW: Can You Visit to Guantanamo Bay, Cuba, U.S.  
Detainee Operations, 19 Oct 05?

Beth FYI. I think this is one of those once in a lifetime opportunities and I should accept. Your thoughts?

Ronald F. Levant, EdD, ABPP, MBA

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Akron, OH 44325-1901

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PRIVACY REDACTION

PRIVACY REDACTION

PRIVACY REDACTION

Website: [www.DrRonaldLevant.com](http://www.DrRonaldLevant.com)



President, American Psychological Association, 2005

"Making Psychology a Household Word"

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From: Ireland, Robert, COL, OASD(HA)

[<mailto:robert.ireland@ha.osd.mil>]

Sent: Wednesday, September 28, 2005 2:41 PM

To: Levant, Ronald F

Subject: Can You Visit to Guantanamo Bay, Cuba, U.S. Detainee Operations, 19 Oct 05?

Dr. Levant,

I am contacting you by email in advance of a formal invitation from Dr. William Winkenwerder, the Assistant Secretary of Defense for Health Affairs, who has requested you by name for an important event.

On 19 Oct 2005, would you be interested in traveling with a small group of distinguished American medical leaders, the U.S. Surgeon General, 2 senior military physicians (SG of the Army and Joint Staff Surgeon), and Health Affairs leadership, to Guantanamo Bay, Cuba, to visit the detainee and medical operations areas? (12 total passengers on a US Navy jet.) The purpose is to examine up-close our detainee and medical operations. We will leave Andrews AFB in the DC area about 7 a.m. and return about 6 p.m., at which time we will have a supper workgroup during which our distinguished guests might share perspectives and recommendations with Department of Defense health leaders based upon their observations and reflections.

We will provide quarters the night before and night of the trip for those from out of the area, as required. While we are making arrangements to make this trip on 19 Oct, this date could possibly slip due to circumstances beyond our control.

Please let me know if this would be something you would consider doing. More details will follow.

Respectfully,

Bob

Col Bob Ireland, USAF, Medical Corps, Chief Flight Surgeon

Program Director, Mental Health Policy

Office of the Assistant Secretary of Defense, Health Affairs

PRIVACY REDACTION



**Sender:** Newman, Russ </O=APA/OU=DC/CN=RECIPIENTS/CN=RSN>  
**Sent:** Thursday, September 29, 2005 9:56:44 AM  
**Recipient:** Farberman, Rhea K. <rfarberman@apa.org>; Behnke, Stephen <sbehnke@apa.org>; Strassburger, Judith <jstrassburger@apa.org>; Anderson, Norman <NAnderson@apa.org>; Gilfoyle, Nathalie <ngilfoyle@apa.org>; Breckler, Steven J. <SBreckler@apa.org>; Kelly, Heather <hkelly@apa.org>; Honaker, Michael <mhonaker@apa.org>  
**Subject:** RE: call from Dir. of mental Health . . .

---

Good idea. I happen to know that there are currently some prickly interprofessional issues that are alive and well in terms of who is doing what at GTMO that will likely surface during a trip of this sort. Handling them optimally will cement the good PR we have gotten with the military and the DoD as result of the PENS report; handling them otherwise will potentially undo some of the Association's good work. Russ

-----Original Message-----

**From:** Farberman, Rhea K.  
**Sent:** Thursday, September 29, 2005 9:45 AM  
**To:** Behnke, Stephen; Strassburger, Judith; Anderson, Norman; Gilfoyle, Nathalie; Newman, Russ; Breckler, Steven J.; Kelly, Heather; Honaker, Michael  
**Subject:** RE: call from Dir. of mental Health . . .

Prepping him will be critical. Maybe Ron can come to DC on the morning of the 18th and spend the afternoon being briefed by Steve, Russ, Heather, etc.

DoD will probably set down some rules about talking to the media (don't)...if not we should.

Rhea

---

**From:** Behnke, Stephen  
**Sent:** Wednesday, September 28, 2005 6:58 PM  
**To:** Strassburger, Judith; Anderson, Norman; 'Pat DeLeon'; Gilfoyle, Nathalie; Newman, Russ; Farberman, Rhea K.; Breckler, Steven J.; Kelly, Heather; Honaker, Michael  
**Subject:** RE: call from Dir. of mental Health . . .

Ron plans to speak with his wife, this evening, before he accepts.

Once he does so, we should think through how best to prepare him.

-----Original Message-----

**From:** Strassburger, Judith  
**Sent:** Wednesday, September 28, 2005 6:13 PM  
**To:** Behnke, Stephen; 'Levant,Ronald F'  
**Cc:** Anderson, Norman; 'Pat DeLeon'; Gilfoyle, Nathalie; Newman, Russ  
**Subject:** RE: call from Dir. of mental Health . . .

Just fyi, Ron is now talking with Steve. Judy

---

**From:** Behnke, Stephen  
**Sent:** Wednesday, September 28, 2005 5:36 PM  
**To:** 'Levant,Ronald F'



**Cc:** Strassburger, Judith; Anderson, Norman; Pat DeLeon; Gilfoyle, Nathalie  
**Subject:** RE: call from Dir. of mental Health . . .

Wow.

Who should take the leading in confirming?

-----Original Message-----

**From:** Levant, Ronald F [PRIVACY REDACTION]  
**Sent:** Wednesday, September 28, 2005 5:33 PM  
**To:** Adams, Christy A  
**Cc:** Strassburger, Judith; Anderson, Norman; Pat DeLeon; Behnke, Stephen  
**Subject:** RE: call from Dir. of mental Health . . .

Is this for real?

Ronald F. Levant, EdD, ABPP, MBA  
Dean and Professor of Psychology  
Buchtel College of Arts and Sciences  
The University of Akron  
Akron, OH 44325-1901  
[PRIVACY REDACTION]

Website: [www.DrRonaldLevant.com](http://www.DrRonaldLevant.com)  
President, American Psychological Association, 2005  
"Making Psychology a Household Word"

---

**From:** Adams, Christy A  
**Sent:** Wednesday, September 28, 2005 3:02 PM  
**To:** Levant, Ronald F  
**Subject:** call from Dir. of mental Health . . .

Ron

Robert Ireland called from the Dept of Defense and will follow up with you via e-mail. You are being invited to be one of about 12 persons to fly from DC to Guantanamo Bay to study the conditions there and make recommendations for changes, etc. This is being sponsored by the Dept. of Defense. The U. S. Surgeon General will be going, the Ass't Secretary of Health & Affairs or his assistant, persons from the AMA, Judicial Affairs, and prominent physicians. The group will fly on Navy plane, leaving DC about 6AM and coming back about 6 pm same day, October 19. They would put you up the nite before departure and the 19<sup>th</sup>. Robert Ireland will be e-mailing you with more particulars. The official invitation will follow. They just wanted you to reserve the date.  
His e-mail is [Robert.ireland@HA.OSD.Mil](mailto:Robert.ireland@HA.OSD.Mil)

[PRIVACY REDACTION]

.....

*Christy Adams  
Office of the Dean  
Buchtel College of Arts and Sciences  
The University of Akron  
Akron, OH 44325-1901*

[PRIVACY REDACTION]











**Sender:** Levant,Ronald F [REDACTED]  
**Sent:** Tuesday, October 25, 2005 2:58:09 PM  
**Recipient:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Subject:** RE: good going on your trip to the Island

---

mahalo

Ronald F. Levant, EdD, ABPP, MBA  
Dean and Professor of Psychology  
Buchtel College of Arts and Sciences  
The University of Akron  
Akron, OH 44325-1901  
[REDACTED]

Website: [www.DrRonaldLevant.com](http://www.DrRonaldLevant.com)

President, American Psychological Association, 2005  
"Making Psychology a Household Word"

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Tuesday, October 25, 2005 9:35 AM  
To: Levant,Ronald F  
Subject: RE: good going on your trip to the Island

Ron, this is a very good message. If we stay our thoughtful and reasonable course, I think APA, psychology, and society will benefit in the long run, even if there are a few bumps in between.

Excellent work,

Steve

-----Original Message-----

From: Levant,Ronald F [REDACTED]  
Sent: Monday, October 24, 2005 8:03 PM  
To: Behnke, Stephen  
Subject: FW: good going on your trip to the Island

Ronald F. Levant, EdD, ABPP, MBA  
Dean and Professor of Psychology  
Buchtel College of Arts and Sciences  
The University of Akron  
Akron, OH 44325-1901  
[REDACTED]

Website: [www.DrRonaldLevant.com](http://www.DrRonaldLevant.com)

President, American Psychological Association, 2005  
"Making Psychology a Household Word"

-----Original Message-----

From: Fein, Robert (CONTR) [<mailto:Robert.Fein@cifa.mil>]  
Sent: Monday, October 24, 2005 7:54 PM



To: Levant,Ronald F  
Subject: good going on your trip to the Island

Dear Ron,

I heard from colleagues in the Department of Defense that your visit to the Island went well last week. I started working on some prevention of terrorism questions after 9/11 and wound up reviewing several hundred files of detainees around the question of "what risk might this man present if released from GTMO?" I think that certain psychologists have a lot of offer in the national security area, and that this is a very complicated time and political climate.

Please feel free to let me know if you wish additional perspectives on the GTMO situation or wish to bounce around perceptions and perspectives.

And congratulations on moving to Akron.

Sincerely,

Robert

P.S. CIFA stands for Counterintelligence Field Activity. It is a new DoD organization which I consult to. (Scott Shumate, a real good guy and a psychologist, is the head of the CIFA's Behavioral Science Directorate.)



**Sender:** Robert Fein [REDACTED]  
**Sent:** Tuesday, October 18, 2005 5:22:14 AM  
**Recipient:** Shumate, Scott (GOV) <Scott.Shumate@cifa.mil>; Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>; Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>  
**Cc:** Farberman, Rhea </O=APA/OU=DC/CN=RECIPIENTS/CN=RZF>  
**Subject:** RE: just saw this notice

---

Heather, Steve,

Has Ron L had a chance to be briefed before his visit so he has a better idea of what questions to ask and might be a more informed visitor? There have been more potentially controversial psychologist activities involved with the island than just the ones in the headlines.

Robert

At 10:43 PM -0400 10/17/05, Shumate, Scott (GOV) wrote:

>Heather: Could you arrange a visit with a congressional  
>delegation?? This would put APA at a more comfortable distance?  
>Just a thought

>  
> -----Original Message-----  
> From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
> Sent: Mon 10/17/2005 10:32 PM  
> To: Shumate, Scott (GOV); Fein, Robert\_Offsite; Kelly, Heather  
> Cc: Farberman, Rhea  
> Subject: RE: just saw this notice

>  
> Thanks, Scott. Heather may contact you after discussing your  
>message with Rhea.

> Please also convey Scott's concerns to the larger group  
>tomorrow afternoon.

> Steve

>  
> -----  
> From: Shumate, Scott (GOV) [<mailto:Scott.Shumate@cifa.mil>]  
> Sent: Mon 10/17/2005 10:27 PM  
> To: Behnke, Stephen; Fein, Robert\_Offsite; Kelly, Heather  
> Cc: Farberman, Rhea  
> Subject: RE: just saw this notice

> Yes, you can reach me [REDACTED]

> -----Original Message-----  
> From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
> Sent: Mon 10/17/2005 10:21 PM  
> To: Shumate, Scott (GOV); Fein, Robert\_Offsite; Kelly, Heather  
> Cc: Farberman, Rhea



> Subject: RE: just saw this notice  
>  
>  
>  
>  
> Scott, thanks very much for taking the time to convey  
> your concerns. I am here through the day tomorrow, then headed back  
> to DC, so it looks like we'll miss each other.  
>  
>  
> Heather, could you please discuss Scott's concerns with Rhea?  
>  
> Scott, are you reachable during the day tomorrow?  
>  
> Steve  
>  
>  
>  
>  
> From: Shumate, Scott (GOV) [<mailto:Scott.Shumate@cifa.mil>]  
> Sent: Mon 10/17/2005 10:17 PM  
> To: Behnke, Stephen; Fein, Robert\_Offsite; Kelly, Heather  
> Subject: RE: just saw this notice  
>  
>  
>  
> Yes, I am trying to get out of here tomorrow night,  
> but I have a meeting tomorrow at 1400 (2pm) that will either tie me  
> in here or I will be able to get up there. If I can make it up  
> there, are you going to be around tomorrow evening?? Would like to  
> meet with you.  
>  
> Steve: From DoD perspective having APA president at  
> GTMO is a good thing, yet I am concerned that the perception and  
> possible media handling of this visit may turn into a concerning  
> moment for psychologists. I would feel better if APA was going on  
> it's own visit after the AMA and APA had already attended. I would  
> also prefer that psychologists be the primary facilitator rather  
> than Winkenwerter. I may be a wringing my hands for nothing but  
> this just doesn't feel solid to me.  
>  
> Has a clear agenda been set??? Has an agreement been  
> made as to media coverage, pre, post and during???? Very  
> IMPORTANT!!!!  
>  
> If the agenda for our APA was the research aspect of  
> detainee care, or some such would help frame the meeting and how it  
> could be used. If this is a come and see for your self, I get real  
> nervous about that type of meeting. Further, since APA has endorsed  
> psychologists involved in interrogation, under ethical guidelines,  
> DoD should be willing to accommodate a special visit by APA, rather  
> than as part of a trio with two of the three being unsupportive.  
> On the other hand if played right, it could be a huge success, since  
> I am not seeing the traffic on what has been set and what has not,  
> my anxiety is heightened. I also wonder why I have not seen such  
> traffic from DoD optic!  
>  
> Lets just say I am growing concerned about this visit. Scott  
>  
> -----Original Message-----  
> From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
> Sent: Mon 10/17/2005 9:35 PM  
> To: Shumate, Scott (GOV); Fein,



>Robert\_Offsite; Kelly, Heather

>Cc:  
>Subject: RE: just saw this notice

>Scott, let's touch base tomorrow in Newport.

>This briefing took place today, correct?

>From: Shumate, Scott (GOV)

>[mailto:Scott.Shumate@cifa mil]

>Sent: Mon 10/17/2005 9:24 PM

>To: Behnke, Stephen; **Robert Fein**; Kelly, Heather

>Subject: Re: just saw this notice

>Heather:

>Steve:

>Robert:

>This story is potentially problematic  
>especially given the visit on wed by apa president to gtmo. The  
>visit will likely be manipulated duh like no one else is going to  
>figure this out. A clear agenda with clear goals for the visit would  
>be helpful. Heather and steve do you have any ideas. Scott

>-----  
>Dr. R. Scott Shumate  
>Director Behavioral Sciences  
>DoD/Counterintelligence Field Activity  
>703-699-7792  
>scott.shumate@CIFA.MIL  
>scott.shumate@CIFA.SMIL.MIL

>Sent from my BlackBerry Wireless Handheld  
>(www.BlackBerry.net)

>-----Original Message-----

>From: Behnke, Stephen <sbehnke@apa.org>  
>To: Fein, Robert\_Offsite **Robert Fein**  
>CC: Shumate, Scott (GOV) <Scott.Shumate@cifa mil>  
>Sent: Mon Oct 17 21:16:33 2005  
>Subject: RE: just saw this notice

>Thanks, Robert.

>From: Robert Fein **PRIVACY REDACTION**

>Sent: Mon 10/17/2005 5:00 PM

>To: Behnke, Stephen

>Cc: Scott.Shumate@cifa mil

>Subject: just saw this notice



> Steve,

>

> You probably knew about this, but just in

>case: I just saw the notice.

>

> Robert

>

> -----

> A Brookings Briefing to be held October 17, 2005

> U.S. Interrogation Practices: Are We

>Compromising Medical Ethics and

> Violating International Law?

>

> Announcement:

> At Abu Ghraib, Guantanamo, and "undisclosed

>locations," some U.S.

> military interrogators have used troubling

>methods to try to get their

> captives to talk. Many of their efforts have

>been widely reported; some

>

> may have risen to the level of torture under

>international law. What is

>

> less known, but equally disturbing, is that

>military doctors often

> become arbiters, even planners, of aggressive

>interrogation practice,

> including prolonged isolation, sleep

>deprivation and exposure to

> temperature extremes. The Brookings

>Institution will hold a briefing to

>

> examine whether the use of health

>professionals in devising aggressive

> interrogation strategies is unethical and/or

>contrary to international

> law.

>

> The briefing will be moderated by Michael E.

>O'Hanlon, senior fellow at

>

> Brookings, and will feature a dynamic group

>of panelists including:

> Alan

> A. Stone, M.D., Touroff-Glueck professor of

>law & psychiatry, Harvard

> Law School; Marc Sageman, M.D., Ph.D.,

>adjunct professor of psychology,

>

> University of Pennsylvania and consultant to

>the CIA & other

> intelligence agencies; David Irvine, retired

>Brigadier General, U.S.

> Army; Jonathan H. Marks, Greenwall fellow in

>Bioethics, Georgetown &

> Johns Hopkins Universities; and M. Gregg

>Bloche, visiting fellow at

> Brookings and professor of law at Georgetown

>University.

>



> A question and answer session will follow remarks.  
>  
>  
>  
><http://www.brookings.edu/comm/events/20051017guantanamo.htm>



**Sender:** Banks, Louie M. COL <louie.morgan.banks@us.army.mil>  
**Sent:** Wednesday, December 14, 2005 10:36:34 AM  
**Recipient:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>; Dunivin, Debra L LTC WRAMC-Wash DC <Debra.Dunivin@NA.AMEDD.ARMY.MIL>  
**Subject:** RE: on using psychologists but not psychiatrists in interrogations--please comment.  
**Attachments:** Suggested talking points.doc

---

Steve, see if these are helpful. I am available to talk anytime.

Morgan

COL L. Morgan Banks  
Director, Psychological Applications Directorate  
US Army Special Operations Command  
DSN 239-6833 COM (910) 432-6833  
PRIVACY REDACTION  
banksll@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Wednesday, December 14, 2005 9:44 AM  
To: Dunivin, Debra L LTC WRAMC-Wash DC; Banks, Louie M. COL  
Subject: RE: on using psychologists but not psychiatrists in interrogations--please comment.

Debra, I'm on the run at the moment, but thank you, that's very helpful...

Steve

-----Original Message-----

From: Dunivin, Debra L LTC WRAMC-Wash DC  
[<mailto:Debra.Dunivin@NA.AMEDD.ARMY.MIL>]  
Sent: Wednesday, December 14, 2005 7:46 AM  
To: Behnke, Stephen; Banks, Louie M. COL  
Subject: RE: on using psychologists but not psychiatrists in interrogations--please comment.

Steve, really hope you won't need that flak jacket, but I understand why you'd want one!

I think you have identified a number of really useful examples below - certainly intentional infliction of pain or use of medical information to harm someone is unacceptable. I like what you did using time as a factor with isolation in Voice of America piece. I hope you are given time to describe concepts like that and if so, that that they are not later taken out of context.

This whole concept of "reverse SERE engineering" just doesn't make sense. Here's what I propose as a way to address it - NEED MORGAN'S INPUT..

How about approaching it from an analogy that highlights the ridiculousness ...that we train people in what they need to know in order to perform certain functions and then make assumptions that people will use that knowledge and education for some kind of evil purpose is simply wrong.



E.g., like saying that we send physicians to medical school such that they learn sufficient medicine in order to be able to perform surgery and we assume that they are going to use that knowledge of human anatomy to murder people. (may be a better analogy, but as an example...)

We put safeguards, policies, and regulations in place so that doesn't happen. "SERE" is one component of overall training that not only helps behavior science consultants be effective, it helps to prevent the kinds of behavioral drift that occurs in situations like detentions and interrogations.

(BTW. The course itself is called Level C Code of Conduct Training, but I don't know that you need that.)

Hope this helps.  
Debra

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Wednesday, December 14, 2005 12:03 AM  
To: Banks, Louie M. COL; Dunivin, Debra L LTC WRAMC-Wash DC  
Subject: on using psychologists but not psychiatrists in interrogations--please comment.

Hi Morgan and Debra,

I anticipate on Thursday that examples of specific behaviors will be given. It would be helpful if I could cite examples of behaviors that we can say clearly fall under the definition of torture or cruel, inhuman, or degrading treatment. We've gone on records as saying that disrobing a detainee for the sole purpose of eliciting information is degrading, that exploitation of a phobia for the purpose of eliciting information is likewise unacceptable, and "waterboarding" falls under the definition of "torture or cruel, inhuman, or degrading."

In reviewing the psychiatrist's alternative position, a number of the terms are so vague as not to be helpful. Morgan, I agree with you completely about "coercive"--an interrogation is coercive by definition, insofar as you are not allowing an individual to leave a confined space, and we appropriately use coercion in numerous instances, for example when we confine an individual who is dangerous to self or others. The point is to define when coercion is appropriate and when it is not; a moment's reflection will yield numerous instances when everyone would agree it is ethically acceptable to use coercion. I don't think the psychiatrists' statement is helpful on that point.

As I review the other terms in the psychiatrists' statement, it seems we can agree that "excessive stimulation" is unacceptable; "degradation" is unacceptable because by definition it is degrading; and "intentional infliction of physical pain such as use of prolonged stress positions" would be cruel. Likewise, anything that would cause permanent physical or psychological damage would fall under the definition of torture or cruel, inhuman, or degrading treatment. Thus, all would be out of bounds for a psychologist to recommend. Does that sound reasonable to you?

Finally, I think it's very likely that "reverse SERE engineering" will be brought up. What can I say here?

Okay, thanks, very very glad you two are in my foxhole.



Steve

-----Original Message-----

From: Banks, Louie M. COL [<mailto:louie.morgan.banks@us.army.mil>]  
Sent: Tuesday, December 13, 2005 4:05 PM  
To: Behnke, Stephen; 'Debra.Dunivin@NA.AMEDD.ARMY.MIL'  
Subject: Re: on using psychologists but not psychiatrists in interrogations

Right. Standard negotiation practice. You're my hero.

COL L. Morgan Banks

Director Psychological Applications Directorate US Army Special Operations  
Command DSN 239-6833 COM (910) 432-6833 **PRIVACY REDACTION**

-----Original Message-----

From: Behnke, Stephen <sbehnke@apa.org>  
To: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>;  
Debra.Dunivin@NA.AMEDD.ARMY.MIL <Debra.Dunivin@NA.AMEDD.ARMY.MIL>  
Sent: Tue Dec 13 15:58:10 2005  
Subject: RE: on using psychologists but not psychiatrists in interrogations

Unfortunately, in the studio--otherwise I'd see if the two of you could be sending me email messages during the show

-----Original Message-----

From: Banks, Louie M. COL [<mailto:louie.morgan.banks@us.army.mil>]  
Sent: Tuesday, December 13, 2005 3:59 PM  
To: Behnke, Stephen; 'Debra.Dunivin@NA.AMEDD.ARMY.MIL'  
Subject: Re: on using psychologists but not psychiatrists in interrogations

Steve,

Will you be live in the studio with them, or will you be talking by phone?

COL L. Morgan Banks

Director Psychological Applications Directorate US Army Special Operations  
Command DSN 239-6833 COM (910) 432-6833 **PRIVACY REDACTION**

-----Original Message-----

From: Behnke, Stephen <sbehnke@apa.org>  
To: Dunivin, Debra L LTC WRAMC-Wash DC <Debra.Dunivin@NA.AMEDD.ARMY.MIL>  
CC: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>  
Sent: Tue Dec 13 15:51:23 2005  
Subject: RE: on using psychologists but not psychiatrists in interrogations

Debra, would you or Morgan have an extra flak jacket at home I could borrow?

(The word "inhuman" was used intentionally. It comes from a series of human rights/UN texts. People are always using "inhumane" instead, but the word in the texts that PENS looked to is "inhuman")

Thanks for your comments--I will be in touch,

Steve

-----Original Message-----



From: Dunivin, Debra L LTC WRAMC-Wash DC  
[mailto:[Debra.Dunivin@NA.AMEDD.ARMY.MIL](mailto:Debra.Dunivin@NA.AMEDD.ARMY.MIL)]  
Sent: Tuesday, December 13, 2005 2:22 PM  
To: Behnke, Stephen  
Cc: Banks, Louie M. COL  
Subject: RE: on using psychologists but not psychiatrists in interrogations

Oh, Steve.

My sympathies for what you are about to go through and my commendation for your willingness to do it. I'll use the same color in the text method that Morgan pioneered. I'm running short of comments though. This underlying assumption that we behave immorally and illegally is one I can't quite fathom and yet it is a strong undercurrent. So I guess it needs to be addressed. See below.

Another question - in the PENS report, was it intentional to refer to "torture and other cruel, inhuman, or degrading treatment" or was that intended to read "inhumane"?

Debra

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From: Behnke, Stephen [mailto:[sbehnke@apa.org](mailto:sbehnke@apa.org)]  
Sent: Monday, December 12, 2005 1:02 PM  
To: Banks, Louie M. COL; Dunivin, Debra L LTC WRAMC-Wash DC; banks1@soc.mil  
Subject: RE: on using psychologists but not psychiatrists in interrogations

Thanks, Morgan--I especially like your last comment, and intend to use it Thursday when she forcefully makes her points..."Huh?"

I'm going to be working on some talking points in the next couple of days, & will run them by you and Debra--If you have time, please let me know what you think.

As always, your thoughts and comments are much appreciated,

Steve

-----Original Message-----

From: Banks, Louie M. COL [mailto:[louie\\_morgan.banks@us.army.mil](mailto:louie_morgan.banks@us.army.mil)]  
Sent: Monday, December 12, 2005 12:10 PM  
To: Behnke, Stephen; Dunivin, Debra L LTC WRAMC-Wash DC; banks1@soc.mil  
Subject: RE: on using psychologists but not psychiatrists in interrogations

I will stick my comments into the text.

COL L. Morgan Banks  
Director, Psychological Applications Directorate US Army Special Operations  
Command DSN 239-6833 COM (910) 432-6833 **PRIVACY REDACTION**  
banks1@usasoc.socom.smil.mil/louie\_morgan.banks@us.army.mil

-----Original Message-----

From: Behnke, Stephen [mailto:[sbehnke@apa.org](mailto:sbehnke@apa.org)]  
Sent: Monday, December 12, 2005 10:53 AM



To: Dunivin, Debra L LTC WRAMC-Wash DC; banks1@soc.mil  
Subject: FW: on using psychologists but not psychiatrists in interrogations

Hey Morgan and Debra,

Nancy Sherman will be on the NPR program on Thursday that I will also be on--I'd really appreciate any thoughts on this article.

What continues to strike me is how much agreement there is--much of what she says in this article would receive the unqualified support of the American Psychological Association.

Thanks,

Steve

-----Original Message-----

From: Ken Pope **PRIVACY REDACTION**

Sent: Monday, December 12, 2005 8:52 AM

To: Ken Pope

Subject: on using psychologists but not psychiatrists in interrogations

This morning's \*Los Angeles Times\* includes an article: "Mind games at Gitmo" by Nancy Sherman.

The author note states: "NANCY SHERMAN, author of 'Stoic Warriors' (Oxford University Press, 2005), is a philosophy professor at Georgetown University."

Here's the article:

I RECENTLY visited the Guantanamo Bay Detention Center with a small group of civilian psychiatrists, psychologists, top military doctors and Department of Defense health affairs officials to discuss detainee medical and mental healthcare.

I am a military ethicist. The unspoken reason for the invitation to go on this unusual day trip was the bruising criticism the Bush administration has received for its use of psychiatrists and psychologists in the interrogation of suspected terrorist detainees.

We disembarked from our Navy jet to find an island lush and green from the recent storms. A small boat took us from the airfield to the naval hospital. From the boat there was no sign of Camp Delta, where the detainees are actually held. No sign of prisons or barbed wire or the detention facility's 505 inmates.

Our host was the commanding officer of Gitmo, Maj. Gen. Jay W. Hood (an artillery officer by training), who replaced Maj. Gen. Geoffrey Miller, implicated in the "migration" of torture methods from Gitmo to Abu Ghraib. Dressed in fatigues, Gen. Hood briefed us using PowerPoint. His intelligence director told us that interrogators have not used harsh "fear up" tactics < the ones designed to terrify < since 2003.

We went by bus from the naval hospital to the detention hospital for quick briefings from a psychiatrist and a physician. Still, we were not permitted to see any detainees or any of the hunger-striking inmates in the hospital, despite our requests. During our six hours on the ground, we had only a



fleeting glimpse of a few detainees outside their cellblocks behind barbed wire and screened fences.

Indeed, when I got home and saw the play "Guantanamo: Honor Bound to Defend Freedom" (by Victoria Brittain and Gillian Slovo) I had the disquieting feeling that I had absorbed more about detainee life at the theater than I had from actually being at Gitmo. This only amplified my anxiety that what I heard and saw during my VIP visit sidestepped the central moral issue of whether abuse is still occurring at Gitmo and whether health professionals are, or have been, a party to coercive interrogation.

The question that the Pentagon leadership has been focusing on, and which was a key subject of discussion during our day at Gitmo, is whether there is an ethical difference between using psychologists rather than psychiatrists on interrogation teams.

Might it be fair to note that this became an issue because the two professional associations addressed it differently? The associations came out with different policy statements with different conclusions (albeit ApA's were preliminary) and that now it appears there is more similarity in the positions than differences. That's what led to the discussion within military, not other way. Once broader facets of the professions were considered (e.g., psychiatrists in forensic/ law enforcement arenas as well as healthcare providers), their positions looked much more alike.

What some in the Pentagon would like is to have doctors and psychiatrists, who are bound by the Hippocratic oath to "do no harm," be the clinicians treating detainees. Psychologists, who do not swear to such an oath, would consult with and advise interrogators.

But this is a red herring. It is hair-splitting that detracts from the real issue of whether health professionals of any stripe can ethically be involved in interrogations that may involve coercive techniques or torture.

Here is the crux of her argument. The problem is that psychologists are not always health professionals. Psychologists run the gamut, from advertising consultants, to child psychologists. Would she say that I/O psychologists should not work to increase work efficiency.....

I think you can safely agree with her that no one can ethically (or legally) be involved with torture. (I wouldn't want to clump that with coercive - that's the slippery slope that Ron has addressed; any mandated treatment, etc, is coercive, but hard to make that analogy without a rough ride.)

The answer is clearly no. They should not be involved, directly or indirectly, in situations that may lead to the breach of confidential medical records, to torture or to cruel, inhumane and degrading treatment, or to exploitation of fears or phobias. Mental health professionals simply should not be collaborating with interrogators in inflicting psychological torture.

Her assumption that we are all just trying to cover up for abusive treatment is almost child-like in her logic. We do not allow psychologists who are supporting legal interrogations to also provide mental health care. But to say that once you are a psychologist, then you can never do anything else is absurd. I guess using my knowledge of human behavior when I buy a car is also immoral...



Hood said that "rapport building" was the preferred and effective interrogation technique, but that's no guarantee that rougher tactics won't be used.

The fact is that there is enormous pressure on the people at Guantanamo Bay to get good intelligence for the war on terror, and it's as easy for behavioral scientists as it is for interrogators to compromise their moral standards. Cunning and deception to extract information may in some cases be acceptable. But many people have been outraged to learn from media reports that methods military psychologists have developed to train our own troops to resist torture (the so-called survival, evasion, resistance and escape methods taught at Ft. Bragg) have been "reverse engineered" at Guantanamo Bay to create coercive, psychologically manipulative interrogation techniques for use against detainees.

Might you want to note that one of the purposes of training is so that folks do not succumb to the pressures to compromise, all that we teach on "behavioral drift" and monitoring behaviors, etc.?

Plato warned long ago that a doctor's skill, abstracted from good character and wisdom, is a neutral ability: It can be used to heal or to harm. So, too, the science of psychological trauma can also be the science of torture. How it is used is a matter of the virtue of the doctor.

A matter of virtue, perhaps, but also a matter of law and ethics.

Doctors should serve at Gitmo to treat patients for medical and mental health conditions. But the American Psychiatric Assn. and the American Psychological Assn. must insist their members shun practices that compromise professional conduct.

This is a non-sequitor. Assumes that any practice other than treating medical and mental health conditions compromises professional conduct.

Like the good soldier who should resist orders that may be lawful but immoral, the good military doctor must do the same. Huh?

Ken

18 Logical Fallacies in Psychology at  
<http://ks pope.com/fallacies/fallacies.php>

"The skill of writing is to create a context in which other people can think."

--Edwin Schlossberg



### Suggested talking points

It is unethical to allow abuse to occur. Psychologists assist in preventing abuse, as well as helping interrogators utilize effective methods of questioning. **To not perform this duty would be unethical.**

DoD SERE Level C training, which includes a simulated captivity situation, is designed to teach DoD personnel how to resist exploitation. The use of harsh techniques generally makes these personnel resist more.

Said another way – **Using harsh techniques in SERE INCREASES resistance to interrogation and exploitation.** That is why they are used in training.

**Harsh techniques were generally unsuccessful at producing reliable, useful information when used against US personnel during Vietnam, where there were NO constraints on the VN interrogator's behavior.**

The only “SERE technique” that has actually been described is that of “waterboarding.” The use of this technique on a detainee is abusive, and would be a violation of APA ethics, and of DoD regulations. If someone wants to use this technique, or any other method of abuse against a detainee, there is no need to “reverse engineer” anything. The bottom line is that **these techniques generally only increase effective resistance. Why would we want to increase the resistance ability of detainees?**

There is nothing to re-engineer. We use stress to teach DoD personnel how to resist under stressful conditions.

Understanding how DoD SERE programs are run without causing abuse, in spite of all their intensity, is very helpful in establishing safeguards for real detainees.

The fact that the abuse at Abu Ghraib occurred without any training or supervision is clear evidence that abuse occurs when there is NO oversight, not when we have psychologists on site.

#### **Examples:**

Abuse – Stripping someone for the purpose of humiliation.

Not abuse – Stripping someone for a complete physical, conducted by a physician, in order to make sure they receive proper medical care and are not abused in the future. The detainee may not know the purpose of the stripping.

Abuse – Threatening to kill a detainee's family if he does not comply.

Not abuse – Discussing a detainee's family and how he could better provide for them if he complied and were returned to them.



**Sender:** Judith Philipson [REDACTED]  
**Sent:** Tuesday, July 13, 2004 9:48:41 PM  
**Recipient:** Behnke, Stephen <sbehnke@apa.org>  
**Subject:** Re: July 20 lunch meeting at APA

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Dear Dr. Behnke,

Thanks for your note. I mentioned to Mel today that I had submitted Jim and Bruce's names, and he thought that it might be premature to bring them along for this initial meeting.

Thanks again. I look forward to meeting you.

Judy Philipson

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**From:** "Behnke, Stephen" <sbehnke@apa.org>  
**Date:** Mon, 12 Jul 2004 18:01:18 -0400  
**To:** "Judith Philipson" [REDACTED]  
**Subject:** RE: July 20 lunch meeting at APA

Dear Dr. Philipson,

Thank you very much. I look forward to meeting you.

Dr. Gravitz has been invited and will attend. Can you give me some (brief) background on Drs. Mitchell and Jessen?

Thank you for their contact information.

Stephen Behnke

-----Original Message-----

**From:** Judith Philipson [REDACTED]  
**Sent:** Monday, July 12, 2004 5:54 PM  
**To:** Behnke, Stephen  
**Subject:** Re: July 20 lunch meeting at APA

Thank you for your letter. I will be attending.

I would like to suggest three other psychologists who I think would be absolutely necessary for this discussion. We can discuss their bona fides by phone if you wish.

1. Dr. Mel Gravitz
2. Dr. James Mitchell [REDACTED]
3. Dr. Bruce Jessen [REDACTED]

I can get you Dr. Gravitz's email address tomorrow.

Thank you. I look forward to meeting with you.

--



**From:** "Behnke, Stephen" <sbehnke@apa.org>  
**Date:** Wed, 7 Jul 2004 18:47:10 -0400  
**To:** Judith Philipson  
**Subject:** July 20 lunch meeting at APA

> Dear Dr. Philipson,

>

> Events in our recent history, most notably the terrorist attacks of September 11, 2001 and the Abu Ghraib prison situation, have stimulated a great deal of interest in the ethics of using psychology and psychological techniques as tools in national security investigations. The American Psychological Association Ethics Office and the Science Directorate are convening a lunch meeting to explore what unique ethical issues such investigations raise. The meeting will be held at the American Psychological Association, 750 First Street, NE, Washington, DC, on Tuesday, July 20, from 12-2:30 pm in the sixth floor board room.

>

> The purpose of the meeting is to bring together people with an interest in the ethical aspects of national security-related investigations, to identify the important questions, and to discuss how we as a national organization can better assist psychologists and other mental health professionals sort out appropriate from inappropriate uses of psychology. We want to ask individuals involved in the work what the salient issues are, whether more or better guidance is needed, and how best to provide guidance (e.g., through ethics consultations) that may be deemed appropriate or helpful. I would like to emphasize that we will not advertise the meeting other than this letter to the individual invitees, that we will not publish or otherwise make public the names of attendees or the substance of our discussions, and that in the meeting we will neither assess nor investigate the behavior of any specific individual or group.

>

> Our specific goals for this meeting are to: 1) identify the ethical issues that arise in the use of psychology or psychological techniques in national security-related investigations; 2) discuss how the American Psychological Association and other professional and scientific organizations can serve as a resource for psychologists and mental health professionals who participate in national security-related investigations; 3) identify resources, for example journal articles that raise and address the relevant ethical issues, as well as other individuals with a particular interest or expertise in this area; and 4) determine whether ongoing contacts among the group would be useful, for example additional meetings to continue our discussion, panels or workshops at national conferences, or articles in journals or newsletters to stimulate discussion in the broader



investigative and intelligence communities .

>

> The Ethics Office and Science Directorate would like to take a forward looking, positive approach, in which we convey a sensitivity to and appreciation of the important work mental health professionals are doing in the national security arena, and in a supportive way offer our assistance in helping them navigate through thorny ethical dilemmas, if they feel that need (informal conversations with people in the field suggest the need is there).

>

> Please let me know at your earliest convenience whether you will be able to attend the meeting. In your response, please be sure to include your full name and your title (as well as any dietary restrictions). If you have specific questions or issues that you would like to raise, please feel free to send them to me by email in advance of the meeting. Also, if you know of an individual who you think would make a substantial contribution to the meeting, please send me that person's name and contact information. Finally, I will be sending email messages to you as a group; if you do not want your email address to appear either in that list or in an attendance list that will be passed out at the meeting, please let me know.

>

> Thank you, and I look forward to our discussion on July 20.

>

> Sincerely,

>

> Stephen Behnke

> Director, APA Ethics Office

> (202) 336-6006

>

>

>



**Sender:** Pat DeLeon **PRIVACY REDACTION**  
**Sent:** Friday, July 09, 2004 10:20:15 PM  
**Recipient:** Behnke, Stephen <sbehnke@apa.org>  
**Subject:** RE: July 20 lunch meeting at APA

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Hard to get away when Senate is in session

At 09:16 AM 7/9/2004 -0400, you wrote:  
>Hope so--



**Sender:** Band, Stephen R. [REDACTED]  
**Sent:** Thursday, July 08, 2004 8:29:44 AM  
**Recipient:** Behnke, Stephen <sbehnke@apa.org>  
**Cc:** Pinizzotto, Anthony J.. [REDACTED]  
**Subject:** RE: July 20 lunch meeting at APA

---

Steve,

It's nice to be reassured the meeting and names/affiliations of attendees will not be a media event for the Monitor or other media outlets. If he is not already invited, Dr. Anthony Pinizzotto, FBI-Behavioral Science Unit (e-mail:

[REDACTED] [REDACTED] is recommended for your list of invitees. Your thoughtful e-mail is appreciated. See ya there!

Sincerely yours,

steve

Stephen R. Band, Ph.D.  
Chief, FBI-Behavioral Science Unit  
[REDACTED]

-----Original Message-----

From: Behnke, Stephen [mailto:sbehnke@apa.org]  
Sent: Wednesday, July 07, 2004 3:54 PM  
To: Band, Stephen R.  
Subject: July 20 lunch meeting at APA

> Dear Steve,

>

> Events in our recent history, most notably the terrorist attacks of September 11, 2001 and the Abu Ghraib prison situation, have stimulated a great deal of interest in the ethics of using psychology and psychological techniques as tools in national security investigations. The American Psychological Association Ethics Office and the Science Directorate are convening a lunch meeting to explore what unique ethical issues such investigations raise. The meeting will be held at the American Psychological Association, 750 First Street, NE, Washington, DC, on Tuesday, July 20, from 12-2:30 pm in the sixth floor board room.

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>

> Our specific goals for this meeting are to: 1) identify the ethical issues that arise in the use of psychology or psychological techniques in national security-related investigations; 2) discuss how the American Psychological Association and other professional and scientific organizations can serve as a resource for psychologists and mental health professionals who participate in national security-related investigations; 3) identify resources, for example journal articles that raise and address the relevant ethical issues, as well as other individuals with a particular interest or expertise in this area; and 4) determine whether ongoing contacts among the group would be useful, for example additional meetings to continue our discussion, panels or workshops at national conferences, or articles in journals or newsletters to stimulate discussion in the broader investigative and intelligence communities.

>

> The Ethics Office and Science Directorate would like to take a forward looking, positive approach, in which we convey a sensitivity to and appreciation of the important work mental health professionals are doing in the national security arena, and in a supportive way offer our assistance in helping them navigate through thorny ethical dilemmas, if they feel that need (informal conversations with people in the field suggest the need is there).

>

> Please let me know at your earliest convenience whether you will be able to attend the meeting. In your response, please



be sure to include your full name and your title (as well as any dietary restrictions). If you have specific questions or issues that you would like to raise, please feel free to send them to me by email in advance of the meeting. Also, if you know of an individual who you think would make a substantial contribution to the meeting, please send me that person's name and contact information. Finally, I will be sending email messages to you as a group; if you do not want your email address to appear either in that list or in an attendance list that will be passed out at the meeting, please let me know.

>  
> Thank you, and I look forward to our discussion on July 20.

>  
> Sincerely,

>  
Steve

> Stephen Behnke  
> Director, APA Ethics Office>  
> (202) 336-6006

>  
>  
>



**Sender:** Laumeier, Emily </O=APA/OU=DC/CN=RECIPIENTS/CN=ELL>  
**Sent:** Wednesday, August 31, 2005 12:05:59 PM  
**Recipient:** Behnke, Stephen <sbehnke@apa.org>  
**Cc:** Jacobson, Rhea <rjacobson@apa.org>; Laumeier, Emily <elaumeier@apa.org>  
**Subject:** Extremely rough Council minute and my comments

---

Hi Steve,

At very bottom is the extremely rough Council minute from Maureen. The Council accepted points 1-7 (which were lifted directly from the Board minute), but then they also added points 8-11. Your direction is now needed to keep us moving forward.

Here are my notes in case it might be helpful:

Regarding the confusion about whether the Ethics Committee or the Task Force will be needing to hold an additional meeting, Maureen feels confident that we can craft the item based upon what you decide we need to do. Her impression is that the PENS group recommended that the Ethics Committee could do the work, but then the Board and Council wanted the PENS group and Ethics Committee to consult together in the work, which has made it unclear about which group might be attending a meeting versus which group is consulting/helping. Thus it is now up to you to figure out a way to make it work, (and Maureen is confident that the Board/Council will support the way you choose).

Some deadlines we need to be sensitive about are:

Getting the funding for a meeting of whatever group (need to write a December Board item), December 31, 2005 deadline for a comment process on the report and a casebook. (Yow, that is fast and will need to be implemented **right away** in order to make that deadline!)

I have reviewed the Council minute to try to identify specific tasks.

The most concrete tasks implied by the Council action include:

- Comment period/casebook (due December 31, 2005) (Point 2)
- December Board item to request funding for a meeting (Point 2)
- Statement or resolution to address research relevant to national security (Point 5)
- Statement or resolution to address behavioral science collaboration relevant to terrorism (Point 6)
- Address Ethics Code revision re: "in keeping with basic principles of human rights" (Point 8)

But don't forget the other points which also need implementation plans:

- Continue to examine goodness of fit in Ethics Code... (Point 3)
- Develop consultation process...(Point 4)
- Explore repository...(Point 7)
- [APA should] publicize the 1986 resolution against torture...(Point 10)
- Specific allegations to be referred to Ethics Office... (Point 11)

-----Original Message-----

**From:** O'Brien, Maureen



**Sent:** Wednesday, August 31, 2005 11:21 AM  
**To:** Laumeier, Emily  
**Subject:**

Council voted to approve the following motions in response to the Report of the Presidential Task Force on Psychological Ethics and National Security (PENS):

1. Council reaffirms the following Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment (originally adopted by Council in 1986):

WHEREAS the American psychologists are bound by the Ethical Principles to “respect the dignity and worth of the individual and strive for the preservation and protection of fundamental human rights” and;

WHEREAS the existence of state-sponsored torture and other cruel, inhuman, or degrading treatment has been documented in many nations around the world and;

WHEREAS psychological knowledge and techniques may be used to design and carry out torture and;

WHEREAS torture victims may suffer from long-term, multiple psychological and physical problems,

BE IT RESOLVED that the American Psychological Association condemns torture wherever it occurs, and

BE IT FURTHER RESOLVED that the American Psychological Association supports the U.N. Declaration and Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and the U.N. Principles of Medical Ethics, as well as the joint congressional Resolution opposing torture that was signed into law by President Reagan on October 4, 1984.

2. Council endorses APA creating a process whereby interested individuals and groups, from in- and outside APA, be asked to comment on the report in order to raise questions or concerns, for the purpose of writing an informative casebook and commentary with illustrative examples, with a comment period until December 31, 2005.

Council also requests that an item be forwarded to the Board at its December meeting that will address funding for a meeting of the PENS Task Force, which will write the casebook and commentary in collaboration with the APA Ethics Committee.

3. Council requests that the APA Ethics Committee, with consultation from the PENS Task Force as appropriate, continues to examine the goodness of fit between the Ethics Code and this area of research and practice.

4. Council requests that the Ethics Committee and Office begin to develop a process to offer ethics consultation to psychologists whose work involves classified material and who seek ethical guidance.

5. Council requests that the Ethics Committee, in consultation with the PENS Task Force, the Board of Professional Affairs, the Board of Scientific Affairs and Division 19, be charged with developing a statement or resolution to be forwarded to Council for adoption that will address further research relevant to national security, including evaluation of the efficacy and effectiveness of methods for gathering information that is accurate, relevant, and reliable. The statement or resolution should make clear that such research should be designed to minimize risks such as



emotional distress to research participants and other individuals involved in interrogation processes, and should be consistent with standards of human subject research protection and the APA Ethics Code.

6. Council requests that the Ethics Committee, in consultation with the PENS Task Force, the Board of Professional Affairs, the Board of Scientific Affairs and Division 19, be charged with developing a statement or resolution to be forwarded to Council for adoption, recognizing that issues involving terrorism and national security affect citizens in all countries and so encouraging behavioral scientists to collaborate across disciplines, cultures, and countries in addressing these critical concerns.

7. Council requests that the APA Central Office explore the feasibility of creating a repository to record psychologists' contributions to national security that will serve as a historical record and a resource concerning how psychologists involved in national security-related activities have met the ethical challenges of their work. Exploring the feasibility of creating such a repository will take into consideration that much of the relevant material may be classified and thus not publicly available.

8. Council requests that the APA Ethics Committee review the discrepancy between the language of the Introduction and Applicability section of the *Ethical Principles of Psychologists and Code of Conduct* and Ethical Standard 1.02, and make a recommendation to the Board of Directors concerning adding the words "in keeping with basic principles of human rights" to Ethical Standard 1.02. Council requests that this process move forward as expeditiously as reasonably possible, recognizing that a proposed amendment to the *Ethical Principles of Psychologists and Code of Conduct* will be subject to the review procedures required by Association Rule 30-8, Standards and Guidelines, and final Council action.

9. Council acknowledges, based on the U.N. Convention Against Torture, that there are no exceptional circumstances whatsoever, whether induced by a state of war or a threat of war, internal political instability or any other public emergency, that may be invoked as a justification for torture, including the invocation of laws, regulations, or orders.

10. Council directs APA to publicize both within and outside APA the 1986 resolution concerning human rights and torture.

11. In light of concerns about the possibility that individuals may have directly or indirectly participated in cruel, inhuman, or degrading treatment or torture at Guantanamo Bay and in other national or international situations, Council directs that any specific allegations against an APA member shall be referred to the Ethics Office.



**Sender:** Gilfoyle, Nathalie </O=APA/OU=DC/CN=RECIPIENTS/CN=NPG>  
**Sent:** Monday, November 14, 2005 11:07:30 AM  
**Recipient:** Behnke, Stephen <sbehnke@apa.org>  
**Subject:** Well..

---

Just remember you are doing important stuff or you wouldn't be in the middle of such a maelstrom. So far no body blows as far as I can tell. I thought in the Sunday NYT piece ApA seemed inconsistent . I wasn't too bothered by how we were portrayed. Haven't read the other stuff today . SERE is a real question but it doesn't pose issues for APA 's statements it seems to me.

On a different note ( a possible distraction) would you translate the following for me? Fortisan haec olim mememisse iuvabit. It came at the end of an email from Gerry Davison and I want to know what he is up to . I seem to have picked up some if not all of the words but I can't get the meaning . Ok -- carry on! N

*Nathalie Gilfoyle  
General Counsel  
American Psychological Association  
750 First Street , N.E.  
Washington, D.C. 20002  
202-336-6186*

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**Sender:** Rollins Kenneth D. Col JPRA/HF <Kenneth.Rollins@jp.ra.jfcom.mil>  
**Sent:** Monday, November 14, 2005 9:21:11 AM  
**Recipient:** Behnke, Stephen  
</O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>;louie.morgan.banks@us.army.mil;scott.gary.gg-14.jp.ra/hf <gary.percival@fairchild.af.mil>;carroll.green@hurlburt.af.mil  
**Subject:** New DODD  
**Attachments:** DODD 3115.09 11-3-05.doc

---

Thanks to all for your hard work, we are now in an official DODD.  
Ken Rollins  
JPRA Human Factors

<<DODD 3115.09 11-3-05.doc>>





# Department of Defense **DIRECTIVE**

**NUMBER 3115.09**

November 3, 2005

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USD(I)

**SUBJECT:** DoD Intelligence Interrogations, Detainee Debriefings, and Tactical Questioning

References: (a) Title 10, United States Code  
(b) Title 50, United States Code  
(c) Executive Order 12333, "United States Intelligence Activities," December 4, 1981, as amended  
(d) DoD Directive 2310.01, "DoD Detainee Program," August 18, 1994, under revision  
(e) through (j), see enclosure 1

## 1. PURPOSE

By the authority vested in the Secretary of Defense under references (a) through (c), this Directive:

1.1. Consolidates and codifies existing Departmental policies, including the requirement for humane treatment during all intelligence interrogations, detainee debriefings, or tactical questioning to gain intelligence from captured or detained personnel.

1.2. Assigns responsibilities for intelligence interrogations, detainee debriefings, tactical questioning, and supporting activities conducted by DoD personnel.

1.3. Establishes requirements for reporting violations of the policy regarding humane treatment during intelligence interrogations, detainee debriefings, or tactical questioning.

## 2. APPLICABILITY AND SCOPE

This Directive:

2.1. Applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Inspector General of the Department of Defense (DoD IG), the Defense Agencies, the DoD Field Activities, and all other



organizational entities in the Department of Defense (hereafter referred to collectively as the “DoD Components”).

2.2. Applies to all intelligence interrogations, detainee debriefings and tactical questioning conducted by DoD personnel (military and civilian), contractor employees under DoD cognizance, and DoD contractors supporting such interrogations, to the extent incorporated into such contracts.

2.3. Applies to DoD contractors assigned to or supporting DoD Components, to the extent incorporated into such contracts.

2.4. Applies to non-DoD civilians as a condition of permitting access to conduct intelligence interrogations, debriefings, or other questioning of persons detained by the Department of Defense.

2.5. Does not apply to interrogations or interviews conducted by DoD law enforcement or counterintelligence personnel primarily for law enforcement purposes. Law enforcement and counterintelligence personnel conducting interrogations or other forms of questioning primarily for intelligence collection are bound by the requirements of this Directive.

### 3. POLICY

It is DoD policy that:

3.1. All captured or detained personnel shall be treated humanely, and all intelligence interrogations, debriefings, or tactical questioning to gain intelligence from captured or detained personnel shall be conducted humanely, in accordance with applicable law and policy. Applicable law and policy may include the law of war, relevant international law, U.S. law, and applicable directives, including DoD Directive 2310.01, (under revision), (reference (d)), instructions or other issuances. Acts of physical or mental torture are prohibited.

3.2. All reportable incidents, as defined in enclosure 2, allegedly committed by any DoD personnel or DoD contractors, shall be:

3.2.1. Promptly reported as outlined in enclosure 3.

3.2.2. Promptly and thoroughly investigated by proper authorities, and

3.2.3. Remedied by disciplinary or administrative action, when appropriate. On-scene commanders and supervisors shall ensure measures are taken to preserve evidence pertaining to any reportable incident.

3.3. Reportable incidents allegedly committed by non-DoD U.S. personnel or by coalition, allied, host nation, or any other persons shall be reported as outlined in this Directive and referred to proper authorities for investigation. Any additional DoD investigation of such



incidents shall be conducted only at the direction of the appropriate Combatant Commander, the DoD IG, the Under Secretary of Defense for Intelligence (USD(I)), or higher authority.

3.4. All DoD Components shall comply with the following general principles of interrogation operations:

3.4.1. Intelligence interrogations will be conducted in accordance with applicable law, this Directive and implementing plans, policies, orders, directives, and doctrine developed by the DoD Components and approved by USD(I), unless otherwise authorized, in writing, by the Secretary of Defense or Deputy Secretary of Defense.

3.4.2. Tactical questioning may be conducted by any DoD personnel trained in accordance with subparagraph 4.6.5. Intelligence interrogations will be conducted only by interrogators properly trained and certified in accordance with subparagraph 4.1.9.2.

3.4.3. Medical Issues. Decisions regarding appropriate medical treatment of detainees and the sequence and timing of that treatment are the province of medical personnel. Medical program support for detainee operations is governed by policies set forth by the Assistant Secretary of Defense for Health Affairs (ASD(HA)), under the Under Secretary of Defense for Personnel and Readiness (USD(P&R)). Detainees determined by medical personnel to be medically unfit to undergo interrogation will not be interrogated.

3.4.3.1. Reporting. Medical personnel will promptly report suspected abuse to the proper authorities, as outlined in medical policies issued by the ASD(HA) and specified in enclosure 3.

3.4.3.2. Medical Information. Generally, information pertaining to medical conditions and care provided to patients, including medical care for detainees, is handled with respect for patient privacy. Under U.S. and international law, there is no absolute confidentiality of medical information for any person, including detainees. Release of medical information for purposes other than treatment is governed by standards and procedures set forth by the ASD(HA). Medical information may be released for all lawful purposes, in accordance with such standards and procedures, including release for any lawful intelligence or national security-related activity.

3.4.3.3. Behavioral Science Consultants. Behavioral science consultants are authorized to make psychological assessments of the character, personality, social interactions, and other behavioral characteristics of interrogation subjects, and to advise authorized personnel performing lawful interrogations regarding such assessments in accordance with subparagraph 4.3.3. Those who provide such advice may not provide medical care for detainees except in an emergency when no other health care providers can respond adequately.

3.4.4. Detention Operations Issues. DoD personnel responsible for detention operations, including Military Police, Security Forces, Master at Arms, and other individuals providing security for detainees are responsible for ensuring the safety and well being of detainees in their custody. They shall not directly participate in the conduct of interrogations.



3.4.4.1. The detention facility commander or designee, in accordance with applicable law and policy, may cooperate in responding to requests to facilitate interrogation operations. Applicable law and policy may include U.S. law, the law of war, relevant international law, and applicable directives, instructions or other issuances. Disagreements concerning such requests shall be resolved by the Joint Task Force Commander, the Combatant Commander, or other designated authority, after consultation with the servicing Staff Judge Advocate. Any remaining disagreements shall be resolved by the Under Secretary of Defense for Policy (USD(P)), after consultation with the USD(I) and the DoD General Counsel (GC).

3.4.4.2. Detention personnel shall report information and observations relevant to interrogation operations, such as detainee behavior, attitudes, and relationships, in accordance with procedures established by the detention facility commander or higher authority.

3.4.4.3. Any other U.S. Government agencies, foreign government representatives, or other parties who request to conduct intelligence interrogations, debriefings, or other questioning of persons detained by the Department of Defense must agree to abide by DoD policies and procedures before being allowed access to any detainee under DoD control. Such agreement shall be formalized in a written document signed by the agency, government representative, or party requesting access to a detainee. A trained and certified DoD interrogator shall monitor all interrogations, debriefings, and other questioning conducted by non-DoD or non-U.S. Government agencies or personnel. If an interrogator is not available, a DoD representative with appropriate training and experience shall monitor the interrogation, debriefing, or other questioning. The DoD monitor shall terminate the interrogation, debriefing, or other questioning, and report to higher authorities if the other party does not adhere to DoD policies and procedures.

3.4.4.4. Military working dogs, contracted dogs, or any other dog in use by a government agency shall not be used as part of an interrogation approach nor to harass, intimidate, threaten, or coerce a detainee for interrogation purposes.

#### 4. RESPONSIBILITIES

4.1. The Under Secretary of Defense for Intelligence shall:

4.1.1. Exercise primary staff responsibility for DoD intelligence interrogations, detainee debriefings, and tactical questioning and serve as the advisor to the Secretary and Deputy Secretary of Defense regarding DoD intelligence interrogations policy.

4.1.2. Serve as primary DoD liaison between the Department and the Intelligence Community on matters related to intelligence interrogations, detainee debriefings, and tactical questioning.

4.1.3. Provide oversight of operations concerning intelligence interrogations, detainee debriefings, and tactical questioning, and ensure overall development, coordination, approval,



and promulgation of DoD policies and implementation plans related to intelligence interrogations, detainee debriefings, and tactical questioning, including coordination of such proposed policies and plans with other Federal departments and agencies as necessary.

4.1.4. Review, approve, and ensure coordination of all DoD Component implementation plans, policies, orders, directives, and doctrine related to intelligence interrogation operations. DoD Components will forward two copies of implementing documents to the USD(I) for review and to the Director of DIA, as the Defense HUMINT Manager.

4.1.5. Refer reportable incidents not involving DoD personnel to applicable Federal agencies, foreign governments, or other authorities. Coordinate with appropriate OSD entities and other Federal agencies, as appropriate, prior to referral.

4.1.6. Review proposed funding by the Military Departments according to subparagraph 4.4.2., in coordination with the Military Departments, the USD(P&R), the Under Secretary of Defense (Comptroller), and the DoD GC.

4.1.7. Develop policies and procedures, in coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics, the DoD GC, and the appropriate DoD Components, to ensure all contracts in support of intelligence interrogation operations and detainee debriefings include the obligation to abide by the standards in this Directive and exclude performance of inherently governmental functions in accordance with DoD Directive 1100.4 (reference (e)) and that all contractor employees are properly trained.

4.1.8. Ensure the Director of the Defense Intelligence Agency (DIA):

4.1.8.1. Plans, executes, and oversees DIA intelligence interrogation operations.

4.1.8.2. Issues appropriate intelligence interrogation implementing guidance and forwards it for review in accordance with subparagraph 4.1.4.

4.1.8.3. Institutes programs within DIA to:

4.1.8.3.1. Comply with this Directive.

4.1.8.3.2. Ensure all plans, policies, orders, directives, training, doctrine, and tactics, techniques, and procedures issued by DIA or its subordinate elements are in accordance with this Directive and subject to periodic review and evaluation, particularly considering any reported violations.

4.1.9. Ensure the Defense Human Intelligence (HUMINT) Manager, in accordance with USD(I) memorandum dated December 14, 2004 (reference (f)):



4.1.9.1. Includes DoD intelligence interrogations and detainee debriefings in the periodic assessment of DoD HUMINT enterprise activities, including an assessment of the effectiveness of intelligence interrogations.

4.1.9.2. Establishes interrogation training and certification standards, in coordination with applicable DoD Components, to ensure all personnel who conduct DoD intelligence interrogations are properly trained and certified, including appropriate training in applicable laws and policies in accordance with paragraph 3.1.

4.2. The Under Secretary of Defense for Policy shall coordinate with the USD(I) on all detainee-related policies and publications that affect intelligence interrogations and detainee debriefings. The USD(P) retains primary staff responsibility for DoD policy oversight of the DoD detainee program.

4.3. The Under Secretary of Defense for Personnel and Readiness shall:

4.3.1. Coordinate with USD(I) and the Secretaries of the Military Departments to ensure interrogators have appropriate language skills and training to support interrogation operations and trained and professional interpreters and other personnel are available to augment and support interrogation operations.

4.3.2. Provide overall guidance in accordance with reference (e), including on the performance of inherently governmental functions.

4.3.3. Ensure the ASD(HA) develops policies, procedures and standards for medical program activities affecting intelligence interrogation activities, in accordance with this Directive and in coordination with USD(I).

4.4. The Secretaries of the Military Departments shall:

4.4.1. Implement policies in accordance with this Directive. To the extent required, forward two copies of implementing documents to the USD(I) for review in accordance with paragraph 4.1.4., and to the Director of DIA, as the Defense HUMINT Manager.

4.4.2. Plan, program, and budget for adequate resources to ensure sufficient numbers of trained interrogators, interpreters, and other personnel are available to conduct intelligence interrogation operations.

4.4.3. Train and certify interrogators in accordance with the standards established pursuant to this Directive.

4.4.4. Provide training on the conduct of tactical questioning for appropriate personnel.



4.4.5. Coordinate with the Combatant Commanders or other appropriate authorities to ensure prompt reporting and investigation of reportable incidents committed by members of their respective Military Departments, or persons accompanying them, in accordance with the requirements of enclosure 3, and ensure the results of such investigations are provided to appropriate authorities for possible disciplinary or administrative action as appropriate.

4.5. The Chairman of the Joint Chiefs of Staff shall provide appropriate oversight to the Commanders of the Combatant Commands to ensure their intelligence interrogation operations, detainee debriefings, and tactical questioning policies and procedures are consistent with this Directive.

4.6. The Commanders of the Combatant Commands shall:

4.6.1. Develop and submit Combatant Command level guidance, orders, and policies (to include policies governing third-party interrogations) implementing this Directive through the Chairman of the Joint Chiefs of Staff to USD(I) for review in accordance with paragraph 4.1.4., and to the Director of DIA, as the Defense HUMINT Manager.

4.6.2. Plan, execute, and oversee Combatant Command intelligence interrogation operations, detainee debriefings, and tactical questioning in accordance with this Directive.

4.6.3. Ensure all intelligence interrogation and detainee debriefing plans, policies, orders, directives, training, doctrine, and tactics, techniques, and procedures issued by subordinate commands and components are consistent with this Directive and USD(I) approved policies, and that they and are subject to periodic review and evaluation.

4.6.4. Ensure personnel who may be involved in intelligence interrogations have been trained and certified consistent with the standards established according to this Directive.

4.6.5. Ensure personnel who may be involved in detainee debriefings and tactical questioning have been appropriately trained.

4.6.6. Ensure third-party interrogations are conducted in accordance with subparagraph 3.4.4.3.

4.6.7. In coordination with the Secretaries of the Military Departments, ensure reportable incidents involving DoD personnel or coalition, allied, host nation, or any other persons are promptly reported to appropriate authorities in accordance with enclosure 3, that violations by DoD personnel are properly and thoroughly investigated, and the results of such investigations are provided to appropriate authorities for possible disciplinary or administrative action.

4.6.8. Coordinate with USD(I) and DoD GC, through the Chairman of the Joint Chiefs of Staff, regarding whether a DoD investigation is required for reportable incidents involving non-DoD personnel.



## 5. INFORMATION REQUIREMENTS

The reporting requirements in this Directive are exempt from licensing according to paragraphs C4.4.7. and C4.4.8. of DoD 8910.1-M (reference (g)).

## 6. EFFECTIVE DATE AND IMPLEMENTATION

6.1. This Directive is effective immediately.

6.2. The policy in the Directive shall be disseminated at all levels of command and to all DoD Components that conduct intelligence interrogations, detainee debriefings, or tactical questioning, to gain intelligence from captured or detained personnel. DoD Components will comply with paragraph 4.1.4, as required.



Gordon England *ACTING* 11-3-05

Enclosures – 3

- E1. References, continued
- E2. Definitions
- E3. Reportable Incident Requirements



E1. ENCLOSURE 1

REFERENCES, continued

- (e) DoD Directive 1100.4, "Guidance for Manpower Management," February 12, 2005
- (f) Under Secretary of Defense for Intelligence Memorandum, "Guidance for the Conduct and Oversight of Defense Human Intelligence (HUMINT)," December 14, 2004
- (g) DoD 8910.1-M, "DoD Procedures for Management of Information Requirements," June 1998
- (h) DoD Directive 5100.77, "DoD Law of War Program," December 9, 1998
- (i) DoD 5240.1-R, "Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons," December 1982
- (j) DoD Instruction 5240.4, "Reporting of Counterintelligence and Criminal Violations," September 22, 1992



## E2. ENCLOSURE 2

### DEFINITIONS

Terms listed below are defined as used in this Directive.

E2.1.1. Captured or Detained Personnel. For the purposes of this Directive, “captured or detained personnel” or “detainee” refers to any person captured, detained, held, or otherwise under the control of DoD personnel (military and civilian, or contractor employee). It does not include DoD personnel being held for law enforcement purposes.

E2.1.2. Debriefing. The process of questioning cooperating human sources to satisfy intelligence requirements, consistent with applicable law. The source may or may not be in custody. His or her willingness to cooperate need not be immediate or constant. The debriefer may continue to ask questions until it is clear to the debriefer that the person is not willing to volunteer information or respond to questioning.

E2.1.3. Intelligence Interrogation. The systematic process of using approved interrogation approaches to question a captured or detained person to obtain reliable information to satisfy intelligence requirements, consistent with applicable law.

E2.1.4. Law of War. The part of international law that regulates the conduct of armed hostilities and occupation. It is often called the “law of armed conflict” and encompasses all international law applicable to the conduct of hostilities that is binding on the United States or its individual citizens, including treaties and international agreements to which the United States is a party, and applicable customary international law.

E2.1.5. Reportable Incident. Any suspected or alleged violation of DoD policy, procedures, or applicable law relating to intelligence interrogations, detainee debriefings or tactical questioning, for which there is credible information.

E2.1.6. Tactical Questioning. Direct questioning by any DoD personnel of a captured or detained person to obtain time-sensitive tactical intelligence, at or near the point of capture or detention and consistent with applicable law.



### E3. ENCLOSURE 3

#### REPORTABLE INCIDENT REQUIREMENTS

E3.1.1. Reports of Incidents. All military and civilian personnel and DoD contractors who obtain information about a reportable incident will immediately report the incident through their chain of command or supervision. Interrogation support contracts will require contractor employees to report reportable incidents to the commander of the unit they are accompanying, the commander of the installation to which they are assigned, or to the Combatant Commander. Reports also may be made through other channels, such as the military police, a judge advocate, a chaplain, or an Inspector General, who will then forward a report through the appropriate chain of command or supervision. Reports made to officials other than those specified in this paragraph shall be accepted and immediately forwarded through the recipient's chain of command or supervision, with an information copy to the appropriate Combatant Commander.

E3.1.2. Initial Report. Any commander or supervisor who obtains credible information about a reportable incident shall immediately report the incident through command or supervisory channels to the responsible Combatant Commander, or to other appropriate authority for allegations involving personnel who are not assigned to a Combatant Commander. In the latter instance, an information report shall also be sent to the Combatant Commander with responsibility for the geographic area where the alleged incident occurred.

E3.1.3. The Combatant Commanders, the Secretaries of the Military Departments, and similar authorities shall establish procedures and report, by the most expeditious means available, all reportable incidents to the Chairman of the Joint Chiefs of Staff, the USD(I), the DoD GC, the Director of DIA, and the DoD IG. Reports shall specify any actions already taken and identify the investigating authority, or explain why an inquiry or investigation is not possible, practicable, or necessary.

E3.1.4 The Combatant Commander or other appropriate authority shall ensure an appropriate inquiry or investigation is conducted. Final reports will be forwarded consistent with the procedures established in paragraph E3.1.3.

E3.1.4.1. When appropriate, submit a report, in accordance with DoD Directive 5100.77 (reference (h)) concerning any reportable incidents under the DoD Law of War Program; when intelligence component personnel are involved in any questionable activity, submit a report to the appropriate intelligence component General Counsel or Inspector General or to the Assistant to the Secretary of Defense for Intelligence Oversight under Procedure 15 of DoD 5240.1-R (reference (i)) for the identification, investigation, and reporting of questionable intelligence activities. When appropriate, submit a report in accordance with DoD Instruction 5240.4 (reference (j)). Multiple reporting may be required for a single credible allegation. The Commanders or supervisors shall coordinate with legal counsel to determine whether a single inquiry or investigation is appropriate.



**Sender:** Banks, Louie M. COL <louie.morgan.banks@us.army.mil>  
**Sent:** Monday, November 14, 2005 8:27:26 AM  
**Recipient:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Subject:** RE: Quick call?

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As always, great talking to you -- you are taking heat doing VERY important work. I do not want to speculate the outcome if psychologists are not allowed to participate. (Call me anytime, night or day. I have a new cell number, listed below.)

Morgan

COL L. Morgan Banks  
Director, Psychological Applications Directorate  
US Army Special Operations Command  
DSN 239-6833 COM (910) 432-6833  
**PRIVACY REDACTION**  
banks1@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Thursday, November 10, 2005 10:01 PM  
To: Banks, Louie M. COL  
Subject: RE: Quick call?

Thanks, Morgan--that was very helpful. I really appreciate your being available on such short notice. The story is on the difference between our position and that of the American Psychiatric Association. I didn't get a particularly good feeling from the reporter, but I think we need to put our best foot forward--I'm comfortable that we'll do well by the court of public opinion.

Thanks again,

Steve

-----Original Message-----

From: Banks, Louie M. COL [<mailto:louie.morgan.banks@us.army.mil>]  
Sent: Wednesday, October 12, 2005 9:03 PM  
To: Behnke, Stephen  
Subject: RE: Quick call?

Steve,

I was traveling all today. I will be at work off and on tomorrow AM, and then out of cell phone range during the afternoon, then back up again in the evening. You can call me anytime on my cell. If I cannot talk I will say so, but usually if I answer I can talk. If I have not heard from you by tomorrow late afternoon, I will try to reach you.

I just got the word that I can release our current Army draft policy on the use of psychologists providing interrogation support to Dr. Levant. I will be sending it to him tomorrow. I think it will answer a lot of questions prior to his trip next week.

Hope you are well.

APA\_0046027



Morgan

COL L. Morgan Banks

Director, Psychological Applications Directorate US Army Special Operations

Command DSN 239-6833 COM (910) 432-6833 **PRIVACY REDACTION**

banks1@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]

Sent: Wednesday, October 12, 2005 4:27 PM

To: Banks, Louie M. COL

Subject: Quick call?

Hey Morgan, you around for a quick call?



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Friday, February 25, 2005 5:22:05 PM  
**Recipient:** Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>  
**Subject:** RE: nomination for Task Force re: Ethical Aspects/ National Security

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Okay, good--we'll definitely want to have our "top ten" going into the conference call--

-----Original Message-----

**From:** Kelly, Heather  
**Sent:** Fri 2/25/2005 3:04 PM  
**To:** Behnke, Stephen  
**Cc:**  
**Subject:** RE: nomination for Task Force re: Ethical Aspects/ National Security

Thanks, Steve -- he's supposed to be great. Russ knows him.

Heather O'Beirne Kelly, Ph.D.  
Senior Legislative and Federal Affairs Officer  
Science Public Policy Office  
American Psychological Association  
750 First Street, N.E., 5th Floor  
Washington, D.C. 20002  
phone 202.336.5932  
fax 202.336.6063  
email [hkelly@apa.org](mailto:hkelly@apa.org)

-----Original Message-----

**From:** Behnke, Stephen  
**Sent:** Thursday, February 24, 2005 4:01 PM  
**To:** Jacobson, Rhea  
**Cc:** Kelly, Heather  
**Subject:** FW: nomination for Task Force re: Ethical Aspects/ National Security

-----Original Message-----

**From:** Dunivin, Debra L. LtCol (L)  
[\[mailto:DunivinDL@JTFGTMO.southcom.mil\]](mailto:DunivinDL@JTFGTMO.southcom.mil)  
**Sent:** Thursday, February 24, 2005 3:30 PM  
**To:** Behnke, Stephen; Ron Levant  
**Cc:** Newman, Russ; 'banks|@soc mil'  
**Subject:** nomination for Task Force re: Ethical Aspects/ National Security

Hi, Steve!. Hi, Ron!

Good to see both of you last week. As a follow-up to our



conversations last week, I thought I would send this along in the manner requested for nominations, just to underscore how strongly I feel that you must include Colonel Morgan Banks on this Task Force. He's the person with the absolute most experience in this area.

Again, I applaud you for your efforts. And, I agree with you, Ron, that this is likely the most important thing that APA will do this year. I will be available at any time to provide you with any help I can offer.

Please do not distribute this email address, but OK for you to use as needed.

Thanks again,

Debra Dunivin

<<COL Banks bio.doc>>



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Thursday, February 17, 2005 9:56:10 PM  
**Recipient:** 'Robert Kinscherff' **PRIVACY REDACTION**  
**Subject:** RE: [COMMITTEE] Call for Nominations for TF Established by Board

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You are indeed the dudissimus.

-----Original Message-----

**From:** Robert Kinscherff **PRIVACY REDACTION**  
**Sent:** Thursday, February 17, 2005 7:12 PM  
**To:** Committee On Legal Issues list  
**Subject:** Re: [COMMITTEE] Call for Nominations for TF Established by Board

Hi All,

I would agree heartily with the nominations of Scott Shumate, Robert Fein and Charles Ewing. I would add Michael Gelles, a psychologist with naval intelligence and an author of a very interesting paper on ethical issues arising in national security investigations.

Regards,  
Robert Kinscherff

Michelle Keeney wrote:

Hi Donna,

I believe Dr. R. Scott Shumate, the Director of Behavioral Sciences at the DoD/Counterintelligence Field Activity would be very well-suited for this. He has almost 20 years of experience with such investigations and currently oversees the behavioral sciences aspect of such investigations for CIFA. CIFA is the umbrella organization that oversees all of DoD's counterintelligence activities.

Thanks, Michelle

-----Original Message-----

**From:** Committee On Legal Issues list [<mailto:COLI@LISTS.APA.ORG>] **On Behalf Of** Beavers, Donna

**Sent:** Thursday, February 17, 2005 1:31 PM

**To:** COLI@LISTS.APA.ORG

**Subject:** [COMMITTEE] Call for Nominations for TF Established by Board  
The APA Board of Directors just voted to establish a Task Force to Explore the Ethical Aspects of Investigations Related to National Security (see below and attached item). If there are particular individuals who you believe would be well-suited to serve on this Task Force, please advise. COLI may wish to submit nominations on behalf of the Committee as a whole (or submit nominations on an individual basis). Please note March 1 deadline. - Donna *Donna J. Beavers*  
*Director, Law/Psychology Coordination*  
*Office of General Counsel*  
*American Psychological Association*



*750 First Street, NE  
Washington, DC 20002-4242  
202/336-6078 (telephone)  
202/336-6069 (fax)  
Email: [dbeavers@apa.org](mailto:dbeavers@apa.org)*

**APA Presidential Task Force to Explore the Ethical Aspects  
of Investigations Related to National Security**

At its February 16 & 17, 2005, meeting, the Board of Directors voted to establish and fund an APA Presidential Task Force to explore the ethical aspects of investigations related to national security. The Board item, which is attached to this message, explains the Task Force's background and charge.

Ron Levant, APA president, seeks nominations for the Task Force, which will be comprised of individuals with relevant expertise. Please forward the names of nominees to Stephen Behnke, director of APA's Ethics Office, at [sbehnke@apa.org](mailto:sbehnke@apa.org), along with a brief statement, no longer than 200 words (please do not send CVs), concerning the individual's qualifications for the Task Force. Nominations must be received by March 1, 2005.



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Wednesday, May 18, 2005 9:18:58 PM  
**Recipient:** 'Olivia Moorehead-Slaughter' [REDACTED]  
**Subject:** RE: NEJM: Unspeakably Cruel - Torture, Medical Ethics, & the Law

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Hi Olivia,

Yes, I very definitely think we should develop a "game plan." Jean Maria's question is quite good, and I think it would also be good for you to send the list an edited version (your own), of that message I sent a bit ago--it cues people about the need to be thinking in terms of a structure to our work, and also cues Ron regarding the limitations of what we can reasonably do...

-----Original Message-----

From: Olivia Moorehead-Slaughter [REDACTED]  
Sent: Wednesday, May 18, 2005 9:16 PM  
To: Behnke, Stephen  
Subject: Re: NEJM: Unspeakably Cruel - Torture, Medical Ethics, & the Law

Thanks Steve. I did send this out to the other members.

Also, glad you called about Jean Maria's response. I share her concern about what we can reasonably produce and resolve in terms of this web of complex issues that is unfolding. As the info is swirling and unfurling, I am hoping that I can produce some semblance of a short list of "must address" issues. Maybe on the 16th, we can confer about this, if not before. Perhaps, I should suggest this to the Task Force as a whole....

Olivia



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Tuesday, May 10, 2005 9:56:43 PM  
**Recipient:** 'Olivia Moorehead-Slaughter' **PRIVACY REDACTION**  
**Subject:** FW: [PRESIDENTIAL] Discussion

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Hi Olivia,

Let's try to draw a few other people into the discussion. Morgan might be a good person to start with; he's heavily involved in training, and he was recently a member of the Department of the Army Inspector General's team studying the treatment of detainees in US custody. Mike and Gerry ask two central questions: Who is the client? and To whom do we have ethical obligations? Note that the answer to these two questions may not be the same. How does Morgan address these issues in his training?

Steve

-----Original Message-----

**From:** Presidential Task Force on Psychological Ethics and National Security [mailto:PENS@LISTS.APA.ORG] **On Behalf Of** Gerald P. Koocher, Ph.D.  
**Sent:** Tuesday, May 10, 2005 7:59 PM  
**To:** PENS@LISTS.APA.ORG  
**Subject:** Re: [PRESIDENTIAL] Discussion

Dear Olivia (and colleagues):

In using that example (school) I sought to peel the ethical artichoke with an obvious "most vulnerable party." We clearly have a duty to the child in such contexts, even though we may be retained by others, since the referral is "all about the child." However, in the national security context it is easily plausible that the focus of the psychologist's professional efforts may be someone who seeks to harm others or who might be influenced to help prevent harm from befalling others. I do not think that such thoughts were ever directly discussed by the task force, although there was a military psychologist in the group. We tended to focus on notification regarding limits of confidentiality and limits on autonomy related to some practice domains (e.g., active duty military, prisoners, disability examinees, etc.). I think this is a challenge the PENS task force will need to think through.

Regards,

Gerry

Gerald P. Koocher, Ph.D. ABPP  
Professor and Dean  
School for Health Studies  
Simmons College

**PRIVACY  
REDACTION**

<>Visit: [www.koocher.com](http://www.koocher.com)  
Editor, *Ethics & Behavior*  
President-elect, American Psychological Association

Olivia Moorehead-Slaughter wrote:



Thanks Gerry for encouraging us to further ponder the question of "who is the client" and for raising the broader issue of whether we might have ethical obligations even to individuals or entities who are not our clients. In looking at the APA Ethics Code (Tab 4), consider the section which states that "in their professional actions, psychologists seek to safeguard the welfare and rights of those with whom they interact professionally and other affected persons..."

Who are the "other affected persons" in the context of our Task Force?

Gerry, you begin your note by using as an example a school psychologist, and you state "I have generally argued that the psychologist must hold paramount the welfare of the the most vulnerable party (i.e., usually the child)," even though the child may not be identified as the psychologist's client. How do you think this notion of "most vulnerable party" translates from the school context to our (national security) context?

Gerry and others, please feel free to join in with responses to this and other issues that are of interest to you as you think about the tangle of issues before us.

Many thanks.

Olivia



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Thursday, May 05, 2005 10:35:03 AM  
**Recipient:** [REDACTED] Marsha Hammond  
**Cc:** [REDACTED] Arthur Lyons; Jordan, Sarah  
<sjordan@apa.org>  
**Subject:** 'Ask the President' submission

---

Dear Dr. Hammond,

I was recently forwarded an "Ask the President" message, in which you commented upon the composition of the Presidential Task Force on Ethics and National Security. Thank you for taking the time to contribute to our thinking on this important and challenging topic.

As you note, it is very important for this task force to include individuals who know what role psychologists are asked to assume in national security-related activities. Such information is absolutely essential for the Task Force to do the work outlined by the Board of Directors agenda item (which is attached), much in the same way a group revising the Standards for Educational and Psychologist Testing would need Division 5 and school psychologists as important contributors.

You voice a concern about possible conflicts of interest. I would like to clarify that the Task Force does not have an investigatory or adjudicatory function or role. Rather, as the Board item indicates:

"This task force will examine the ethical dimensions of psychology's involvement and the use of psychology in national security-related investigations. The overarching purpose of the task force will be to examine whether our current Ethics Code adequately addresses such activities, whether the APA provides adequate ethical guidance to psychologists involved in these endeavors, and whether APA should develop policy to address the role of psychologists and psychology in investigations related to national security."

Please note that according to APA Bylaws, the APA Ethics Committee is charged with conducting investigations and adjudicating ethics complaints.

Thank you,

Stephen Behnke

-----Original Message-----

**From:** forms@apa.org [mailto:forms@apa.org]  
**Sent:** Wednesday, April 27, 2005 5:30 PM  
**To:** President; Beisel, Beth  
**Subject:** New 'Ask the President' submission

Name: Dr. Marsha Hammond

[REDACTED] PRIVACY REDACTION

Subject: PENS committee: 6/10 members have vested interests?



Question or comment:

Sent to Div 32 and associated interested parties: Marsha V. Hammond, PHD: Licensed Psychologist: NC e mail: **PRIVACY REDACTION** April 27, 2005 RE: PENS Task Force, presumably investigating: Presidential Task Force on Psychological Ethics and National Security Thanks Art for this notice which was a topic of conversation on Div 32 listserv Its an interesting bunch of people. All appear well qualified. However, this caveat would be in order, I believe: \*\*\*\*\*Out of the TEN members of the committee, six are employed / associated with, per their bios, by the Armed Services.\*\*\*\*\* While this could be argued to be appropriate in terms of information gathering---and indeed essential, their vested interest in the outcome cannot be discarded. Moreover, they outnumber the others. It seems to me that unless the REAL agenda is to white wash the behavior of mental health specialists in the Armed Services re: torture and associated practices, APA would have chosen 4 or 5 Armed Services-related people. I'd like to think otherwise, but frankly that would be to stupidly dismiss the arm-twisting tactics of Bush's administration and what people are 'encouraged' to do in terms of what they say. I'd hope that they would use the ACLU materials which are HUGE now re: their FOIA requests. marsha hammond, phd: asheville, NC, member Div 32 cc: Gerald Koocher Here's the Army guys: (yes, they're all guys, this sub-bunch; I assume Morgan is a male) 1. Morgan Banks, PhD Colonel Morgan Banks, PhD, is currently the Command Psychologist and Chief of the Psychological Applications Directorate of the U.S. Army Special Operations Command (USASOC). 2. Robert A. Fein, PhD, is a forensic psychologist with a specialty in threat assessment and the prevention of targeted violence. He is currently a consultant to the Directorate for Behavioral Sciences of the Department of Defense Counterintelligence Field Activity (CIFA), the DOD Criminal Investigative Task Force (CITF), and the U.S. Secret Service's National Threat Assessment Center. He also serves as a member of the Intelligence Science Board. 3. Michael G. Gelles, PsyD: Michael G. Gelles, PsyD, is the chief psychologist for the Naval Criminal Investigative Service. 4. Larry C. James, PhD: Colonel Larry C. James, PhD, served as the Chief, Department of Psychology at Walter Reed Army Medical Center for the past five years. In this capacity, he also was the Chief Psychologist for the Army's northeast region and had responsibility over 100 psychologists in this region. Currently, Dr. James is the Chief, Department of Psychology, Tripler Army Medical Center, Honolulu, Hawaii 5. Bryce E. Lefever, PhD: Captain Bryce E. Lefever, PhD, received his Doctor of Philosophy in Clinical Psychology from the University of Illinois and joined the Navy in 1987. He was assigned to the Navy's Survival Evasion Resistance Escape (SERE) School from 1990 to 1993, where he insured the safe training of high-risk-of-capture personnel undergoing intensive exposure to enemy interrogation, torture, and exploitation techniques. 6. R. Scott Shumate, PsyD: R. Scott Shumate, PsyD, received his Doctor of Philosophy in Clinical Psychology from the University of Denver in 1985, is licensed to practice in both Virginia and Maryland, and is a member of the National Registry for Health Care Providers. He has worked for the federal government in highly classified positions that have required him to travel extensively and live overseas. At 01:24 PM 4/27/2005 -0400, Art Lyons wrote: Hi folks For those interested the attachment has the bios. of the folks that will comprise the Presidential Task Force on Psychological Ethics and National Security (PENS Task Force). This is the group that will be looking into the allegations of improper behavior by some psychologists with respect to interrogation of people accused of being terrorists.

Sincerely, Art Lyons, Council Representative Division 32



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Monday, May 02, 2005 5:07:16 PM  
**Recipient:** Farberman, Rhea K. <rfarberman@apa.org>;Newman, Russ  
<rnewman@apa.org>;Gilfoyle, Nathalie <ngilfoyle@apa.org>;Childress-Beatty,  
Lindsay <LChildress-Beatty@apa.org>  
**Subject:** FW: New 'Ask the President' submission

---

**HELLO EVERYONE. I APOLOGIZE FOR WRITING IN ALL CAPS. THIS IS THE SECOND MESSAGE I HAVE LEARNED OF THAT SUGGESTS A POSSIBLE CONFLICT OF INTEREST GIVEN THE COMPOSITION OF THE NATIONAL SECURITY/ETHICS TASK FORCE. I BELIEVE THERE IS NO SUCH ISSUE, BUT HAVE DRAFTED THIS MESSAGE TO BE SENT TO THE RELEVANT INDIVIDUALS (AS OPPOSED TO ENTIRE LISTSERVES--WE CAN DO THAT LATER, IF WARRANTED).**

**PLEASE LET ME KNOW WHAT YOU THINK. THANK YOU,**

**STEVE**

**Dear Dr. Hammond and Dr. Lyons,**

**I was recently forwarded an "Ask the President" message, in which you commented upon the composition of the Presidential Task Force on Ethics and National Security. Thank you for taking the time to contribute to our thinking on this important and challenging topic.**

**As you observe, it is very important to have individuals on this task force who know what role psychologists are asked to assume in national security-related activities. Such information is absolutely essential for the Task Force to do the work outlined by the Board of Directors agenda item (which is attached), much in the same way a group revising the Standards for Educational and Psychologist Testing would need Division 5 and school psychologists as important contributors.**

**You voice a concern about possible conflicts of interest. I would like to clarify that the Task Force does not have an investigatory or adjudicatory function or role. Rather, as the Board item indicates:**

**"This task force will examine the ethical dimensions of psychology's involvement and the use of psychology in national security-related investigations. The overarching purpose of the task force will be to examine whether our current Ethics Code adequately addresses such activities, whether the APA provides adequate ethical guidance to psychologists involved in these endeavors, and whether APA should develop policy to address the role of psychologists and psychology in investigations related to national security."**

**Please note that according to APA Bylaws, the APA Ethics Committee is charged with conducting investigations and adjudicating ethics complaints.**

**Thank you,**

**SB**

-----Original Message-----

**From:** President



**Sent:** Monday, May 02, 2005 10:43 AM  
**To:** Behnke, Stephen  
**Subject:** FW: New 'Ask the President' submission

Hi Steve,  
Another question for your handling from Ask the President.  
Thanks!  
Liz

-----Original Message-----

**From:** Strassburger, Judith  
**Sent:** Friday, April 29, 2005 1:04 PM  
**To:** President  
**Subject:** RE: New 'Ask the President' submission

Steve Behnke. Judy

Judy A. Strassburger, Executive Director  
Governance Affairs Office  
American Psychological Association  
750 First Street, NE  
Washington, DC 20002-4242  
(202) 336-6088  
(202) 336-6157 Fax  
jstrassburger@apa.org

-----Original Message-----

**From:** President  
**Sent:** Thursday, April 28, 2005 3:11 PM  
**To:** Strassburger, Judith  
**Subject:** FW: New 'Ask the President' submission

Hi Judy,

Any suggestions for this one?  
Thanks,  
Liz

-----Original Message-----

**From:** forms@apa.org [mailto:forms@apa.org]  
**Sent:** Wednesday, April 27, 2005 5:30 PM  
**To:** President; Beisel, Beth  
**Subject:** New 'Ask the President' submission

Name: Dr. Marsha Hammond

**PRIVACY REDACTION**

Subject: PENS committee: 6/10 members have vested interests?

Question or comment:

Sent to Div 32 and associated interested parties: Marsha V. Hammond, PHD: Licensed Psychologist: NC e mail: **PRIVACY REDACTION** April 27, 2005 RE: PENS Task Force, presumably investigating: Presidential Task Force on Psychological Ethics and National Security

APA\_0047793



Thanks Art for this notice which was a topic of conversation on Div 32 listserv. It's an interesting bunch of people. All appear well qualified. However, this caveat would be in order, I believe: \*\*\*\*\*Out of the TEN members of the committee, six are employed / associated with, per their bios, by the Armed Services.\*\*\*\*\* While this could be argued to be appropriate in terms of information gathering---and indeed essential, their vested interest in the outcome cannot be discarded. Moreover, they outnumber the others. It seems to me that unless the REAL agenda is to white wash the behavior of mental health specialists in the Armed Services re: torture and associated practices, APA would have chosen 4 or 5 Armed Services-related people. I'd like to think otherwise, but frankly that would be to stupidly dismiss the arm-twisting tactics of Bush's administration and what people are 'encouraged' to do in terms of what they say. I'd hope that they would use the ACLU materials which are HUGE now re: their FOIA requests. marsha hammond, phd: asheville, NC, member Div 32 cc: Gerald Koocher Here's the Army guys: (yes, they're all guys, this sub-bunch; I assume Morgan is a male) 1. Morgan Banks, PhD Colonel Morgan Banks, PhD, is currently the Command Psychologist and Chief of the Psychological Applications Directorate of the U.S. Army Special Operations Command (USASOC). 2. Robert A. Fein, PhD, is a forensic psychologist with a specialty in threat assessment and the prevention of targeted violence. He is currently a consultant to the Directorate for Behavioral Sciences of the Department of Defense Counterintelligence Field Activity (CIFA), the DOD Criminal Investigative Task Force (CITF), and the U.S. Secret Service's National Threat Assessment Center. He also serves as a member of the Intelligence Science Board. 3. Michael G. Gelles, PsyD: Michael G. Gelles, PsyD, is the chief psychologist for the Naval Criminal Investigative Service. 4. Larry C. James, PhD: Colonel Larry C. James, PhD, served as the Chief, Department of Psychology at Walter Reed Army Medical Center for the past five years. In this capacity, he also was the Chief Psychologist for the Army's northeast region and had responsibility over 100 psychologists in this region. Currently, Dr. James is the Chief, Department of Psychology, Tripler Army Medical Center, Honolulu, Hawaii 5. Bryce E. Lefever, PhD: Captain Bryce E. Lefever, PhD, received his Doctor of Philosophy in Clinical Psychology from the University of Illinois and joined the Navy in 1987. He was assigned to the Navy's Survival Evasion Resistance Escape (SERE) School from 1990 to 1993, where he insured the safe training of high-risk-of-capture personnel undergoing intensive exposure to enemy interrogation, torture, and exploitation techniques. 6. R. Scott Shumate, PsyD: R. Scott Shumate, PsyD, received his Doctor of Philosophy in Clinical Psychology from the University of Denver in 1985, is licensed to practice in both Virginia and Maryland, and is a member of the National Registry for Health Care Providers. He has worked for the federal government in highly classified positions that have required him to travel extensively and live overseas. At 01:24 PM 4/27/2005 -0400, Art Lyons wrote: Hi folks For those interested the attachment has the bios. of the folks that will comprise the Presidential Task Force on Psychological Ethics and National Security (PENS Task Force). This is the group that will be looking into the allegations of improper behavior by some psychologists with respect to interrogation of people accused of being terrorists.

Sincerely, Art Lyons, Council Representative Division 32



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Tuesday, March 29, 2005 2:35:43 PM  
**Recipient:** Wort, Jonathan <jwort@apa.org>  
**Cc:** Thomas, Dave <dthomas@apa.org>; McGlaughlin, Jerry  
<jmcglaughlin@apa.org>  
**Subject:** RE: Listserve

---

Hi John,

- 1) I think I will be the listowner (sbehnke@apa.org)
- 2) Psychological Ethics and National Security
- 3) The list will be APA staff and members of the Presidential Task Force on Psychological Ethics and National Security

Thanks,

Steve

-----Original Message-----

Wort, Jonathan  
Tuesday, March 29, 2005 9:14 AM  
Behnke, Stephen  
Thomas, Dave; McGlaughlin, Jerry  
RE: Listserve

Hi Steve,

Can you send me the following info, so I can create the list:

1. What is the listowner's email address (you can have more than 1 owner)
2. What will be the name of the list (no more than 80 characters with no spaces between words)?
3. Please provide a brief description of the list?

I'm not sure if we have the ability to password protect the list, however we can make it invisible to other users and use various confirmations to keep unauthorized people out. I'll look into password protecting the list.

Jon Wort  
jwort@apa.org  
Information Systems Support Specialist II  
MIS Department  
American Psychological Assoc.  
750 First ST. N.E.  
Wash. D.C. 20002  
(202)218-3587  
(202)336-5839 FAX

-----Original Message-----

McGlaughlin, Jerry  
Monday, March 28, 2005 5:26 PM  
Behnke, Stephen



Jonathan; Thomas, Dave

RE: Listserve

Sure thing, Jon is the man, so it is now up to him! Jerry

Jerry McGlaughlin  
Director, MIS  
American Psychological Association  
750 First Street NE  
Washington, DC 20002-4241

Phone 202-336-5832  
Fax 202-336-5839

Visit the APA website! <http://www.apa.org/>

---

**From:** Behnke, Stephen  
**Sent:** Monday, March 28, 2005 4:58 PM  
**To:** McGlaughlin, Jerry  
**Subject:** RE: Listserve

Thanks, Jerry! If that person would get in touch with me, I can provide the details (e.g., names, addresses, etc).

I certainly appreciate it!

-----Original Message-----

McGlaughlin, Jerry  
Monday, March 28, 2005 4:56 PM  
Behnke, Stephen  
RE: Listserve

For you, we can have it done tomorrow. Of course I am dependent on one of my two listmasters to make it in tomorrow, but regardless it can happen. I also need to check on the PW protection, I am not aware of the specifics on that, but will find out!

Jerry McGlaughlin  
Director, MIS  
American Psychological Association  
750 First Street NE  
Washington, DC 20002-4241

Phone 202-336-5832  
Fax 202-336-5839

Visit the APA website! <http://www.apa.org/>

---

**From:** Behnke, Stephen  
**Sent:** Monday, March 28, 2005 4:26 PM  
**To:** McGlaughlin, Jerry  
**Subject:** Listserve

Hi Jerry,



I am helping Ron Levant put together a presidential task force, which will require a confidential listserve (password protected). Given that Ron wants to press ahead, could you tell me if this is the sort of thing we could set up in a week or 10 days? I would like to run it like other APA listserves, just have it confidential.

Thanks,

Steve



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Friday, March 18, 2005 2:04:37 PM  
**Recipient:** 'Dunivin, Debra L. LtCol (L)' <DunivinDL@JTFGTMO.southcom.mil>  
**Subject:** RE: nomination for Task Force re: Ethical Aspects/ National Security

---

Hi Debra,

Just tried to call--I'll be at my desk until 2:30--

Steve

-----Original Message-----

From: Dunivin, Debra L. LtCol (L)  
[mailto:[DunivinDL@JTFGTMO.southcom.mil](mailto:DunivinDL@JTFGTMO.southcom.mil)]  
Sent: Friday, March 18, 2005 1:43 PM  
To: Behnke, Stephen  
Subject: RE: nomination for Task Force re: Ethical Aspects/ National Security

Sorry I missed your call. Just tried your cell unsuccessfully and left a message on your office line. I must leave the office no later than 2:30 for meetings. I could be available tomorrow (Saturday) afternoon if we want to schedule something then. I wondered if perhaps you are meeting with Ron or with Ethics Committee about the TF this weekend?

-----Original Message-----

From: Behnke, Stephen [mailto:[sbehnke@apa.org](mailto:sbehnke@apa.org)]  
Sent: Friday, March 18, 2005 12:53 PM  
To: Dunivin, Debra L. LtCol (L)  
Subject: RE: nomination for Task Force re: Ethical Aspects/ National Security

Debra,

I would like to speak with you about the latter issue at your earliest convenience. Are you available this afternoon?

Thanks,

Steve

-----Original Message-----

From: Dunivin, Debra L. LtCol (L)  
[mailto:[DunivinDL@JTFGTMO.southcom.mil](mailto:DunivinDL@JTFGTMO.southcom.mil)]  
Sent: Friday, March 18, 2005 10:23 AM  
To: Behnke, Stephen  
Subject: RE: nomination for Task Force re: Ethical Aspects/ National Security

Yes, absolutely, Steve, wherever you think it will be helpful. I know that Ron is the appointing authority and I'm sure he will be pressed from many angles.

Heads up on another concern that looms on the horizon. That is the issue of APA membership. I've been corresponding wiht Gerry Koocher about this. In



most instances I agree with Gerry that folks sitting on APA boards, committees, etc should be APA members. In this instance I believe there are some reasons to consider it differently. More later.

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Thursday, March 17, 2005 5:03 PM  
To: Dunivin, Debra L. LtCol (L)  
Subject: RE: nomination for Task Force re: Ethical Aspects/ National Security

Debra--thank you! May I share this message with Ron?

-----Original Message-----

From: Dunivin, Debra L. LtCol (L)  
[\[mailto:DunivinDL@JTFGTMO.southcom.mil\]](mailto:DunivinDL@JTFGTMO.southcom.mil)  
Sent: Thursday, March 17, 2005 4:44 PM  
To: Behnke, Stephen  
Subject: RE: nomination for Task Force re: Ethical Aspects/ National Security

Hope there are no typos, Steve. If there are, please correct or overlook.  
Hope this accomplishes its purpose....  
REALLY appreciate your help with this.  
Debra

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Thursday, March 17, 2005 2:31 PM  
To: Dunivin, Debra L. LtCol (L)  
Subject: RE: nomination for Task Force re: Ethical Aspects/ National Security

Hi Debra,

If tonight would be at all possible (hate to write that!) that would be ideal. Otherwise, as early in the am as possible--

Sorry!

Steve

-----Original Message-----

From: Dunivin, Debra L. LtCol (L)  
[\[mailto:DunivinDL@JTFGTMO.southcom.mil\]](mailto:DunivinDL@JTFGTMO.southcom.mil)  
Sent: Thursday, March 17, 2005 2:07 PM  
To: Behnke, Stephen  
Subject: RE: nomination for Task Force re: Ethical Aspects/ National Security

Steve:

Will Friday morning be OK to receive my note? It's almost written.  
(sigh!)

Debra



-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]

Sent: Tuesday, March 15, 2005 10:42 AM

To: Dunivin, Debra L. LtCol (L)

Subject: RE: nomination for Task Force re: Ethical Aspects/ National Security

## PRIVACY REDACTION

-----Original Message-----

From: Dunivin, Debra L. LtCol (L)

[<mailto:DunivinDL@JTFGTMO.southcom.mil>]

Sent: Tue 3/15/2005 10:35 AM

To: Behnke, Stephen

Cc:

Subject: RE: nomination for Task Force re: Ethical Aspects/ National Security

Steve:

Are you some place I can call you now?

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]

Sent: Tuesday, March 15, 2005 10:22 AM

To: Dunivin, Debra L. LtCol (L)

Subject: RE: nomination for Task Force re: Ethical Aspects/ National Security

Debra,

How does this Thursday look as a possibility for a phone conversation? We are getting down to the wire--

Tonight would also be a possibility, around 8:15 East Coast time, or tomorrow am, around 9:45. (I am in California)

Steve

-----Original Message-----

From: Dunivin, Debra L. LtCol (L)

[<mailto:DunivinDL@JTFGTMO.southcom.mil>]

Sent: Thu 3/3/2005 10:08 AM

To: Behnke, Stephen

Cc:

Subject: RE: nomination for Task Force re: Ethical Aspects/ National Security

Yuck! Meeting after a cross-country redeye....

The call will be international for you **PRIVACY REDACTION** and folks

often have trouble getting through. Thursday and Friday morning will be



better  
than the  
afternoons. It's really a catch as catch can, unless we  
actually  
schedule  
something. I'm assuming your meeting carries through the  
weekend, so  
if you  
tell me a time next week I could call you then.

Nothing urgent. I just wanted to talk a bit about the  
composition of  
the  
Task Force before it's finalized.  
Thanks, Debra

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Wednesday, March 02, 2005 8:32 PM  
To: Dunivin, Debra L. LtCol (L)  
Subject: RE: nomination for Task Force re: Ethical Aspects/

National  
Security

Hi Debra, I'm in LA, taking the redeye back for an ethics  
committee  
meeting  
that starts tomorrow. Are there good times to reach you?

Steve

-----Original Message-----

From: Dunivin, Debra L. LtCol (L)  
[\[mailto:DunivinDL@JTFGTMO.southcom.mil\]](mailto:DunivinDL@JTFGTMO.southcom.mil)  
Sent: Wed 3/2/2005 5:10 PM  
To: Behnke, Stephen  
Cc:  
Subject: RE: nomination for Task Force re: Ethical

Aspects/  
National  
Security

Steve:

I'd like to talk with you. What is your  
direct line?  
Can't  
seem to  
find a person to answer the main number...  
Thanks,  
Debra

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Thursday, February 24, 2005 4:01 PM  
To: Dunivin, Debra L. LtCol (L) **Ron Levant**  
Cc: Newman, Russ; [banks1@soc.mil](mailto:banks1@soc.mil)  
Subject: RE: nomination for Task Force re: Ethical

Aspects/



National  
Security

Thank you, Debra!

-----Original Message-----

From: Dunivin, Debra L. LtCol (L)  
[mailto:DunivinDL@ITFGTMO.southcom.mil]  
Sent: Thursday, February 24, 2005 3:30 PM  
To: Behnke, Stephen; **Ron Levant**  
Cc: Newman, Russ; 'banks1@soc.mil'  
Subject: nomination for Task Force re: Ethical

Aspects/  
National  
Security

Hi, Steve!. Hi, Ron!

Good to see both of you last week. As a

follow-up to  
our

conversations last week, I thought I would send this

along

in the

manner

requested for nominations, just to underscore how

strongly I  
feel

that you

must include Colonel Morgan Banks on this Task

Force. He's  
the

person with

the absolute most experience in this area.

Again, I applaud you for your efforts. And,

I agree

with

you, Ron,

that this is likely the most important thing that

APA will  
do this

year. I

will be available at any time to provide you with

any help I  
can

offer.

Please do not distribute this email address,

but OK

for you

to use

as needed.

Thanks again,

Debra Dunivin

<<COL Banks bio.doc>>







**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Wednesday, June 29, 2005 9:53:36 PM  
**Recipient:** 'Olivia Moorehead-Slaughter' **PRIVACY REDACTION**  
**Subject:** Almost there!  
**Attachments:** PENSTaskForceReport.doc

---

Attached please find the Task Force Report, that has gone through the copyediting process and has been reviewed by the Ethics Committee. (At the end of this message, please find the Ethics Committee's action. The Committee was impressed.) I think you will find the Report a very clear statement of our positions.

At your very earliest convenience, please indicate whether you approve of the Report being sent in this form to the APA Board of Directors. (Note that, until the Board indicates their satisfaction with the Report, the word "Draft" will be included in the title).

In addition to the copying editing changes, and changes to ensure conformity in style, these four other changes have been made:

- 1) The concept of the Ethics Code applying whenever psychologists are engaged in professional activities has been included in the Overview to the Report. The Ethics Committee saw this concept as centrally important and believed it should have a more prominent role.
- 2) The Ethics Committee recommended adding the words "from an individual's medical record" to statement three, which now reads: "Psychologists who serve in the role of supporting an interrogation do not use health care related information from an individual's medical record to the detriment of the individual's safety and well-being. While information from a medical record may be helpful or necessary to ensure that an interrogation process remains safe, psychologists do not use such information to the detriment of an individual's safety and well-being. (Ethical Standards 3.04, Avoiding Harm and 3.08, Exploitative Relationships)"

The Ethics Committee felt that this addition clarified the statement. I agree, and think that this addition improves statement three.

- 3) Also in regard to statement three, the Committee recommended moving the sentence:

"Regardless of their role, psychologists who are aware of an individual in need of health or mental health treatment may seek consultation regarding how to ensure that the individual receives needed care. (Principle A, Beneficence and Nonmaleficence)"

from under statement 3 to statement 5, which is more on point. I think this move makes good sense.

- 4) Recommendation #2 has been deleted as superfluous. The recommendation concerned adopting the statements or having the Ethics Committee determine whether the statements are appropriate interpretations and applications of the Ethics Code. Since the Ethics Committee has now made that determination, recommendation 2 is no longer needed. (Note that there are still 10 recommendations, since recommendation 8 was actually two recommendations, and so has been split into two)

Finally, for conformity of style, the phrase "have an ethical obligation to" has been removed from statement 12, since the statement "have an ethical obligation to" is implied in all the statements.





The Ethics Committee reviewed in detail the PENS Task Force Report and unanimously passed the following motion:

That the Ethics Committee affirms that the 12 statements in the Report of the Task Force on Psychological Ethics and National Security are appropriate interpretations and applications of the American Psychological Association Ethical Principles of Psychologists and Code of Conduct (2002).

The Ethics Committee expresses its appreciation to the Task Force for its hard and thoughtful work.



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Tuesday, June 28, 2005 9:55:02 PM  
**Recipient:** Ron Levant [REDACTED]; 'Gerald P. Koocher, Ph.D.'  
[REDACTED]; anton [REDACTED]; Gilfoyle, Nathalie  
<ngilfoyle@apa.org>; Farberman, Rhea K. <rfarberman@apa.org>; Olivia  
Moorehead-Slaughter [REDACTED]; Ron Levant  
[REDACTED]; Kelly, Heather <hkelly@apa.org>; Breckler, Steven J.  
<SBreckler@apa.org>; Newman, Russ <rnewman@apa.org>  
**Subject:** Making the PENS Report public

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There is a great deal of eagerness among the individuals in the military to have a copy of the Report available as soon as possible, to share with their superiors. My sense is that this eagerness will only increase, especially with the story that is coming out in the New Yorker, I believe next week.

Heather, I know that on Sunday at the Task Force meeting, the military people were asking whether it would be possible to have the report released to the US gov. before its general release, if only by an hour. I assume you and Rhea will be coordinating on a plan.

You've probably already got this covered, so I apologize for the bother.

Steve



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Sunday, June 26, 2005 8:02:19 AM  
**Recipient:** Gilfoyle, Nathalie <ngilfoyle@apa.org>; 'Gerry Koocher'  
PRIVACY REDACTION; 'anton' PRIVACY REDACTION Farberman, Rhea K.  
<rfarberman@apa.org>; 'Olivia Moorehead-Slaughter' PRIVACY REDACTION  
**Subject:** RE: Task Force Report--draft

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Thank you, Nathalie. I've changed the grammatical errors, and have deleted the sentence that the TF "derived" positions from the Ethics Code--it was really superfluous. In terms of that seventh point, the TF will need to review. That is an extremely complicated issue, and the TF may have done as well as can be done at the moment--in fact, I'm not sure I would want them to go further (not that it's may call), without considerable additional thought. It's one of the most challenging ethical issues in this whole area.

-----Original Message-----

Gilfoyle, Nathalie

Sunday, June 26, 2005 7:25 AM

Behnke, Stephen; 'Gerry Koocher'; 'anton'; Farberman, Rhea K.; 'Olivia Moorehead-Slaughter'

RE: Task Force Report--draft

Steve, I think this looks great and captures the discussion well. I have a very few questions/comments as noted and caught a few typos sprinkled throughout. Nathalie

---

**From:** Behnke, Stephen  
**Sent:** Sunday, June 26, 2005 12:47 AM  
**To:** 'Gerry Koocher'; anton; Gilfoyle, Nathalie; Farberman, Rhea K.; Olivia Moorehead-Slaughter  
**Subject:** Task Force Report--draft

Hello Everyone,

Attached please find a draft of the Final Draft of the PENS Task Force Report. The plan is to spend the morning reviewing the draft, so that by meeting's end the Report will be ready, or nearly ready, for the Task Force to send to the Board. I believe I have captured the thinking of the Task Force pretty well, so I am hopeful we will not have a great deal of revising to do, but am very mindful that we did not have the benefit of Gerry's thinking yesterday afternoon and today.

The thought is to send the Report to the Board as a "Final Draft," which gives the Board room should it not like aspects of the Report.

I think the Task Force should have a spokesperson, but don't see the Task Force as issuing a public statement, since the Report will be in the Board's hands very soon, for the Board to do with the Report what it deems appropriate.

Rhea, please alert me if you see problems here. I have let the Task Force know you are available in the morning, and I know the Task Force wants to touch base with you.

Thank you all,

Steve

<< File: PENSdraftreport.doc >>



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**From:** Behnke, Stephen

**Sent:** Sunday, June 26, 2005 12:47 AM

**To:** 'Gerry Koocher'; anton; Gilfoyle, Nathalie; Farberman, Rhea K.; Olivia Moorehead-Slaughter

**Subject:** Task Force Report--draft

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Rhea, please alert me if you see problems here. I have let the Task Force know you are available in the morning, and I know the Task Force wants to touch base with you.

Thank you all,

Steve



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Sunday, June 26, 2005 7:47:23 AM  
**Recipient:** 'Ronald F. Levant, Ed.D, M.B.A., ABPP' **PRIVACY REDACTION**  
**Subject:** RE: PENS Task Force/NEJM article

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Ron, no. The Task Force had some very strong feelings about the authors having named a particular individual in the article. The Task Force is meeting today, and I believe will compete a report that you and APA will be very pleased with. I must go to meet with them, but I'll fill you in at greater length,

Steve

-----Original Message-----

**From:** Ronald F. Levant, Ed.D, M.B.A., ABPP **PRIVACY REDACTION**  
**Sent:** Sunday, June 26, 2005 7:11 AM  
**To:** Behnke, Stephen  
**Subject:** RE: PENS Task Force/NEJM article

Steve: Did this happen?

Ronald F. Levant, Ed.D., M.B.A., ABPP  
Professor  
Center for Psychological Studies  
Nova Southeastern University

**PRIVACY REDACTION**

President, American Psychological Association, 2005  
"Making Psychology a Household Word"

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**From:** Behnke, Stephen [mailto:sbehnke@apa.org]  
**Sent:** Wednesday, June 22, 2005 8:20 PM  
**To:** Olivia Moorehead-Slaughter; Gerald P. Koocher, Ph.D.; anton  
**Cc:** Ronald F. Levant, Ed.D, M.B.A., ABPP; Anderson, Norman; Gilfoyle, Nathalie; Farberman, Rhea K.; Breckler, Steven J.; Kelly, Heather; Honaker, Michael  
**Subject:** PENS Task Force/NEJM article

Dear Colleagues,

This article, from the July 7 New England Journal of Medicine, became available this evening. It is titled, "Doctors and Interrogators at Guantanamo Bay," and is written by Gregg Bloche and Jonathan Marks, who have written other articles in the PENS reading list (tabs 8, 9, and 10). The article focuses on the issue of privacy; the authors discuss how clinical information became available to interrogation teams.

The authors specifically mention the "Behavior Science Consultation Team," and at one point early in the article state, "Health information has been routinely available to behavioral science consultants and others who are responsible for crafting and carrying out interrogation strategies. Through early 2003 (and possibly later) interrogators themselves had access to medical records.



And since late 2002, psychiatrists and psychologists have been part of a strategy that employs extreme stress, combined with behavior-shaping rewards, to extract actionable intelligence from resistant captives."

It is my understanding that tomorrow's New York Times will carry an article by Neil Lewis that discusses the ethics of these activities, and in two weeks Jane Mayer will have an article in the New Yorker. I anticipate that we will receive letters and phone calls inquiring about what APA is doing.

Gregg Bloche is a psychiatrist and a lawyer on the faculty of Georgetown Law School. He has recently received a Guggenheim fellowship to pursue this story, specifically focusing on ethics. Jonathan Marks is a lawyer who is a Greenwall fellow in Bioethics at Georgetown law. They are part of a small group of people actively writing on these issues (Neil Lewis and Jane Mayer are the others).

I would encourage the Task Force to consider inviting Bloche and Marks to brief the Task Force on their work, and to discuss what they see as the central ethical issues. This could be an off the record briefing; were it to make people more comfortable, we could set ground rules that the information would flow only one way, that is, Bloche and Marks would brief the group and could be asked questions, but would not be asking questions themselves. I think it is very important that the Task Force be informed about how these situations are likely to be presented and how the ethical issues are likely to be framed in the public arena, as well as what other aspects of this story are being developed and will be reported on in the near future. At the present time Bloche and Marks are two of the most prominent spokespersons.

Thank you,

Steve



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Thursday, June 23, 2005 9:17:46 AM  
**Recipient:** Gilfoyle, Nathalie <ngilfoyle@apa.org>  
**Cc:** Childress-Beatty, Lindsay <LChildress-Beatty@apa.org>  
**Subject:** RE: PENS Task Force/NEJM article

---

Well, the existence of the Task Force and the identity of the members are not really confidential, since they have been distributed to all of APA... also, Bloche and Marks are honorable people, and both are academics, so I think we can assume a modicum of trust and good will...

-----Original Message-----

**From:** Gilfoyle, Nathalie  
**Sent:** Thursday, June 23, 2005 8:13 AM  
**To:** Behnke, Stephen  
**Cc:** Childress-Beatty, Lindsay  
**Subject:** RE: PENS Task Force/NEJM article

I talked this over with Chris – some additional issues ...are they agreeing not to say that they came to meet with us; not to discuss their experience of being there? Using the deep throat analogy, Bob W talked at length about meeting DT in the garage what was said etc. I think these guys are more academic and intellectual than a WP reporter (!) so that likely isn't a big issue but important to think through the levels of what is being viewed as confidential –the existence of the task force, the members of the task force, the fact that they met with the TF, what was said by them to the TF, how they felt about the exchange with the TF in addition to what anyone said. I am thinking the first set of concerns aren't in issue but want to be sure we are on the same page. Nathalie

---

**From:** Behnke, Stephen  
**Sent:** Wednesday, June 22, 2005 10:30 PM  
**To:** Gilfoyle, Nathalie  
**Cc:** Childress-Beatty, Lindsay  
**Subject:** RE: PENS Task Force/NEJM article  
**Lindsay--I'm sorry, I should have included you in the note forwarding the article. Sorry about that--my brain becomes addled after around 7 pm...**  
**Something simple, like the APA Task Force on Psychological Ethics and National Security invites guests with the understanding that all discussions are considered confidential, "off the record," and any statements made during discussions are not to be attributed either to the Task Force as a whole or to individual members. In addition, invited guests agree to abide by any conditions set forth by the Task Force Chair as a prelude to discussions with the Task Force.**  
**Let's make make it too burdensome, but let's also make sure the message is clear--Bloche and Marks are on the up and up, so they'll honor the understanding.**

-----Original Message-----

**From:** Gilfoyle, Nathalie  
**Sent:** Wednesday, June 22, 2005 10:24 PM  
**To:** Behnke, Stephen  
**Cc:** Childress-Beatty, Lindsay  
**Subject:** RE: PENS Task Force/NEJM article

Uh huh

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**From:** Behnke, Stephen  
**Sent:** Wednesday, June 22, 2005 10:20 PM  
**To:** Gilfoyle, Nathalie  
**Subject:** RE: PENS Task Force/NEJM article  
**My mind is like a steel sieve...**



Will you and Lindsay help us draw up some sort of letter of agreement? (most likely Friday around lunchtime)

-----Original Message-----

**From:** Gilfoyle, Nathalie  
**Sent:** Wednesday, June 22, 2005 10:18 PM  
**To:** Behnke, Stephen  
**Subject:** RE: PENS Task Force/NEJM article

Can't put anything over on you even at 10:15 at night

---

**From:** Behnke, Stephen  
**Sent:** Wednesday, June 22, 2005 10:17 PM  
**To:** Gilfoyle, Nathalie  
**Subject:** RE: PENS Task Force/NEJM article  
**Nathalie, I always get my written conditions in writing...**

-----Original Message-----

**From:** Gilfoyle, Nathalie  
**Sent:** Wednesday, June 22, 2005 10:14 PM  
**To:** Behnke, Stephen  
**Subject:** RE: PENS Task Force/NEJM article

Interesting.....not earth shattering but interesting. You would probably want to have your written conditions in writing just to protect yourself later if anything went awry. N

---

**From:** Behnke, Stephen  
**Sent:** Wednesday, June 22, 2005 9:20 PM  
**To:** 'Olivia Moorehead-Slaughter'; 'Gerald P. Koocher, Ph.D.'; 'anton'  
**Cc:** 'Ronald F. Levant, Ed.D, M.B.A., ABPP'; Anderson, Norman; Gilfoyle, Nathalie; Farberman, Rhea K.; Breckler, Steven J.; Kelly, Heather; Honaker, Michael  
**Subject:** PENS Task Force/NEJM article

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**The authors specifically mention the "Behavior Science Consultation Team," and at one point early in the article state, "Health information has been routinely available to behavioral science consultants and others who are responsible for crafting and carrying out interrogation strategies. Through early 2003 (and possibly later) interrogators themselves had access to medical records. And since late 2002, psychiatrists and psychologists have been part of a strategy that employs extreme stress, combined with behavior-shaping rewards, to extract actionable intelligence from resistant captives."**

**It is my understanding that tomorrow's New York Times will carry an article by Neil Lewis that discusses the ethics of these activities, and in two weeks Jane Mayer will have an article in the New Yorker. I anticipate that we will receive letters and phone calls inquiring about what APA is doing.**

**Gregg Bloche is a psychiatrist and a lawyer on the faculty of Georgetown Law School. He has recently received a Guggenheim fellowship to pursue this story, specifically focusing on ethics. Jonathan Marks is a lawyer who is a Greenwall fellow in Bioethics at Georgetown law. They are part of a small group of people actively writing on these issues (Neil Lewis and Jane Mayer are the others).**

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Thank you,  
Steve



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Wednesday, June 22, 2005 9:53:41 PM  
**Recipient:** 'Olivia Moorehead-Slaughter' [REDACTED]  
**Subject:** RE: PENS Task Force/NEJM article

---

Excellent.

-----Original Message-----

From: Olivia Moorehead-Slaughter [REDACTED]  
Sent: Wednesday, June 22, 2005 9:53 PM  
To: Behnke, Stephen  
Subject: Re: PENS Task Force/NEJM article

Hi Steve, Please give this a read as the message to be sent to the group that received your message.

Olivia

Hi Steve,

I agree that given the nature and the timing of this article, it would likely be in our best interests to have access to Dr. Bloche and Mr. Marks. The parameters which you noted for the conversation are critical, i.e., information flowing one way. If there are no objections, could you begin to preliminarily be in touch with both of them to determine their availability to come in during the weekend. Theirs will likely be a very valuable perspective for us to access and the timing could not be better for the purpose of the Task Force's agenda.

Olivia



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Wednesday, June 22, 2005 9:20:07 PM  
**Recipient:** 'Olivia Moorehead-Slaughter' [REDACTED]; 'Gerald P. Koocher, Ph.D.' [REDACTED]; 'anton' [REDACTED]  
**Cc:** 'Ronald F. Levant, Ed.D, M.B.A., ABPP' [REDACTED] Anderson, Norman <NAnderson@apa.org>; Gilfoyle, Nathalie <ngilfoyle@apa.org>; Farberman, Rhea K. <rfarberman@apa.org>; Breckler, Steven J. <SBreckler@apa.org>; Kelly, Heather <hkelly@apa.org>; Honaker, Michael <mhonaker@apa.org>  
**Subject:** PENS Task Force/NEJM article  
**Attachments:** Doctors&InterrogatorsatGuantanamoBay-NEJM 7-7-05.pdf

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Thank you,

Steve



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Thursday, June 16, 2005 12:33:25 PM  
**Recipient:** Olivia Moorehead-Slaughter **PRIVACY REDACTION**  
**Subject:** RE: Thursday's meeting  
**Attachments:** Olivia.doc

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Hi Olivia!

-----Original Message-----

**From:** Olivia Moorehead-Slaughter **PRIVACY REDACTION**  
**Sent:** Tue 6/14/2005 7:17 PM  
**To:** Behnke, Stephen  
**Cc:**  
**Subject:** Re: Thursday's meeting

Sorry about that flurry of messages. I didn't see your note until I'd sent my email to Gerry. 10:15 works great. :)

Olivia



Dear Colleagues,

In anticipation of our meeting next week, I wanted to share with you some thoughts regarding our agenda. A number of you have shared your thinking about how best to approach our work; I'd like to note especially Jean Maria's encouraging us to form a plan.

Put in the broadest (perhaps most simplistic) way, we'll want to consider where we want to be by meeting's end, and how we're going to get there.

In terms of where we want to be, the two "big ticket" items are: what sort of product do we want to issue, and to whom will it be made available. In terms of how we will get there, we'll want to lay out a process for addressing the issues we want our final product to contain.

I would very strongly encourage us to plan on having by meeting's end a report that we feel we can sign off on as a Task Force. As Jean Maria has cautioned us, I think that we do not need to feel as if our product needs to answer, or even touch upon, each of the many complicated issues. I think we should aim to identify whatever "bottom line" positions we can all agree upon, and then develop a way for psychologists (and other mental health professionals working in this arena) to analyze or approach the ethical challenges that arise in cases of uncertainty and ambiguity. I think we will especially want to offer as much guidance as we can to psychologists, particularly young psychologists, both in ethically ambiguous situations and in situations where it appears that other psychologists may be acting unethically. Robert has offered a very illuminating vignette to help us focus here.

In terms of analytic frameworks, very early on Morgan offered the legal/illegal, ethical/unethical distinctions, which I have found very helpful in my own thinking about how to approach these questions. Both Morgan and Mike used terms such as "safe, effective, legal, and ethical," which could provide another good way of anchoring ourselves in the "bottom line" questions we need to address.

Jean Maria poses the very important question of what public statements APA ought to make; these will be an important part of our discussions on what the final product should look like. Nina has raised issues of ethnicity, and I believe it will be very important for us to discuss the ethnic/cultural dimensions of this issue. A number of people have raised the dual role question, which will clearly be front and center in our discussions; I find myself mindful of Mike's very evocative language "Stay in your lane." Mike and Larry then offered an exchange concerning whether psychologists should ever be "strategic decision-makers," which raises the issues of both role and competency. Larry has provided his thoughts on how he dealt with another question that will be central to our thinking: Who is the client? Part of our task will be to examine how these distinct but related questions and issues fit together.



Please let me know your thoughts. I look forward to meeting you all in person, and to a challenging and productive weekend.

Warmly,

Olivia



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Wednesday, June 15, 2005 3:46:40 PM  
**Recipient:** 'Banks, Louie M. COL' <louie.morgan.banks@us.army.mil>; James, Larry C COL TAMC <larry.james@us.army.mil>; Col. Larry C. James PhD  
**Subject:** RE:

---

Thanks, Morgan--again, received and understood.

Steve

-----Original Message-----

From: Banks, Louie M. COL [<mailto:louie.morgan.banks@us.army.mil>]  
Sent: Wednesday, June 15, 2005 3:43 PM  
To: Behnke, Stephen; Banks, Louie M. COL; James, Larry C COL TAMC; Col. Larry C. James PhD  
Subject: RE:

Steve,

Thanks for the information. In general, my intent is to shed as much light as possible on a very misunderstood area. However, given the significant inaccuracies and conclusions in some of Dr. Bloche's writings, not to mention his clear agenda, I will have to think some on this one. Said another way, given ambiguous information, Dr. Bloche appears to assume evil. I am not sure I want to put myself in that position. Larry is quite correct. Psychologists have worked extremely hard, and very successfully, to prevent abuse. Dr. Bloche seems very unresponsive to that idea. Perhaps we can discuss it in person next week.

Morgan

COL L. Morgan Banks  
Director, Psychological Applications Directorate  
US Army Special Operations Command  
DSN 239-6833 COM (910) 432-6833  
**PRIVACY REDACTION**  
banks1@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Tuesday, June 14, 2005 6:35 PM  
To: Banks, Louie M. COL; James, Larry C COL TAMC; Col. Larry C. James PhD  
Subject:

Dear Morgan and Larry,

> I hope you're well, and look forward to seeing you next week in DC for our Task Force meeting.

>

> A colleague from law school contacted me the other day, Gregg Bloche. Gregg is a JD, PhD, a professor at Georgetown Law School who has become very interested in the ethics questions surrounding events at Abu Ghraib and Guantanamo Bay. He's written a few things in our reading list--Tabs 8, 9, and 10. He's also received a Guggenheim fellowship to continue his work in this area.

>



Recently Gregg called and asked whether I might be able to put him in touch with either of you, since he has heard your names from multiple sources. I said I would be more than happy to convey his request directly to you both.

> I have no stake whatsoever in your speaking, or not speaking, with Gregg. I can say he's a straight shooter, and if he says that he'll not attribute anything you say to you, he is trustworthy. Tabs 8, 9, and 10 in our readings will give you a good sense of his thinking on these questions and the direction in which he'd like to continue his work. I don't have any sense of whether that direction would be helpful to you in some way, or not, but am quite sure you'll have a good sense of whether his agenda is one you'd like to help advance.

>

I would be happy to provide your contact information (e.g., email address) to Gregg, if that is what you would like.

> Steve



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Wednesday, June 15, 2005 2:31:39 PM  
**Recipient:** 'James, Larry C COL TAMC' <larry.james@us.army.mil>; Banks, Louie M. COL  
<louie.morgan.banks@us.army.mil>; Col. Larry C. James PhD  
**Subject:** RE: **PRIVACY REDACTION**

---

Thanks, Larry--heard and understood.

-----Original Message-----

From: James, Larry C COL TAMC [<mailto:larry.james@us.army.mil>]  
Sent: Wednesday, June 15, 2005 1:18 PM  
To: Behnke, Stephen; Banks, Louie M. COL; Col. Larry C. James PhD  
Subject: RE:

Steve, he keeps writing over and over and over and over about stuff that happened and was fixed by psychologists!!!!!!!!!!

I have no desire to talk with him.

Larry

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Tuesday, June 14, 2005 12:35 PM  
To: Banks, Louie M. COL; James, Larry C COL TAMC; Col. Larry C. James PhD  
Subject:

Dear Morgan and Larry,

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>

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> Steve



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Wednesday, June 15, 2005 9:20:40 AM  
**Recipient:** 'Ronald F. Levant, Ed.D, M.B.A., ABPP'  
**Subject:** RE: PENS Task Force matters

---

PRIVACY REDACTION

Thank you, Ron.

PRIVACY REDACTION

Steve

-----Original Message-----

**From:** Ronald F. Levant, Ed.D, M.B.A., ABPP  
**Sent:** Wednesday, June 15, 2005 7:13 AM  
**To:** Behnke, Stephen  
**Subject:** RE: PENS Task Force matters

PRIVACY REDACTION

Steve, either way you suggest is fine

Ronald F. Levant, Ed.D., M.B.A., ABPP  
Professor  
Center for Psychological Studies  
Nova Southeastern University

PRIVACY REDACTION

[www.DrRonaldLevant.com](http://www.DrRonaldLevant.com) website

President, American Psychological Association, 2005  
"Making Psychology a Household Word"

---

**From:** Behnke, Stephen [mailto:sbehnke@apa.org]  
**Sent:** Tuesday, June 14, 2005 4:55 PM  
**To:** Olivia Moorehead-Slaughter; Gerald P. Koocher, Ph.D.; anton; Ronald F. Levant, Ed.D, M.B.A., ABPP  
**Cc:** Kelly, Heather; Breckler, Steven J.; Mumford, Geoffrey; Strassburger, Judith  
**Subject:** PENS Task Force matters

I hope everyone is well, and enjoying the sauna that we affectionately refer to as the East Coast.

In anticipation of the task force meeting, we will want to consider how the task force will inform governance of its work. There are several possibilities. As examples, Ron may wish to inform Council at his Presidential Update at Convention, or the Task Force could draft minutes that would be distributed to Council before Convention by way of the COR listserve.

Olivia has indicated that she would very much like the Task Force to complete a report during the course of the meeting, or very shortly after, setting forth whatever positions the Task Force feels prepared to take at that point. (Such a report could, of course, contain recommendations for future



study/analysis.) The Task Force will need to consider to whom this report will be made available, and how. (Part of where the report goes/how it is handled will depend upon the sort of recommendations that Task Force makes) Given the interest that the US Government has shown in APA's analysis of these questions, and recent media reports, we will need to consider to what extent any Task Force product will be made available to groups outside of APA.

It is probably best if we (those receiving this message) are as clear as we can be about these questions before the Task Force meets.

Also, as of now, we have decided upon a limited number of observers: Mel Gravitz; Susan Brandon (former APA Congressional fellow, very recently left the administration for NIH); an as-of-yet unidentified FBI person; and several APA staff (e.g. Russ Newman, APA Office of General Counsel) I'm pretty confident that everyone in the room will be comfortable with these individuals.

Thank you, Steve



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Friday, June 10, 2005 9:05:54 AM  
**Recipient:** Jacobson, Rhea <rjacobson@apa.org>  
**Subject:** FW: Task Force matters

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-----Original Message-----

From: Behnke, Stephen  
Sent: Tuesday, June 07, 2005 12:02 AM  
To: 'Olivia Moorehead-Slaughter'; 'Gerald P. Koocher, Ph.D.'; 'anton'  
Cc: 'Ronald F. Levant, Ed.D, M.B.A., ABPP'; Kelly, Heather; Breckler, Steven J.; Mumford, Geoffrey; Jacobson, Rhea  
Subject: Task Force matters

Olivia,

As Chair of the Task Force, you will likely want to make some opening remarks, to get the meeting started. I've drafted a few bullet points for your consideration; I'm sure others have better thoughts, but I thought I'd offer these for your consideration.

I. It seems a good place to start is with the APA Bylaws, which mention ethics and conduct twice in the first article:

Article I — Objects

1. The objects of the American Psychological Association shall be to advance psychology as a science and profession and as a means of promoting health, education and human welfare by...the improvement of the qualifications and usefulness of psychologists through high standards of ethics, conduct, education, and achievement; by the establishment and maintenance of the highest standards of professional ethics and conduct of the members of the Association..."

That the Bylaws mention ethics twice in the very opening Article is a statement concerning the centrality of ethics to our Association and to the Profession.

II. The centrality of Ethics to APA's mission places APA in a unique position when questions arise concerning the ethical use and practice of psychology. APA should be a beacon to psychologists wanting to do the right thing, especially when the ethical path to follow is not clear. And we have a special responsibility to our younger colleagues just beginning their careers, who may find themselves pressed to engage in activities that do not feel ethically appropriate, yet who may not know where to turn for ethical guidance.

III. Events at Abu Ghraib and Guantanamo Bay have raised questions about the ethical use of psychology, and role of psychologists, in national-security related activities. It is worthwhile to note that both individual psychologists and representatives of Congress (Heather, perhaps you can fill in here), have made clear their strong interest in receiving APA's best thinking on these issues. This level of interest speaks to how APA is perceived as a leader, if not THE leader, in addressing ethical challenges of national significance in mental health practice.

IV. I note a word of caution: If psychologists in communities of professionals working in national security-related areas do not feel that APA is interested in and supportive of their work, they WILL drift away from APA. That would be bad for those psychologists, and bad for APA, the profession, and the public. We want to be clear that psychologists who are using the science and practice of psychology to protect our nation's security have a home at APA, and that APA welcomes and is grateful for their contributions to the profession and to our nation. APA wants to be a resource for these psychologists as they struggle with the ethical dimensions of their work.

V. As a Task Force, we are asked to assist APA in its role of setting the ethical norms of our profession. No easy task for a weekend. But Ron Levant, with the help of Gerry Koocher and Barry Anton, has assembled a group of psychologists who bring to this table an unparalleled degree of experience in these matters. So now it's time to get started.

I hope these thoughts are a helpful start.



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Monday, June 06, 2005 5:08:25 PM  
**Recipient:** 'Olivia Moorehead-Slaughter' **PRIVACY REDACTION**  
**Subject:** FW: [PRESIDENTIAL] Observers

---

An excellent choice--perhaps you could ask Mike to say a bit about Dr. Gravitz, for the other Task Force members.

-----Original Message-----

From: Presidential Task Force on Psychological Ethics and National Security [<mailto:PENS@LISTS.APA.ORG>] On Behalf Of Gelles, Mike  
Sent: Monday, June 06, 2005 4:40 PM  
To: PENS@LISTS.APA.ORG  
Subject: Re: [PRESIDENTIAL] Observers

Dr. Mel Gravitz

Michael G. Gelles, Psy.D.  
Chief Psychologist  
Naval Criminal Investigative Service  
Phone: (202) 433-9621 Fax: (202) 433-9619

-----Original Message-----

From: Presidential Task Force on Psychological Ethics and National Security [<mailto:PENS@LISTS.APA.ORG>] On Behalf Of Olivia Moorehead-Slaughter  
Sent: Friday, June 03, 2005 1:30 PM  
To: PENS@LISTS.APA.ORG  
Subject: [PRESIDENTIAL] Observers

Dear Task Force Members,

Thank you for your continued postings on the PENS listserve, which are very helpful in shaping our meeting agenda. I think we've done some very good work in crystallizing the issues and questions that we will address.

Our meeting will take place in the APA Boardroom, on APA's sixth floor. The Board room does have enough space for observers, and I would like to ask whether there are individuals we would like to see included, or groups represented, whose work is particularly relevant to our discussions and/or who would potentially have a unique contribution to make. We don't have unlimited space, of course, but certainly do have room for a few more people. Including others would have the added benefit of conveying an open and more inclusive process.

If anyone has names to suggest, please post them on our listserve.

Thanks very much,

Olivia



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Wednesday, June 01, 2005 10:57:13 PM  
**Recipient:** Kelly, Heather <hkelly@apa.org>  
**Subject:** RE: Task Force matters

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It is the APA email gremlins at work...

-----Original Message-----

From: Kelly, Heather  
Sent: Wednesday, June 01, 2005 10:57 PM  
To: Behnke, Stephen  
Subject: RE: Task Force matters

Steve, very nice!

Late night email colleague...  
Heather

-----Original Message-----

From: Behnke, Stephen  
Sent: Wednesday, June 01, 2005 10:55 PM  
To: 'Olivia Moorehead-Slaughter'; 'Gerald P. Koocher, Ph.D.'; 'anton'  
Cc: 'Ronald F. Levant, Ed.D, M.B.A., ABPP'; Kelly, Heather; Breckler, Steven J.; Mumford, Geoffrey; Jacobson, Rhea  
Subject: Task Force matters

Dear Olivia, Gerry, and Barry,

The staff for the PENS Task Force met today, to review plans for the meeting and to ensure that the logistical details are taken care of. I believe everything is well in hand from that perspective.

A question did arise about observers. It is my understanding that APA meetings are open, unless in executive session or confidential information is being discussed. Thus far, we've had two APA staff express an interest in attending, whose work is relevant to what we will be discussing. I do not believe we have received any requests from non-staff to attend, although we might want to consider whether we would want to extend an invitation to anyone. As an example, APA has fostered a very good relationship with the FBI, and the FBI has been involved at GTMO. There is no one from the FBI on the Task Force (recall that two individuals from the FBI excused themselves from the Convention program on this subject, explaining that at the present time they could not participate in such activities). We may want to extend an invitation for an FBI person to attend as an observer, so that they feel included; if our invitation is declined, at least it has been offered. Also, Susan Brandon, an APA person who recently left the Bush administration to return to NIH, has been very interested in these issues. Thus far, we are at a very manageable number, so a few more individuals would not be a problem, although given the interest in the PENS Task Force I would not advertise this possibility widely.

I think the listserve discussion has provided a good context for the meeting, although do note that several of the Task Force members have not yet made a contribution. I think that the more recent discussions concerning what can reasonably be accomplished over the weekend have been very interesting and informative, and have focused on "big picture" questions which will help the Task Force not get lost in the myriad of lesser issues.

We will convene in DC three weeks from tomorrow evening. Please let us know what else we can do to prepare for the meeting.

I hope you all are well,

Steve







**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Monday, October 17, 2005 10:02:51 PM  
**Recipient:** Ronald Levant  
**Subject:** FW: Draft Policy (CLOSE HOLD) DO NOT FORWARD OR DISTRIBUTE FURTHER  
**Attachments:** BSC Policy (Draft) 7 OCT 05.doc

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Hi Ron, if you could have this document available when Morgan and I call tomorrow, that would be ideal, since Morgan will be making reference to it.

Steve

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**From:** Banks, Louie M. COL [mailto:[louie.morgan.banks@us.army.mil](mailto:louie.morgan.banks@us.army.mil)]  
**Sent:** Thu 10/13/2005 11:21 AM  
**To:** Levant,Ronald F  
**Cc:** Newman, Russ; Behnke, Stephen  
**Subject:** Draft Policy (CLOSE HOLD) DO NOT FORWARD OR DISTRIBUTE FURTHER

Dr. Levant,

Attached is a document that a number of Army psychologists have been working on for some time. We have been trying to get permission for you to review it prior to your trip, and were granted that permission last night.

The document is a draft policy statement that is currently being finalized (I expect a few small changes) and will become Army policy for the use of psychologists, and potentially psychiatrists, supporting interrogations. Overall, the document captures fairly well the current mission, utilization, and training of psychologists in this role. Said another way, generally speaking, the policy captures what is already the case where psychologists are supporting interrogation and detention operations. Because it is a draft, and because of the very contentious nature of this topic in the press, I ask that you not release it further. Once it is finalized and signed, it will be released to the public, but because there may be some changes (albeit minor) we ask that you keep it close hold. The Army Surgeon General, Lieutenant General Kiley, is responsible for the document, and he will be traveling with you to Guantanamo.

<<BSC Policy (Draft) 7 OCT 05.doc>>

I have cc'd Russ Newman and Steve Benke on this email. At the present time, you and they are the only people to whom I am allowed to release the document. Again, at the risk of being painfully redundant, please do not distribute it any further.

Very respectfully,

Morgan Banks

**COL L. Morgan Banks**  
**Director, Psychological Applications Directorate**  
**US Army Special Operations Command**  
**DSN 239-6833 COM (910) 432-6833**

**PRIVACY REDACTION**

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APA\_0049578



**INTERIM GUIDANCE: U.S. ARMY BEHAVIORAL SCIENCE CONSULTATION TO  
INTERROGATION AND DETENTION OPERATIONS**

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## INTERIM GUIDANCE: U.S. ARMY BEHAVIORAL SCIENCE CONSULTATION TO INTERROGATION AND DETENTION OPERATIONS

### 1. References

a. Geneva Conventions of 1949.

~~b. The Declaration of Tokyo (1975).~~

c. DoD Directive 2310.1, DoD Program for Enemy Prisoners of War (EPW) and Other Detainees.

d. DoD Directive 5100.77, DoD Law of War Program, 9 Dec 98.

e. DoD Directive XXXX (Coordinating Draft), DoD Human Intelligence (HUMINT) Interrogations.

f. DoD Directive 6000.XX (Draft), Medical Program Support for Detainee Operations, 15 Jul 05.

g. Health Affairs Policy 02-005, DoD Policy on Medical Care for Enemy Persons Under U.S. Control Detained in Conjunction with Operation ENDURING FREEDOM, 10 Apr 02.

h. Health Affairs Policy 05-006, Medical Program Principles and Procedures for the Protection and Treatment of Detainees in the Custody of the Armed Forces of the United States, 3 Jun 05.

i. Health Affairs Policy Memorandum, Training for Health Care Providers in Detainee Operations (Coordinating Draft).

j. JP 3-63, Joint Doctrine for Detainee Operations, Final Coordination Draft, 23 Mar 05.

k. JP 4-02, Health Service Support in Joint Operations, Revised Second Draft, 21 Mar 05.

~~l. AR 40-66, Medical Record Administration and Health Care Documentation.~~

**Comment [bc2]:** 1) Can drafts be used if ref section 2) does each ref need to be cited in document 3) need to confirm which of these are truly relevant references



m. AR 190-8 (OPNAVIST 3461.6, AFJI 31-304, MCO 3461.1): Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees.

~~n. AR 190-47, The Army Corrections System.~~

o. FM 3-19.40, Internment/Resettlement Operations.

p. FM 3-19.401/MCRP 4-11.8/NTTP 3-07.8/AFTTP(1) 3-2.51, Multiservice Tactics, Techniques, and Procedures Detainee Operations (Draft).

~~q. FM 8-10-5, Brigade and Division Surgeons' Handbook.~~

r. FM 21-78, Resistance and Escape.

s. FM 34-52, Intelligence Interrogation.

t. Ethical Principles of Psychologists and Code of Conduct, American Psychological Association, 2002 edition.

u. Report of the American Psychological Association Presidential Task Force on Psychological Ethics and National Security, June 2005.

v. Military Medical Ethics. Textbooks of Military Medicine, The Borden Institute, Office of The Surgeon General, Department of the Army, 2003.

w. The Principles of Medical Ethics With Annotation Especially Applicable to Psychiatry, American Psychiatric Association, 2001 edition including November 2003 amendments.

x. Opinions of the Ethics Committee on The Principles of Medical Ethics With Annotation Especially Applicable to Psychiatry, American Psychiatric Association, 2001 edition.

y. Ethics Primer of the American Psychiatric Association, American Psychiatric Association, 2001.



## 2. Background

a. While psychologists have supported interrogations for many years, the events of September 11, 2001 and the ongoing Global War on Terrorism (GWOT) have required an unprecedented and sustained involvement of behavioral science consultants in support of both interrogation and detention operations. Prior to GWOT, support for these missions was provided through intelligence and special operations communities. However, the expanded demand for behavioral science consultation to support these missions has required assignment of psychologists and psychiatrists from other areas of Department of Defense (DoD).

b. The Army is the Executive Agent for the DoD Enemy Prisoner of War operations. The GWOT has resulted in the detention of a large number of persons under U.S. control. Interrogation of these individuals is a vital and effective part of intelligence collection and is designed to obtain accurate and timely intelligence in a manner consistent with applicable law. Accordingly, behavioral science personnel provide expertise and consultation to Commanders to directly support the interrogation and detention operations mission.

c. The United States is a signatory to the Geneva Convention Relative to the Treatment of Prisoners of War (GPW). The requirements of this convention are delineated in AR 190-8. (This multi-Service regulation is proscriptive for all US military forces, not only for the U.S. Army.) Every behavioral science consultant that supports detention operations must read and understand the specific requirements contained in AR 190-8. These requirements will not be discussed in detail here, but specifically prohibit inhumane treatment. Portions of this regulation are reprinted below:

### 1–5. General protection policy (AR 190-8):

a. U.S. policy, relative to the treatment of enemy prisoners of war (EPW), civilian internees (CI) and retained personnel (RP) in the custody of the U.S. Armed Forces, is as follows:

(1) All persons captured, detained, interned, or otherwise held in US Armed Forces custody during the course of conflict will be given humanitarian care and treatment from the moment they fall into the hands of U.S. forces until final release or repatriation.

(2) All persons taken into custody by US forces will be provided with the protections of the EPW until some other legal status is determined by competent authority.



(3) The punishment of EPW, CI and R+P known to have, or suspected of having, committed serious offenses will be administered IAW due process of law and under legally constituted authority per the GPW, the Geneva Convention Relative to the Protection of Civilian Personnel in Time of War (GC), the Uniform Code of Military Justice, and the Manual for Courts Martial.

(4) The inhumane treatment of EPW, CI, and RP is prohibited and is not justified by the stress of combat or with deep provocation. Inhumane treatment is a serious and punishable violation under international law and the Uniform Code of Military Justice (UCMJ).

b. All prisoners will receive humane treatment without regard to race, nationality, religion, political opinion, sex, or other criteria. The following acts are prohibited: murder, torture, corporal punishment, mutilation, the taking of hostages, sensory deprivation, collective punishments, execution without trial by proper authority, and all cruel and degrading treatment.

c. All persons will be respected as human beings. They will be protected against all acts of violence to include rape, forced prostitution, assault and theft, insults, public curiosity, bodily injury, and reprisals of any kind. They will not be subjected to medical or scientific experiments. This list is not exclusive. EPW/RP is to be protected from all threats or acts of violence.

d. Photographing, filming, and videotaping of individual EPW, CI and RP for other than internal Internment Facility administration or intelligence/counterintelligence purposes is strictly prohibited. No group, wide area or aerial photographs of EPW, CI and RP or facilities will be taken unless approved by the senior Military Police officer in the Internment Facility Commander's chain of command.

### **3. Definitions**

a. Behavioral Science Consultant (BSC). BSCs are psychologists or psychiatrists who are assigned to provide consultative services to support authorized law enforcement or intelligence activities, including interrogation and detention operations. They are not assigned to perform clinical services and relinquish their non-combatant status while serving in the role of a BSC. BSCs employ their professional training not in a provider-patient relationship, but in relation to a person who is the subject of a lawful governmental inquiry, assessment, investigation, adjudication, or other proper action. This role is analogous to that of behavioral science unit personnel of a law enforcement organization or forensic practitioners supporting the criminal justice, parole, or corrections systems.



b. DoD Detainee. Any person captured, detained, held, or otherwise under the control of DoD personnel (military, civilian, or contractor employee). It does not include DoD personnel being held for law enforcement purposes. A detainee may include the following categories:

(1) Enemy Combatant. Any person that U.S. or allied forces could properly detain under the law and customs of war, to include both lawful and unlawful enemy combatants.

(a) Unlawful Enemy Combatant. For purposes of the war on terrorism, the term unlawful enemy combatant shall mean an individual who was part of or supporting Taliban, al Qaeda, or other terrorist networks, or associated forces that are engaging in hostilities against the United States or its coalition partners. This includes any person who has committed a belligerent act or has directly supported hostilities in aid of enemy armed forces.

(b) Enemy Prisoner of War. An individual under the custody and/or control of the Department of Defense who meets the criteria according to Geneva Convention III, Article 4. Generally, they are individuals in the custody and/or control of the DoD who are members of, accompanying, or supporting, the regular Armed Forces or Militia of the enemy, wear fixed distinctive insignia recognizable at a distance, carry arms openly, and conduct their operations in accordance with the laws and customs of war, and are therefore considered lawful enemy combatants.

(2) Civilian Internee. Individuals under the custody and/or control of the Department of Defense according to Geneva Conventions IV, Article 4. Generally, they are persons protected under the Geneva Conventions who at a given moment find themselves, in case of a conflict or occupation, in the custody and/or control of the Department of Defense.

(3) Retained Person. An individual under the custody and/or control of the Department of Defense according to Geneva Conventions III, Article 33. Generally, they are members of the clergy, physicians, surgeons, dentists, nurses, and medical personnel of the enemy in DoD custody and/or control.

#### **4. Mission**

a. The mission of a BSC is to provide psychological expertise and consultation in order to assist the command in conducting safe, legal, ethical, and effective interrogation and detention operations.

b. This mission is composed of two complementary objectives:



(1) To provide psychological expertise to assess the individual detainee and his environment and provide recommendations to ensure safe, legal, ethical, and effective interrogation operations.

(2) To provide psychological expertise to provide monitoring, consultation, and feedback regarding the entire detention environment in order to assist the command in ensuring humane treatment of detainees, the prevention of abuse, and the safety of US personnel.

c. These mission objectives contain four critical components of operations that BSCs must manage as they work in this arena:

(1) Safety. BSCs, like any other commissioned or non-commissioned officer in the US armed forces, help ensure the safety of both DoD personnel and detainees. In these roles, BSCs use their knowledge of social psychology, group behavior, and the dynamics of captivity to reduce the likelihood of abuse by providing behavioral science expertise, and by helping establish processes that reduce the opportunity for drift and inappropriate behavior.

(2) Law. While BSCs are not legal experts, they must be familiar with regulatory guidance and policies (Geneva Conventions, DoD regulations, etc.) that govern interrogation and detention operations. In addition, as a Commander's consultant and participant in these operations, and as a commissioned officer in the US armed forces, they are obligated to report any actual or suspected violations of law, to include allegations of abuse or inhumane treatment, to appropriate command representatives.

(3) Ethics. BSCs must regularly monitor their behavior and remain within professional ethical boundaries as established by their professional associations, by their licensing State, and by the military.

(4) Effectiveness. BSCs bring to the interrogation mission the ability to provide detailed assessments of individual detainees, their environment, and the interaction between interrogator and detainee. By providing their assessments to the interrogators, BSCs are able to assist in maximizing the effectiveness of eliciting accurate, reliable, and relevant information during the interrogation process. Likewise, BSCs provide consultation and support to maintain a stable and secure detention facility, develop strategies for improving detainee behavior and compliance with camp rules, and increase positive detainee-staff interactions, thereby enhancing the effectiveness of detention operations.



## 5. Concept of Operations

### a. What BSCs will do--

(1) As AMEDD officers, BSCs will follow the law of land warfare, international conventions, protocols and law, and accepted professional ethical standards with regard to the proper and ethical conduct with detainees.

(2) BSCs will provide consultation to interrogation and detention operations in a manner that:

(a) Supports authorized law enforcement or intelligence activities, including interrogation and detention operations in a manner that increases the safety of both detainees and U.S. personnel;

(b) Is within legal and regulatory guidelines for US Army personnel;

(c) Is within the individual practitioner's professional ethical guidelines;

(d) Increases the effectiveness of the interrogation and detention missions.

(3) BSCs function as special staff to the Commander in overall charge of both interrogation and detention operations. The BSCs will report directly to the overall Commander, as opposed to the intelligence or military police Commanders. This enhances the BSCs ability to provide consultation regarding all aspects of interrogation and detention operations without undue influence.

(4) No matter the setting, BSCs have a responsibility to report information that constitutes a clear and imminent threat to the lives and welfare of others. Information gained from detainees should be treated no differently, and must be reported through proper channels.

(5) The Health Insurance Portability and Accountability Act (HIPAA) does not apply to the medical records of detainees (DoD 6025 C5.1, C7.10, C7.11). However, the handling, disposition, and release of all types of medical records are governed by regulation and theater-specific policies. Generally, only medical personnel who are treating providers have access to detainee medical records. Medical information is would be released only in those circumstances required to maintain the health and welfare of detainees and U.S. personnel. For example, it would likely be necessary to



reveal to detention and interrogation staff information regarding food restrictions and allergies to ensure that detainees were not inadvertently caused harm. Likewise staff would need to be advised about contagious conditions in order to take appropriate precautions to prevent spread of disease to other detainees and U.S. personnel. It would also be necessary to release Information to appropriate personnel about medications and other medical conditions prior to travel. BSCs will become aware of all applicable policies and procedures regarding circumstances for protection and release of detainee medical information.

(6) BSCs will be alert for signs of maltreatment or abuse of detainees and report suspected abuse to proper authorities. The chain of command is the first means to report inappropriate treatment. Alternative means of reporting exist for BSCs who are unable to resolve issues through normal reporting channels. These alternatives include the specialty consultant, the Inspector General, and Criminal Investigation Command.

(7) BSCs are authorized to make assessments of the character, personality, social interactions, and other behavioral characteristics of interrogation subjects, and, based on such assessments, advise authorized personnel performing lawful interrogations and other lawful detention operations.

(8) BSCs may provide recommendations concerning interrogations of detainees when the interrogations are fully in accord with applicable law. Sources of information on lawful interrogation procedures include FM 34-52 and other properly issued interrogation instructions.

(9) BSCs may observe interrogations.

(10) BSCs may provide training for interrogators in listening and communications techniques and skills, on results of studies and assessments concerning safe and effective interrogation methods, on potential effects of cultural and ethnic characteristics of subjects of interrogation, and in any other areas where they have subject matter expertise.

(11) BSCs may advise command authorities on detention facility environment, organization and functions, ways to improve detention operations, and compliance with applicable standards.

(12) BSCs may advise command authorities responsible for determinations of release or continued detention of detainees or assessments concerning the likelihood that a detainee will, if released, engage in terrorist or illegal activities.

(13) BSCs may consult, at any time, with their specialty consultant designated by The Surgeon General. This includes consultation concerning the roles and



responsibilities of BSCs and procedures for reporting instances of suspected noncompliance with standards applicable to detention operations, as well as any other matters of concern.

b. What BSCs will not do:

(1) BSCs will not support interrogations that are not in accord with applicable law.

(2) BSCs will not use or facilitate, directly or indirectly, the use of physical or behavioral health information regarding any detainee in a manner which would result in inhumane treatment.

(3) BSCs will not ordinarily or routinely provide behavioral healthcare to members of the command they support. They will take necessary steps to avoid multiple relationships that conflict with professional ethical guidelines.

(4) When in a role that includes interrogation and detention operations, BSCs will not function as healthcare providers to detainees or provide healthcare services to detainees, except in emergencies.

(5) BSCs will not conduct any form of research that involves detainees (DoD 3216.2, para 4.4.2). Research includes any systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge.

(6) As in any setting, behavioral science personnel will not perform any duties they believe are illegal, immoral, or unethical. If behavioral science personnel feel they have been ordered to perform such duties, they should voice their concerns to and seek clarification from the chain of command. If the chain of command is unable to resolve the situation, BSCs should seek alternate means of resolution by contacting their Specialty Consultant, the Inspector General, or Criminal Investigation Command.

(7) BSCs will not display recognizable patches or other designations on uniforms identifying them as healthcare providers or medical personnel while directly supporting interrogation and detention operations in order to avoid any misperceptions as being healthcare providers.

## **6. Behavioral Science Consultant Roles**

a. Often behavioral science consultation to interrogation and detention operations is conducted by individual BSCs working alone. In other situations, such as detention facilities,



one or more individuals may form a team of BSCs often known as Behavioral Science Consultation Team (BSCT). Although BSCs are qualified as healthcare providers, they do not hold clinical privileges to practice at the local detainee healthcare facility, although they may maintain privileges at their parent medical facility. The senior BSC serves as team leader for any other enlisted or officer behavioral science personnel who assist the BSC team.

b. Interrogation and detention operations BSCs serve as internal consultants to Command and function as Special Staff to the Commander in overall charge of a specific interrogation and detention operation. They will ordinarily report directly to the overall Commander. As Special Staff, BSCs provide consultation to the Commander on all subjects within their area of expertise.

## **7. Mission Essential Tasks**

Understanding the limits of each of the functions below and establishing clear boundaries around these functions will allow BSCs to perform ethically in a field with many potential breaches. These boundaries also assist in establishing clear and proper relationships with command and staff.

a. Interrogation Assessment and Consultation. BSCs function in Interrogation Assessment is to evaluate the psychological strengths and vulnerabilities of detainees, and to assist in integrating these factors into a successful interrogation process.. BSCs who consult to the interrogation process are an embedded resource. They consult on the unfolding interrogation process and are not simply reactive to problems or obstacles that arise. This process normally begins well before the actual interrogation.

b. Environmental Setting Consultation. BSCs, with their expertise in human behavior, can act as consultants to advise interrogators, detention facility guards, military police, and command on aspects of the environment that will assist in all interrogation and detention operations. The detention environment includes physical aspects of the facilities as well as social and behavioral aspects of detained population. The physical environment includes holding cells, hallways, toilet and bathing facilities, vehicles, and interrogation rooms. BSCs can provide insight into the likely effects of this environment and how changes may affect detainees. The social and behavioral aspects of the environment may include access to recreational and social activities, educational incentive programs, disciplinary plans and procedures and strategies for increasing positive behavior and compliance with camp rules. The goal is to ensure that the environment maximizes effective interrogation and detention operations, while maintaining the safety of all personnel, to include detainees. BSCs can assist in ensuring that everything that a detainee sees, hears, and experiences is a part of the overall interrogation plan. The purpose of this consultation is to optimize the conditions and maximize the interventions that elicit accurate and reliable information.



c. Indirect Assessment. BSCs may be called upon to provide psychological assessments of individual detainees. These assessments can be delivered in a written format, but more often are verbally communicated to interrogation personnel in an informal and timely manner. These products will routinely address both basic personality characteristics and the detainee's strengths and vulnerabilities. This assessment is usually conducted as part of the interrogation assessment, but may be conducted independently of an interrogation. This assessment is usually conducted by direct observation rather than direct interaction, interview, or administration of psychometric instruments.

d. Information Operations. BSCs may assist the command in developing and executing information operations plans.

e. Training

(1) Another key function for BSC personnel is the training of guards, interrogators, interpreters, and other staff. Periodic training sessions provide the reiteration of standards and awareness of the subject matter, as well as foster a culture conducive to behavioral correction, peer monitoring, and self-assessment. The concomitant healthy training environment can prevent "behavioral drift" that, in the long term, would be detrimental to the mission. "Behavioral drift" is the continual reestablishment of new, often unstated and unofficial standards in an unintended direction. In addition, BSCs provide training to other personnel regarding the cultural aspects of behavior that impact on interrogations.

(2) FM 34-52, Chapter 6, identifies those aspects that training should cover as "Principles of human behavior that emphasize the social and cultural characteristics of behavior considered acceptable in the target countries." BSCs may also conduct training on topics such as:

- Psychological aspects of detention and the impact of confinement
- Psychological aspects of exploitation
- Recognizing the use of resistance techniques in the detainee
- Establishing and clarifying the roles of the supervisor, interrogator, guard, and the BSC.
- Identifying, interpreting, and managing behavioral drift
- The psychology of persuasion and influence



(3) In addition to providing training on the psychological aspects of interrogation and detention, BSCs should ensure that interrogation and guard supervisors are regularly conducting training on Standing Operating Procedures. They should also identify and recommend areas of training that have either been neglected or are in need of review.

f. Command Consultation. The function of direct consultation to command can help prevent the inclination of interrogators and detention guards to behaviorally drift from their assigned rules of engagement. Essential to this task is the ability of BSCs to have direct access to, consult with, and advise, all personnel involved with detention operations (from the Commander on down). Ideally, BSCs should advise the Commander directly with no intervening line of authority or administrative pressure on matters that affect mission integrity. In other words, the BSC functions as a Special Staff Section with direct access to the Commander. BSCs will be the Commander's on-site representatives and have unrestricted access to detention and interrogation areas. In fact, BSCs should assist the Commander with monitoring as much of the detention operation as possible. Even the very best staff must be continually monitored for compliance with SOPs. Behavioral drift can occur extremely rapidly and must be quickly corrected when it occurs. The goal is to address problems with tact and at the lowest level possible. While minor deviations can be corrected at the individual level and typically on the spot, more significant issues or a pattern of deviations should be addressed with the command. Passive oversight reinforces inappropriate behavior. Drift begins in as early as 36 hours without oversight. Again, intervention should occur at the lowest level until it does not work. Safety should never be compromised. What is tolerated will occur. Issues must be documented as they arise.

g. Psychological Screening. Under some circumstances, it is possible for the BSC to provide screening of personnel prior to their assignment in a role interacting with detainees. This can greatly assist, though not eliminate, the risk of inappropriate behavior. The screening of interrogators may include an interview, objective and projective assessment instruments, and an estimate of intellectual functioning. The assessment should evaluate the suggested qualities described in FM 34-52. These qualities include, but are not limited to, motivation, alertness, patience and tact, credibility, objectivity, self-control, adaptability, perseverance, and a solid personal appearance and demeanor. They should also possess more than adequate ability for conceptualization and problem solving, situational awareness, emotional stability, integrity, and a good self-concept. In addition, they should also be open to criticism and feedback and have self-awareness.

## **8. Training Requirements**

### **a. Prerequisites**



(1) Fully licensed for independent practice.

(2) Psychologists must meet qualifications of a Survival, Evasion, Resistance, and Escape (SERE) Psychologist. This is documented by the assignment of the Skill Identifier M6. Psychologists without the M6 skill identifier and psychiatrists must attend a DoD-approved Level C Code of Conduct (SERE) course, and then receive additional training from the Joint Personnel Recovery Agency, Joint Forces Command, prior to training in Interrogation Support.

(3) Final TOP SECRET security clearance. (This is not essential for the training, which can be conducted at the SECRET level, but will be essential for actual employment.)

b. Training in Interrogation Support requires approximately 60 hours, conducted during a ten-day course and should consist of the following topics:

(1) Legal requirements for detention operations, to include confinement, and interrogation operations.

(a) AR 190-8.

(b) Geneva Convention Relative to the Treatment of Prisoners of War.

(c) Those legal actions and decisions that are rendered during the operation that may influence operations and may result in changes of procedure.

(2) Ethical standards for psychologists or psychiatrists in interrogation and detention operations. This will include a discussion of common ethical issues and how to resolve ethical conflicts.

(a) Current ethical guidance provided by professional associations.

(b) Discussion of examples of ethical dilemmas.

(3) Fundamentals of interrogation. This will include the basics of U.S. Army doctrine for the interrogation process.

(4) Fundamentals of confinement operations. This includes the basics of Military Police and U.S. Army doctrine on confinement and the safeguarding of detainees.



(5) The fundamental structure, organization, and functions of military police in a confinement role.

(6) The fundamental structure, organization, and functions of Military Intelligence within the DoD, to include reporting mechanisms and systems. This will include exposure to the nomenclature and missions of Military Intelligence personnel as well as security classification guidelines for anticipated assignment location(s).

(7) An overview of information operations and the role it plays in detention operations.

(8) Application of the following areas of behavioral science to the interrogation process: professional level expertise in these areas is a prerequisite to training.

(a) Personality development with particular attention to the relevant cultural factors.

(b) Personality assessment with particular attention to the relevant cultural factors.

(c) Learning theory.

(1) Operant conditioning

(2) Classical conditioning

(3) Cognitive behavior theories

(d) Learned helplessness

(e) Cognitive dissonance theory

(f) Psychology of influence and persuasion

(9) Review of the psychology research on the social processes that lead to abuse. This will include instruction on moral disengagement, the potential of psychological drift, and successful control processes that reduce the incidence of abuse. This will include a review of the research on the social effects of disparate power relationships.

(10) Instruction on providing oversight to detention operations. This will build on material described in h above and will discuss, in detail, the manner and methods of establishing oversight, and how to put into practical use the theoretical knowledge of the group processes that lead to abuse.



(11) Review of the psychological aspects of captivity, capitalizing on the previous SERE training the student has received. Particular attention will be paid to the emotional effects of captivity and the use of resistance techniques. This will include, but is not limited to, a discussion of the Al Qaeda Training Manual.

(12) Principles of personnel selection and assessment using indirect and observational methods. Training should include models and examples of indirect assessment products.

(13) Psychological screening and assessment of interrogators and linguists. This will include discussion of test instruments and normative populations.

(14) Instruction in the indirect assessment of detainees. This will include a review of personality factors, cultural issues, and an update on current populations.

(15) Role playing examples of the interrogation process.

(16) Instruction on providing consultation to interrogators and analysts.

(17) Instruction on providing consultation to Commanders concerning detention operations.

(18) The effects of cultural issues on detention operations specific to the population under consideration.

(19) Education on the missions and roles of various federal, military, and civilian departments and agencies that are present in the theater.

## **9. Ethics**

a. Psychologists and psychiatrists are bound by both legal and ethical constraints when supporting interrogations. Every BSC who supports detention operations must know first, the legal requirements regarding the treatment of detainees, and second, the ethical requirements established by their profession. The BSCs involved in interrogation support strive to help the government in developing informed judgments and choices concerning human behavior. Because of the particularly sensitive and dynamic nature of interrogation operations, it is important to emphasize the ethical standards of this support.

b. BSCs have specific knowledge, training, and experience that can ensure the ethical treatment of POWs and detained persons. A clear understanding of the social and behavioral forces that influence power relationships is essential when operating in this



environment. While the ethical standards are similar between the two professions of psychology and psychiatry, they are not identical. Because of this, each profession will be addressed separately.

c. Psychologists:

(1). The ethical requirements for psychologists are contained in the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct (APA, 2002) and in the Report on the American Psychological Association Presidential Task Force on Psychological Ethics and National Security (2005).

(2). The ethical principles are guidance for the professional activities of psychologists. The Ethics Code is binding on all psychologists who are members of the APA and all those who are licensed by a State Psychology Licensing board that requires adherence to the code. All military psychologists are required to maintain State licensure. Therefore, the Ethics Code is an applicable guideline for military psychologists. Sanctions for violations of the Ethics Code can include the revocation of a psychologist's State license, placing the psychologist's military standing in jeopardy.

(3). The following identifies several aspects of the Ethics Code that necessitate interpretation, given the practice of support for interrogation and detention operations: Relevant sections of the Introduction, Preamble, General Principles, and Ethics Code are discussed and interpreted as well as the relevant legal requirements.

(4) The Balance of Law, Duty, and the Ethics Code

(a) The law that governs the active duty military psychologist is the US Constitution, Uniform Code of Military Justice (UCMJ), and applicable regulations of the branch of service. The Ethics Code is always subordinate to law and regulations.

(b) The Ethics Code pertains only to a psychologist's activities that are "part of their scientific, educational or professional roles" pertaining to the profession of psychology. The Code does not, therefore, have purview over the psychologist's role as a Soldier that is unrelated to the practice of psychology. For instance, the dictum for beneficence does not pertain to our actions against the enemy in combat. Unlike the Chaplaincy, a psychologist is not always required to be a non-combatant.

(c) Conversely, the Ethics Code is broad in its application. It pertains to all psychologists in the performance of their profession. US State licensing boards use the Ethics Code as a standard for behavior, requiring compliance with the code to maintain licensure. As stated above, the Ethics Code does not supersede the State, Federal, or military laws and regulations.



(d) Ignorance of the Ethics Code does not excuse violations. A lack of awareness or misunderstanding of an Ethical Standard is not itself a defense to a charge of unethical conduct. (Introduction)

(e) The method of resolving conflicts between the law and regulations with the Ethics Code are addressed within the Code, "When the psychologist's responsibilities conflict with the 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...irresolvable..., psychologists may adhere to the requirements of the law, regulations... in keeping with basic principles of human rights (Introduction; 1.02; 1.03)." The balance between maintaining adherence to the Code when it conflicts with the law and regulations is outlined below:

- Address and attempt to resolve the issue
- If initially not resolvable, consult with a psychologist experienced in Interrogation Support.
- If the issue continues to elude resolution, adhere to law and regulations in a responsible manner.
- Again, as noted above, regulation and international law require that all detainees, regardless of status, be treated humanely, completely consistent with the Ethics Code.

#### (5) Issues of Harm and Exploitation

(a) The Ethics Code (3.04), states, "Psychologists take reasonable steps to avoid harming their clients/patients, students, supervisees, research participants, organizational clients, and others with whom they work, and to minimize harm where it is foreseeable and unavoidable."

(b) This is consistent with the legal requirements of the GPW and of AR 190-8, which require the humane treatment of all detainees. The psychologist must make a reasonable effort to prevent unavoidable harm to detainees and to treat all persons with dignity and respect. One function of the psychologist supporting interrogations is to assist the command in preventing abuse of detainees and in monitoring the detention environment. This does not preclude the psychologist from assisting in interrogations, even if these interrogations result in consequences such as long-term confinement or conviction of war crimes.

#### (6) Boundaries of Competence



(a) The Ethics Code states that “Psychologists provide services...with populations and in areas only within the boundaries of their competence, based on their education, training, supervised experience, consultation, study or professional experience (2.01 Boundaries of Competence).” There is no certification process, to date, that exists for interrogation support. Furthermore, there is little information and research published on this practice. Often, psychologists are pushed forward on the battlefield, beyond readily accessible supervision or consultation, or are otherwise placed in positions without access to other psychologists trained in this area.

(b) As paragraph 2.01 of the Ethics Code states, in those emerging areas in which generally recognized standards for preparatory training do not yet exist, psychologists nevertheless take reasonable steps to ensure the competence of their work and to protect... others from harm.” Therefore, the psychologist should make attempts to regularly consult with other psychologists experienced in this area. When confronted with an ethical dilemma, the psychologist must make attempts at consultation. If unable to consult because of time constraints, isolation from other psychologists, or Operational Security requirements, the psychologist will later make attempts to seek consultation. The Specialty Consultant for Interrogation and Detention Operations should review, prior to submission, all documents recommending policy on interrogations originating from the psychologist supporting interrogations, or from a BSCT. If mission requirements prevent review, any such documents should be presented to the Specialty Consultant as soon as practicable.

(c) Furthermore, the psychologist must be cognizant of changes and developments within the field of psychological support for interrogation and detention operations. The psychologist should take every opportunity to “develop and maintain their competence (Paragraph 2.03)” in this emerging field”. The psychologist has a responsibility to evaluate and improve his or her job performance. The psychologist must be aware of all current policy requirements and command guidance concerning the conduct of interrogations and detention operations. Cultural awareness is also necessary to provide psychological support to interrogation operations.

#### (7) Multiple Relationships

(a) While performing the duties related to interrogation and detention operations, the psychologist functions as a Command Psychologist. The client is the command and the US government. It is not possible, in this environment, to avoid all multiple relationships. Military psychologists, like psychologists in small communities, must be keenly aware of the nature of these multiple relationships.

(b) Except under emergency circumstances, the psychologist consulting for interrogation operations does not conduct mental health evaluations or provide mental health treatment to detainees. All medical treatment, to include mental health evaluation and treatment, for detainees is provided by a designated medical element not involved in



interrogation support. The psychologist will take all reasonable steps to ensure that he or she is not perceived as a healthcare provider for detainees.

(c) When concerns about health status or medical condition of detainees are raised through observation by the psychologist, through inquiries by interrogators, or other reporting mechanisms, these concerns will be conveyed to medical personnel for evaluation, treatment, and disposition.

(d) The issue of multiple relationships is addressed in paragraph 3.05 of the Ethics Code. "A psychologist refrains from entering into a multiple relationship if the multiple relationship could reasonably be expected to impair the psychologist's objectivity, competence, or effectiveness... or otherwise risks exploitation or harm to the person with whom the professional relationship exists." The Code goes on to say that, "Multiple relationships that would not reasonably be expected to cause impairment or risk exploitation or harm are not unethical."

(e) Only in case of an emergency (for example, where another mental health provider or physician is not present) will the psychologist supporting interrogations break with their function and provide emergency services "to ensure that services are not denied (paragraph 2.02)." "The services are discontinued as soon as the emergency has ended or appropriate services are available (paragraph 2.02)."

(f) Psychologists supporting interrogations, as with all military psychologists, must always be alert to the risk of multiple relationships. For example, it would probably be inappropriate for a psychologist to conduct long-term psychological therapy with an interrogator that is working alongside the psychologist. On the other hand, brief consultation with the same interrogator might be appropriate. The psychologist, in consultation with other psychologists if possible, must evaluate each situation in order to minimize the risk of harm.

#### (8) Informed Consent

(a) Except as discussed above, psychologists supporting interrogations do not have a medical or mental health relationship with detainees. Ordinarily, they do not directly interact with detainees, they do not provide services to detainees, nor do they routinely engage in psychological testing of detainees. The DoD is the identified client, the organization the psychologist is supporting. Although it is possible for exceptions to be made to the above proscriptions, it should only be done after careful thought and consultation with other experienced psychologists.

(b) The Code of Ethics (3.11(a)) states, "Psychologists delivering services to or through organizations provide information beforehand to clients and when appropriate those directly affected by the services about...." Psychologists supporting interrogations will discuss with the organization the limits and purpose of the assessment; it is not appropriate,



given the functions of the psychologist in this role and the Department of Defense, to inform the detainee that he is being assessed by a psychologist. In fact, it would increase the likelihood of misunderstanding by the detainee of the psychologist's role".

(c) The Code of Ethics (3.10(b)) also states, "When consent by a legally authorized person is not permitted or required by law, psychologists take reasonable steps to protect the individual's rights and welfare. Any psychologist, whether supporting interrogations or not, has a duty to ensure the humane treatment of all detainees. This duty is not diminished by the nature of the detainee's acts prior to detainment".

(9) The June 2005 Report of the American Psychological Association Presidential Task Force on Psychological Ethics and National Security issued the following twelve statements concerning the work of BSCs to interrogation and detention operations:

(a) Psychologists do not engage in, direct, support, facilitate, or offer training in torture, or other cruel, inhuman, or degrading treatment.

(b) Psychologists are alert to acts of torture and other cruel, inhuman, or degrading treatment and have an ethical responsibility to report these acts to the appropriate authorities.

(c) Psychologists who serve in the role of supporting an interrogation do not use healthcare-related information from an individual's medical record to the detriment of the individual's safety and well-being.

(d) Psychologists do not engage in behaviors that violate the laws of the United States, although psychologists may refuse for ethical reasons to follow laws or orders that are unjust or that violate basic principles of human rights.

(e) Psychologists are aware of and clarify their role in situations where the nature of their professional identity and professional function may be ambiguous.

(f) Psychologists are sensitive to the problems inherent in mixing potentially inconsistent roles such as healthcare provider and consultant to an interrogation and refrain from engaging in such multiple relationships.

(g) Psychologists may serve in various national security-related roles, such as a consultant to an interrogation, in a manner that is consistent with the Ethics Code, and when doing so psychologists are mindful of factors unique to these roles and contexts that require special ethical consideration.



(h) Psychologists who consult on interrogation techniques are mindful that the individual being interrogated may not have engaged in untoward behavior and may not have information of interest to the interrogator.

(i) Psychologists make clear the limits of confidentiality.

(j) Psychologists are aware of and do not act beyond their competencies, except in unusual circumstances, such as set forth in the Ethics Code.

(k) Psychologists clarify for themselves the identity of their client and retain ethical obligations to individuals who are not their clients.

(l) Psychologists consult when they are facing difficult ethical dilemmas.

d. Psychiatrists:

(1) The ethical requirements for Psychiatrists are contained in the American Psychiatric Association's Opinions of the Ethics Committee on The Principles of Medical Ethics with annotations especially applicable to Psychiatry (2001) (including November 2003 amendments) and in the Ethics Primer of the American Psychiatric Association (2001), particularly the chapter devoted to Ethics and Forensic Psychiatry.

(2) As of September 2005, the American Psychiatric Association was beginning to review the activities of Psychiatrists acting as Behavioral Science Consultants in Interrogation and Detention Operations. No official position of the professional association on this activity has been published.



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Friday, October 14, 2005 10:50:41 PM  
**Recipient:** 'Gerald P. Koocher, Ph.D. [REDACTED] 'Barry Anton'  
[REDACTED]  
**Cc:** [REDACTED] Ronald Levant  
**Subject:** FW: Trip to Guantanamo

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**FYI--in preparation for Ron's trip to Guantanamo**

-----Original Message-----

Behnke, Stephen

Friday, October 14, 2005 5:14 PM

'Levant,Ronald F'; [REDACTED]

Anderson, Norman; Honaker, Michael; Gilfoyle, Nathalie; Farberman, Rhea; Breckler, Steve; Newman, Russ; Kelly, Heather; Mumford, Geoff; Strassburger, Judy; Murphy, Jo Anne; 'Banks, Louie M. COL'; 'Dunivin, Debra L LTC WRAMC-Wash DC'

Trip to Guantanamo

Ron, below please find the information we have at the current time about your trip to Guantanamo.

Please note that the information below is what Col. Ireland (who will introduce himself as "Dr." Ireland) has; the trip is still in the process of being organized. I will call him Monday for any new information. [REDACTED]

[REDACTED]

Also, at the bottom of the message is the policy of the American Psychiatric Association on the role of psychiatrists regarding interrogations. (Please note that this policy has not been approved, and is therefore subject to change.)

Steve

**Discussions in preparation for your trip:**

Tuesday 10:30 am: Debra Dunivin (Ron will call Debra; [REDACTED])  
Tuesday 11:30 am: Heather Kelly (will call Ron in Akron)  
Tuesday 12:15pm: Morgan Banks, Steve Behnke (will call Ron in Akron)  
Tuesday 5: Meeting in Conference room at APA (5083)

Ron will leave from APA and arrive at Andrews between 7 and 7:30pm.

**Conversation with Col. Ireland 10.14.05:**

Details/logistics of the trip are still being organized. This is the information we have now.

Dr. Levant will arrive at Andrews AFB on Tuesday evening, between 7 and 7:30 pm. Dr. Levant will go to Billeting (also known as the Andrews Inn or Officers' Quarters) (Col. Ireland indicates that there will be some prepared materials for review for those going on the trip)

The plan is to leave Wednesday morning, 6:30 or 7am, returning about 6:30 pm. There will be about 4-4 1/2 hours on site. Upon return there will be a buffet style dinner.

Dr. Jack Smith, Deputy Assistant Secretary of Defense for Health Affairs, will be on trip (Col. Ireland's boss)

The trip will be made on two small jets, seven people each (rather than one larger jet)



Participants should wear comfortable clothes, e.g., khakis with comfortable shoes and something like a golf shirt (open collar), cap with visor, sunglasses, sunscreen. Lunch will be in the detainee area--muffins, juices in the am.

Dr. Winkenwerder will join the group for dinner--he will not be on the trip (called to testify in Congress) (Col. Ireland was very clear that this is Dr. Winkenwerder's meeting)

The purpose of the trip is to look at medically/ethically challenging situations, talk with "docs," reflect on those together with bright and informed folks, share perspectives and recommendations with Dr. Winkenwerder. The focus will be on medical ethics issues. The trip organizers have asked for an opportunity to meet with individuals on BSCT teams, and while this is not yet set, Dr. Ireland indicates that he "is not getting any resistance" to the idea. The trip is intended for people who influence and develop policy, and to make sure people know what's going on and to share perspectives in a nonattributorial environment (will not be a reporter there). Want people to be free to speak out--meeting is highly restricted. No auxiliary staff--purely senior leaders. Present will be Susan Okie (Contributing editor for New England Journal Medicine; still setting the "ground rules" for her participation.)

Present for the dinner will be the Surgeons General for Army, Navy, Air Force (or senior representatives); Dr. David Tornberg (Acting Deputy Director of TriCare Management activity (funds 9.2 million people's medical care))

Fact of trip not confidential (although has not been publicized)

### **APA Position Statement on Psychiatric Participation in Interrogation\* of Detainees**

1. The American Psychiatric Association reiterates its position that psychiatrists should not participate in, or otherwise assist or facilitate, the commission of torture of any person. Psychiatrists who become aware that torture has occurred, is occurring, or has been planned must report it promptly to a person or persons in a position to take corrective action.
2. Every person in military or civilian detention, whether in the United States or elsewhere, is entitled to adequate medical care under domestic and international humanitarian law. Psychiatrists providing medical care to individual detainees owe their primary obligation to the well-being of their patients and should not participate or assist in any way, whether directly or indirectly, overtly or covertly, in the interrogation of their patients on behalf of military or civilian agencies. Nor should any part of the medical records of any patient, or information derived from the treatment relationship, be disclosed to persons conducting interrogation of the detainee.
3. Psychiatrists should not participate in the interrogation of persons held in custody by military or civilian investigative or law enforcement authorities, whether in the United States or elsewhere. Nor should they provide information or advice to military or civilian investigative or law enforcement authorities regarding the likely consequences of specific techniques of interrogation that is in any way particularized in its application to an individual detainee.

\*As used in this statement, "interrogation" refers to a deliberate attempt to elicit information from a detainee for the purposes of incriminating the detainee, identifying other persons who have committed or may be planning to commit acts of violence or other crimes, or otherwise obtaining information that is believed to be of value for criminal justice or national security purposes. It does not include interactions with judges or attorneys in connection with adjudication or preparation for adjudication; interviews or other interactions with a detainee authorized by a court or by counsel for the detainee; or interviews or other interactions with a prisoner serving a sentence conducted by or on behalf of correctional authorities.







**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Friday, October 14, 2005 4:01:13 PM  
**Recipient:** 'Gelles, Mike' <MGelles@NCIS.NAVY.MIL>  
**Subject:** RE: 2005 Special Applications of Psychology Conference

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Mike, could I give you a disk with my presentation on it Monday evening, and use your computer, or send it to you by email Monday evening/Tuesday am? (I'll not have it complete until then)

Thanks for letting me know,

Steve

-----Original Message-----

From: Gelles, Mike [<mailto:MGelles@NCIS.NAVY.MIL>]  
Sent: Friday, October 14, 2005 12:34 PM  
To: Behnke, Stephen  
Subject: FW: 2005 Special Applications of Psychology Conference

fyi

Michael G. Gelles, Psy.D.  
Chief Psychologist  
Naval Criminal Investigative Service  
Phone: (202) 433-9621 Fax: (202) 433-9619

> -----Original Message-----

> From: Gaines-Auld, Cathy  
> Sent: Friday, October 14, 2005 11:51 AM  
> To: Code 02D (Psychology); [REDACTED]  
> [REDACTED] George Bokelberg [REDACTED] greenc@jdi.army.mil;  
> Harold.Dickens@us.army.mil; indydw@UCIA.GOV; jbiron@mail.nswdg.navy.mil;  
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> margaret.lhuy@usmc.mil; mtsammons@us.med.navy; ralphja@mbw.usmc.mil;  
> rfstoltz@bethesda.med.navy.mil; [REDACTED]  
> sally.harvey@meade-inscom.army.mil; scott.shumate@cifa.mil;  
> [REDACTED] Tim Gameros  
> Cc: 'leonard.coleman@nwc.navy.mil'; 'eric.ross@nwc.navy.mil'  
> Subject: 2005 Special Applications of Psychology Conference

>  
>  
> For Official Use Only  
> <<...OLE\_Obj...>>

> We look forward to seeing you at the  
> 2005 Special Applications of Psychology Conference  
> Naval War College, Newport, Rhode Island  
> October 17-20, 2005

> Please Note the following:

> \*\*The conference will close on Wednesday, October 19th at 1600.

> \*\*Monday, October 17th - Meet in the Marriott Lobby at 0645 for minivan  
> shuttle service/directions to the Naval War College.

> \*\*Monday, October 17th - 0700-0800 - Registration



>  
> Presenters - Both Classified and Unclassified computer discs and video  
> tapes CANNOT be used at the Naval War College. Please send any  
> presentation material electronically to CTA1 Eric Ross, Assistant Special  
> Security Officer, Naval War College via SIPR at:  
> Eric.Ross@nwc.navy.mil or JWICS at: Rossern@gdeck.nmic.ic.gov.  
> Please reference the Special Applications of Psychology Conference in your  
> email.  
>  
>  
> If you have any problems or questions, please contact Dr. Tina Hawkes  
> at the Marriott Hotel or on her cell phone at 202-437-9149.  
>  
>  
> \*\*\*\*\*  
> \*\*\*  
> Daily Conference Schedule  
> All Discussions should be kept at the Secret-NOFORN or Below  
>  
>  
> Monday, October 17 ( 6:45 AM-4:00PM)  
>  
> 0645- Meet in the Marriott Lobby for minivan shuttle service/directions to  
> the Naval War College.  
>  
> 0700-0800 - Registration - Security badges issued and \$5.00 per day  
> classroom refreshment fee collected (breakfast, afternoon beverages and  
> cookies). Please make checks payable to "NWC Events Support Fund".  
> Please sign the RSVP list for dinner at the Atlantic Beach Club (Monday)  
> and/or the Red Parrott (Tuesday).  
>  
> Introduction to Operational Competencies  
>  
> 0800-0805 - Welcome, Dr. James Giblin, Jr, Provost and Dean of Academics,  
> U.S. Naval War College  
>  
> 0805-0820 - Opening Remarks, Special Agent Veronica McCarthy, Executive  
> Assistant Director for Counter-Intelligence, Naval Criminal Investigative  
> Service  
>  
> 0820-0915 - A Consultation Model for Operational Psychology: Staying in  
> your Lane,  
> Michael Gelles, Psy.D  
>  
> 0915-0945 - BREAK (RSVP List Closed)  
>  
> 0945-1045 - Competencies Associated with Selection of Personnel for High  
> Risk Assignments,  
> George Bokelberg PhD  
>  
> 1045-1130 - Competencies in Consultation to Management in Matters of  
> National Security (Panel Discussion), Joseph Krofcheck, MD; Michael  
> Gelles, PsyD; Cathleen Civiello, PhD; Kenneth Rollins, PhD  
>  
> 1130-1300 - LUNCH - Trident Café, Naval War College  
>  
> 1300-1400 - Competencies in Consultation in the Applicant Security  
> Screening Process (Polygraph and Interview), Marianne Moran, PhD; Gary  
> Page, PhD  
>  
> 1400-1420 - BREAK



>  
> 1420-1600 - Behavioral Research in the Operational Arena, Andy Morgan, MD  
>  
> 1630 - Meet at the Marriott lobby for a van and car pool along Ocean Drive  
> to dinner at the Atlantic Beach Club. If you would like to attend the  
> dinner, please sign the RSVP list at the conference registration desk.  
>  
>  
>  
> Tuesday, October 18 (8:00AM-4:00PM)  
>  
> Ethics: Operational Psychology Competency  
>  
> 0800-0900 - Keynote Address: Ethical Issues in Operational Psychology,  
> Melvin Gravitz, PhD  
>  
> 0900-1030 - Results of the American Psychological Association's  
> Presidential Task Force on Psychological Ethics and National Security,  
> Steven Behnke, PhD, JD  
> \* Report of the American Psychological Association Presidential Task Force  
> on Psychological Ethics and National Security (June 2005) will be  
> discussed. Copy provided in the registration package.  
>  
> 1030-1100 - BREAK  
>  
> 1100-1200 - Ethics and National Security (Panel Discussion), Cathleen  
> Civiello, PhD; Kenneth Rollins, PhD; Carroll Greene, PhD  
>  
> 1200-1330 - LUNCH - Trident Café, Naval War College  
>  
> 1330-1430 - Core Competencies in Counter-Intelligence Training for  
> Psychologists,  
> Kirk Kennedy, PhD  
>  
> 1430-1500 - The Navy Operational Psychology Fellowship Program, Anthony  
> Arita, PhD; John Ralph, Ph.D.  
>  
> 1500-1530 - BREAK  
>  
> 1530-1630 - Ethical Considerations: Competency Development Programs at  
> the National Security Agency, Cathleen Civiello, PhD  
>  
> 1700 - Happy Hour at the Marriott Bar. At 1815 walk to dinner at the Red  
> Parrot. Please sign the RSVP list at the conference registration desk.  
>  
>  
> Wednesday, October 19 (8:00AM-4:00PM)  
>  
> Special Issues in Competency  
>  
> 0800-0900 - Operational Psychology and Consultation to the Combatant  
> Commander, Thomas Williams, PhD  
>  
> 0900-0945 - Consultation to Combatant Commanders (Panel Discussion),  
> Sally Harvey, PhD; Linda Estes, PhD; Anthony Arita, PhD  
>  
> 0945-1015 - BREAK  
>  
> 1015-1130 - Competency Issues Associated with Deploying with Special  
> Operations Commands, Morgan Banks, PhD  
>



> 1130-1300 - LUNCH - Trident Café, Naval War College  
>  
> 1300-1400 - Competencies for Special Operations Consultation (Panel  
> Discussion):  
> Joseph Biron, PhD; Carroll Greene, PhD; Thomas Menafee, PhD  
>  
> 1400- 1600 - Baseline Performance Models for Review of Unusual Tasks,  
> Kenneth Rollins, PhD  
>  
> Networking  
>  
> 1600 - Continuing Education Certificates Issued  
>  
>  
>  
> 1600- Security badges collected - We ask for your attention and  
> cooperation with returning all security badges to our host, the Naval War  
> College, at the close of the conference.  
>  
> Conference Close  
>  
>  
>  
> Catherine E. Gaines-Auld  
> Naval Criminal Investigative Service  
> Psychological Services Unit, Code 02D  
> Desk: 202-433-9010 DSN: 288-9010  
> Fax: 202-433-9615  
>



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Monday, October 10, 2005 1:10:50 AM  
**Recipient:** 'Levant,Ronald F' [REDACTED]  
**Subject:** RE: [COR] FW: Can You Visit to Guantanamo Bay, Cuba, U.S. Detainee Operations, 19 Oct 05?

---

Hi Ron,

I'm sorry I'm just getting back to you; I just returned to DC this moment, from giving an ethics workshop to the Georgia Psych. Association.

I think Andy makes a good point, but given that you have not set the parameters of the trip, it's very difficult to say how you will "scratch below the surface." How about something like:

Andy,

Thank you for your message. Although I am an invitee, and am therefore not in charge of setting any of the parameters for the trip, rest assured that I am both aware of and sensitive to your concerns (and appreciate your taking the time to convey them to me personally). For that reason, I will certainly be consulting with individuals both within and outside of APA (Morgan is an excellent suggestion), to find ways to ensure that my presence is not, as you say, used as an "artifice." While I simply don't have any specifics at the moment, I will certainly be giving your points a great deal of thought throughout this week, in preparation for the trip.

RL

-----Original Message-----

From: Levant,Ronald F [REDACTED]  
Sent: Sunday, October 09, 2005 7:09 PM  
To: Behnke, Stephen  
Subject: FW: [COR] FW: Can You Visit to Guantanamo Bay, Cuba, U.S. Detainee Operations, 19 Oct 05?

Steve: This is the one I need some help with

Ronald F. Levant, EdD, ABPP, MBA  
Dean and Professor of Psychology  
Buchtel College of Arts and Sciences  
The University of Akron  
Akron, OH 44325-1901

[REDACTED]

Website: [www.DrRonaldLevant.com](http://www.DrRonaldLevant.com)  
President, American Psychological Association, 2005  
"Making Psychology a Household Word"

-----Original Message-----

From: G. Andrew H. Benjamin, J.D., Ph.D.  
[REDACTED]  
Sent: Sunday, October 09, 2005 12:08 PM  
To: Levant,Ronald F  
Subject: Fw: [COR] FW: Can You Visit to Guantanamo Bay, Cuba, U.S. Detainee Operations, 19 Oct 05?

Dear Ron:







> COR representative from Maryland  
 > [REDACTED]  
 >  
 >  
 > ----- Original Message -----  
 > From: "Levant,Ronald F" [REDACTED]  
 > To: <COR@LISTS.APA.ORG>  
 > Sent: Saturday, October 08, 2005 7:58 AM  
 > Subject: [COR] FW: Can You Visit to Guantanamo Bay, Cuba, U.S.  
 > Detainee  
 > Operations, 19 Oct 05?  
 >  
 >  
 > Hi Folks: I thought you might be interested in learning about this.  
 > The  
 > invitation is immediately below, followed by the list of participants.  
 > Best  
 > Ron  
 >  
 > Ronald F. Levant, EdD, ABPP, MBA  
 > Dean and Professor of Psychology  
 > Buchtel College of Arts and Sciences  
 > The University of Akron  
 > Akron, OH 44325-1901  
 > [REDACTED]  
 >  
 > Website: [www.DrRonaldLevant.com](http://www.DrRonaldLevant.com)  
 > President, American Psychological Association, 2005  
 > "Making Psychology a Household Word"  
 > From: Ireland, Robert, COL, OASD(HA)  
 > [<mailto:robert.ireland@ha.osd.mil>]  
 > Sent: Wednesday, September 28, 2005 2:41 PM  
 > To: Levant,Ronald F  
 > Subject: Can You Visit to Guantanamo Bay, Cuba, U.S. Detainee  
 > Operations, 19 Oct 05?  
 >  
 >  
 >  
 > Dr. Levant,  
 > I am contacting you by email in advance of a formal invitation  
 > from Dr. William Winkenwerder, the Assistant Secretary of Defense for  
 > Health Affairs, who has requested you by name for an important event.  
 >  
 > On 19 Oct 2005, would you be interested in traveling with a  
 > small group of distinguished American medical leaders, the U.S.  
 > Surgeon  
 > General, 2 senior military physicians (SG of the Army and Joint Staff  
 > Surgeon), and Health Affairs leadership, to Guantanamo Bay, Cuba, to  
 > visit the detainee and medical operations areas? (12 total passengers  
 > on  
 > a US Navy jet.) The purpose is to examine up-close our detainee and  
 > medical operations. We will leave Andrews AFB in the DC area about 7  
 > a.m. and return about 6 p.m., at which time we will have a supper  
 > workgroup during which our distinguished guests might share  
 > perspectives  
 > and recommendations with Department of Defense health leaders based  
 > upon  
 > their observations and reflections.  
 >



> We will provide quarters the night before and night of the trip  
> for those from out of the area, as required. While we are making  
> arrangements to make this trip on 19 Oct, this date could possibly  
> slip  
> due to circumstances beyond our control.  
>  
> Please let me know if this would be something you would  
> consider  
> doing. More details will follow.  
> Respectfully,  
> Bob  
> Col Bob Ireland, USAF, Medical Corps, Chief Flight Surgeon  
> Program Director, Mental Health Policy  
> Office of the Assistant Secretary of Defense, Health Affairs  
> 703 681 1703  
>  
> -----  
> Dr. Levant,  
>  
> Here is the list of participants.  
>  
> You will need your passport to clear customs upon your return from  
> GITMO.  
>  
> Again, more to follow.  
>  
> Bob  
>  
> Col Bob Ireland  
>  
> 19 Oct 2005 GITMO TRIP ATTENDEES  
>  
>  
>  
>  
> Dr. William Winkenwerder, Jr., MD  
>  
> Assistant Secretary of Defense (Health Affairs)  
>  
>  
>  
> VADM Richard Carmona,  
>  
> Surgeon General of the United States  
>  
>  
>  
> Lt Gen Kevin Kiley  
>  
> Surgeon General of the Army  
>  
>  
>  
> Maj Gen Joseph Kelley  
>  
> Joint Staff Surgeon  
>  
>  
>  
> Dr. Audiey Kao  
>



> AMA: Vice President, Ethics Group  
>  
>  
>  
> Dr. Ronald Levant  
>  
> American Psychological Association, President  
>  
>  
>  
> Dr. Larry Mohr  
>  
> Board of Regents, USUHS; Professor of Medicine, Med Un of So Carolina  
>  
>  
>  
>  
> Dr. Susan Okie  
>  
> New England Journal of Medicine, Contributing Editor  
>  
>  
>  
> Dr. Steven Sharfstein  
>  
> American Psychiatric Association, President  
>  
>  
>  
> Dr. Nancy Sherman  
>  
> Annapolis Inaugural Ethics Chair, Prof of Philosophy, Georgetown Univ.  
>  
>  
>  
> Dr. Priscilla Ray  
>  
> AMA: Chair, Council on Ethical and Judicial Affairs  
>  
>  
>  
> Anthony Fortune, Col (ret)  
>  
> Detainee Affairs Escort  
>



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Tuesday, September 27, 2005 8:39:42 PM  
**Recipient:** Gilfoyle, Nathalie <ngilfoyle@apa.org>; Childress-Beatty, Lindsay <LChildress-Beatty@apa.org>  
**Subject:** Ethics Committee and Council  
**Attachments:** ECPENSSept05doc.doc

---

Hi Lindsay and Nathalie,

Attached please find the Ethics Committee's response to Council's request that the Committee review and make a recommendation concerning a proposed change to the Ethics Code.

Please let me know if you have any legal concerns about the Committee sending this document to the Board of Directors and to Council.

Thank you,

Steve





The American Psychological Association is clear and resolute: there is never a justification for a psychologist's involvement in torture.

In its discussing of the Presidential Task Force on Psychological Ethics and National Security at its August 2005 meeting, the Council of Representatives requested the Ethics Committee to “review the discrepancy between the language of the Introduction and Applicability section of the *Ethical Principles of Psychologists and Code of Conduct* and Ethical Standard 1.02.” Council further requested that based upon this review, the Ethics Committee “make a recommendation to the Board of Directors concerning adding the words ‘in keeping with basic principles of human rights’ to Ethical Standard 1.02.” Finally, “Council requests that this process move forward as expeditiously as reasonably possible, recognizing that a proposed amendment to the *Ethical Principles of Psychologists and Code of Conduct* will be subject to the review procedures required by Association Rule 30-8, Standards and Guidelines, and final Council action.”

The Introduction and Applicability section of the Ethics Code states “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*.” (emphasis added)

The phrase “in keeping with basic principles of human rights” is not included in the enforceable provision, Standard 1.02, “Conflicts Between Ethics and Law, Regulations, or Other Governing Legal Authority,” which states simply “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 may adhere to the requirements of the law, regulations, or other governing legal authority.”

The Ethics Committee has carefully reviewed Council's request and believes, as explained below, that policies adopted by the Council of Representatives, the Board of Directors, and the Ethics Committee make APA's position clear and provide sufficient guidance to members at the immediate present time. Accordingly, the Ethics Committee respectfully recommends that the Committee be given more time to engage in a process that will allow a fuller understanding of the questions and concerns that gave rise to this proposed change, a deeper consideration of whether the proposed change is the best way to address the underlying considerations, and more extensive examination of the impact adding such language to the enforceable section of the Ethics Code may have.

By adding the phrase “in keeping with basic principles of human rights,” APA would make clear that human rights are critical in any decision regarding a conflict between ethics and law. The Ethics Committee notes that the language of the PENS Task Force Report (the first of the twelve statements) does not allow any exceptions—the language is absolute, stating unequivocally that it is never permissible for psychologists to engage in, direct, support, facilitate, or offer training in torture or other cruel, inhuman, or degrading



treatment. The Ethics Committee determined that this statement was an appropriate interpretation and application of the Ethics Code, and the Board adopted this statement (along with the other statements in the PENS Report) as APA policy. Following Committee and Board action, the Council of Representatives passed an item stating that that there are no exceptional circumstances whatsoever, whether induced by a state of war or a threat of war, internal political instability or any other public emergency, that may be invoked as a justification for torture, including the invocation of laws, regulations, or orders.

The Council of Representatives took other action on the PENS report, which included endorsing a Task Force recommendation that a casebook/commentary with illustrative examples be written. Council directed that the PENS Task Force and the Ethics Committee collaborate on this casebook/commentary, and that a period of open comment on the Task Force report be offered, to help outline and define questions about the report. The Ethics Committee believes that the comment period and the process of writing the casebook/commentary will significantly aid the Committee in understanding what issues psychologists working in this area confront, and so provide the Committee with an enhanced understanding of how best to address any potential shortcomings in the Ethics Code.

The Ethics Committee further noted that adding aspects of aspirational parts of the Ethics Code to enforceable parts can be more complex than expected and may lead to unanticipated results. For example, while "basic principles of human rights" may appear to have a clear meaning when applied to the current discussion of national security-related activities, it may not be as clear when applied in Standard 1.02 to conflicts with law in other contexts, especially given that the APA has yet to define what constitutes "basic principles of human rights." Defining these principles will be an essential first step if this language is to be included in an enforceable standard, so that psychologists have adequate notice about what activities the Ethics Code prohibits.

During this discussion and when previously reviewing and approving the PENS report, the Ethics Committee considered whether complaints about national-security related issues can be adequately addressed. The Ethics Committee's endorsement of the PENS statements provides an official interpretation of several provisions in the current Ethics Code. The Ethics Committee believes that there are clear provisions in the Ethics Code to sanction psychologists who engage in, direct, support, facilitate, or offer training in torture or other cruel, inhuman, or degrading treatment.

The Ethics Committee wants to give this proposed change the attention and consideration that comes with a full examination of the Ethics Code, with broad participation from the entire association and ample opportunity for reflection, comment, and feedback, before making a recommendation concerning the proposed change. The Committee also wants to benefit from the processes that are currently underway, so that it may review what comments are submitted regarding the PENS Task Force report and what specific examples the Task Force report commentary addresses. The Committee believes that by



benefiting from these processes it will be in the best position to serve the APA well with a considered, thoughtful, and constructive recommendation.



## Proposed New Business Item

Subject: Update of the 2006 Resolution Against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment<sup>1</sup>

### Tracking Changes

New text in **Red and Underlined** – all taken from the 2013 Reconciled Policy Adopted by Council in August

Deleted text in margin

Wording changes for clarity in *blue and italics*

### Main Motion #1:

That Council adopts the following updated Resolution Against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment as APA policy

Whereas the existence of state-sponsored torture and other cruel, inhuman, or degrading treatment or cruel, inhuman, or degrading punishment has been documented in many nations around the world (e.g., Genefke, 2004; Human Rights Watch, 2006; U.S. Department of State, 2005);

Whereas torture victims and victims of other cruel, inhuman, or degrading treatment or cruel, inhuman, or degrading punishment may suffer from long-term, multiple psychological and physical problems (e.g., Carlsson, Mortensen, & Kastrup, 2005; Gerrity, Keane, & Tuma, 2001; Hermansson, Timpka, & Thyber, 2003; Kanninen, Punamaki, & Qouta, 2003; Somnier, Vesti, Kastrup, & Genefke, 1992);

Whereas psychological knowledge and techniques (e.g., including but not limited to deprivation and disorientation techniques) may be used to design and carry out torture and other cruel, inhuman, or degrading treatment or cruel, inhuman, or degrading punishment (e.g., Conroy, 2000; Hovens & Drozdek, 2002; Mossallanejad, 2000);

Whereas the Ethical Principles of the APA Ethical Principles of Psychologists and Code of Conduct (2002; *2010*) call upon members of the APA to respect the inherent dignity and worth of the individual and strive for the preservation and protection of fundamental human rights recognizing the equal and inalienable rights of all members of the human family;

Whereas in 2000 APA received consultative status as a non-governmental organization (NGO) at the United Nations (UN) in recognition of evidence provided by APA of its efforts to promote human rights;



Whereas as an accredited NGO at the UN, the APA is committed to the spirit, purposes, and principles of the Charter of the UN and other relevant international instruments;

Whereas APA's status as an accredited NGO at the UN carries the commitment to promote and protect human rights in accordance with the Charter of the UN and the Universal Declaration of Human Rights and to contribute its expertise and resources to the implementation of the various human rights declarations, conventions and other standards of the UN;

Whereas, consistent with its history in supporting human rights, in its 1987 Human Rights Resolution, APA issued a strong statement that “the discipline of psychology, and the academic and professional activities of psychologists, are relevant for securing and maintaining human rights”; and undertook to promote knowledge of and compliance with UN instruments by resolving to commend the main UN human rights instruments and documents to the attention of its boards, committees and membership at large;

Whereas in its 1986 Resolution Against Torture, APA supported the United Nations Declaration and Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment<sup>2</sup>;

Whereas the American Psychological Association 1986 Human Rights Resolution is specific in its support for the United Nations 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<sup>3</sup>, which includes Principle 4a,

It is a contravention of medical ethics for health personnel . . . to apply their knowledge and skills in order to assist in the interrogation of prisoners and detainees in a manner that may adversely affect the physical or mental health or condition of such prisoners or detainees and which is not in accordance with the relevant international instruments;

Whereas the American Psychological Association 1986 Human Rights Resolution is specific in its support for the joint congressional Resolution opposing torture that was signed into law by President Reagan on October 4, 1984;

~~Whereas in August 2005 APA's Council of Representatives approved the motion to acknowledge Principle 2.2 of the United Nations Convention Against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment, which states that~~

~~[T]here are no exceptional circumstances whatsoever, whether induced by a state of war or threat of war, internal political instability or any other public emergency, that may be invoked as a justification for torture, including the invocation of laws, regulations, or orders;~~



Be it resolved that the [APA unequivocally condemns torture and cruel, inhuman, or degrading treatment or punishment, under any and all conditions \(applicable to all individuals, in all settings and in all contexts without exception\), including detention and interrogations of any persons regardless of designation \(e.g., lawful and unlawful enemy combatants as defined by the US Military Commissions Act of 2006<sup>4</sup> or privileged vs. unprivileged enemy belligerent as defined by the US Military Commissions Act of 2009<sup>5</sup>\).](#) ~~APA reaffirms its 1986 condemnation of torture and other cruel, inhuman, or degrading treatment or cruel, inhuman, or degrading punishment wherever it occurs;~~

Be it resolved that the [APA affirms, in keeping with Article 2.2 of the UN Convention Against Torture, that there are no exceptional circumstances whatsoever, whether induced by a state of war or threat of war, internal political instability or any other public emergency, that may be invoked as a justification for torture or cruel, inhuman, or degrading treatment or punishment, including the invocation of laws, regulations, or orders.](#)

~~APA reaffirms its support for the United Nations Declaration and Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and its adoption of Article 2.2, which states~~

~~[T]here are no exceptional circumstances whatsoever, whether induced by a state of war or a threat of war, internal political instability or any other public emergency, that may be invoked as a justification of torture;~~

Be it resolved that [APA defines torture in accordance with Article I of the UN Declaration and Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment \(hereafter referred to as UN Convention Against Torture\):](#) ~~, in accordance with Article I of the United Nations Declaration and Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment,~~

[T]he term “torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted upon a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official [e.g., governmental, religious, political, organizational] capacity. It does not include pain or suffering arising only from, inherent in, or incidental to lawful sanctions [in accordance with both domestic and international law];



Be it resolved, that APA defines the term "cruel, inhuman, or degrading treatment or punishment" to mean treatment or punishment of any person in accordance with the United States Reservation I.1 of the Reservations, Declarations and Understandings to the United Nations Convention Against Torture, which defines this term as "the cruel, unusual and inhumane treatment or punishment prohibited by the Fifth, Eighth, and/or Fourteenth Amendments to the Constitution of the United States"<sup>6</sup>;

Be it Resolved that APA further unequivocally condemns all techniques considered torture or cruel, inhuman or degrading treatment or punishment under the United Nations Convention Against Torture; 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 term "cruel, inhuman, or degrading treatment or punishment" means treatment or punishment by a psychologist that, in accordance with the McCain Amendment<sup>7</sup>, is of a kind that would be "prohibited by the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, as defined in the United States Reservations<sup>8</sup>, Declarations and Understandings to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment done at New York, December 10, 1984."

Be it resolved that APA recognizes that torture and other cruel, inhuman or degrading treatment or punishment can result from conditions of confinement and the behavior of individuals. Psychologists are prohibited from working in unlawful detention settings as defined in the 2008 APA Petition Resolution Policy<sup>2</sup> except when working directly for the persons being detained, for an independent third party working to protect human rights or when providing psychological services to military personnel working at the site(s).<sup>10</sup>

Be it resolved that APA further recognizes that some settings, which do not constitute unlawful detention settings as defined the 2008 APA Petition Resolution Policy, nonetheless have conditions of confinement that constitute torture and other cruel, inhuman or degrading treatment or punishment. APA expresses grave concern over such settings in which detainees are deprived of adequate protection of their human rights, affirms the prerogative of psychologists to refuse to work in such settings, and will continue to explore ways to support psychologists who refuse to work in such settings or who refuse to obey orders that constitute torture.

Be it resolved that, based upon the American Psychological Association 1986 Human Rights Resolution, the APA reaffirms its support for the United Nations Declaration and Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, 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 as well as the joint congressional Resolution opposing torture that was signed into law by President Reagan on October 4, 1984, and further supports the McCain Amendment, the United Nations Basic Principles for the Treatment of Prisoners<sup>11</sup>, and the United Nations Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment<sup>12</sup>;

Be it resolved that based upon the APA's long-standing commitment to basic human rights including its position against torture, psychologists shall work in accordance with international human rights instruments relevant to their roles;

Be it resolved that regardless of their roles, psychologists shall not knowingly engage in, assist, tolerate, direct, support, advise, facilitate, plan, design, or offer training in torture or other cruel, inhuman, or degrading treatment or punishment under any and all conditions, nor shall they participate in any procedure where such treatment is threatened~~shall not knowingly engage in, tolerate, direct, support, advise, or offer training in torture or other cruel, inhuman, or degrading treatment or cruel, inhuman, or degrading punishment; psychologists may not enlist others to employ these techniques in order to circumvent this policy's prohibition; and psychologists shall not provide knowingly any research, instruments, or knowledge that facilitates the practice of torture or other forms of cruel, inhuman, or degrading treatment or punishment; shall not provide knowingly any research, instruments, or knowledge that facilitates the practice of torture or other forms of cruel, inhuman, or degrading treatment or cruel, inhuman, or degrading punishment;~~

~~Be it resolved that psychologists shall not knowingly participate in any procedure in which torture or other forms of cruel, inhuman, or degrading treatment or cruel, inhuman, or degrading punishment is used or threatened<sup>13</sup>;~~

Be it resolved that psychologists shall be alert to acts of torture or other cruel, inhuman, or degrading treatment or punishment. Should such acts evolve during a procedure where a psychologist is present, the psychologist shall attempt to intervene to stop such behavior, and failing that, the psychologist has an ethical responsibility to exit the procedure and report these acts to the appropriate authorities.~~should torture or other cruel, inhuman, or degrading treatment or cruel, inhuman, or degrading punishment evolve during a procedure where a psychologist is present, the psychologist shall attempt to intervene to stop such behavior, and failing that exit the procedure;~~

~~Be it resolved that psychologists shall be alert to acts of torture and other cruel, inhuman, or degrading treatment or cruel, inhuman, or degrading punishment and have an ethical responsibility to report these acts to the appropriate authorities;~~

Be it resolved that APA commends those psychologists who have taken clear and unequivocal stands against torture or cruel, inhuman or degrading treatment or punishment, especially in the line of duty, and including stands against the specific



behaviors (detailed in Statement 3) or conditions listed above; and that the APA affirms the prerogative of psychologists under the Ethics Code (2010) to disobey law, regulations or orders when they conflict with ethics in keeping with Ethical Standard 1.02.<sup>14</sup>

Be it further resolved that, ~~consistent with the August 2005 action of Council, the~~ APA will continually disseminate and publicize this ~~2006~~ Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, both within the Association (to boards, committees, and the membership at large) and to the wider public.

## References

- Carlsson, J. M., Mortensen, E. L., & Kastrup, M. (2005). A follow-up study of mental health and health-related quality of life in tortured refugees in multidisciplinary treatment. *Journal of Nervous and Mental Disease*, 193, 651-657.
- Conroy, J. (2000). *Unspeakable acts, ordinary people: The dynamics of torture*. Berkeley, CA: University of California Press.
- Genefke, I. (2004). Torturers - Outlaws of modern civilization. Testimony before the Congressional Human Rights Caucus - Torture: A Global Update and the Need for Assistance for Victims of Torture. Retrieved March 17, 2006, from <http://lantos.house.gov/HoR/CA12/Human+Rights+Caucus/Briefing+Testimonies/092804+Testimony+of+Dr+Inge+Genefke.htm>.
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- Hovens, J. E., & Drozdek, B. (2002). The terror of torture: A continuum of evil. In C. E. Stout (Ed.), *The psychology of terrorism* (Vol. 2, pp. 75-104). Westport, CT: Praeger.
- Human Rights Watch (2006). *Torture worldwide*. Human Rights News. Retrieved March 17, 2006, from <http://hrw.org/english/docs/2005/04/27/china10549.htm>.
- Kanninen, K., Punamaki, R., & Qouta, S. (2003). Personality and trauma: Adult attachment and posttraumatic distress among former political prisoners. *Peace and Conflict: Journal of Peace Psychology*, 9, 97-126.



Mossallanejad, E. (2000). Torture at the threshold of the new millennium. *Torture*, 10, 36-40.

Somnier, F., Vesti, P., Kastrup, M., & Genefke, I. K. (1992). Psycho-social consequences of torture: Current knowledge and evidence. In M. Basoglu (Ed.), *Torture and its consequences: Current treatment approaches* (pp. 56-71). New York: Cambridge University Press.

U.S. Department of State (2005). 2005 country reports on human rights practices. Retrieved July 8, 2006, from <http://www.state.gov/g/drl/rls/hrrpt/2005/index.htm>.

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<sup>1</sup> Individuals working in National Security Settings should review the 2013 APA *Policy Related to Psychologists' Work in National Security Settings and Reaffirmation of the APA Position Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*, <http://apa.org/about/policy/national-security.aspx?item=1>

<sup>2</sup> 1The United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment ([http://www.unhchr.ch/html/menu3/b/h\\_cat39.htm](http://www.unhchr.ch/html/menu3/b/h_cat39.htm)) is an international human rights instrument intended to prevent torture and other similar activities. According to the Convention, torture is defined as, "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions." The Convention also created the UN Committee Against Torture, which focuses on the duties of national leaders to serve in a preventive role concerning the use of torture and other cruel, inhuman, or degrading treatment or punishment.

<sup>3</sup> 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 ([http://www.unhchr.ch/html/menu3/b/h\\_comp40.htm](http://www.unhchr.ch/html/menu3/b/h_comp40.htm)) is a UN Human Rights Instrument adopted by the General Assembly resolution 37/194 of 18 December 1982. It contains a code of health personnel ethics relevant to the protection of persons subjected to any form of detention or imprisonment against torture and other cruel, inhuman, or degrading treatment or punishment.



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<sup>4</sup> Defined as both unlawful enemy combatants and lawful enemy combatants as set forth in the U.S. Military Commissions Act of 2006 (Chapter 47A; Subchapter I: Â§ 948a. Definitions):

(1) UNLAWFUL ENEMY COMBATANT. -

(A) The term 'unlawful enemy combatant' means-

(i) a person who has engaged in hostilities or who has purposefully and materially supported hostilities against the United States or its co-belligerents who is not a lawful enemy combatant (including a person who is part of the Taliban, al Qaeda, or associated forces); or

(ii) a person who, before, on, or after the date of the enactment of the Military Commissions Act of 2006, has been determined to be an unlawful enemy combatant by a Combatant Status Review Tribunal or another competent tribunal established under the authority of the President or the Secretary of Defense.

(B) CO-BELLIGERENT. - In this paragraph, the term 'co-belligerent', with respect to the United States, means any State or armed force joining and directly engaged with the United States in hostilities or directly supporting hostilities against a common enemy.

(2) LAWFUL ENEMY COMBATANT - The term 'lawful enemy combatant' means a person who is-

(A) a member of the regular forces of a State party engaged in hostilities against the United States;

(B) a member of a militia, volunteer corps, or organized resistance movement belonging to a State party engaged in such hostilities, which are under responsible command, wear a fixed distinctive sign recognizable at a distance, carry their arms openly, and abide by the law of war; or

(C) a member of a regular armed force who professes allegiance to a government engaged in such hostilities, but not recognized by the United States.

<sup>5</sup> Defined as both privileged belligerent and unprivileged enemy belligerent as set forth in the U.S. Military Commissions Act of 2009 (Chapter 47A; Subchapter I: Â§ 948a. Definitions):

(6) PRIVILEGED BELLIGERENT.-The term 'privileged belligerent' means an individual belonging to one of the eight categories enumerated in Article 4 of the Geneva Convention Relative to the Treatment of Prisoners of War.

(7) UNPRIVILEGED ENEMY BELLIGERENT.-The term 'unprivileged enemy belligerent' means an individual (other than a privileged belligerent) who- (A) has engaged in hostilities against the United States or its coalition partners; (B) has



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purposefully and materially supported hostilities against the United States or its coalition partners; or (C) was a part of al Qaeda at the time of the alleged offense under this chapter.

<sup>6</sup> Specifically, United States Reservation I.1 of the Reservations, Declarations and Understandings to the United Nations Convention Against Torture stating, 'the term 'cruel, inhuman or degrading treatment or punishment' means the cruel, unusual and inhumane treatment or punishment prohibited by the Fifth, Eighth, and/or Fourteenth Amendments to the Constitution of the United States.'

Amendment V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself [sic], nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment XIV.

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

<sup>7</sup>-McCain Amendment: Amendment No. 1977 HR 2863, the Defense Appropriations Bill of 2006 introduced by Senator John McCain ([http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2005\\_record&docid=cr05oc05-19](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2005_record&docid=cr05oc05-19)).

<sup>8</sup>-Specifically, United States Reservation I.1 of the Reservations, Declarations and Understandings to the United Nations Convention Against Torture (<http://www.unhchr.ch/html/menu2/6/cat/treaties/convention-reserv.htm>) stating, "the term 'cruel, inhuman or degrading treatment or punishment' means the cruel, unusual and inhumane treatment or punishment prohibited by the Fifth, Eighth, and/or Fourteenth Amendments to the Constitution of the United States."



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<sup>9</sup> Be it resolved that psychologists may not work in settings where persons are held outside of, or in violation of, either International Law (e.g., the UN Convention Against Torture and the Geneva Conventions) or the US Constitution (where appropriate), unless they are working directly for the persons being detained or for an independent third party working to protect human rights[7].

[7] It is understood that military clinical psychologists would still be available to provide treatment for military personnel.

<http://www.apa.org/about/policy/chapter-4b.aspx#unlawful-detention>

<sup>10</sup> A primary text for determining the intended scope of the Member Petition Resolution, given the title "Psychologists and Unlawful Detention Settings with a Focus on National Security," is found in the ballot materials distributed to the APA membership during the voting process. This text states:

The referendum is specific, provides clear context, and sets a high bar: in setting where people are detained outside of the law – places where treaties such as the Geneva Conventions and Convention Against Torture are ignored or declared not to apply – psychologists can work only for those detained. U.S. "jails, prisons, psychiatric hospitals..." all function within the legal system. Even if they are found to be in violation of the constitution, the finding itself demonstrates that they function within a legal framework, and thus do not meet that bar. No matter how bad conditions might be at those domestic institutions, they can be challenged openly in U.S. courts, and everyone held there holds the rights of habeas corpus; thus they differ significantly from the secret, extra-legal settings that are the subject of this referendum.

For additional information about the intended scope of the Petition Resolution, please see the Report of the APA Presidential Advisory Group on the Implementation of the Petition Resolution:

How is it to be determined whether the policy applies to a particular detention setting and what is meant by the term "outside of, or in violation of, international law?"

A determination of whether a particular detention setting is "in violation of international law" is to be derived from multiple sources. The U.N. and its committees can declare a site to be in violation of international law, as can any international body that the U.N. takes to be authoritative. A setting that has been censured due to reasons reflected by this policy by the Council of Europe, the International Committee of the Red Cross (ICRC), or other internationally accepted body as "outside of, or in violation of, international law" would also be considered a proscribed or prohibited setting. The factors taken into consideration by the U.N. and other internationally accepted bodies in making such a determination may include a lack of habeas corpus rights or other forms of judicial review for detainees, denial of access to the site and to detainees by U.N. monitors, and the use of torture



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or other forms of cruel, inhuman, or degrading treatment or punishment. The determination of whether a particular detention setting is operating "outside of international law" rests on whether the authority governing the site declares itself to be unbound by the relevant international or constitutional law, thereby indicating its unwillingness to abide by such laws. Relevant examples include a nation stating it will treat detainees in a manner "consistent" with the law rather than in compliance with the law; a state that accepts the law in part or with reservations; and a governing authority that avoids the use of internationally accepted categories, e.g., by naming its detainees "enemy combatants," a term that does not exist in international law. The presence of any one of these conditions does not automatically mean that a site is unlawful in terms of this policy. But alone, or in combination, they do suggest the possibility that a setting fails to comply with the standards of this policy; their existence provides sufficient basis for concern and further inquiry.

<sup>11</sup> Basic Principles for the Treatment of Prisoners

(<http://www.ohchr.org/english/law/basicprinciples.htm>) is a UN Human Rights Instrument adopted and proclaimed by General Assembly resolution 45/111 of 14 December 1990. It contains the minimum standards for treatment of prisoners as human beings as set forth in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and the Optional Protocol.

<sup>12</sup> The Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

(<http://www.ohchr.org/english/law/investigation.htm>) is a UN Human Rights Instrument recommended by General Assembly resolution 55/89 of 4 December 2000. The Principles outline recommended procedures related to the documentation of torture and other cruel, inhuman, or degrading treatment or punishment particularly by health care professionals.

~~<sup>13</sup> Declaration 4 of The World Medical Association Declaration of Tokyo. Guidelines for Physicians Concerning Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in Relation to Detention and Imprisonment (<http://www.wma.net/e/policy/e18.htm>).~~

<sup>14</sup> Ethical Standard 1.02, Ethical Principles of Psychologists and Code of Conduct, 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 General Principles and Ethical Standards of the Ethics Code. Under no circumstances may this standard be used to justify or defend violating human rights.



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Wednesday, September 07, 2005 5:01:32 PM  
**Recipient:** 'Gelles, Mike' <MGelles@NCIS.NAVY.MIL>  
**Subject:** RE: GB

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Thanks, Mike--

I'm sure he'll be quite persistent in attempting to engage you on one topic or another...somehow I have the feeling you can handle him.

Steve

-----Original Message-----

**From:** Gelles, Mike [mailto:MGelles@NCIS.NAVY.MIL]  
**Sent:** Wednesday, September 07, 2005 4:54 PM  
**To:** Behnke, Stephen  
**Subject:** RE: GB

Not sure what else to say except he has an agenda. Will call him after 5 PM no intention of meeting him. Will refer you to the 23rd panel. Deleted both e-mails.

Mike

**Michael G. Gelles, Psy.D.**

Chief Psychologist

Naval Criminal Investigative Service

Phone: (202) 433-9621 Fax: (202) 433-9619

-----Original Message-----

**From:** Behnke, Stephen [mailto:sbehnke@apa.org]  
**Sent:** Wednesday, September 07, 2005 1:26 PM  
**To:** Gelles, Mike  
**Subject:** GB

Hi Mike--from Gregg.

-----Original Message-----

**From:** Gregg Bloche [mailto:gregg.bloche@nyu.edu]  
**Sent:** Saturday, August 27, 2005 1:02 AM  
**To:** Behnke, Stephen  
**Subject:** RE: [REDACTED]

Hi -- glad you were OK with the Philly program. And I'd be glad to offer you my line-by-line thoughts in a phone chat, if you'd like (while the report is still fresh in my mind) -- I should be in my GULC office after 3:30 on Mon. & Tues.

I confess I was reminded, upon rereading the APA task force report, of how and why I found it so disheartening the first time -- disheartening because it's so disconnected, on key issues, from mainstream understandings of the relevant law & ethics -- and from the available evidence.

Some of your critics miss the mark by categorically rejecting application of psychology (& medicine) toward



social purposes. And they're out of line when they attack you personally. But, Steve, my heartfelt advice to you is to withdraw this draft. Treat it as a proposal, worthy of discussion, but not as a governing set of rules, to be refined by further commentary. And constitute another panel, more broadly representative of diverse perspectives, with a more open process.

The IOM/NAS model -- broad representation, public presentations to the panel, public discussions, and a final document thoroughly vetted by an independent review process -- would be a wise approach. I served on such a panel when the IOM took up an even more bitterly-contested issue -- racial disparities in health care. Our report (which I wrote a fair amount of) received a good deal of criticism from various perspectives. But the process we went through ensured that we were exposed to all of these criticisms (& many others) in advance -- and that we reflected on them carefully and revised our drafts accordingly.

And speaking of the IOM, I'd urge you to encourage the powers-that-be at APA to devote their considerable advocacy resources toward support for the proposal now pending, in the Senate Armed Services Committee, for an IOM study of these issues. This bipartisan approach, drawing upon IOM's rigor & scholarly/scientific cache, could be an effective means for achieving accommodation among the competing concerns at stake -- and for educating people about these concerns.

Please don't make that classic Washington mistake of "staying the course" -- for the purpose of "staying the course."

Best,

Gregg



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Saturday, August 20, 2005 5:39:16 PM  
**Recipient:** 'Dunivin, Debra L LTC WRAMC-Wash DC'  
<Debra.Dunivin@NA.AMEDD.ARMY.MIL>  
**Subject:** RE: Ethics Panel: Invitation to APA Convention Event

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Hi Debra,

Thanks so much for your message. I am extremely satisfied with how things are evolving, and getting to work with your colleagues is proving to be one of the most rewarding experiences of my life at APA.

I hope we'll have a chance to say hello in person soon,

Steve

-----Original Message-----

From: Dunivin, Debra L LTC WRAMC-Wash DC  
[mailto:Debra.Dunivin@NA.AMEDD.ARMY.MIL]  
Sent: Saturday, August 20, 2005 5:35 PM  
To: Behnke, Stephen  
Subject: RE: Ethics Panel: Invitation to APA Convention Event

Nice job at Council, Steve! And all the events leading up to it. You are awesome! Hope you get some summer VK now.  
Debra

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From: Behnke, Stephen [mailto:sbehnke@apa.org]  
Sent: Wed 8/10/2005 12:50 PM  
To: Dunivin, Debra L LTC WRAMC-Wash DC; Newman, Russ  
Subject: RE: Ethics Panel: Invitation to APA Convention Event

My sense is that any support that could be drummed up among Council members (not directly identified with military) would likely be very helpful...

-----Original Message-----

From: Dunivin, Debra L LTC WRAMC-Wash DC  
[mailto:Debra.Dunivin@NA.AMEDD.ARMY.MIL]  
Sent: Tuesday, August 09, 2005 8:08 AM  
To: Behnke, Stephen; Newman, Russ  
Subject: RE: Ethics Panel: Invitation to APA Convention Event

Thanks, Steve. Hope you can make it there. I see mischief written all over that hospitality suite! Prevention is always easier than damage control after the fact.

I'm doing well. Even busier than I've been since I arrived. Working in a fishbowl is a very interesting endeavor.

Owe both of you, Steve and Russ, and the rest of your panel a HUGE THANKS!! Confidentially - The report of the PENS Task Force has enabled the Army Surgeon General to move forward with interim guidance and doctrine on functioning of the behavioral science consultants to this process. Until that's released, it's close hold, even that it's being don, but I wanted you to know what an important contribution your timely intervention has made already. It will be well-worth the heat coming up at convention, and beyond. THANKS AGAIN for your efforts.

I'll be with you in spirit this month!



Debra

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From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Thu 8/4/2005 9:47 AM  
To: Newman, Russ  
Cc: Dunivin, Debra L LTC WRAMC-Wash DC  
Subject: RE: Ethics Panel: Invitation to APA Convention Event

Okay, I'll see what I can work out

-----Original Message-----

From: Newman, Russ  
Sent: Thursday, August 04, 2005 9:25 AM  
To: Behnke, Stephen  
Cc: 'Dunivin, Debra L LTC WRAMC-Wash DC'  
Subject: RE: Ethics Panel: Invitation to APA Convention Event

Sorry Steve. I'm already double scheduled at that time. Russ

-----Original Message-----

From: Behnke, Stephen  
Sent: Wednesday, August 03, 2005 11:10 AM  
To: 'Dunivin, Debra L LTC WRAMC-Wash DC'; Newman, Russ  
Subject: RE: Ethics Panel: Invitation to APA Convention Event

Oh boy.

Russ, I am doing an all-day ethics workshop on Saturday. I really think it's important that someone knowledgeable about the report be there; I may see if we can schedule lunch for 12:30-1:30, and I can be there for an hour. Any chance you might be free?

Thanks Debra. How are you?

Steve

-----Original Message-----

From: Dunivin, Debra L LTC WRAMC-Wash DC  
[\[mailto:Debra.Dunivin@NA.AMEDD.ARMY.MIL\]](mailto:Debra.Dunivin@NA.AMEDD.ARMY.MIL)  
Sent: Wednesday, August 03, 2005 10:52 AM  
To: Behnke, Stephen; Newman, Russ  
Subject: FW: Ethics Panel: Invitation to APA Convention Event

Steve/ Russ: This one is a potential landmine. Can you folks be there to do damage prevention? Would be there if I could,  
Debra

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From: Christine [REDACTED]  
Sent: Sun 7/31/2005 4:14 PM  
To: Brad Johnson [REDACTED] Dana.Born@USAF.Af.mil  
Cc: wiskofmf@osd.pentagon.mil; Dunivin, Debra L LTC WRAMC-Wash DC; Thomas Kolditz [REDACTED]  
Subject: Ethics Panel: Invitation to APA Convention Event

APA\_0050224



Dear Dr. Johnson, Born, and Colleagues,

I am writing to you as the chair of the Division 32 (Humanistic Psychology) Hospitality Suite for this year's APA Convention. We have put together a panel titled: Responsible Ethics in Irresponsible Times, chaired by Marsha Hammond, Ph.D. The panel will discuss the psychologist's ethical position in a time of war, addressing such things as the use of psychological information and the role of psychologists in military tactics, the use of torture, and other related issues. This will be a two hour panel in which we will address some controversial issues from the perspective of ethical values, behavior, and advocacy in the field of psychology. The panel is currently scheduled for Saturday, August 20, 12:30- 2:30 p.m. in the Vice-presidential suite of the J.W. Marriott on Pennsylvania Avenue. We are also in the process of securing CEU's for attendance at this panel presentation.

Obviously, this is a topic which might be interesting to and informed by members of Division 19. We are hoping to make this an inter-divisional event and would love to have members from your division present. I am writing to ask if you could post an invitation to your division via a listserv or other forms of communication among members of your division.

I have cc'd Division 19's members-at-large and have attached a flyer for your information and use. We hope that members of your division will be able to join our discussion and are grateful for anything you might do to spread the word.

Respectfully,  
Christine H. Farber, Ph.D.  
Clinical Psychologist

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Traumatic Stress Institute/Center for Adult & Adolescent Psychotherapy  
22 Morgan Farms Drive  
South Windsor, CT 06074

**PRIVACY REDACTION**  
**Christine Farber**



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Friday, August 19, 2005 9:56:54 PM  
**Recipient:** 'Banks, Louie M. COL' <louie.morgan.banks@us.army.mil>  
**Subject:** RE: Changes to the report  
**Attachments:** CORPENSitem2.doc

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Hey Morgan,

Here is the document--Council voted to approve all the recommendations of the Task Force, with these 4 additional amendments (8-11; 1-7 are the Task Force recommendations, except for those where no further action was required)

Given what looked possible Tuesday night/Wednesday am, I'm very pleased with Council's final action, which left both the Report and the commentary-writing process completely intact.

Let me know what you think,

Steve

-----Original Message-----

**From:** Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]

**Sent:** Friday, August 19, 2005 10:06 AM

**To:** Behnke, Stephen

**Subject:** Changes to the report

Steve,

I have not received the changes to the report that we discussed. Can you send them?

Morgan

**COL L. Morgan Banks**

**Director, Psychological Applications Directorate**

**US Army Special Operations Command**

**DSN 239-6833 COM (910) 432-6833**

**PRIVACY REDACTION**

[banks1@usasoc.socom.smil.mil](mailto:banks1@usasoc.socom.smil.mil)/[louie.morgan.banks@us.army.mil](mailto:louie.morgan.banks@us.army.mil)































**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Monday, August 15, 2005 11:36:42 AM  
**Recipient:** 'Ronald F. Levant, Ed.D., M.B.A., ABPP' [REDACTED] Farberman, Rhea K. <rfarberman@apa.org>  
**Cc:** Gilfoyle, Nathalie <ngilfoyle@apa.org>  
**Subject:** RE: PENS Report -call for action CoR Cover Letter]

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Ron, I'm very pleased to follow your lead here--Nathalie, Rhea, and I are all keeping our ears close to the ground, and will be circulating at the caucuses to see how the issue is coming up. I just don't have a sense of how much momentum there is with Division 48.

I believe our "take home" message is going to be: Let the Task Force continue its work--there will be a process for submitting comments concerning the Report, so allow the Task Force, working with the Ethics Committee, to respond as fully and adequately to everyone's concerns and questions as they can. If there are problems or concerns at the end of that process, they can be addressed at that point.

-----Original Message-----

From: Ronald F. Levant, Ed.D., M.B.A., ABPP [REDACTED]  
Sent: Monday, August 15, 2005 11:26 AM  
To: Behnke, Stephen; Farberman, Rhea K.  
Cc: Gilfoyle, Nathalie  
Subject: RE: PENS Report -call for action CoR Cover Letter]

I am not sure about this Steve, would like to hear what Rhea says. I think we may be getting out too far in front of the division, and maybe a better approach might be to let them play their hand and see where are then. Also, it help to address the fact that psychologists have been involved in "coercion" for quite some time, e.g. court ordered treatment for offenders, etc.

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Monday, August 15, 2005 10:35 AM  
To: Ronald F. Levant, Ed.D., M.B.A., ABPP; Farberman, Rhea K.  
Cc: Gilfoyle, Nathalie  
Subject: RE: PENS Report -call for action CoR Cover Letter]

Dear Ron and Rhea,

Nathalie and I have worked on this letter--it is a letter from me, to Ron, in response to Division 48's letter to him. My thought is that Ron would simply send this note electronically to Eileen Borris, and have it posted on the Council listserve, with the explanation that he had asked me to review the Division 48 letter and that he was providing my response (thus, Ron need not take any kind of position on either the Division's Call to Action or on my feedback--he's simply putting it out there). Rhea, please make a recommendation regarding the fourth paragraph, on the definition of "coercive." Nathalie believes that raising this issue at this point may be premature, and may be akin to rattling a hornet's nest (my phrase) that will generate more heat than light at this point. The letter stands without the paragraph, so it may be best simply to remove paragraph 4.

Thank you, Steve



Dear Ron,

Thank you for asking me to review the letter from the Executive Committee of Division 48 to you. I am extremely pleased by the letter and am once again impressed by the significant contributions Division 48 continues to make to APA's thinking on this critically important issue. Members of Division 48, including Corann Okorodudu and Judith Van Hoorn, and of course PENS Task Force members Jean Maria Arrigo, Nina Thomas, and Mike Wessells have played a central role in fashioning APA's response. Certainly this letter further enhances the Division's role. My strong sense is that the PENS Task Force will welcome Division 48's work and view it as a very positive development.

I'm not entirely sure whether or not Division 48 intends to introduce five new business items, by asking Council to act on the five components of the "Call to Action" discussed in the letter. I believe that virtually of the Call is outstanding and would be fully endorsed by the PENS Task Force, but there is one potentially significant complication that arises from a definitional issue. The first bullet point of the Division's Call to Action calls for a clear statement against "inhumane, degrading, or coercive interrogations and the use of torture." The PENS Report uses this exact same language, except for one word: "cruel," rather than "coercive." The PENS Task Force took its language--"torture or other cruel, inhuman, or degrading treatment"--from a variety of texts, including the APA 1986 Resolution Against Torture; the 1987 Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; and the 1975 UN General Assembly Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. The Task Force was deliberate in choosing this language, and substituting "coercive" for "cruel" potentially raises significant complications, depending upon what the Division would like to do.

The APA Ethics Committee has determined that the twelve statements in the PENS Report are appropriate interpretations and applications of the APA Ethics Code (the first of the twelve statements is an absolute prohibition of any psychologist's involvement in torture or cruel, inhuman, or degrading treatment; the second is an ethical obligation to report any of these behaviors). If the word "coercive" differs from "cruel," then Ethics Committee input before asking Council to act on that particular aspect of the Call to Action would be extremely valuable. (Again, I simply don't know whether the Division intends to submit business items for each of the five aspects of its Call. The Task Force has recommended that a commentary on the PENS Report be written, and I know the Task Force would welcome the Division's input and thinking in the process of writing the commentary, so it is possible that the commentary would adequately address the Division's concerns.)

I would also note that at one point I questioned a military member of the PENS Task Force concerning the definition of "coercive." From what I can gather, the term "coercive" can have a wide range of meanings in the interrogation process, from telling an individual that they will receive more favorable treatment if they provide relevant information (which I think most people would accept as permissible), to techniques that are abusive (and so clearly contrary to the Ethics Code and PENS Report). This individual emphasized that the more coercive the interrogation, the less reliable the information--but our exchange made clear that there is no commonly accepted meaning of "coercive" in the interrogation context (despite its frequent usage in popular media discussions of this issue), so using the term risks generating considerable confusion about what is meant.

Would the Division be open to substituting "cruel" for "coercive"? If not,



then I think we'll need to ask the Division what it would like to do with this aspect of its Call to Action. If the intent is that this aspect of the Call go before Council as a new business item, or that it have enforcement implications, General Counsel will need to review and the Division will possibly need to follow the guidelines process. Certainly additional review by the Ethics Committee would be very important before Council votes, since the Ethics Committee would ultimately be responsible for any enforcement action (in the same way the Board wanted Ethics Committee review before the Board acted on the PENS Report). Again, however, given how consonant the Division 48 Call to Action is with the PENS Report, and that the PENS Task Force has recommended a commentary on the Report, it strikes me that Division 48 may want to make its position clear to the Task Force as the Task Force writes the commentary, which may well adequately address Division 48's concerns, especially since there are three Division 48 members on the PENS Task Force.

My central focus is for APA to have as clear a position as we can on this issue (in particular for the psychologists who will be using these materials in their work) and that the entities responsible for enforcing APA policies and standards have an opportunity to review any materials they may be in the position of enforcing before those materials are officially adopted by APA (much like the Ethics Committee reviews drafts of a revised Ethics Code before Council officially adopts the new Code). I think Division 48's letter is a very positive development in APA's thinking, and I'm very hopeful we can address the definitional issue I've raised without undue difficulty.

Again, thank you for asking me to review Division 48's letter to you,

Steve



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Sunday, August 14, 2005 8:44:08 PM  
**Recipient:** Gilfoyle, Nathalie <ngilfoyle@apa.org>  
**Subject:** A better version

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I am striving for excellence. I am writing with red letters. Let's discuss the version below in the am; I think we need to disseminate something in response in fairly short order. Thank you, S.

Dear Ron,

Thank you for asking me to review the letter from the Executive Committee of Division 48. I am extremely pleased by the letter and am once again impressed by the significant contributions Division 48 continues to make to APA's thinking on this critically important issue. Members of Division 48, including Corann Okorududu and Judith Van Hoorn, and of course PENS Task Force members Jean Maria Arrigo, Nina Thomas, and Mike Wessells have played a central role in fashioning APA's response. Certainly this letter further enhances the Division's role. My strong sense is that the PENS Task Force will welcome Division 48's work and view it as a very positive development.

I'm not entirely sure whether or not Division 48 intends to introduce a new business item, asking Council to act on the components of the "Call to Action." I believe that 98% of the "Call" is outstanding and would be fully endorsed by the PENS Task Force, but there is one potentially significant complication which arises from a definitional issue. The first bullet point of the Division's Call to Action calls for a clear statement against "inhumane, degrading, or coercive interrogations and the use of torture." The PENS Report uses this same language, except for one word: "cruel," rather than "coercive." The PENS Task Force took its language--"torture or other cruel, inhuman, or degrading treatment"--from a variety of texts, including the APA 1986 Resolution Against Torture; the 1987 Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; and the 1975 UN General Assembly Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. The use of "coercive" rather than "cruel" potentially raises significant complications, depending upon what the Division would like to do.

The APA Ethics Committee has determined that the twelve statements in the PENS Report are appropriate interpretations and applications of the APA Ethics Code (the first of the twelve statements is an absolute prohibition of any psychologist's involvement in torture or cruel, inhuman, or degrading treatment, the second is an ethical obligation to report any of these behaviors). If the word "coercive" differs from "cruel," then asking Council to act on the Call to Action (again, I don't know whether this is what the Division wants), will require additional review before Council votes; comment by the Ethics Committee would be essential. That may not be what the Division intends--especially since the Task Force has recommended that a commentary on the PENS Report be written, and I know the Task Force would welcome the Division's input and thinking.

I would also note that at one point I questioned a military member of the PENS Task Force concerning the definition of "coercive." From what I can gather, the term "coercive" can have a wide range of meanings in the interrogation process, from telling an individual that they will receive more favorable treatment if they provide relevant information (which I think most people would accept as permissible), to techniques that are abusive (and so clearly contrary to the Ethics Code and PENS Report). This individual emphasized that the more coercive the interrogation, the less reliable the information--but our exchange made clear that there is no commonly accepted meaning of "coercive" in the interrogation context, so using the term risks generating considerable confusion about what is meant.

Would the Division be open to substituting "cruel" for "coercive"? If not, then I think we'll need to ask the Division what it would like to do with the "Call for Action." If the intent is that the "Call" go before Council, or that it have enforcement implications, General Counsel will need to review and the Division will possibly need to follow the guidelines process. Certainly additional review by the Ethics Committee will be required before Council votes. Again, however, given how consonant the Division 48 Call to Action is with the PENS Report, and that the PENS Task Force has recommended a commentary on the PENS Report, it strikes me that Division 48 may want to make its position clear to the Task Force as it writes the commentary, which may well adequately address Division 48's



concerns, especially since there are three Division 48 members on the PENS Task Force.

My central focus is for APA to have as clear a position as we can on this issue, especially for the psychologists who will be using these materials in their work. I think Division 48's letter takes us further in that direction, and I'm very hopeful we can address the definitional issue I've raised without undue difficulty.

Again, thank you for asking me to review,

Steve



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Sunday, August 14, 2005 8:49:11 PM  
**Recipient:** 'Banks, Louie M. COL' <louie.morgan.banks@us.army.mil>  
**Subject:** Morgan, I don't know what you like in your Christmas stocking...

---

but consider this year's stocking filled...

Could you tell me whether the letter below works from your perspective?

Dear Ron,

Thank you for asking me to review the letter from the Executive Committee of Division 48. I am extremely pleased by the letter and am once again impressed by the significant contributions Division 48 continues to make to APA's thinking on this critically important issue. Members of Division 48, including Corann Okorududu and Judith Van Hoorn, and of course PENS Task Force members Jean Maria Arrigo, Nina Thomas, and Mike Wessells have played a central role in fashioning APA's response. Certainly this letter further enhances the Division's role. My strong sense is that the PENS Task Force will welcome Division 48's work and view it as a very positive development.

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48 Call to Action is with the PENS Report, and that the PENS Task Force has recommended a commentary on the PENS Report, it strikes me that Division 48 may want to make its position clear to the Task Force as it writes the commentary, which may well adequately address Division 48's concerns, especially since there are three Division 48 members on the PENS Task Force.

My central focus is for APA to have as clear a position as we can on this issue, especially for the psychologists who will be using these materials in their work. I think Division 48's letter takes us further in that direction, and I'm very hopeful we can address the definitional issue I've raised without undue difficulty.

Again, thank you for asking me to review,

Steve



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Sunday, August 14, 2005 8:10:24 PM  
**Recipient:** 'Banks, Louie M. COL' <louie.morgan.banks@us.army.mil>  
**Subject:** RE:

---

Morgan, yes, thanks, that's what I imagined. Your responses are very helpful. I'll call tomorrow,

Steve

-----Original Message-----

**From:** Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]  
**Sent:** Sunday, August 14, 2005 8:05 PM  
**To:** Behnke, Stephen  
**Subject:** RE:

Steve,

I am answering your emails in order, but I want to keep my ideas straight.

I am not comfortable saying that we will not coerce someone. Police coerce a suspect into confessing by implying that if they do confess, they will be treated better, etc. Is that unethical? I would be uncomfortable with the use of the word. I think most of the folks I work with would be VERY uncomfortable with it.

**COL L. Morgan Banks**  
**Director, Psychological Applications Directorate**  
**US Army Special Operations Command**  
**DSN 239-6833 COM (910) 432-6833**

**PRIVACY REDACTION** banks1@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

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**From:** Behnke, Stephen [mailto:sbehnke@apa.org]  
**Sent:** Saturday, August 13, 2005 10:35 PM  
**To:** Banks, Louie M. COL  
**Subject:**

Morgan, one thought would be not to push for a definition of "coercive," but simply let it stand in this resolution, and define "coercive" when it comes to writing the commentary.

How do you think it would be if APA passed the resolution as is? Would that work for you, or would it be a problem?

Steve

-----Original Message-----

**From:** Behnke, Stephen  
**Sent:** Saturday, August 13, 2005 9:48 AM  
**To:** 'Banks, Louie M. COL'  
**Subject:**



Morgan, Ron Levant sent me this letter from Division 48, APA's Division on Peace Psychology. If you could review my response below, and let me know if you think that works, I'd be very appreciative. If Division 48 is on board, I think we're going to be in very good shape.

Also, did you provide any official response to the Jane Mayer article? It's likely that someone is going to make reference to the article, and that you are a member of the Task Force, so if you could give me any type of response that I could share, that would be great.

At some point tomorrow I'm going to send you the five questions I think we're most likely to get at Council. If I could catch you for half an hour by phone on Monday to discuss them, that would be very helpful in getting ready for the meetings this week.

Thanks Morgan,

Steve

**Ron, actually I think this is a good thing. As it stands, 98% of this document fully supports/is fully supported by the PENS Report. And even for the 5th bullet, the current phrasing is to pursue an investigation "through whatever organization and legal means possible"--and I am comfortable saying that we are doing that now.**

**My one concern--and I'll need to ponder on this--is their use of the word "coercive." The problem with their wording is that an interrogation is coercive by definition (you have retained an individual and will not permit that individual to leave the situation--that's coercive). Now, as members of the PENS Task Force will be quick to add, the more coercive the interrogation the less reliable the information you obtain.**

**My inclination is to convey a very positive reply, with a request that either they provide a definition of coercion or that we define coercion as "the intentional use of any technique that would cause severe or lasting pain, suffering, or distress."**

**Let me think this through and I'll get back to you,**

**Steve**



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Sunday, August 14, 2005 10:37:06 AM  
**Recipient:** Gilfoyle, Nathalie <ngilfoyle@apa.org>  
**Subject:** RE:

---

I agree--I'd love to push everything to later. I'm just not confident we'd be successful, especially since I think some of these groups have become pretty invested in the issue and feel they need to do something. Given the (substantial) upside to having Council do something--if the "something" doesn't create problems--I'd like to see whether we can find a way to support Division 48's Call to Action. The problems from working against the Call may be far greater than supporting the Call if the Call is largely consistent with the PENS Report and doesn't create problems...I have now begun to repeat myself...

-----Original Message-----

**From:** Gilfoyle, Nathalie  
**Sent:** Saturday, August 13, 2005 11:58 PM  
**To:** Behnke, Stephen  
**Subject:** RE:  
**Importance:** High

I guess I was sort of trying to suggest we try to push any further steps like resolutions and the wording of such to later. That the commentary is the next step and then there could be further recommendations. I worry that asking them to define what they mean is going to lead to a very wide definition that we will then have to try to scale back. I also worry that if we put forward our definition it is going to be cast as allowing psychologists to inflict some "pain suffering and distress" albeit not severe or lasting. I worry that you have to spend time with this to understand how reasonable the definition you suggest is. But as noted earlier, we may not be able to control this so being ready with our own definition and understanding what they would advance is probably wise. Nathalie

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**From:** Behnke, Stephen  
**Sent:** Saturday, August 13, 2005 10:37 PM  
**To:** Gilfoyle, Nathalie  
**Subject:** FW:

-----Original Message-----

**From:** Behnke, Stephen  
**Sent:** Saturday, August 13, 2005 10:35 PM  
**To:** 'Banks, Louie M. COL'  
**Subject:**

Morgan, one thought would be not to push for a definition of "coercive," but simply let it stand in this resolution, and define "coercive" when it comes to writing the commentary.

How do you think it would be if APA passed the resolution as is? Would that work for you, or would it be a problem?

Steve

-----Original Message-----

**From:** Behnke, Stephen  
**Sent:** Saturday, August 13, 2005 9:48 AM  
**To:** 'Banks, Louie M. COL'  
**Subject:**



Morgan, Ron Levant sent me this letter from Division 48, APA's Division on Peace Psychology. If you could review my response below, and let me know if you think that works, I'd be very appreciative. If Division 48 is on board, I think we're going to be in very good shape.

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At some point tomorrow I'm going to send you the five questions I think we're most likely to get at Council. If I could catch you for half an hour by phone on Monday to discuss them, that would be very helpful in getting ready for the meetings this week.

Thanks Morgan,

Steve

Ron, actually I think this is a good thing. As it stands, 98% of this document fully supports/is fully supported by the PENS Report. And even for the 5th bullet, the current phrasing is to pursue an investigation "through whatever organization and legal means possible"--and I am comfortable saying that we are doing that now.

My one concern--and I'll need to ponder on this--is their use of the word "coercive." The problem with their wording is that an interrogation is coercive by definition (you have retained an individual and will not permit that individual to leave the situation--that's coercive). Now, as members of the PENS Task Force will be quick to add, the more coercive the interrogation the less reliable the information you obtain.

My inclination is to convey a very positive reply, with a request that either they provide a definition of coercion or that we define coercion as "the intentional use of any technique that would cause severe or lasting pain, suffering, or distress."

Let me think this through and I'll get back to you,

Steve



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Saturday, August 13, 2005 9:17:21 AM  
**Recipient:** 'Ronald F. Levant, Ed.D., M.B.A., ABPP' **PRIVACY REDACTION**  
**Cc:** Gilfoyle, Nathalie <ngilfoyle@apa.org>; Newman, Russ  
<mewman@apa.org>; Strassburger, Judith <jstrassburger@apa.org>; Farberman,  
Rhea K. <rfarberman@apa.org>  
**Subject:** RE: ResponsetoRonLevant.pdf

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Ron, actually I think this is a good thing. As it stands, 98% of this document fully supports/is fully supported by the PENS Report. And even for the 5th bullet, the current phrasing is to pursue an investigation "through whatever organization and legal means possible"—and I am comfortable saying that we are doing that now.

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My inclination is to convey a very positive reply, with a request that either they provide a definition of coercion or that we define coercion as "the intentional use of any technique that would cause severe or lasting pain, suffering, or distress."

Let me think this through and I'll get back to you,

Steve

-----Original Message-----

**From:** Ronald F. Levant, Ed.D., M.B.A., ABPP **PRIVACY REDACTION**  
**Sent:** Saturday, August 13, 2005 8:12 AM  
**To:** Behnke, Stephen; Farberman, Rhea K.; Strassburger, Judith  
**Cc:** 'Ronald F. Levant, Ed.D., M.B.A., ABPP'  
**Subject:** FW: ResponsetoRonLevant.pdf

Steve and all: I see no problem here except that they need to be educated about what the APA Ethics Comm can do (5<sup>th</sup> bullet). Since they indicate this is being widely distributed we should have a response and ask them to distribute that

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**From:** Eileen R. Borris **PRIVACY REDACTION**  
**Sent:** Friday, August 12, 2005 11:51 PM  
**To:** Ronald Levant  
**Subject:** ResponsetoRonLevant.pdf

Dear Ron,

Sorry for the delay in getting a response back to you. Our executive committee wanted to send you a thoughtful reply.

Sincerely,  
Dr. Eileen R. Borris - President Division 48



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Friday, August 12, 2005 10:18:54 AM  
**Recipient:** Newman, Russ <rnewman@apa.org>  
**Cc:** Gilfoyle, Nathalie <ngilfoyle@apa.org>  
**Subject:** RE: PENS and My Two Cents

---

Russ, this is great. I think we should definitely emphasize your points, and anticipating them a bit (from other things you'd said), in my interview yesterday I tried to use the phrase "experts in human behavior" when describing psychologists.

Also, I think we should try to move the debate from *whether* psychologists should be involved in interrogations to *how* they may do so ethically. We've actually got some good help here from unlikely sources--the Division 48 resolution is premised on the assumption that psychologists *may* be involved in this work, and the letter from Physicians for Human Rights says that "While certain types of consultation by psychologists in interrogation may be quite benign," thus clearly allowing that psychologists may, under appropriate conditions, participate in the interrogation process. I don't think we can say this enough: All of the principal parties to this APA discussion agree that the important question is not *whether* psychologists may engage in information-gathering and interrogation processes, but rather *how--as experts in human behavior--they may do so in an ethical manner*. (Also important to keep in mind is that the PENS Task Force had three members of Division 48)

Thanks for your message. It's really helpful, and please send along any other thoughts you have.

-----Original Message-----

Newman, Russ

Friday, August 12, 2005 8:00 AM

Behnke, Stephen

Gilfoyle, Nathalie

PENS and My Two Cents

#### DO NOT DISSEMINATE

Steve,

I had some thoughts as a follow up to your comment the other day that some of what is missing from the PENS related discussion is the value of psychologists' contributions when working in this area. As you may recall, one of my interests in psychologists working in national security activities is that I believe it is a very good example of psychologists as "experts in behavior" (rather than simply mental health or health professionals), bringing to the activities, skills and competencies that other professionals just do not have.

When it comes to the activities of the psychologists working with the Behavioral Science Consultation Teams ("Biscuits") related to military interrogation missions, there are two very clear and specific unique contributions that the psychologists are able to make to ensure *safe, ethical, legal and effective* interrogations. (It is important to note that some of our members do not believe there is such a thing as "safe, ethical, legal and effective" interrogations; for those members, the issue of the psychologists' positive contribution is moot.)

First, the psychologists working with the Biscuits and with the Survival, Evasion, Resistance and Escape (SERE) training programs (were military personnel at high risk for capture are trained to deal with captivity) are sometimes referred to as "safety officers" for the role they play. That is, during the course of the interrogation process (whether it be the interrogation of enemy combatants or of U.S. military personnel undergoing SERE training) the psychologists use their training in behavior and their learned skills in observation to spot what the SERE folks have referred to as "behavioral drift" with interrogators. Behavioral drift, in its most extreme form, is what caused Zimbardo to close down his Stanford prison experiment since the college students playing the role of prison guards began to abuse their authority and behave



inappropriately simply as a result of being in that role.) It is my understanding that when the psychologists observe behavioral drift beginning to occur, they have the authority to actually stop the interrogation process, whether that be an interrogation of enemy combatants or a training exercise. The skill sets of the psychologist related to observation and behavior enable the identification of behavioral drift at a very early point, far in advance of the type of behavior exhibited by Zimbardo's college students. This contribution by psychologists serves to help ensure that any information gathering activity will be *safe, ethical and legal*.

Second, the psychologists' training, skills and understanding of the existing research contribute to the goal of *effective* information gathering. The most frequent example of this is what the literature says about positive incentives and rapport/relationship building as effective methods of interrogation to secure accurate information, in contrast to punishment and torture (which may only produce a lot of *inaccurate* information). Not unimportantly, the contribution of psychologists to assuring effective interrogation in this way also reinforces their contributions to safe, ethical and legal interrogations.

Just some thoughts that might come in handy during the discussions that will ensue over the next week.

Russ



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Tuesday, August 09, 2005 10:05:34 PM  
**Recipient:** 'Dunivin, Debra L LTC WRAMC-Wash DC'  
<Debra.Dunivin@NA.AMEDD.ARMY.MIL>; Newman, Russ  
<mewman@apa.org>  
**Subject:** RE: Ethics Panel: Invitation to APA Convention Event

---

Good to hear from you, Debra. I'm REALLY sorry you'll not be here--would definitely like to get together and hear your thoughts on a number of things, as well as to plot some strategy.

I worry that Convention will be a veritable festival of mischief. The degree to which the task force report has been distorted by the press, and the willingness of people to take strong stands with little if any understanding of the facts, is a bit like sprinkling kerosene on glowing embers. Convention could be a barbecue.

I have to say, though, that getting to know and work with Morgan has really made it all worth it--what a great guy.

I hope you're well, mums the word on your very encouraging news below, and I look forward to when we can sit down in person,

Steve

-----Original Message-----

From: Dunivin, Debra L LTC WRAMC-Wash DC  
[mailto:[Debra.Dunivin@NA.AMEDD.ARMY.MIL](mailto:Debra.Dunivin@NA.AMEDD.ARMY.MIL)]  
Sent: Tuesday, August 09, 2005 8:08 AM  
To: Behnke, Stephen; Newman, Russ  
Subject: RE: Ethics Panel: Invitation to APA Convention Event

Thanks, Steve. Hope you can make it there. I see mischief written all over that hospitality suite! Prevention is always easier than damage control after the fact.

I'm doing well. Even busier than I've been since I arrived. Working in a fishbowl is a very interesting endeavor.

Owe both of you, Steve and Russ, and the rest of your panel a HUGE THANKS!! Confidentially - The report of the PENS Task Force has enabled the Army Surgeon General to move forward with interim guidance and doctrine on functioning of the behavioral science consultants to this process. Until that's released, it's close hold, even that it's being don, but I wanted you to know what an important contribution your timely intervention has made already. It will be well-worth the heat coming up at convention, and beyond. THANKS AGAIN for your efforts.

I'll be with you in spirit this month!  
Debra

---

From: Behnke, Stephen [mailto:[sbehnke@apa.org](mailto:sbehnke@apa.org)]  
Sent: Thu 8/4/2005 9:47 AM  
To: Newman, Russ  
Cc: Dunivin, Debra L LTC WRAMC-Wash DC  
Subject: RE: Ethics Panel: Invitation to APA Convention Event

Okay, I'll see what I can work out

-----Original Message-----

From: Newman, Russ  
Sent: Thursday, August 04, 2005 9:25 AM



To: Behnke, Stephen  
Cc: 'Dunivin, Debra L LTC WRAMC-Wash DC'  
Subject: RE: Ethics Panel: Invitation to APA Convention Event

Sorry Steve. I'm already double scheduled at that time. Russ

-----Original Message-----

From: Behnke, Stephen  
Sent: Wednesday, August 03, 2005 11:10 AM  
To: 'Dunivin, Debra L LTC WRAMC-Wash DC'; Newman, Russ  
Subject: RE: Ethics Panel: Invitation to APA Convention Event

Oh boy.

Russ, I am doing an all-day ethics workshop on Saturday. I really think it's important that someone knowledgeable about the report be there; I may see if we can schedule lunch for 12:30-1:30, and I can be there for an hour. Any chance you might be free?

Thanks Debra. How are you?

Steve

-----Original Message-----

From: Dunivin, Debra L LTC WRAMC-Wash DC  
[mailto:[Debra.Dunivin@NA.AMEDD.ARMY.MIL](mailto:Debra.Dunivin@NA.AMEDD.ARMY.MIL)]  
Sent: Wednesday, August 03, 2005 10:52 AM  
To: Behnke, Stephen; Newman, Russ  
Subject: FW: Ethics Panel: Invitation to APA Convention Event

Steve/ Russ: This one is a potential landmine. Can you folks be there to do damage prevention? Would be there if I could,  
Debra

---

From: Christine [REDACTED]  
Sent: Sun 7/31/2005 4:14 PM  
To: [REDACTED]; Dana.Born@USAF.Af.mil  
Cc: wiskolmi@osd.pentagon.mil; Dunivin, Debra L LTC WRAMC-Wash DC; [REDACTED]  
Subject: Ethics Panel: Invitation to APA Convention Event

Dear Dr. Johnson, Born, and Colleagues,

I am writing to you as the chair of the Division 32 (Humanistic Psychology) Hospitality Suite for this year's APA Convention. We have put together a panel titled: Responsible Ethics in Irresponsible Times, chaired by Marsha Hammond, Ph.D. The panel will discuss the psychologist's ethical position in a time of war, addressing such things as the use of psychological information and the role of psychologists in military tactics, the use of torture, and other related issues. This will be a two hour panel in which we will address some controversial issues from the perspective of ethical values, behavior, and advocacy in the field of psychology. The panel is currently scheduled for Saturday, August 20, 12:30- 2:30 p.m. in the Vice-presidential suite of the J.W. Marriott on Pennsylvania Avenue. We are also in the process of securing CEU's for attendance at this panel presentation.

Obviously, this is a topic which might be interesting to and informed by members of Division 19. We are hoping to make this an inter-divisional event and would love to have members from your division present. I am writing to ask if you could post an invitation to your division via a listserv or other forms of communication among members of your division.

I have cc'd Division 19's members-at-large and have attached a flyer for your information and use. We hope that members of your division will be able to join our discussion and are grateful for anything you might do to spread the word.



Respectfully,  
Christine H. Farber, Ph.D.  
Clinical Psychologist

-----  
Traumatic Stress Institute/Center for Adult & Adolescent Psychotherapy  
22 Morgan Farms Drive  
South Windsor, CT 06074

PRIVACY REDACTION

Christine Farber



1 **BOARD OF DIRECTORS**

**ACTION**

2 June 8-10, 2007

3 **Agenda Item No. 4**

4

5

**III. ETHICS**

6

7

8

**Psychologist Participation at US Detention Centers (NBI #25D)**

9

10 **Issue**

11

12 The Board of Directors is asked to recommend that the Council of Representatives reject the main and  
13 substitute motions. The main motion requests that Council advocate a moratorium on the participation in  
14 any form, of psychologists at detention centers where the rule of law (international and domestic) has  
15 been called into question by the executive branch of the US government. The substitute motion requests  
16 that Council adopt the following resolution as APA policy: *Psychologist Participation at US Detention*  
17 *Centers (A moratorium on psychologist involvement in interrogations at US detention centers for foreign*  
18 *detainees).*

19

20 **Background**

21

22 "Psychologist Participation at US Detention Centers," August 2006 Council New Business Item 25D,  
23 (Exhibit 1) was referred to the Ethics Committee (lead group), the Board for the Advancement of  
24 Psychology in the Public Interest (BAPPI), the Board of Professional Affairs (BPA), the Committee for the  
25 Advancement of Professional Practice (CAPP), the Committee on Division/APA Relations (CODAPAR)  
26 and the Committee on Legal Issues (COLI). The mover was Neil Altman, PhD, representing Division 39.  
27

28 Dr. Altman has engaged in an extensive dialogue with the Ethics Committee regarding the new business  
29 item. Exhibits 2-8 are correspondence between Dr. Altman and the Ethics Committee relevant to the  
30 development of the substitute motion. Exhibit 9 is the revised new business item with justification  
31 statement and attachments provided by Dr. Altman.

32

33 Initially Dr. Altman indicated a desire to lead collaborative efforts in formulating a resolution for  
34 consideration by Council. In late 2006, Dr. Altman asked the Ethics Committee and Office to become  
35 more actively involved in this endeavor. The substitute motion was then provided to Consolidated  
36 Meetings participants on March 23-25, 2007; as an action item to the referral groups and as an information  
37 item in the Cross Cutting agenda (Exhibit 10). In addition, an open meeting was held at the Consolidated  
38 Meetings and Dr. Altman led a discussion that allowed governance groups and their representatives the  
39 opportunity to raise questions and concerns about the resolution.

40

41 The substitute motion calls for a moratorium on psychologists' participation in detention facilities for foreign  
42 detainees. In formulating its recommendation, the Ethics Committee makes four points about the  
43 resolution and the governance review process.

44

45 First, the American Psychological Association has made no less than five statements regarding its  
46 absolute and unequivocal prohibition against torture. These include *Against Torture: Joint Resolution of*  
47 *the American Psychiatric Association and American Psychological Association* (1985); *Resolution Against*  
48 *Torture* (1986); the *Report of the Task Force on Psychological Ethics and National Security* (2005);  
49 motions passed by the Council of Representatives in August 2005; and the *2006 Resolution Against*  
50 *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*. The position of the American  
51 Psychological Association is absolute, unequivocal, and emphatic: Torture is always and in every  
52 instance unethical and prohibited. There is never any justification for psychologists' participation in torture  
53 or cruel, inhuman, or degrading treatment or punishment.

54



55Second, the resolution is brought forth by members of APA who have deeply held beliefs about this issue.  
56Their passion contributes to the vibrant life of our Association and the energy and moral compass they  
57bring sets an example for our entire membership. At the same time, other members of our Association  
58have equally strong beliefs that the proposed moratorium will hinder efforts to promote an ethical way of  
59conducting interrogations, at a time when there is fierce debate about whether “harsh interrogations” are  
60appropriate; APA’s clear and emphatic position is that they are not. Thus, while certain members of APA  
61believe that to continue to participate in interrogations at detention centers for foreign detainees is to be  
62complicit with an illegitimate legal framework, other members believe that APA has an ethical obligation to  
63remain fully engaged with interrogations wherever interrogations occur to assist in the prevention of  
64violence through *ethical* means of eliciting information. Reasonable, ethically minded members of APA  
65can, and do, differ on which position is appropriate for APA.

66  
67Third, the resolution itself has been carefully reviewed by seven governance groups participating in the  
68spring 2007 Consolidated Meetings. At the spring 2007 Consolidated Meetings, the sponsor of the  
69resolution led a discussion where representatives of governance groups had an opportunity to voice  
70questions and concerns about the resolution. Materials related to the resolution have been posted on the  
71ethics portion of the APA website (<http://www.apa.org/ethics/materialsaug2006.html>) and so have been  
72available to interested parties. The Ethics Committee notes that none of the seven governance groups,  
73which represent a wide range of interests within APA, support the resolution in its current form (one group  
74declined to comment). Several of the groups have raised substantial issues and concerns about the  
75resolution. [Exhibit 11 provides feedback received from the Board for the Advancement of Psychology in  
76the Public Interest (BAPPI), the Board of Educational Affairs (BEA), the Board of Professional Affairs  
77(BPA), the Committee for the Advancement of Professional Practice (CAPP), the Committee on  
78Division/APA Relations (CODAPAR), the Committee on Ethnic Minority Affairs (CEMA), and the  
79Committee on Legal Issues (COLI).]

80  
81Fourth and finally, Dr. Olivia Moorehead-Slaughter, in the context of these first three points, has  
82encouraged the resolution sponsor to consider allowing the resolution to go through another round of  
83Consolidated Meetings (Exhibit 12). [Dr. Moorehead-Slaughter was appointed by the Ethics Committee  
84on an ad hoc basis to continue to work on PENS-related issues as those issues are relevant to the APA  
85Ethics Code.] This plan would allow the dialogue that has begun on the resolution to continue and  
86potentially reach fruition with groups finding common ground; such an effort would require time, effort, and  
87commitment. This plan would offer the added and important benefit of governance groups gaining full  
88advantage of the extensive 2007 Convention program on ethics and interrogations. Given the complexity  
89of the issues and the range of governance views on the resolution, the Ethics Committee believes that  
90further attempts at collaboration are essential in order to reach a consensus position, which the Committee  
91believes is both worthwhile and achievable. The Committee notes the intense and successful efforts at  
92collaboration by the sponsors of the *2006 Resolution Against Torture and Other Cruel, Inhuman, or*  
93*Degrading Treatment or Punishment*. The resolution sponsor has declined Dr. Moorehead-Slaughter’s  
94recommendation for further consensus building through the governance process (Exhibit 13).

95  
96For the above four reasons, and in consideration of the governance feedback it has received, the Ethics  
97Committee is recommending rejection of the substitute motion.

98  
99BAPPI, BPA, CAPP, and COLI recommend rejection of the substitute motion. BEA and CEMA expressed  
100significant substantive concerns. CODAPAR declined to comment.

101  
102The resolution sponsor believes that because the question of psychologists’ participation in interrogations  
103at detention centers has been an urgent matter for some time, creating much confusion and distress  
104among members and the public, it is essential for Council to review and take action on the moratorium at  
105its August meeting, without further delay. The sponsor notes that as the political environment in the US  
106changes, the situation with respect to the interrogation of enemy combatants will be revised and reviewed  
107with a high likelihood that relevant detention centers will be closed in the near future. APA’s moment to  
108take a public stand on the current situation will pass if no action is taken at this time.



109

110Implementation Plan

111

112The Ethics Committee will prepare an agenda item to provide the Board's recommendation to the Council of  
113Representatives at its August 16 & 19, 2007 meeting.

114

115Fiscal Implications

116

117None.

118

119

120Main Motion

121

122(as originated in Council New Business Item #25D)

123

124 That Council advocate a moratorium on the participation in any form, of psychologists at detention  
125 centers where the rule of law (international and domestic) has been called into question by the  
126 executive branch of the US government.

127

128

129Substitute Main Motion

130

131(as originated in REVISED Council New Business Item #25D)

132

133 That the Council of Representatives adopts the following resolution as APA policy:

134

135 **Psychologist Participation at US Detention Centers (A moratorium on psychologist**  
136 **involvement in interrogations at US detention centers for foreign detainees)**

137

138 **Introduction**

139 This motion calls on APA to call for a moratorium on psychologist involvement in interrogations  
140 taking place at US detention centers for foreign detainees. Recognizing that individuals and  
141 organizations following APA's guidance as set forth in this motion may be placed in a difficult  
142 situation in relation to their employers or the larger organization, APA will explore ways to support  
143 those who choose to respect this moratorium. APA will also explore ways to facilitate  
144 organizational understanding of, and respect for, those who follow APA's guidance.

145

146 **WHEREAS** the American Psychological Association (APA), as an accredited NGO at the UN, is  
147 committed to the spirit, purposes, and principles of the UN and other relevant UN instruments;

148

149 **WHEREAS** in 2006, the APA Resolution Against Torture and Other Cruel, Inhuman, or Degrading  
150 Treatment or Punishment reaffirmed the APA's long-standing commitment to basic human rights  
151 including its position against torture and other cruel, inhuman, or degrading treatment or cruel,  
152 inhuman, or degrading punishment;

153

154 **WHEREAS** in 2006, the APA Resolution Against Torture and Other Cruel, Inhuman, or Degrading  
155 Treatment affirmed that psychologists regardless of their roles, shall not knowingly engage in,  
156 tolerate, direct, support, advise, or offer training in torture or other cruel, inhuman, or degrading  
157 treatment or cruel, inhuman, or degrading punishment; that psychologists shall not provide  
158 knowingly any research, instruments, or knowledge that facilitates the practice of torture or other  
159 forms of cruel, inhuman, or degrading treatment or cruel, inhuman, or degrading punishment; that  
160 psychologists shall not knowingly participate in any procedure in which torture or other forms of  
161 cruel, inhuman, or degrading treatment or cruel, inhuman, or degrading punishment is used or  
162 threatened;



**WHEREAS** in 2006, the APA Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment affirmed that should torture or other cruel, inhuman, or degrading treatment or cruel, inhuman, or degrading punishment evolve during a procedure where a psychologist is present, the psychologist shall attempt to intervene to stop such behavior, and failing that exit the procedure; and that psychologists shall be alert to acts of torture and other cruel, inhuman, or degrading treatment or cruel, inhuman, or degrading punishment and have an ethical responsibility to report these acts to the appropriate authorities;.

**WHEREAS** the US government in the Military Commissions Bill of 2006 has declared that certain people held at detention centers are “enemy combatants” and as such may not be guaranteed human rights protections, particularly in relation to due process, and humane interrogation techniques, as established under the Geneva Conventions and other UN documents, treaties, conventions, and protocols that protect the human rights of people without exception.

**WHEREAS** current interrogation methods at U.S. centers holding “enemy combatants” may include techniques defined as torture or other cruel, inhuman, or degrading treatment or punishment under the 2006 APA Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment;

**WHEREAS** psychologists working in U.S. detention centers for foreign detainees are placed at risk (ethically and psychologically), particularly in relation to involvement in interrogations interpreted as legal under U.S. law but inclusive of torture and other cruel, inhuman, or degrading treatment or punishment as defined under international law and the 2006 APA Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment;

**THEREFORE, BE IT RESOLVED THAT** APA adopts this resolution calling for a moratorium on all psychologist involvement, either direct or indirect, in any interrogations at U.S. detention centers for foreign detainees. This moratorium is necessary as detainees may be currently denied protections outlined under the Geneva Conventions and interrogations techniques in violation of the 2006 APA Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment may be considered acceptable practice according to the Military Commissions Bill of 2006;

**AND BE IT FURTHER RESOLVED THAT** that APA disseminates and publicizes this resolution along with its 2006 Resolution against Torture both within the Association and to the wider public.

### **Recommendation**

The Ethics Committee, the Board for the Advancement of Psychology in the Public Interest, the Board of Professional Affairs, the Committee for the Advancement of Professional Practice, and the Committee on Legal Issues recommend rejection of the substitute motion.

The Board of Educational Affairs and the Committee on Ethnic Minority Affairs expressed significant substantive concerns. The Committee on Division/APA Relations declined to comment.

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### **Exhibits (provided under separate cover)**

1. New Business Item Submitted 8.13.06
2. New Business Item 10.23.06 Working Draft
3. Ethics Committee 11.1.06 Letter Regarding New Business Item 10.23.06 Draft
4. New Business Item Sponsor Reply to Ethics Committee 11.1.06 Letter



5. Ethics Committee 12.22.06 Reply
6. New Business Item Sponsor Reply to Ethics Committee 12.22.06 Letter
7. New Business Item 1.05.07 Working Draft
8. Dr. Moorehead-Slaughter's 1.17.07 letter to New Business Item Sponsor
9. Revised New Business Item (2.23.07) with Justification Statement and Attachments Provided by Dr.

Altman

- Attachment 1: Letter sent to Division officers
- Attachment 2: February 2006 Council New Business Form
- Attachment 3: Military Commissions Act of 2006
- Attachment 4: American Psychological Association's Public Policy Office Call for Action (text)
- Attachment 5: Resolution Against Torture: Justification Statement
- Attachment 6: Society for the Psychological Study of Social Issues (SPSSI) Policy Statement
- Attachment 7: Letter to Senator John McCain
- Attachment 8: Resolution Against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment (Adopted 08.09.06)

Attachment 9: APA Public Interest Policy Office Call to Action, October 30, 2005

10. Information Item to the Spring Consolidated Meetings, March 23-25, 2007
  11. Responses from APA Governance Groups Regarding Revised New Business Item (2.23.07)
- Board for the Advancement of Psychology in the Public Interest (BAPPI)  
Board of Educational Affairs (BEA)  
Board of Professional Affairs (BPA)  
Committee for the Advancement of Professional Practice (CAPP)  
Committee on Division/APA Relations (CODAPAR)  
Committee on Ethnic Minority Affairs (CEMA)  
Committee on Legal Issues (COLI)
12. Dr. Moorehead-Slaughter's 4.26.07 letter to New Business Item Sponsor
  13. Dr. Moorehead-Slaughter's 5.03.07 letter to New Business Item Sponsor

*Stephen H. Behnke, JD, PhD*  
*Ethics Office*



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Saturday, July 30, 2005 12:00:38 AM  
**Recipient:** [REDACTED] Olivia Moorehead-Slaughter  
**Subject:** FW: [PRESIDENTIAL] regarding our report

---

Nina,

As I read the article, though, the issue was both United States and international law. From the article:

"Despite the military lawyers' warnings, the task force (an administration legal task force) concluded that military interrogators and their commanders would be immune from prosecution for torture under federal and international law..."

"The documents include one written by the deputy judge advocate general of the Air Force, Maj. Gen. Jack L. Rives, advising the task force that several of the 'more extreme interrogation techniques, on their face, amount to violations of domestic criminal law' as well as military law."

"The Bybee memorandum defined torture extremely narrowly and said Mr. Bush could ignore domestic and international prohibitions against it in the name of national security."

The article focuses on immunity from prosecution for violations of domestic and international law--but I think we as a Task Force are in complete agreement that psychologists do NOT violate any United States law.

-----Original Message-----

**From:** Presidential Task Force on Psychological Ethics and National Security [mailto:PENS@LISTS.APA.ORG]**On Behalf Of** Nina Thomas  
**Sent:** Friday, July 29, 2005 11:43 PM  
**To:** PENS@LISTS.APA.ORG  
**Subject:** Re: [PRESIDENTIAL] regarding our report

Dear Olivia:

I appreciate your response and regret being technologically enfeebled from being able to include an electronic copy of the article I am referncing. But re: your comment below:

| including such standards in the document would likely (perhaps definitely)  
| put the document at odds with United States law and military regulations.

you see it is exactly that issue that Lewis' article addresses pointing out that it has been the military's own lawyers, indeed their highest ranking lawyers who have argued for the importance of using international human rights standards as the benchmark. The suggestion was made that it was that argument that at least persuaded Rumsfeld to drop his approval of the harshest interrogation methods.

Nina K. Thomas, Ph.D., ABPP

**PRIVACY REDACTION**  
[REDACTED]



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Wednesday, July 27, 2005 9:55:41 AM  
**Recipient:** 'Gregg Bloche' **PRIVACY REDACTION**  
**Subject:** RE: following up

---

Sure, Gregg--let's see where we get.

My point--perhaps it's obvious, though--is that far from attempting to cut off debate or discussion, or attempting to locate expertise as residing solely within itself--the task force has handed its work over to a broader audience and invited (recommended) authoritative commentary from groups that very likely will be composed of psychologists with no military background. I think that's an interesting move...most such groups work to limit what input other bodies have, in an effort to retain control over their work, and resist any attempts by others to assert their expertise. This task force did exactly the opposite (and built in a mechanism to ensure that would happen). It will be very interesting to see what the Board of Directors does.

-----Original Message-----

**From:** Gregg Bloche **PRIVACY REDACTION**  
**Sent:** Tuesday, July 26, 2005 10:40 PM  
**To:** Behnke, Stephen  
**Subject:** RE: following up

Thanks, Steve -- I'm very grateful for your efforts to make these contacts.

I'm not remembering my voicemail comment -- maybe it's lingering euro-jetlag. I did, though, read the report to take fairly well-defined stands on a number of issues. Glad to talk about this with you, if you'd like.

Regards,

Gregg

M. Gregg Bloche, M.D.  
Visiting Fellow, The Brookings Institution  
Professor of Law, Georgetown University  
Adjunct Professor, Bloomberg School of Public  
Health, Johns Hopkins University

**PRIVACY REDACTION**

-----Original Message-----

**From:** Behnke, Stephen [<mailto:sbehnke@apa.org>]  
**Sent:** Tue 7/26/2005 9:39 PM  
**To:** Gregg Bloche  
**Subject:** RE: following up

Hi Gregg, no word yet--I'm trying a couple of channels that I think will be helpful here (also, I apologize, I've been away and just returned yesterday, so I've let the ball drop for a few days). I'll let you know. (LJ, whom you asked about, is a definite no-go)

Also, in your voicemail message you left before heading off to France you said that the Task Force report "stood alone," or "stood on its own," I can't recall which, but I would definitely not characterize the Report in that manner. I'm not quite sure of your larger point, but the Report locates itself as "an initial step" in "a continuing process," and explicitly recognizes the complexity of the ethical issues involved. By invoking the APA governance structure, the Task Force (by design) both ensured that APA's discussions of these ethical issues will continue, as well as significantly broadened the "circle" of individuals who will participate in the discussions. The Report makes clear the significance the Task Force placed on participation from a broad spectrum of individuals and a continued (beyond the



life of the Task Force, that is) thinking through of the ethical issues. In that sense, the Task Force viewed itself as part of a much larger context (from temporal, conceptual, and personnel perspectives), and structured its Report to ensure that the Report would not stand alone, but rather would be the subject of discussion and authoritative commentary from individuals outside of and well beyond the Task Force. (e.g., the Board of Directors will be taking further action on the Report) That aspect of the Report is central to what the Task Force did.

I'll be in touch, Steve

-----Original Message-----

From: Gregg Bloche [REDACTED]

Sent: Tuesday, July 26, 2005 5:19 PM

To: Behnke, Stephen

Subject: following up

Hi, Steve; hope you're doing well. I'm back in D.C., and (per our earlier conversation) I'd be deeply grateful for your help in getting in touch with Robert Fein & Scott Shumate. Wondering where things stand.

Best,

Gregg

M. Gregg Bloche, M.D.

Visiting Fellow, The Brookings Institution

Professor of Law, Georgetown University

Adjunct Professor, Bloomberg School of Public

Health, Johns Hopkins University

[REDACTED]



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Tuesday, July 26, 2005 9:07:22 PM  
**Recipient:** 'Ronald F. Levant, Ed.D., M.B.A., ABPP' [REDACTED] Farberman, Rhea K. <rfarberman@apa.org>  
**Subject:** RE: Statement Concerning the Use of Torture with Prisoners

---

Ron, certainly we can discuss, but a careful read of this statement shows a remarkable degree of overlap with the PENS report...the two are quite compatible. One significant difference is that the Division 48 statement calls for an investigation, but other than that the two documents can be read almost as companion documents.

-----Original Message-----

**From:** Ronald F. Levant, Ed.D., M.B.A., ABPP [REDACTED]  
**Sent:** Tuesday, July 26, 2005 9:02 PM  
**To:** Behnke, Stephen; Farberman, Rhea K.  
**Subject:** FW: Statement Concerning the Use of Torture with Prisoners

As I said, it is getting pretty strong legs  
How to respond to this?

---

**From:** Eileen R. Borris [REDACTED]  
**Sent:** Tuesday, July 26, 2005 2:29 PM  
**To:** Ronald Levant, Gerry Koocher, Diane Halpern, Ruth Paige, Carol Goodheart, Norman Anderson, Barry Anton, Paul Craig, Jessica Daniel, Thomas DeMaio, Ronald Rozensky, Michael Madson, Sandra Shullman  
**Subject:** Fw: Statement Concerning the Use of Torture with Prisoners

----- Original Message -----

**From:** Eileen R. Borris  
**To:** Ronald Levant, Gerry Koocher, Diane Halpern, Ruth Paige, Carol Goodheart, Norman Anderson, Barry Anton, Paul Craig, Jessica Daniel, Thomas DeMaio, Sandra Shullman, Michael Madson, Ronald Rozensky

**Sent:** Tuesday, July 26, 2005 10:51 AM  
**Subject:** Statement Concerning the Use of Torture with Prisoners  
Dear Ron,

Attached is a Statement Concerning the Use of Torture with Prisoners from the Executive Committee of the Society for the Study of Peace, Conflict, and Violence: Peace psychology Division 48. The Executive Committee is very concerned about recent events and ask that you please read the Statement and the accompanied call for action. We look forward to hearing from you at your earliest convenience.

Sincerely,  
Dr. Eileen R. Borris  
President - The Society for the Study of Peace, Conflict, and Violence: Peace psychology Division 48



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Friday, July 08, 2005 10:27:08 PM  
**Recipient:** 'Banks, Louie M. COL' <louie.morgan.banks@us.army.mil>  
**Subject:** RE: Thanks for the call--excellent news

---

Morgan, your words are powerful and clear. I can see why the people you've worked with over the years speak so highly of you, and I feel privileged to count myself as one of them.

Steve

-----Original Message-----

From: Banks, Louie M. COL [<mailto:louie.morgan.banks@us.army.mil>]  
Sent: Friday, July 08, 2005 8:31 AM  
To: Behnke, Stephen  
Subject: RE: Thanks for the call--excellent news

Steve,

I tried to answer your question with a straight face for five minutes....I give up.

One of my strong beliefs is that the use of force in any sense, international, police power, individual self-defense, is directly related to the perceived importance of the threat. (I know, a great statement of the obvious.) If a group of people believes that they are at real risk of harm, most of these discussions become moot. I think that this places an even more critical importance on the need for clear guidance of the behavior of us all. I cannot predict the future. One possibility is that the threat decreases, in which case we will have to continue to answer lots of questions like we are at the present. If the threat significantly increases, then I think we are at risk of not caring what is done to maintain our safety. I believe that the second risk is much more dangerous. Either way, what you and the TF have accomplished is far reaching. "Those who would give up an essential liberty for perceived safety deserve neither..."

Morgan

COL L. Morgan Banks  
Director, Psychological Applications Directorate  
US Army Special Operations Command  
DSN 239-6833 COM (910) 432-6833

**PRIVACY REDACTION**

[banks1@usasoc.socom.smil.mil](mailto:banks1@usasoc.socom.smil.mil)/[louie.morgan.banks@us.army.mil](mailto:louie.morgan.banks@us.army.mil)

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Thursday, July 07, 2005 6:48 PM  
To: Banks, Louie M. COL  
Subject: Thanks for the call--excellent news

Thanks, Morgan--that's excellent news. Ron Levant is very pleased, and I'll get a transcript to share with the Task Force.

Ron's letter was published in the New York Times today (slightly edited). I wasn't thrilled with the Neil Lewis piece, but fear that others who've been persistent in contacting you and me are going to criticize the Report harshly when given the opportunity to publish their views.

Query: Is there a serious issue regarding whether it would be ethical for psychologists to consult with police concerning how to question suspects in today's bombings, assuming interrogation remained safe and within legal bounds, even if the questioning became stressful for a suspect?



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Friday, July 08, 2005 1:05:28 PM  
**Recipient:** Olivia Moorehead-Slaughter  
**Subject:** Talking about the Report  
**Attachments:** PENStalking.doc

---

Dear Colleagues,

In reflecting on how to respond to listserve and other traffic, I do believe that there are several important points to make that are in keeping with our agreement not to discuss the substance of our discussions. As examples (that people should feel free to use, as seems right in a given situation):

- 1) Impress upon people the value of actually reading the Report. Ask people to discuss the merits of the document itself, not a newspaper's account of the document. (Also, it's fine to mention that Steve provided the author of the New York Times article several quotations which the article did not use.)
- 2) Point out the Task Force was comprised of individuals from very different backgrounds and experiences, who brought considerably different perspectives to the process, and who worked in good faith to struggle with complicated ethical issues. The Report states explicitly that the twelve statements were "agreed upon," and indicates areas of disagreement. Where the Report indicates agreement, there was genuine agreement among the 10 very diverse task force members.
- 3) Note that the Report--like a good ethics code--is not a laundry list of prohibited activities. The Report gives very clear guidance on a number of issues--and certainly prohibits the use of a phobia to inflict severe emotional distress, which is the example that people seem intent upon bringing up with the misimpression that APA's stance is vague or ambiguous on this question.
- 4) Ask that people compare the Task Force report with the statement of the American Psychiatric Association on this issue (at [http://www.psych.org/news\\_room/press\\_releases/05-40psychpracticeguantanamo.pdf](http://www.psych.org/news_room/press_releases/05-40psychpracticeguantanamo.pdf)) The difference between the two statements is stark and compelling.
- 5) Point out that the Task Force decided to keep the substance of its discussions private, to allow for full and frank debates (note that this was the subject of disagreement, as the Report itself notes). Thus, any listserve messages suggesting first-hand knowledge of what was discussed during the meeting are not based on the facts, and any speculation about what occurred is just that--speculation.
- 6) Note that the Task Force Report was not intended as APA's final and definitive action on these issues, but rather as the beginning of a process, as the Report's tenth recommendation makes very clear:

That APA: View the work of this Task Force as an initial step in addressing the very complicated and challenging ethical dilemmas that confront psychologists working in national security-related activities. Viewed as an initial step in a continuing process, this report will ideally assist APA to engage in thoughtful reflection of complex ethical considerations in an area of psychological practice that is likely to expand significantly in coming years.

Rhea indicates that so far, the NYTimes article seems out of step with other coverage, which appears more well disposed to our Report.

Warmly,



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Monday, June 27, 2005 5:17:26 PM  
**Recipient:** Katherine DiFrancesca, Olivia Moorehead-Slaughter'  
PRIVACY REDACTION Neil Massoth  
PRIVACY REDACTION  
PRIVACY REDACTION Bertram Raven  
PRIVACY REDACTION Jane Hochberg  
PRIVACY REDACTION Norm Abeles  
PRIVACY REDACTION Robin Deutsch  
PRIVACY REDACTION Walter Robinson  
PRIVACY REDACTION Lynda Field  
PRIVACY REDACTION Gerald O'Brien  
PRIVACY REDACTION Barry Anton  
**Cc:** 'Gerald P. Koocher, Ph.D.' PRIVACY REDACTION Gilfoyle, Nathalie  
<ngilfoyle@apa.org>; Childress-Beatty, Lindsay <LChildress-Beatty@apa.org>  
**Subject:** Psychological Ethics and National Security  
**Attachments:** PENSTFReportFD.doc;PENSTFReportcover.pdf

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Dear Colleagues,

I write this message on behalf of Kay, as Chair of the Ethics Committee, and Olivia, as Vice-Chair of the Ethics Committee and Chair of the Task Force on Psychological Ethics and National Security.

As you may be aware, recent events at locations such as Abu Ghraib and Guantanamo Bay have raised questions about the ethical aspects of psychology's involvement in national security-related activities. Ron Levant, President of APA, appointed a Task Force (The Presidential Task Force on Psychological Ethics and National Security, or PENS) to explore these ethical issues, with a specific focus on whether the APA Ethics Code adequately addresses the ethical challenges psychologists working in this arena face. The Task Force met on the weekend on June 24-26, and over the course of its meeting produced a report, which is attached to this message. (The report cover is also attached, as a pdf file)

As you will see, one recommendation of the report is to determine whether the Twelve Task Force Statements may properly be considered interpretations and applications of the APA Ethics Code (Recommendation #2). I write to ask you to read the Task Force report and then, as a Committee, make this determination, that is, whether the twelve bolded statements are appropriate interpretations and applications of the Code. I believe you will find the report written in a manner that lends itself well to this analysis.

Kay and Olivia have asked that the Committee engage in this process at your earliest convenience, and have therefore asked me to schedule a conference call for this Wednesday, at 4:30 pm, East Coast time. The report is brief, so we are hopeful you will have an opportunity to review it by the time of our call. If you are not able to make the call, please send me any comments you have and they will be shared with the Committee (sbehnke@apa.org). Emily will send you information about the call arrangements tomorrow.

Thank you all very, very much,

Steve



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Wednesday, July 06, 2005 11:06:58 AM  
**Recipient:** Farberman, Rhea K. <rfarberman@apa.org>  
**Subject:** RE: How's this?

---

Spoke with Morgan--good to go.

-----Original Message-----

Farberman, Rhea K.  
Wednesday, July 06, 2005 10:59 AM  
Behnke, Stephen  
RE: How's this?

This looks good to me. Did you want to chat?

---

Behnke, Stephen  
Wednesday, July 06, 2005 10:50 AM  
Farberman, Rhea K.  
How's this?

In focusing on perceived shortcomings of an American Psychological Association Task Force report, (Psychologists See Ethics Risks at Guantanamo, July 6), Neil Lewis failed to report on the strict ethical boundaries the APA sets forth when its members are involved in national security activities, and thus overlooked a critical point: Professional codes of ethics are more than simple laundry lists. Lewis' example--using a phobia to inflict severe psychological distress--is clearly prohibited by the Task Force report. The report makes clear that psychologists never: engage in, direct, support, or facilitate torture or cruel, inhuman, or degrading treatment; use information from a medical record to the detriment of an individual's safety and well-being; mix treatment and consultant roles. Psychologists have an ethical obligation to report such behaviors and are bound by the APA Ethics Code in *all* their professional activities, regardless of whether they identify themselves as "behavioral scientists" or some other term.



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Wednesday, July 06, 2005 10:52:03 AM  
**Recipient:** 'Banks, Louie M. COL' <louie.morgan.banks@us.army.mil>  
**Subject:** Read this one instead. Thank you.

---

In focusing on perceived shortcomings of an American Psychological Association Task Force report, (Psychologists See Ethics Risks at Guantanamo, July 6), Neil Lewis failed to report on the strict ethical boundaries the APA sets forth when its members are involved in national security activities, and thus overlooked a critical point: Professional codes of ethics are more than simple laundry lists. Lewis' example--using a phobia to inflict severe psychological distress--is clearly prohibited by the Task Force report. The report makes clear that psychologists never: engage in, direct, support, or facilitate torture or cruel, inhuman, or degrading treatment; use information from a medical record to the detriment of an individual's safety and well-being; mix treatment and consultant roles. Psychologists have an ethical obligation to report such behaviors and are bound by the APA Ethics Code in *all* their professional activities, regardless of whether they identify themselves as "behavioral scientists" or some other term.



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Wednesday, July 06, 2005 10:40:13 AM  
**Recipient:** Farberman, Rhea K. <rfarberman@apa.org>  
**Subject:** RE: Another draft

---

Rhea, looks good--could we speak just for a moment about one other tweak?

-----Original Message-----

Farberman, Rhea K.  
Wednesday, July 06, 2005 10:37 AM  
Behnke, Stephen  
RE: Another draft

Steve -- How about this? I cut the last sentence because it might have given the letters editor cause to say this is about a turf battle with the other apa...

Also Norman suggested that maybe the letter should come from Ron. That's probably a good idea since you have had the contact with the reporter and may have future contact.

Rhea

---

Behnke, Stephen  
Wednesday, July 06, 2005 10:28 AM  
Farberman, Rhea K.  
Another draft

In focusing on perceived shortcomings of an American Psychological Association Task Force report, (Psychologists See Ethics Risks at Guantanamo, July 6), [the Times failed to report on the strict ethical boundaries the APA sets forth when its members are involved in national security investigations. In his reporting](#), Neil Lewis overlooks a critical point: Professional codes of ethics are more than simple laundry lists. Lewis' example-using a phobia to inflict severe psychological distress-is clearly prohibited by the Task Force report, ~~even though the report does not identify that specific activity.~~ The report makes clear that psychologists never: engage in, direct, support, or facilitate torture or cruel, inhuman, or degrading treatment; use information from a medical record to the detriment of an individual's safety and well-being; mix treatment and consultant roles. Psychologists have an ethical obligation to report such behaviors and are bound by the APA Ethics Code in *all* their professional activities, regardless of whether they identify themselves as "psychologists," "behavioral scientists," or some other term. ~~I hope our psychiatric colleagues will likewise apply their ethics code in such an all-encompassing manner.~~



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Tuesday, July 05, 2005 3:19:37 PM  
**Recipient:** 'Banks, Louie M. COL' <louie.morgan.banks@us.army.mil>  
**Subject:** RE: American Psychological Association Task Force Report

---

Okay, that's a very helpful heads-up.

-----Original Message-----

From: Banks, Louie M. COL [<mailto:louie.morgan.banks@us.army.mil>]  
Sent: Tuesday, July 05, 2005 3:16 PM  
To: Behnke, Stephen  
Subject: RE: American Psychological Association Task Force Report

Steve,

The only risk with discussing the Convention against Torture is that it can then be interpreted that we will do everything up to, but not including, severe mental suffering. I think that the standard is much more humane than that.

Morgan

COL L. Morgan Banks  
Director, Psychological Applications Directorate  
US Army Special Operations Command  
DSN 239-6833 COM (910) 432-6833

PRIVACY REDACTION

banks!@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Tuesday, July 05, 2005 3:06 PM  
To: Banks, Louie M. COL  
Subject: RE: American Psychological Association Task Force Report

Thanks, Morgan--that's very helpful. I think I'll also point out that the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987) defines torture as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information..." The definition makes very clear that mental suffering that rises to the level of "severe" is forbidden.

-----Original Message-----

From: Banks, Louie M. COL [<mailto:louie.morgan.banks@us.army.mil>]  
Sent: Tuesday, July 05, 2005 2:59 PM  
To: Behnke, Stephen  
Subject: RE: American Psychological Association Task Force Report

Given how I was misquoted in the New Yorker, I am not so sure how good a source I am, but here goes:

(I am not sure he fully read the document when he asked you those questions, because they seem to be answered in the explanation.)



Psychologists cannot use medical record information against a detainee. In other words, there is a separation between interrogation and medical care. The psychologist is not providing medical care. There is nothing in the statement that says the psychologist cannot assist in causing some level of distress, as long as it does not rise to the level of cruel, inhuman, or degrading treatment.

In the two examples he gives, I think most of us would agree that using a phobia against someone rises to that level. However, suggesting that the interrogator discuss the detainee's home, and how hard it is to be away from his family does not.

Withholding of medical care, to include anti-anxiety medication, is clearly unethical, and, in my opinion, illegal.

(Use me as best you can -- just don't tell Neil Lewis -- I really don't want to talk to any more reporters...)

Morgan

COL L. Morgan Banks  
Director, Psychological Applications Directorate US Army Special Operations  
Command DSN 239-6833 COM (910) 432-6833 [REDACTED] **PRIVACY REDACTION**  
banks1@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Tuesday, July 05, 2005 2:42 PM  
To: Banks, Louie M. COL  
Subject: FW: American Psychological Association Task Force Report

Morgan, I'm in touch with Neil Lewis from the New York times. He has initial questions below--he's put his finger right on one of the central issues, as I imagined he would. I'd be very interested in hearing your thoughts on the questions below; more to follow, I'm sure.

Thanks Morgan,

Steve

-----Original Message-----

From: Neil Lewis [REDACTED] **PRIVACY REDACTION**  
Sent: Tuesday, July 05, 2005 2:44 PM  
To: Behnke, Stephen  
Subject: RE: American Psychological Association Task Force Report

ok - the first and third items summarized in the press release may be at odds with each other (or may not) the first says its ok to participate as behavioral scientist in nat-security related, etc.  
the third said that the psych is not supposed to use health care information "to the detriment ....wel-being."

so -- they can advise, but cannot advise as to increasing duress or distress? quite unclear. can they advise about increasing stress or duress as long as it is not coming from the medical records? how would this affect cases like those in the nytimes article, ie using a detainee's fear of darkness or longing for family member?  
does the report address issues like withholding of medication for, let's say



anxiety, ie manipulation of medication.

i will now read the report and send along any other questions, by e-mail as you would have it.

neil lewis

At 02:07 PM 7/5/2005, you wrote:

>Sure--the full text of the report can be found at <http://www.apa.org/>

>

>I found you very straightforward in our conversation and your article,  
>and am happy to speak with you by phone. I do think, though, that I  
>could be more responsive to your questions if I'm able to think them  
>over a bit first (and may be better able to elaborate once I've thought  
them through).

>

>Steve

>

>-----Original Message-----

>From: Neil Lewis [REDACTED]

>Sent: Tuesday, July 05, 2005 1:57 PM

>To: Behnke, Stephen

>Subject: Re: American Psychological Association Task Force Report

>

>

>i do not have the report of the task force as of now. i called to see  
>if it was still expected. does yr unwillingness to fone signify any  
>problems with earlier dealings? i certainly hope not and believe it  
>should not as the article fully explicated yr position. in any event, i  
>wud like to see the report soonest. tks, neil lewis

>

>

>At 12:38 PM 7/5/2005, you wrote:

>>Dear Mr. Lewis,

>>

>>This morning the American Psychological Association released a  
>>report, written by a task force on psychological ethics and national  
>>security, that you have received or will receive shortly. I am more  
>>than happy to respond to any questions you might have about the  
>>report; perhaps most efficient would be for you to send any questions  
>>or issues that you would like to discuss in an email message, and I  
>>will

review and get back to you.

>>

>>Thank you very much,

>>

>>Stephen Behnke



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Monday, July 04, 2005 4:55:06 PM  
**Recipient:** Banks, Louie M. COL <louie.morgan.banks@us.army.mil>  
**Subject:** RE:

---

Thanks, Morgan, I'll get the transcript and review. I'll try to catch you tomorrow at some point--you should be receiving the Report shortly,

Steve

---

**From:** Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]  
**Sent:** Mon 7/4/2005 1:00 PM  
**To:** Behnke, Stephen  
**Subject:** RE:

Steve,

You may also want to review, on C-Span, the "House Hearing on Detainee Operations at Guantanamo Prison." Immediately following the opening remarks by the Chairmain and Ranking member, following BG Hood's opening remarks, the first set of questions discuss the BSCT. (It starts around 30-32 minutes into it.) The senior physician on at the hearing and BG Hood address the use of medical information, and briefly, the NEJM article.

Morgan

COL L. Morgan Banks  
Director, Psychological Applications Directorate  
US Army Special Operations Command  
DSN 239-6833 COM (910) 432-6833  
[REDACTED]  
banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

-----Original Message-----

From: Behnke, Stephen [mailto:sbehnke@apa.org]  
Sent: Sunday, July 03, 2005 6:58 PM  
To: Banks, Louie M. COL  
Subject: RE:

Thanks, Morgan, that's very helpful. I'm sure I'll be in touch as the Report is released and the media calls; I'll appreciate any thoughts you might have time to share, but of course understand you have many pressing obligations (in addition to whatever distraction the New Yorker article may cause). I'll share our exchange with Larry, but will otherwise consider your messages confidential.

I'll need to think through how best to package some of these ideas. The concept of building rapport is one people grasp and that builds on psychologists' training and expertise. Also, I want to emphasize that psychologists have played this role in law enforcement activities for a long time; again, the public will be able to understand that idea pretty well, if for no reason other than TV shows that have psychologists and psychiatrists



consulting during questioning.

I will emphasize the role of psychologists in keeping the process safe and legal, and will probably lead with the four key concepts of "safe, legal, ethical, and effective." (You've really played a central role in the development of APA's thinking on this issue, as I'm sure you are very aware. We are really in your debt.) Bryce was adamant that we not shy away from the role of psychologists in the interrogation/information gathering process, or appear apologetic, but rather put front and center the importance of the contributions that psychologists have to make.

I'll need to think more about what you (no doubt correctly) identify as the key issue, that of distress. The reality, if one thinks about it, is that psychologists cause distress ALL the time, for treatment and non treatment reasons, at times to benefit an individual, at times not. (The ethical standards on research clearly allow some degree of psychological distress in conducting research, which is rarely to the research subject's benefit.) The challenge is to convey that idea to the media in a manner that does not convey "anything goes"; the cost of missing the mark in that arena was vividly illustrated by the reaction to my quotations in the New York Times a week ago Friday, a misstep I hope not to repeat.

Thanks, Morgan. I hope you're having an opportunity to enjoy your holiday,

Steve

---

From: Banks, Louie M. COL [<mailto:louie.morgan.banks@us.army.mil>]  
Sent: Sun 7/3/2005 2:36 PM  
To: Behnke, Stephen  
Subject: RE:

Steve,

You have put your finger on the real issue. What is the level of psychological distress that moves it into abuse (or Dr. Lee's ill treatment)? This is the one that will foster the greatest legitimate controversy. Some will feel that any psychological distress is too much for psychologist involvement, regardless of the purpose. Obviously, I disagree, but it is a legitimate view point. On to your questions.

When answering question one on the roles of a psychologist, I recommend that the first role you mention is that of monitoring to prevent abuse, based on our experience and knowledge of social psychology (and if you are brave, SERE psychology). This will probably come as a novel idea to many of your questioners. This focuses on helping the commander (leadership/senior interrogation personnel) ensure that the interrogations under their supervision are safe and legal. The other category we assist in is helping to make them effective. We can assist by providing an individual assessment of the detainee. We can then use our knowledge of human behavior to assist the interrogator in establishing rapport. The example you give is good, although our knowledge base on detecting deception is not all that great. In fact, the ability to directly relate it to the forensic police psychologist who performs very similar duties is helpful.

Question two about psychological distress is much harder, for the reasons I mentioned above. Is it permissible to make someone homesick so they will cooperate? Is it OK to psychologically isolate someone (be



placed in a cell that does not allow them to communicate with others of their ethnic background, for example) so that when they sit down with an interrogator they have social needs to be met? (Don't use the second example, please.) Long answer to a short question, but yes, your example works, in my opinion, and yes, I do believe that it is ethical to allow/encourage/manage some level of psychological distress.

Also, you might want to ask Larry James his thoughts.

Morgan

COL L. Morgan Banks  
Director, Psychological Applications Directorate US Army Special Operations  
Command DSN 239-6833 COM (910) 432-6833 **PRIVACY REDACTION**  
banks1@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]

Sent: Sunday, July 03, 2005 1:12 PM

To: Banks, Louie M. COL

Subject:

Morgan,

In thinking over the questions we are likely to get asked following release of the Report, two at the top of the list are: What roles or functions may psychologists ethically take in assisting interrogations, and is it permissible for psychologists to suggest or recommend techniques that would cause psychological duress. In considering how best to respond, I would like to have as a possible example a psychologist who assists in assessing the likelihood that an individual being questioned is telling the truth, along the lines of an assessment of malingering in a forensic context (e.g., consistency, ability to provide detail, match of affect to the story being told). I would then like to say that the psychologist might recommend pressing the individual to explain inconsistencies, which could lead to psychological duress.

This example could illustrate an appropriate role for a psychologist that requires psychological expertise, and an acceptable form of psychological duress.

Does it work?

Thanks,

Steve



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Saturday, July 02, 2005 6:55:03 PM  
**Recipient:** Olivia Moorehead-Slaughter  
**Subject:** Washington Post editorial

---

Dear Colleagues,

An editorial in yesterday's Washington Post, "The Stain of Torture," by Burton J. Lee, III, contains the paragraph immediately below (the entire editorial is posted at the end of the message). Could people comment on what Burton Lee may be referring to when he states "These new guidelines distort traditional ethics rules beyond recognition to serve the interests of interrogators, not doctors and detainees"? I think it's likely that questions about this editorial will come up when our Report is released. On the whole, I think our Report fits well with the editorial, but I would be very interested in comments on this particular statement, and/or how this statement fits with our Report.

Olivia

"Now that comfort is shattered. Reports of torture by U.S. forces have been accompanied by evidence that military medical personnel have played a role in this abuse and by new military ethical guidelines that in effect authorize complicity by health professionals in ill-treatment of detainees. These new guidelines distort traditional ethical rules beyond recognition to serve the interests of interrogators, not doctors and detainees."

## The Stain of Torture

By Burton J. Lee III

Friday, July 1, 2005; Page A25

Having served as a doctor in the Army Medical Corps early in my career and as presidential physician to George H.W. Bush for four years, I might be expected to bring a skeptical and partisan perspective to allegations of torture and abuse by U.S. forces. I might even be expected to join those who, on the one hand, deny that U.S. personnel have engaged in systematic use of torture while, on the other, claiming that such abuse is justified. But I cannot do so.

It's precisely because of my devotion to country, respect for our military and commitment to the ethics of the medical profession that I speak out against systematic, government-sanctioned torture and excessive abuse of prisoners during our war on terrorism. I am also deeply disturbed by the reported complicity in these abuses of military medical personnel. This extraordinary shift in policy and values is alien to my concept of modern-day America and of my government and profession.

The military prides itself, as do physicians, on being professional in every sense of the word. It fosters leadership and discipline. When I served as White House physician, my entire professional staff was drawn from the military, and they were among the best and most competent people I have met, without qualification.

The military ethics that I know absolutely prohibit anything resembling torture. There are several good reasons for this. Prisoners should be treated as we would expect our prisoners to be treated. Discipline and order in the military ranks depend to a large extent on compliance with the prohibition of torture -- indeed, weak or damaged psyches inclined toward torture or



abuse have generally been weeded out of the military, or at the very least given less responsibility. In addition, military leaders have long been aware that torture inflicts lasting damage on both the victim and the torturer. The systematic infliction of torture engenders deep hatred and hostility that transcends generations. And it perverts the role of medical personnel from healers to instruments of abuse.

Today, however, it seems as though our government and the military have slipped into Joseph Conrad's "Heart of Darkness." The widespread reports of torture and ill-treatment -- frequently based on military and government documents -- defy the claim that this abusive behavior is limited to a few noncommissioned officers at Abu Ghraib or isolated incidents at Guantanamo Bay. When it comes to torture, the military's traditional leadership and discipline have been severely compromised up and down the chain of command. Why? I fear it is because the military has bowed to errant civilian leadership.

Our medical code of ethics requires us to oppose torture wherever it is inflicted, for any reason. Guided by this ethic, I served as a volunteer with the international group MEDICO in 1963, taking care of people who had been tortured by the French during Algeria's civil war. I remain deeply affected by that experience today -- by the people I tried to help and could not, and by their families, which suffered the most terrible grief. I heard the victims' stories, examined their permanently broken bodies and looked into faces that could not see me because of the irreparable damage done not only to their senses but also to their brains. As I have studied reports of torture throughout our troubled world since then, I have always found comfort in knowing that at least it did not occur here, not among Americans.

Now that comfort is shattered. Reports of torture by U.S. forces have been accompanied by evidence that military medical personnel have played a role in this abuse and by new military ethical guidelines that in effect authorize complicity by health professionals in ill-treatment of detainees. These new guidelines distort traditional ethical rules beyond recognition to serve the interests of interrogators, not doctors and detainees.

I urge my fellow health professionals to join me and many others in reaffirming our ethical commitment to prevent torture; to clearly state that systematic torture, sanctioned by the government and aided and abetted by our own profession, is not acceptable. As health professionals, we should support the growing calls for an independent, bipartisan commission to investigate torture in Iraq, Afghanistan, Guantanamo Bay and elsewhere, and demand restoration of ethical standards that protect physicians, nurses, medics and psychologists from becoming facilitators of abuse.

America cannot continue down this road. Torture demonstrates weakness, not strength. It does not show understanding, power or magnanimity. It is not leadership. It is a reaction of government officials overwhelmed by fear who succumb to conduct unworthy of them and of the citizens of the United States.

*The writer is a former physician to the president to George H.W. Bush and a board member of Physicians for Human Rights.*



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Friday, July 01, 2005 5:46:03 PM  
**Recipient:** 'Olivia Moorehead-Slaughter' **PRIVACY REDACTION**  
**Subject:** Timing of Release

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**Dear Task Force Members,**

**I know you are all eager to have the Report. Below, please find the schedule for release. We will receive the Report on Monday evening, but must keep the Report confidential until Tuesday at 11 am.**

**I am eager to see how our Report is recieved.**

**Warmly,**

**Olivia**

Monday evening: APA Council and PENS Task Force (Embargoed until Tuesday 11am)  
Tuesday 9 am: APA Division and State listserves, APA Governance Committees  
Tuesday 10 am: Courtesy copies to Capitol Hill, White House, DoD Contacts  
Tuesday 11 am: Media and posted to the APA Website



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Friday, July 01, 2005 5:40:09 PM  
**Recipient:** Halpern, Diane [REDACTED]  
**Subject:** RE: PENS report

---

Hi Diane,

Thank you for your kind words--they really do mean a lot, especially at the end of a week that has had its share of challenges.

I like Janel's work a great deal, although note that he is careful to say he is working on an International set of Ethical Principles, and not an International Ethics Code (which implies enforceable standards that would be very difficult to write or apply across nations). I was hoping to see Janel in Granada, but given the intensity of the interest in this issue will probably stay in DC, to be here when the Report is released. I was just speaking with Merry Bullock about the importance of having the Report available to psychologists in international settings, and Merry is, as one would expect, fully supportive of the idea.

I would be very interested in what you find out about the data.

Take care, and thank you again,

Steve

-----Original Message-----  
From: Halpern, Diane [REDACTED]  
Sent: Friday, July 01, 2005 4:06 PM  
To: Behnke, Stephen  
Subject: RE: PENS report

I was told that there are data, now I need to find out who it was who told me that. You really did a terrific job. You are super! What do you think about an international code of ethics? It sounded like a good idea to me, but I don't have the background to know what the drawbacks might be--assuming it did not conflict with ours. We could always have a more stringent code.  
Thanks again,  
Diane

-----Original Message-----  
From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Friday, July 01, 2005 12:24 PM  
To: Halpern, Diane; anton  
Subject: RE: PENS report

Hi Diane,

Sorry for not having responded sooner; it's been pretty hectic getting the report out. Thank you for your kind words; this entire process has been both exhausting and enormously rewarding. I think the Task Force Report will reflect very well on APA and on the profession.

Your message captures many of the attitudes toward coercion that I've gleaned from individuals working in this area: It doesn't work. It's counterproductive. It generates bad information. It besmirches our reputation. It puts our soldiers who are captured at greater risk.

I have not done a thorough enough review of the literature to know how



and where the data come down, and my sense is that relevant data may be classified. But I am looking, and will let you know what I am finding.

Steve

-----Original Message-----

From: Halpern, Diane **PRIVACY REDACTION**

Sent: Friday, July 01, 2005 12:03 PM

To: anton

Cc: Behnke, Stephen

Subject: RE: PENS report

Good points. There was some discussion about this at the meeting, but I don't know how much because I wasn't at all of the sessions or places where it may have come up and almost all of the sessions were in Spanish. Ultimately I think the only deterrent is that it doesn't work and that there are data on this--I don't know the area and have been told that there are data--Steve perhaps you know. Really great job!!

Diane -----Original Message-----

From: anton **PRIVACY REDACTION**

Sent: Thursday, June 30, 2005 8:21 PM

To: Halpern, Diane

Cc: sbehnke@apa.org

Subject: PENS report

Hi Diane:

Glad to hear of your safe return from Argentina. Must have been very interesting. You are such a good ambassador for psychology.

I was at the TF meeting where the point you raise about effectiveness was raised. The issue was discussed at length and I think the report addresses and embraces your point entirely in statements 8 and 10.

I sincerely believe it will be critical for the BoD to move on this very quickly; simply by acknowledging that the appropriate APA committee made a positive determination. We, the BoD can respond more fully if need be after it is released.

Best,

Barry

Barry S. Anton, Ph.D., ABPP  
Distinguished Professor  
Department of Psychology  
University of Puget Sound  
Tacoma, WA 98416-1046

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**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Friday, July 01, 2005 9:25:07 AM  
**Recipient:** Farberman, Rhea K. <rfarberman@apa.org>  
**Subject:** FW: PENS Task Force Report

---

I agree with your last message--sent this to Gerry/Barry last evening after Diane's note--

-----Original Message-----

From: Behnke, Stephen  
Sent: Thursday, June 30, 2005 9:25 PM  
To: 'Gerry Koocher'; 'Barry Anton'  
Subject: FW: PENS Task Force Report

You may want to point out that the Report repeatedly uses the word "effective," which means that if a technique or method is not effective, PSYCHOLOGISTS SHOULD NOT BE DOING IT. (See Statement 10)

Also, I am a bit concerned about making an absolute empirical statement such as Diane suggests; while this point was brought out by the task force several times (note recommendation #7; information must be "accurate, relevant, and reliable"; see also "other conclusions" of the Task Force, bullet 4, emphasis on the "quality of the information.") the Task Force did not make such a clear, blanket, statement, and my sense is that the Task Force may not have felt entirely comfortable doing so.

-----Original Message-----

From: Halpern, Diane [REDACTED] **PRIVACY REDACTION**  
Sent: Thursday, June 30, 2005 9:13 PM  
To: Strassburger, Judith; Anderson, Norman; Barry S. Anton, PhD; Carol Goodheart, EdD; Jessica Henderson Daniel, PhD; Koocher, Dr. Gerald P.; Michael Madson; Paul L. Craig, PhD; Ronald F. Levant, EdD; Ronald H. Rozensky, PhD; Ruth Ullmann Paige, PhD; Sandra L. Shullman, PhD; Thomas J. DeMaio, PhD  
Cc: Behnke, Stephen; Gilfoyle, Nathalie; Farberman, Rhea K.  
Subject: RE: PENS Task Force Report

Dear Steve et al:

I just returned from the InterAmerican Psychology meetings in Argentina where the NY Times article was on the front page of the English language paper. Janel Gauthier, who is known to many of you, was at the Congress to talk about the need for an international ethics code--he and others were especially interested in the allegations in the NY Times, which were repeated in today's paper (today's NY Times) in another article. (As most of us who have traveled internationally know, the US is not popular right now.)

I think the task force response is excellent. I have one very strong recommendation--that somewhere we add data showing that torture is ineffective in obtaining good information. I believe it is a critically important message that should go along with everything we say about torture and it is the only real deterrent. People kill each other during war, so saying don't hurt each other may not go far--but saying the information you get is worthless because someone being tortured will say anything you want is more likely to prevent torture (I think).

Again, really great job with a difficult task,  
Diane



-----Original Message-----

From: Strassburger, Judith [<mailto:jstrassburger@apa.org>]

Sent: Thursday, June 30, 2005 1:31 PM

To: Anderson, Norman B. PhD; Barry S. Anton, PhD; Carol Goodheart, EdD; Halpern, Diane; Jessica Henderson Daniel, PhD; Koocher, Dr. Gerald P.; Michael Madson; Paul L. Craig, PhD; Ronald F. Levant, EdD; Ronald H. Rozensky, PhD; Ruth Ullmann Paige, PhD; Sandra L. Shullman, PhD; Thomas J. DeMaio, PhD

Cc: Behnke, Stephen; Gilfoyle, Nathalie; Farberman, Rhea K.; Strassburger, Judith

Subject: FW: PENS Task Force Report

Hello: Forwarding for Steve Behnke. This was sent earlier in the week to you prior to review by the Ethics Committee. After review by the Ethics Committee there were only minor non-substantive changes which have been approved by the Task Force. If you have any issues of concern we ask that you let us know by noon tomorrow (Friday). We realize a couple have sent feedback but want you to have one final look.

Ron will send you a proposal tomorrow on how this might be handled by the Board and Council. Thank you.

Judy

Judy A. Strassburger, Executive Director  
Governance Affairs Office  
American Psychological Association  
750 First Street, NE  
Washington, DC 20002-4242  
(202) 336-6088  
(202) 336-6157 Fax  
[jstrassburger@apa.org](mailto:jstrassburger@apa.org)

-----Original Message-----

From: Behnke, Stephen

Sent: Thursday, June 30, 2005 3:58 PM

To: Strassburger, Judith

Cc: 'Ronald F. Levant, Ed.D, M.B.A., ABPP'; 'Barry Anton'; 'Gerald P. Koocher, Ph.D.'; Anderson, Norman; 'Olivia Moorehead-Slaughter'; Gilfoyle, Nathalie

Subject: PENS Task Force Report

Dear Judy,

Attached please find the Report of the Task Force on Psychological Ethics and National Security. The Report has been revised, following review by the Ethics Committee. The Ethics Committee unanimously voted the following motion:

That the Ethics Committee affirms that the 12 statements in the Report of the Task Force on Psychological Ethics and National Security are appropriate interpretations and applications of the American Psychological Association Ethical Principles of Psychologists and Code of Conduct (2002).

Please note that the word "Draft" is still contained in the title of the Report. The Task Force Chair has indicated that "Draft" should remain



in the title until the Board indicates its satisfaction with the Report.

The Task Force will await further instruction from the Board of Directors.

Thank you,

Steve

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For more information, connect to <http://www.f-secure.com/>



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Wednesday, June 29, 2005 7:53:37 PM  
**Recipient:** 'Ronald F. Levant, Ed.D, M.B.A., ABPP' PRIVACY REDACTION 'Barry Anton'  
PRIVACY REDACTION 'Gerald P. Koocher, Ph.D.' PRIVACY REDACTION  
**Cc:** Anderson, Norman <NAnderson@apa.org>; 'Olivia Moorehead-Slaughter'  
PRIVACY REDACTION; Gilfoyle, Nathalie <ngilfoyle@apa.org>; Farberman,  
Rhea K. <rfarberman@apa.org>; Strassburger, Judith <jstrassburger@apa.org>  
**Subject:** FW: Psychological Ethics and National Security

---

The Ethics Committee reviewed in detail the Report of the Task Force on Psychological Ethics and National Security and unanimously passed the following motion:

That the Ethics Committee affirms that the 12 statements in the Report of the Task Force on Psychological Ethics and National Security are appropriate interpretations and applications of the American Psychological Association Ethical Principles of Psychologists and Code of Conduct (2002).

The Ethics Committee expressed its appreciation to the Task Force for its hard and thoughtful work.

Please note: The Ethics Committee edited two statements and made an editorial suggestion. The Report will be sent to the Task Force with these changes and the Task Force will be asked to approve the changes. The Report will then be sent to the Board of Directors, with the word "Draft" remaining in the title, should the Board believe that further changes to the Report are necessary or appropriate.



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Thursday, June 30, 2005 12:56:05 PM  
**Recipient:** 'Ronald F. Levant, Ed.D, M.B.A., ABPP' [REDACTED]  
**Cc:** 'Barry Anton' [REDACTED] Gerald P. Koocher, Ph.D.'  
[REDACTED] Anderson, Norman <NAnderson@apa.org>; 'Olivia Moorehead-Slaughter' [REDACTED] Gilfoyle, Nathalie  
<ngilfoyle@apa.org>; Farberman, Rhea K. <rfarberman@apa.org>; Strassburger, Judith <jstrassburger@apa.org>; Breckler, Steven J. <SBreckler@apa.org>  
**Subject:** Task Force Report to the Board

---

Ron,

I have just received word from the final PENS Task Force member, that the Task Force has approved the Report as revised by the Ethics Committee. I will be sending you that revised report shortly. The Report will have "Draft" in the title, but if the Board wishes to distribute the Report (Rhea has outlined a plan), the only change that will need to be made is to remove the word "Draft." The Report will then be ready for distribution.

The Board of course may choose to make changes to the Report, but that will entail another round of review by the Task Force, which will be a challenge given the holiday weekend.

Judy has considered the options available to the Board, which fall into two broad categories. First, the Board could take some actions such as to adopt, endorse, accept, or some such indication that the Board places its stamp of approval on the Report. In the alternative, the Board could indicate that the Task Force has provided the Board its Report and the Ethics Committee has determined that the Statements in the Report are appropriate interpretations and applications of the APA Ethics Code. The Board could then make the Report public, with the weight of the Ethics Committee behind it. This latter alternative, which may be a bit more efficient and less cumbersome, would of course not preclude the Board from taking some action at a later point in time were it to decide that was appropriate.

Steve

-----Original Message-----

From: Behnke, Stephen  
Sent: Wednesday, June 29, 2005 7:54 PM  
To: 'Ronald F. Levant, Ed.D, M.B.A., ABPP'; 'Barry Anton'; 'Gerald P. Koocher, Ph.D.'  
Cc: Anderson, Norman; 'Olivia Moorehead-Slaughter'; Gilfoyle, Nathalie;  
Farberman, Rhea K.; Strassburger, Judith  
Subject: FW: Psychological Ethics and National Security

The Ethics Committee reviewed in detail the Report of the Task Force on Psychological Ethics and National Security and unanimously passed the following motion:

That the Ethics Committee affirms that the 12 statements in the Report of the Task Force on Psychological Ethics and National Security are appropriate interpretations and applications of the American Psychological Association Ethical Principles of Psychologists and Code of Conduct (2002).

The Ethics Committee expressed its appreciation to the Task Force for its hard and thoughtful work.

Please note: The Ethics Committee edited two statements and made an editorial suggestion. The Report will be sent to the Task Force with these changes and the Task Force will be asked to approve the changes. The Report will then be sent to the Board of Directors, with the word "Draft" remaining in the title, should the Board believe that further changes to the Report are necessary or appropriate.



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Friday, December 16, 2005 3:56:55 PM  
**Recipient:** Banks, Louie M. COL <louie.morgan.banks@us.army.mil>  
**Subject:** RE: Request for your consultation

---

Okay, Morgan, thanks--would love to find a way to sit down with you and Deborah to review some of these materials and help me plot better interview strategies.

Steve

---

**From:** Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]  
**Sent:** Fri 12/16/2005 1:56 PM  
**To:** Behnke, Stephen  
**Subject:** RE: Request for your consultation

Steve,

I have to make a correction to my previous email. I am aware of one incident that qualifies as torture conducted by US Army personnel. Two Warrant Officers conducted an interrogation over an extended period of time that resulted in the death of the detainee. Both Warrant Officers, along with at least one NCO (as best I can remember) are being prosecuted for murder in this case. As far as I know, it has not yet come to trial. What they did to the detainee does qualify as torture, and resulted in the detainee's death.

Morgan

COL L. Morgan Banks  
Director, Psychological Applications Directorate  
US Army Special Operations Command  
DSN 239-6833 COM (910) 432-6833  
[REDACTED]  
banks1@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

-----Original Message-----

From: Behnke, Stephen [mailto:sbehnke@apa.org]  
Sent: Friday, December 16, 2005 10:23 AM  
To: Banks, Louie M. COL  
Subject: RE: Request for your consultation

Morgan, I'm on the run at the moment, but thanks for taking the time to write. The sheer amount of misinformation was truly impressive, and I want to talk to you about how better to handle it next time; I can't just sit there like a bump on a log and let people get away with it.

I'll call--& thanks again for being such a support through all this.

Steve

-----Original Message-----

From: Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]  
Sent: Friday, December 16, 2005 10:02 AM  
To: Behnke, Stephen  
Subject: RE: Request for your consultation



Steve,

I heard the replay last night on the web. I would like to talk to you about it, but I will first put my thoughts down on email.

First, I thought you did a remarkable job of getting our message out. You were the only participant who seemed to have given ANY thought to the concept that our participation might have some value. In spite of the fact that you were given VERY little time to talk, you managed to cover the important pieces. (You get the Colin Powell award for staying on message.)

Now that I have gotten that said, the rest of the hour was pure slander. When the nut case called and stated that her country's policy was to export torture, my read was that the entire group (you excepted) appeared to agree with her. Everyone, (again, you excepted) appeared to believe that we have been torturing detainees as part of US policy. Let me put some facts down.

As far as I am aware, to include ALL of the investigations, and to include all of the prosecution evidence I have reviewed, torture, as defined in international law, has NOT BEEN CONDUCTED by US personnel. Abuse has occurred, and in every case I am aware of that has involved DOD personnel (that is only what I have access to), prosecution has followed. NO ONE has cut off anyone's head. NO ONE has been caused significant physical pain for the purpose of getting them to give out information. That distinguished group (again, you excepted) was operating under some really ludicrous assumptions. They seem to have no touchstone with reality.

More facts. The McCain amendment, in my opinion, will have NO effect on DoD operations that I can determine, since we are already bound by Army Regulation to treat detainees humanely.

Finally, I thought it wise that you not correct the idiot who was referring to the big APA as the little APA. (How many members does each have?)

The misinformation put out would have been laughable, were it not that many people believe it.

Morgan

COL L. Morgan Banks  
Director, Psychological Applications Directorate US Army Special Operations  
Command DSN 239-6833 COM (910) 432-6833 **PRIVACY REDACTION**  
banks1@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]

Sent: Thursday, December 15, 2005 11:18 PM

To: Banks, Louie M. COL

Subject: RE: Request for your consultation

Morgan, thanks--that was very helpful. I think the show went tolerably well. My guess is that you were not able to hear it; I'll see if I can get you a transcript. Did you hear anything about Dr. Kiley refusing to appear with Gregg Bloche on the McNeil Leher news hour??

-----Original Message-----

From: Banks, Louie M. COL [<mailto:louie.morgan.banks@us.army.mil>]



Sent: Thursday, December 15, 2005 6:30 AM  
To: Behnke, Stephen  
Subject: Re: Request for your consultation

PRIVACY REDACTION is with all the time.

What/when is the program. I want to listen/tape it?

COL L. Morgan Banks  
Director Psychological Applications Directorate US Army Special Operations  
Command DSN 239-6833 COM (910) 432-6833 PRIVACY REDACTION

-----Original Message-----

From: Behnke, Stephen <sbehnke@apa.org>  
To: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>  
Sent: Wed Dec 14 22:46:30 2005  
Subject: RE: Request for your consultation

Morgan, what would be the best number to reach you at tomorrow?

-----Original Message-----

From: Banks, Louie M. COL [<mailto:louie.morgan.banks@us.army.mil>]  
Sent: Monday, December 12, 2005 11:26 AM  
To: Behnke, Stephen; Dunivin, Debra L LTC WRAMC-Wash DC; banks@soc.mil  
Subject: RE: Request for your consultation

Steve,

I have made several comments in the text. The bottom line difference, in my opinion, is that they take a laundry list approach to the problem, and we take a more judicial (if I can use that term here) approach. We give overall guidance, and then will let specific cases be explicated with the text we are going to write, while specific complaints will be addressed by a board, either the APA ethics board, or a state licensing board.

Morgan

COL L. Morgan Banks  
Director, Psychological Applications Directorate US Army Special Operations  
Command DSN 239-6833 COM (910) 432-6833 PRIVACY REDACTION  
[banks@usasoc.socom.smil.mil](mailto:banks@usasoc.socom.smil.mil)/[louie.morgan.banks@us.army.mil](mailto:louie.morgan.banks@us.army.mil)

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Saturday, December 10, 2005 10:47 PM  
To: Dunivin, Debra L LTC WRAMC-Wash DC; banks@soc.mil  
Subject: Request for your consultation

Hi Debra and Morgan,

I hope you are both well. I'd very much appreciate your help in preparing for an NPR show I'll be on this Thursday; it's an hour-long, live broadcast, that will include Steve Sharfstein (president of the American Psychiatric Association), and Dr. Nancy Sherman of Georgetown University. I am attaching the two possible positions of the American Psychiatric Association--my best guess is that the paragraph labelled "alternative paragraph 3" will be the one they adopt, but I have not confirmed they've



yet officially done so.

It would be helpful if you could provide any thoughts, reactions, or analysis to the "alternative" paragraph. Depending on how one reads this paragraph, their position could be very close to ours when applied in actual practice. My inclination is to emphasize the similarities between the associations, but I'll be very eager to hear your thoughts on that point.

Thanks so much,

Steve



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Monday, February 13, 2006 3:04:25 AM  
**Recipient:** Kelly, Heather </O=APA/OU=DC/CN=RECIPIENTS/CN=HZK>; 'Shumate, Scott (GOV)' <Scott.Shumate@cifa.mil>; Fein, Robert \_Offsite  
PRIVACY REDACTION Banks, Morgan (Army Contact)  
<louie.morgan.banks@us.army.mil>  
**Subject:** RE: PENS Issue

---

Hello Everyone,

I am in Utah, where oddly enough it is warm and dry. I hope you are all doing well and have not been unduly affected by the storm. I will return on the redeye to DC tomorrow evening.

In the meanwhile, please review the points below for a possible letter to Olivia to include along with her own, along with the letter that was posted this evening. It would be unfortunate for that to be the only letter appended to Olivia's. Given the complexity of Morgan writing the letter, I wonder whether Scott and Robert could write the letter, either individually or together, whichever seems best to you.

Thanks,

Steve

- 1) The PENS report provides a vital service by giving psychologists working in this area clear ethical guidance, which has been lacking. Psychologists working in these arenas are deeply grateful to APA for clarifying their ethical obligations. The casebook/commentary will continue this process
- 2) The Task Force report was agreed-upon by all ten members. Had any individual not agreed upon anything in the report, they were and have remained able to voice their opinion, as the "Areas of Disagreement" section in the Report, as well as letters appended to the Task Force Chair's letter, make abundantly clear. The reality is that disagreements with the Task Force Report are being voiced too late for the Task Force to engage in fruitful and productive discussions about the substantive issues that have now--months after the Report was issued--been raised. It would have been preferable if members of the Task Force had first brought their concerns to the Task Force itself, so that as a group we could have discussed and addressed these issues. Doing so would have demonstrated respect for the Task Force members and would have strengthened our process.
- 3) The purpose of maintaining the confidentiality of Task Force discussions was to allow a free and open exchange of ideas, and to prevent later mischaracterizations or misquotations of what was said. At no point was there any discussion concerning that "a united Task Force position would diffuse divisive and counterproductive criticism of the APA, both from within and without" by the Task Force. Any suggestion that a rationale based on "a united front" was put forth to justify the confidentiality of Task Force discussions is simply not the case.
- 4) As a Task Force member, at no point did I feel any pressure to conform to any opinion about the issues other than my own. Moreover, there is considerable inconsistency between the position that the Task Force was somehow meant to be a mouthpiece for APA and the position that the current APA president would pressure the PENS Task Force to cede its role to the Ethics Committee. If the Task Force were truly at the bidding of the APA leadership, the *last* thing the APA leadership would do is seek to disband the Task Force. In fact, the APA leadership would do precisely the opposite--seek to continue if not enhance the role of the PENS Task Force. I--as well as most of our PENS colleagues--believe the task of writing the casebook/commentary is properly given to the APA Ethics Committee, which alone has the authority to say what the APA Ethics Code means. Whether or not any other APA



individual agrees or disagrees is irrelevant to my opinion.

5) I have been honored to serve on the PENS Task Force, and am honored to be an APA member.

---

**From:** Kelly, Heather  
**Sent:** Fri 2/10/2006 5:48 PM  
**To:** 'Shumate, Scott (GOV)'; Fein, Robert\_Offsite; Banks, Morgan (Army Contact)  
**Cc:** Behnke, Stephen  
**Subject:** RE: PENS Issue

Hi, guys:

Just got a call from Steve, who's thrilled that you're willing to write something. He asked if you could hold off until Monday, so that perhaps he could see what Jean Maria's statement looks like first. I'll ask him to be in touch with you directly at that point.

Thanks again and have a good weekend,  
Heather

---

**From:** Kelly, Heather  
**Sent:** Fri 2/10/2006 11:56 AM  
**To:** 'Shumate, Scott (GOV)'; Fein, Robert\_Offsite; Banks, Morgan (Army Contact)  
**Cc:** Behnke, Stephen; Mumford, Geoff  
**Subject:** RE: PENS Issue

Scott, that's terrific, could you please draft? Steve gave me the phrase I passed on to you, feel free to elaborate. He'll be on email probably later today/tonight if you want his take.

Thank you!  
Heather

Heather O'Beirne Kelly, Ph.D.  
Senior Legislative and Federal Affairs Officer  
Science Public Policy Office  
American Psychological Association  
750 First Street, N.E., 5th Floor  
Washington, D.C. 20002  
phone 202.336.5932  
fax 202.336.6063  
email [hkelly@apa.org](mailto:hkelly@apa.org)

---

**From:** Shumate, Scott (GOV) [<mailto:Scott.Shumate@cifa.mil>]  
**Sent:** Friday, February 10, 2006 11:53 AM  
**To:** Kelly, Heather; Fein, Robert\_Offsite; Banks, Morgan (Army Contact)  
**Cc:** Behnke, Stephen; Mumford, Geoff  
**Subject:** RE: PENS Issue

A comment that appends her note to the Ethics Committee is no problem and would not need to be reviewed. I would be glad to write such a note, just let me know. Plus Jean Maria's stance highlights exactly why it's a good idea to move the next phase to the Ethics Committee. As far as any of us being unofficial consultants to the



Ethics Committee, this needs to be carefully considered. Scott

Dr. R. Scott Shumate  
Director Behavioral Sciences  
DoD/Counterintelligence Field Activity  
703-699-7792  
scott.shumate@CIFA.MIL  
scott.shumate@CIFA.SMIL.MIL

-----Original Message-----

**From:** Kelly, Heather [mailto:hkelly@apa.org]  
**Sent:** Friday, February 10, 2006 11:07 AM  
**To:** Shumate, Scott (GOV); Fein, Robert\_Offsite; Banks, Morgan (Army Contact)  
**Cc:** Behnke, Stephen; Mumford, Geoff  
**Subject:** PENS Issue

Hello, gentlemen:

Steve Behnke is off in Utah today giving an ethics workshop, but he asked me to get in touch with you three about a PENS task force issue.

You may remember that Olivia is writing a letter on behalf of the task force to Jerry Koocher and Ron Levant, formally suggesting that the next step of drafting a casebook/commentary be turned over to the Ethics Committee. Jean Maria requested that she be able to append a sort of "minority" dissent letter, and Olivia set a deadline of this coming Monday the 13th for that and *any other letters* task force members would like to add. Steve is wondering whether you all, as DoD employees, would be able and willing to write a short note to the tune of "we commend this Task Force for its work on this important issue and are pleased that its report was supported by all members of the Task Force." We know that most of your written statements have to go through DoD processes, but are wondering if anything like this would be possible and if so, if you'd be willing. There is some concern that having *only* Jean Maria's attached letter could be problematic strategically.

Feel free to call me, I'm in until at least 3:15 today, or email me. After 3:15 my cell phone is

PRIVACY REDACTION

Best to you all,  
Heather

[Olivia's original note]

Dear PENS Colleagues,

Thank you for your comments. Jean Maria has indicated that she would like to provide an additional statement, and I want to ensure that anyone on PENS who would like to do so has this opportunity. I think it makes most sense to set a date certain, and I will forward your collective statements/comments to Ron and Gerry. Realizing how busy everyone is, but also that we don't want an undue delay in bringing our work to a close, I am going to suggest Monday, February 13 as the date on which I should receive whatever you would like to have included. Please tell me if you think you would need additional time; I would like to be both flexible and timely.

Warmly,

Olivia

Heather O'Beirne Kelly, Ph.D.  
Senior Legislative and Federal Affairs Officer  
Science Public Policy Office

APA\_0053132



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750 First Street, N.E., 5th Floor  
Washington, D.C. 20002  
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fax 202.336.6063  
email [hkelly@apa.org](mailto:hkelly@apa.org)



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Wednesday, February 01, 2006 3:31:56 PM  
**Recipient:** 'Banks, Louie M. COL' <louie.morgan.banks@us.army.mil>  
**Subject:** RE: Eyes only  
**Attachments:** Olivialetter.doc

---

Let me know if okay to post on the listserve. If not, let's discuss. Thanks.

-----Original Message-----

**From:** Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]  
**Sent:** Wednesday, February 01, 2006 3:28 PM  
**To:** Behnke, Stephen  
**Subject:** Re: Eyes only

Yes. I am on my blackberry  
COL L. Morgan Banks  
Director Psychological Applications Directorate  
US Army Special Operations Command  
DSN 239-6833 COM (910) 432-6833

**PRIVACY REDACTION**

-----Original Message-----

From: Behnke, Stephen <sbehnke@apa.org>  
To: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>  
Sent: Wed Feb 01 11:12:56 2006  
Subject: Eyes only

Morgan, I'd like you to review the letter mentioned on the PENS listserve, to make sure it doesn't cause any problems for you. Discretion about prior review is essential.

May I send it to you?

Thanks,

Steve



February 1, 2006

Gerald P. Koocher, PhD  
President, American Psychological Association

Ronald F. Levant, EdD, ABPP, MBA  
Past President, American Psychological Association

Dear Drs. Koocher and Levant,

On behalf of the Presidential Task Force on Psychological Ethics and National Security, I would like to thank you for giving me and my PENS Task Force colleagues an extraordinary opportunity to serve APA. Having been asked to determine whether the *APA Ethical Principles of Psychologists and Code of Conduct* adequately addresses the ethical challenges faced by psychologists assisting to gather national security-related information, the task force reiterated the American Psychological Association's steadfast position, held for over twenty years. In the words of the PENS Task Force report: "Psychologists do not engage in, direct, support, facilitate, or offer training in torture or other cruel, inhuman, or degrading treatment." The Task Force emphasized this position in determining that "Psychologists are alert to acts of torture and other cruel, inhuman, or degrading treatment and have an ethical responsibility to report these acts to the appropriate authorities." With review and approval of the PENS report by the APA Ethics Committee, Board of Directors, and Council of Representatives, APA has spoken consistently, forcefully, and unambiguously against any psychologist participation in torture or cruel, inhuman, or degrading treatment. As Chair of the Task Force, I was extraordinarily pleased to see APA show strong public support for the McCain Amendment, which embodies these principles so central to our ethics as psychologists.

The Task Force recommended that a commentary/casebook be written on the PENS report to provide further guidance to psychologists about the appropriate boundaries of their roles that, as the Task Force made clear, the Ethics Code governs in every instance. The Task Force believes that continuing this work is vital and notes that a lack of ethical guidance is cited in numerous investigations and reports on interrogations that have occurred in national security-related settings. As Chair of the Task Force, I note that other major professional health and mental health organizations are also working to craft statements that address these issues, and take pride that the American Psychological Association is the only such organization yet to take a position on the appropriate role of its members working in national security-related contexts.

As all Americans, I have been deeply disturbed by reports of abusive and degrading treatment of prisoners and detainees. The PENS report makes clear that any psychologist involvement in such activities is unethical and utterly antithetical to our role and values as psychologists. In my role as Chair of the Ethics Committee, I will fully support the sanctioning of any psychologists found to have engaged in behaviors prohibited in the



PENS report. In addition, I fully support the efforts of our Ethics Office in reaching out to commentators on these issues to ask that they provide the Ethics Office any information or evidence they may have indicating that a member of the American Psychological Association has behaved unethically or otherwise violated any of the tenets in the PENS report.

At this point in time, the PENS Task Force believes that it has provided the American Psychological Association the best service it is able, and as a consequence respectfully requests that responsibility for writing the casebook/commentary now be given to the Ethics Committee. The Ethics Committee is the most appropriate group to continue this important work, given that Council identified the Ethics Committee as having responsibility for this task and that the authority to offer official interpretations of the Ethics Code, from which the PENS report is explicitly derived, rests with the Ethics Committee.

Again, on behalf of my colleagues on the PENS Task Force, I thank you for giving us the opportunity to serve APA in this manner. It has been a privilege and I am confident that each of us will make ourselves available should our resources be helpful for this or any other challenge facing the American Psychological Association.

Sincerely,

Olivia Morehead-Slaughter, PhD  
Chair, Presidential Task Force on Psychological Ethics and National Security  
Chair, Ethics Committee



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Tuesday, January 31, 2006 10:43:27 PM  
**Recipient:** 'James, Larry C COL TAMC' <larry.james@us.army.mil>  
**Subject:** RE: PENS Task force

---

Hi Larry,

Yes, let's definitely make a plan to meet...let me know when you'll be in town, & I'll arrange my schedule accordingly.

It will be good to see you,

Steve

-----Original Message-----

**From:** James, Larry C COL TAMC [mailto:larry.james@us.army.mil]  
**Sent:** Tuesday, January 31, 2006 4:53 PM  
**To:** Behnke, Stephen  
**Subject:** RE: PENS Task force

I'm coming out for SLC, I was told by Morgan that your gonna be down at Ft Bragg the week after SLC and I wanted to drive down so you, Debra, Morgan and I could meet, but unfortunately I'll need to get back that week.

How about during the consolidated meetings In April? perhaps we could have an evening meeting with Morgan during that week?

are you gonna be in town the week of SLC? I'd like to just sit and catch up with you on stuff.

Larry

---

**From:** Behnke, Stephen [mailto:sbehnke@apa.org]  
**Sent:** Tuesday, January 31, 2006 11:42 AM  
**To:** James, Larry C COL TAMC  
**Subject:** RE: PENS Task force

Excellent, Larry, yes it was posted. Thanks so much.

When will you be out this way?

Steve

-----Original Message-----

**From:** James, Larry C COL TAMC [mailto:larry.james@us.army.mil]  
**Sent:** Tuesday, January 31, 2006 4:39 PM  
**To:** Behnke, Stephen  
**Subject:** PENS Task force

Hi Steve,

I responded this morning. If you and Olivia did not get the message then there is a glitch somewhere.



My position is that I do think it best for the ethics folks to handle the case book.

however, I am in agreement with Mike Gelles, I would want to participate in this endeavor if possible.

I think there is a way it can be done without getting my head shaved by the Army :)

Larry



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Tuesday, January 31, 2006 4:41:30 PM  
**Recipient:** Olivia Moorehead-Slaughter  
**Subject:** Draft

---

Dear PENS colleagues,

Thank you for contributing such thoughtful messages about the role of the PENS task force in the casebook/commentary writing process. Each of you has given a great deal of your time and energy to our important work, and it is clear that you all will continue to be available to contribute your talents. In reading over your posts, I feel comfortable in reaching two conclusions. First, all of you think that this project is a challenging and worthwhile endeavour for APA, the field of psychology, and society. I wholeheartedly agree. To a person you have offered to continue to participate in the project and I think that is critical. Each of you has important contributions to make, and I see your contributions as essential to a successful casebook/commentary.

My second conclusion is that a consensus has emerged among our group, that the Ethics Committee should take responsibility for this project. While our feelings about handing the project over to the Ethics Committee are complex and not unitary, a majority believe that this transition would work best for them and would alleviate a potentially burdensome process of approval and clearance that could play a significant role in the project moving forward in an expeditious manner. For my own part, it seems important to consider that our Report was based on the Ethics Code, and the Ethics Committee has the authority (in fact, alone has the authority) to say what the Code means. Also, the Ethics Committee has the authority to include whomever they deem appropriate in the writing process, and as chair of the Committee I can assure you that the Committee will reach out to each of you individually for your assistance.

I will write a letter to Ron and Gerry, and post on the list tomorrow for your review.

Warmly,

Olivia



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Friday, January 27, 2006 1:49:19 AM  
**Recipient:** Gerald P. Koocher, Ph.D. [REDACTED]; Levant, Ronald F  
[REDACTED]  
**Cc:** Koocher, Gerald P., Ph.D. [REDACTED]  
**Subject:** RE: FW: [PRESIDENTIAL] On the PENS case book

---

There is NO impediment to the Ethics Committee drawing on whatever expertise it feels necessary/appropriate. The Committee may draw upon PENS as individuals or as a group, either through requests to submit written comments or by requesting that individuals on PENS attend an Ethics Committee meeting to discuss the commentary. As I read Scott and Morgan's message, the challenge is NOT that they will not be able to contribute--my guess is they will very much want to do so--but an administrative concern, that being able to SIGN THEIR NAMES TO THE DOCUMENT will entail significant review and approval. In fact, handing the project over to the Ethics Committee may, ironically, allow them to be MORE, rather than less, involved.

I am in LA for an ethics workshop, and will have limited email access. Please edit and post under your names as you think appropriate/useful.

---

**From:** Gerald P. Koocher, Ph.D. [REDACTED]  
**Sent:** Thu 1/26/2006 10:44 PM  
**To:** Levant, Ronald F  
**Cc:** Behnke, Stephen; Koocher, Gerald P., Ph.D.  
**Subject:** Re: FW: [PRESIDENTIAL] On the PENS case book

First, I think we need to correct her. Strictly speaking, the number of "military" she cites is incorrect. For example: I don't think Fein has any military experience and I don't the Shumate is military.

Second, we can cite the fact that only the EC can interpret the code,

Third, we can invite her to provide input (e.g., her case materials) to the EC before it begins work on the casebook and also give her the opportunity to comment of the draft product.

Gerry

Levant, Ronald F wrote:

>  
>Thoughts on how to handle this?  
>  
>Ronald F. Levant, EdD, ABPP, MBA  
>Dean and Professor of Psychology  
>Buchtel College of Arts and Sciences  
>The University of Akron  
>Akron, OH 44325-1901  
>[REDACTED]  
>[REDACTED]  
>[REDACTED]  
>[REDACTED]  
>Website: [www.DrRonaldLevant.com](http://www.DrRonaldLevant.com)



>Past President, American Psychological Association  
>"Making Psychology a Household Word"  
>  
>-----Original Message-----  
>From: Presidential Task Force on Psychological Ethics and National  
>Security [<mailto:PENS@LISTS.APA.ORG>] On Behalf Of Jean Maria Arrigo  
>Sent: Thursday, January 26, 2006 12:56 PM  
>To: PENS@LISTS.APA.ORG  
>Subject: [PRESIDENTIAL] On the PENS case book  
>  
>[Olivia, it appears you did not receive the message I sent last night to  
>forward to the Task Force, so I will attempt to rewrite it in brief from  
>my hotel computer.]  
>  
>Colleagues:  
>  
>Many critics of the PENS report have complained of the majority  
>membership from the military, 6 of 10 members. I have defended this  
>composition of the Task Force on the grounds that strong military  
>participation is necessary for the Task Force to have any practical  
>relevance to the national security system.  
>  
>The Task Force was appointed because the Ethics Committee lacked the  
>background and expertise to address the PENS issues by itself. The  
>Ethics Committee similarly cannot produce a valid and relevant casebook  
>for the PENS report. Without such a casebook, the PENS report could be  
>considered a list of platitudes, like an injunction to love one's  
>neighbor without any models. I think it is time for the military  
>members to justify their predominance on the Task Force by helping to  
>produce the casebook. Yes, there are institutional difficulties, but  
>confronting these difficulties is a crucial ethical process. The  
>military and CIA have not been able to prosecute adequately its officers  
>for homicides of detainees and illegal torture for institutional  
>reasons, and the comparison will not be lost on PsySr and Div. 48  
>critics of the Task Force. I could provide interrogation case  
>histories to the  
>Ethics Committee from my oral histories, but only the current military  
>members could present the standards now deemed appropriate. And I think  
>the military would rather have more common examples explained than the  
>outliers that are likely to arise from volunteered sources.  
>  
>The casebook was offered at the PENS meeting in DC to mitigate my  
>concern about the weak relevance of the report. This concern has only  
>increased for me and others.  
>  
>I am writing to you from the Joint Services Conference on Professional  
>Ethics in DC, where I am co-organizer of the follow-on conference Ethics  
>and Intelligence 2006.  
>  
>Jean Maria  
>  
>  
>



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Sunday, January 22, 2006 8:51:57 PM  
**Recipient:** 'Shumate, Scott (GOV)' <Scott.Shumate@cifa.mil>  
**Subject:** RE: PENS task force

---

Dear PENS Colleagues,

Like all of you, I'm sure, I feel that Mike's resignation is a considerable loss for our group. His thoughtful and principled approach was a great asset to our work, and our report bears his mark throughout. I'm very grateful for having had the opportunity to collaborate with him, and hope that he stays involved with APA working on these important issues.

In thinking about Olivia's message and what remains to be done, I've had some thoughts I'd like to share. The basic thrust of my comments comes from the necessity of the practical considerations involved in what I believe is an excellent concept for a commentary and casebook. While I am enthusiastic about the idea in principle, as a practical matter I think we need to think very carefully about whether it makes sense for PENS to remain involved in the project.

First, in terms of vignettes, we would need to get the task force together and frame out the cases and how psychologists would consult on an interrogation. The process would be involved and require considerable amount of time developing the cases and putting sufficient depth to the material. This brings to mind a recent experience I've had, of writing an article for the Journal of Military Psychologist. As with all publicly released information, DoD and other Governmental officials have to have their work reviewed by various elements within the Government, and in this case specifically by the Department. While articles are frequently approved after going through the review, there is usually a certain amount of additional work that is required for final release. The problem is that this additional work usually requires considerations that the larger PENS group would not be cleared to consider. Since this is a group effort and the final product would end up being a combination of the larger PENS group and then final edits by the DoD members only, I began to recognize that our requirement to have the review by the Department would interfere, perhaps significantly so, with the group's joint efforts, given the likely length and complexity of the document we would be producing. Further, any changes by APA Ethics Committee and/or APA at large would have to be re-reviewed by the Department prior to release. This requirement is something we can not avoid, and could considerably prolong the process of producing this very important document.

The PENS task force was assembled to look at the ethical considerations of psychologists being involved as consultants to the interrogation process and successfully accomplished their mission, something I am very proud of. The discussions and exchange of information was substantial and we produced the ethical recommendations as a group, with members from various factions of APA having input. It was a wonderful learning experience and affirmation of the professionalism of psychologists and I think it speaks highly of every member of the PENS task force as well as the Ethics Committee.

At this time I offer for consideration that the PENS task force has accomplished what it was originally assembled to do. I think that all things considered, it may be best if APA's Ethics Committee undertake this next step, of putting together a Case Book independent of the PENS task force. I'm sure that all of us would make ourselves available on an individual basis if the Ethics Committee believes we could be helpful, in a manner that we could contribute anonymously and that would not require layers of potentially time-consuming review.

I look forward to discussing my thoughts but also believe at the end of the day, most members of the PENS will recognize that this suggestion is the best alternative available.

-----Original Message-----

From: Shumate, Scott (GOV) [<mailto:Scott.Shumate@cifa.mil>]  
Sent: Sunday, January 22, 2006 8:26 PM  
To: Behnke, Stephen  
Subject: RE: PENS task force

Steve:

Lets play with this version.



As I have been thinking about the task before us I have moved from concept to practical consideration. We would need to get the task force together and frame out the cases and how psychologists would consult on an interrogation. The process would be involved and require considerable amount of time developing the cases and putting sufficient depth to the material. Then I reflected on my recent experience of writing an article for the Journal of Military Psychologist. As with all publicly released information, DoD and other Governmental officials have to have their work reviewed by various elements within the Government, and in this case specifically the Department. Articles are frequently approved after going through the review however, there is usually a certain amount of additional work that is required for final release. The problem is that this additional work usually requires considerations that the larger PENS group would not be cleared to consider. Since this is a group effort and the final product would end up being a combination of the larger PENS group and then final edits by the DoD members only, I began to recognize that our requirement to have the review by the Department would interfere with the group's joint efforts. Further, any changes by APA Ethics Committee and or APA at large would have to be re-reviewed by the Department prior to release. This requirement is something we can not avoid.

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At this time I offer for consideration that the PENS task force has accomplished what it was originally assembled to do. I think that all things considered, it may be best if APA's Ethics Committee undertake this next step, of putting together a Case Book independent of the PENS task force.

I look forward to the debate that this consideration may sponsor but believe at the end of the day, most members of the PENS will recognize that this suggestion is the best alternative available.

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]

Sent: Fri 1/20/2006 9:02 PM

To: Shumate, Scott (GOV)

Cc:

Subject: RE: PENS task force

Excellent.

-----Original Message-----

From: Shumate, Scott (GOV) [<mailto:Scott.Shumate@cifa.mil>]

Sent: Friday, January 20, 2006 8:55 PM

To: Behnke, Stephen

Subject: Re: PENS task force

PRIVACY REDACTION Anytime

-----  
Dr. R. Scott Shumate

Director Behavioral Sciences

DoD/Counterintelligence Field Activity

703-699-7792

[scott.shumate@CIFA.MIL](mailto:scott.shumate@CIFA.MIL)

[scott.shumate@CIFA.SMIL.MIL](mailto:scott.shumate@CIFA.SMIL.MIL)

Sent from my BlackBerry Wireless Handheld ([www.BlackBerry.net](http://www.BlackBerry.net))

APA\_0053444



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Friday, January 20, 2006 8:47:26 PM  
**Recipient:** 'Shumate, Scott (GOV)' <Scott.Shumate@cifa.mil>  
**Subject:** RE: PENS task force

---

Okay, let's talk--best not to send a post that appears as if your thinking is primarily a reaction to the resignation...

Could you be more oblique, for example, indicating that the issue of dealing with classified material, coupled with the necessity of obtaining the appropriate clearances, will significantly complicate your participation, while the Ethics Committee would not work under such constraints?

-----Original Message-----

From: Shumate, Scott (GOV) [<mailto:Scott.Shumate@cifa.mil>]  
Sent: Friday, January 20, 2006 8:43 PM  
To: Behnke, Stephen  
Subject: Re: PENS task force

Steve I will not send this out on the listserve. We can manipulate my second message that does not focus on the review process but rather focuses on maintaining a successful stance

-----  
Dr. R. Scott Shumate  
Director Behavioral Sciences  
DoD/Counterintelligence Field Activity  
703-699-7792  
[scott.shumate@CIFA.MIL](mailto:scott.shumate@CIFA.MIL)  
[scott.shumate@CIFA.SMIL.MIL](mailto:scott.shumate@CIFA.SMIL.MIL)

Sent from my BlackBerry Wireless Handheld ([www.BlackBerry.net](http://www.BlackBerry.net))

-----Original Message-----

From: Behnke, Stephen <sbehnke@apa.org>  
To: Shumate, Scott (GOV) <Scott.Shumate@cifa.mil>  
Sent: Fri Jan 20 20:33:56 2006  
Subject: RE: PENS task force

Scott, this is really an excellent note. My one suggestion--and only suggestion--is that at the end you may want to raise the possibility that the work will now be handed over to the Ethics Committee. Other than that, if you're comfortable, please go ahead and post to the listserve.

Steve

-----Original Message-----

From: Shumate, Scott (GOV) [<mailto:Scott.Shumate@cifa.mil>]  
Sent: Friday, January 20, 2006 8:38 AM  
To: Behnke, Stephen  
Subject: PENS task force

Steve:

Hope this finds you well. I have grown concerned about Mike Wessels decision to step aside, in a graceful manner. I respect his decision but it does put the PENS task force in a potentially awkward position. Further, and as equally concerning, and this is a requirement that we can not elude, any product like a case review book would have to undergo a security and



Counterintelligence review throughout the Department. There would be multiple agencies involved. We would have to engage Navy, Army, Air Force and several of the Defense Agencies. The process would be long and difficult, not impossible, but there would be serious redacting of the manuscript in fear of publishing Source and Methods. As an example, I am about to have an article published in the Journal of Military Psychologist, I used the term Guilty Knowledge, this got redacted as well as the entire example of what I was trying to explain. The argument, documented as it was, that Guilty Knowledge test is not a classified term, construct nor methodology. Nonetheless the black pen of concern reared it's head.

At the time of the PENS, I wish I would have thought about this when the topic came up (case book), but I was so excited and pleased by the PENS process, I lost sight of the review process.

My guess, is that APA would not be willing to allow DoD to review such a product. In fact, as a psychologist and APA card carrying member, I would question how objective the case book was if it had undergone a security and CI review by the Department. Also, it would place me in a strange two hat role, as the senior psychologist in DoD and head of the CI community, I would be redacting my own work (Actually I would recuse myself, but I would have to appoint someone to do it, but my office would be the final signature on the redacting) I worry that the effort to date would be damaged by suspicions that there was more in the manuscript before it underwent the review. Which would undoubtedly be the case.

We have before us, if I am seeing this correctly, an opportunity to gracefully shift gears here. I think we should consider options. I have split loyalties, I need to protect the Department while I also want to protect APA and most importantly the wonderful work that the PENS task force has been able to accomplish to date.

Be more than glad to discuss with you, especially if you see things very differently than I do. Scott

Dr. R. Scott Shumate

Director Behavioral Sciences

DoD/Counterintelligence Field Activity

703-699-7792

scott.shumate@CIFA.MIL

scott.shumate@CIFA.SMIL.MIL



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Friday, January 20, 2006 8:33:56 PM  
**Recipient:** 'Shumate, Scott (GOV)' <Scott.Shumate@cifa.mil>  
**Subject:** RE: PENS task force

---

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-----Original Message-----

**From:** Shumate, Scott (GOV) [mailto:Scott.Shumate@cifa.mil]

**Sent:** Friday, January 20, 2006 8:38 AM

**To:** Behnke, Stephen

**Subject:** PENS task force

Steve:

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Be more than glad to discuss with you, especially if you see things very differently than I do. Scott

Dr. R. Scott Shumate  
Director Behavioral Sciences  
DoD/Counterintelligence Field Activity  
703-699-7792  
scott.shumate@CIFA.MIL  
scott.shumate@CIFA.SMIL.MIL



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Tuesday, January 17, 2006 9:58:52 PM  
**Recipient:** 'Mike Wessells' **PRIVACY REDACTION**  
**Subject:** FW: [PRESIDENTIAL] PENS work

---

Mike, I don't know whether I could say anything that would get you to reconsider, but reading your message impresses upon me what a loss this would be. Your approach is so thoughtful, gentle, and informed, that I see you as a powerful and unique force for good. I recall our first conversations, when you were uncertain about whether you could make the commitment to PENS. I was thrilled when you said yes, and every interaction since has only confirmed my initial sense of all that you bring to us in terms of your talents, concerns, experience, and values. I have no doubt that you can, and will, make contributions from places other than the PENS task force, but on this issue continuing as a PENS member will place you in position to have the ear of the very highest levels of APA governance. I realize that any decision you make will come from your deep commitment to human rights, but I very much hope that I, and the Task Force, will have the direct benefit of that commitment to the completion of our work.

Warmly,

Steve

-----Original Message-----

**From:** Presidential Task Force on Psychological Ethics and National Security [mailto:PENS@LISTS.APA.ORG]**On Behalf Of** Mike Wessells  
**Sent:** Tuesday, January 17, 2006 6:37 PM  
**To:** PENS@LISTS.APA.ORG  
**Subject:** Re: [PRESIDENTIAL] PENS work

Dear Colleagues,

Many thanks to Gerry, Ron, Heather, Barry, and Olivia for your thoughtful replies and encouragement to continue. I'm soon leaving the country for a month and am pressed on time. My decision remains unchanged but I'd like to respond briefly because the points made are serious and warrant attention.

Gerry, it's encouraging to see APA doing more as it has a key role to play professionally and in the public arena on these issues. The casebook under development will indeed be a significant long-term contribution. And I can well imagine the American Psychiatric Association doesn't yet have a coherent position. If they erred by having strong public statements issued prematurely, I'd respectfully suggest that our APA has erred in the other direction of excessive delay and quietness on key points. In the end, our reference point should not be what other associations say but the human rights standards to which we are collectively obligated. By that criterion, the Association remains subject to the points I raised. Early on, there should be strong statements condemning the use not only of methods that violate human rights but that are based on psychology. These should be coupled with assertive efforts to educate the public, our members, and policy makers about the damage done by use of methods such as sleep deprivation, hooding, etc. and to help people understand why particular methods may be even more damaging for detainees from cultures other than our own. There could have been an appeal to human rights as setting standards for all professions' ethics codes (and as trumping military regulations where the latter fall beneath the bar set by international standards), but these things and many others did not occur.

Ron, I agree that APA's position has been mischaracterized in numerous venues, and this speaks poorly of the lack of professionalism in some journalistic portrayals. That said, things would have gone better had the APA made strong, unequivocal statements very early on along the lines mentioned above. Although PENS has made a contribution and has every prospect of continuing to do so, the strategy of having PENS carry the main burden of response to the situation faced was ill advised.

Heather, I'm very impressed with APA's support of the McCain Amendment and owe everyone involved in it a big "Thanks." It's also very encouraging to see the ongoing dialogue with Physicians for Human Rights. For me, what was missing was a concerted effort to achieve an independent, bipartisan inquiry into the allegations of human



rights violations, with attention to the possible role of psychologists and medical personnel in that context. Even if we think whatever wrongdoing has occurred is past and corrective steps have been taken, it's essential to identify what had enabled the violations and to do so in ways that go beyond military investigations, valuable though they may be, too.

I realize these comments are too brief and am keenly aware that we will disagree on many points. Disagreement is often constructive, and I learned much through our discussions on PENS. In the end, though, I feel what I can contribute best comes from outside the process. Olivia, I very much appreciate your kind words and your stewardship of the PENS process. I hope you understand that my small action of conscience is not about PENS per se but its context and the Association responsibilities overall on these issues. Each of us makes difficult decisions about the most appropriate course and my decision has not been easy. Nevertheless, I stick by it in hopes of enabling our profession to make a wider contribution on the issues.

Many thanks for listening.  
Mike

-----Original Message-----

**From:** Presidential Task Force on Psychological Ethics and National Security  
[mailto:PENS@LISTS.APA.ORG] **On Behalf Of** Gerald P. Koocher, Ph.D.

**Sent:** Sunday, January 15, 2006 5:04 PM

**To:** PENS@LISTS.APA.ORG

**Subject:** Re: [PRESIDENTIAL] PENS work

I hope you will reconsider, Mike.

APA is in the process of doing more, a lot more. I do think it important that we make our statements loud, clear, and rigorous. I think that many things in the works, including the casebook will prove to have substantial enduring merit.

Sadly, American Psychiatric's president is best characterized by the famous verse from Macbeth's Act 5, Scene 3:

"That struts and frets his hour upon the stage  
And then is heard no more: it is a tale  
Told by an idiot, full of sound and fury,  
Signifying nothing."

In fact, American Psychiatric has yet to release a official position, and their draft position does not preclude the use of drugs in interrogations. I have pasted in below, the first draft of a column I wrote for the February APA Monitor. I ask that it not be circulated before it appears in print two weeks from now:

In early July the task force on Psychological Ethics and National Security (PENS), appointed a few months earlier by then President Ron Levant, released a thorough and thoughtful report detailing the ethical constraints on psychologists who serve in or consult to military and security agencies of our government. The task force included a broad range of psychologists with career interests in ethics, government service, peace and negotiation studies, and the victims of torture. The task force took as its starting point APA's strong historic stand against the use of torture, as well as the ethical foundation that unlawful acts against others also constitute ethical misconduct.

The group became aware of several incidents in which psychologists serving in the military had intervened, putting their own careers at some risk, by taking strong stands against abusive actions toward people held in detention both in Iraq and at Guantanamo Naval Base. For example, one APA member has been credited with alerting his superiors as early as in 2002, about questionable interrogation of detainees at Guantanamo. The task force members had a keen awareness of reports in the news media of alleged ethical misconduct by mental health professionals



involved in the interrogation of such detainees, predicated chiefly on rumor and speculation regarding a confidential report by the Red Cross, which has never become public.

The task force members drafted a thoughtful, detailed report and sent it on to the APA Ethics Committee for study. The Ethics Committee, the only body of APA authorized by our *Bylaws* to interpret our ethics code, reviewed the report, made some edits, and confirmed that the guidance offered by the PENS task force conformed full to the *Ethical Principles of Psychology and Code of Conduct*. The report then went to the APA Board of Directors for review and approval for its public release on July 5, 2005.

A number of opportunistic commentators masquerading as scholars have continued to report on alleged abuses by mental health professionals. However, when solicited in person to provide APA with names and circumstances in support of such claims, no data have been forthcoming from these same critics and no APA members have been linked to unprofessional behaviors. The traditional journalistic dictum of reporting who, what, where, and when seems notably absent. The published accounts to date bear an amazing similarity to the Bush administration's claims regarding weapons of mass destruction (WMD) in Iraq, prior to the our invasion of that country, with one noteworthy exception: President Bush has admitted he was wrong about the WMD.

The PENS report makes clear that any APA member who participates in torture, cruel, inhuman, or degrading treatment of people, or who enables use of information gleaned in a health or mental health care relationships to the detriment of a person's safety and well-being, stands in violation of our ethics code. Our the task force declined to use the words "coercive" or "harmful" in describing ethical misconduct, because many legitimate professional roles of psychologists could prove problematic in that regard. The psychologist who acts as a mandated reporter of abusive behavior toward children or dependent persons may cause harm to the perpetrator, while acting to protect the more vulnerable party. The psychologist who helps the authorities to assemble profiles of suspects in criminal cases may cause harm to the offenders. Clinicians who conduct custody evaluations, criminal competency assessments, or independent disability evaluations will often evaluate people who feel coerced to cooperate by the legal system. We undertake such assignments with appropriate disclosure to the parties and a solid commitment to promoting a world where our scientific and clinical skills benefit society as a whole, and its most vulnerable citizens in particular.

Sadly, many people, including some public luminaries, some of our own members, and some of our psychiatric colleagues have leaped to find fault with the PENS report. Ironically, many appear to have offered their critical commentary without carefully reading the report or by selectively ignoring key elements. Many of our psychiatric colleagues have offered interpretive criticism, although their professional association has yet to agree on an official position. One proposed draft before the psychiatric association includes an itemization of specific prohibited tactics they deem as torture. When carefully scrutinized, their draft bears a remarkable resemblance to our position, although no journalist has yet commented on this point. Likewise, no journalist—including those critical of the PENS Report—have commented upon an interesting irony: despite psychiatrists' opposition to prescription privileges for psychologists, the psychiatric association's list of forbidden coercive techniques omits any mention of the use of drugs, implicitly allowing such practices.

Many APA members oppose current government war policies, strongly support victims of torture, or want to proudly uphold our strong tradition of advocacy for social justice. All our members can take pride in the work of the PENS task force and the strong ethical positions held by APA. If you have not yet done so, I encourage you to read the full report. It can be found at {insert web site address here}.

Regards,  
Gerry

Gerald P. Koocher, PhD, ABPP  
Dean and Professor  
School for Health Studies  
Simmons College  
300 The Fenway  
Boston, MA 02115

PRIVACY REDACTION

President, American Psychological Association  
<!--[if !supportLineBreakNewLine]-->  
<!--[endif]-->  
Editor, *Ethics & Behavior*



Mike Wessells wrote:

Dear Olivia,

I've been meaning to write you in regard to my participation in the continuation of the PENS work but my schedule has consistently interfered. Now, with the teleconference being scheduled for next week, I wanted to write at least a brief note.

Out of ethical concerns, I have decided to step down from the PENS Task Force because continuing work with the Task Force tacitly legitimates the wider silence and inaction of the APA on the crucial issues at hand. At the highest levels, the APA has not made a strong, concerted, comprehensive, public and internal response of the kind warranted by the severe human rights violations at Abu Ghraib and Guantanamo Bay. The PENS Task Force had a very limited mandate and was not structured in a manner that would provide the kind of comprehensive response or representative process needed. In serving initially on the Task Force, I had hoped that the APA would treat PENS as one element in a strong, proactive, comprehensive response affirming our professional commitment to human well-being and sounding a ringing condemnation of psychologists' participation not only in torture but in all forms of cruel, inhumane and degrading treatment of detainees, including the use or support of tactics such as sleep deprivation. In the past six months, no such response has come from the Association, which has tended to treat the PENS Task Force as its primary response to the situation. Even the requirement by the APA Council for wide publicity of APA's 1986 resolution on human rights and torture has not been answered adequately. The quiet, timid approach the APA has taken on these issues is inappropriate to the situation, inconsistent with the Association's mission, and damaging to our profession. It has been encouraging to see a more robust statement recently from the President of the American Psychiatric Association. This is the kind of leadership warranted in the situation we face.

My concerns reflect no ill feelings toward the PENS group, which I felt honored to have worked with. Also, my concerns do not relate primarily to the PENS Task Force report. Although the report could have been stronger in many ways, I thought it made a contribution relative to the terms of reference given to the Task Force.

Sincerely,

Mike Wessells

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USA



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Christian Children's Fund, 2821 Emerywood Parkway, Richmond, VA 23294-3725 USA



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Tuesday, January 17, 2006 9:58:08 AM  
**Recipient:** 'Dunivin, Debra L LTC WRAMC-Wash DC'  
<Debra.Dunivin@NA.AMEDD.ARMY.MIL>  
**Subject:** RE: Assist with Training - PENS

---

Be sure to tip the deliveryman...

-----Original Message-----

From: Dunivin, Debra L LTC WRAMC-Wash DC  
[mailto:[Debra.Dunivin@NA.AMEDD.ARMY.MIL](mailto:Debra.Dunivin@NA.AMEDD.ARMY.MIL)]  
Sent: Tuesday, January 17, 2006 9:49 AM  
To: Behnke, Stephen  
Subject: RE: Assist with Training - PENS

Yes, received by special delivery the big book! Will look forward to talking soon. Debra

-----Original Message-----

From: Behnke, Stephen [mailto:[sbehnke@apa.org](mailto:sbehnke@apa.org)]  
Sent: Fri 1/13/2006 5:37 PM  
To: Dunivin, Debra L LTC WRAMC-Wash DC  
Cc: banks1@soc.mil  
Subject: RE: Assist with Training - PENS

Debra, I would be delighted to participate in any manner that you would find helpful. I will ask Mike Honaker to review your request, and let you know as soon as I hear from him.

Also, please confirm that you receive the materials we discussed on Wednesday.

Steve

-----Original Message-----

From: Dunivin, Debra L LTC WRAMC-Wash DC [mailto:[Debra.Dunivin@NA.AMEDD.ARMY.MIL](mailto:Debra.Dunivin@NA.AMEDD.ARMY.MIL)]  
Sent: Friday, January 13, 2006 4:15 PM  
To: Behnke, Stephen  
Cc: banks1@soc.mil  
Subject: Assist with Training - PENS

Steve:

Thank you for offering to send me some materials related to the areas we discussed on Wednesday; your wisdom and careful consideration of these issues is quite apparent. We are most fortunate to have you as our Ethics Director.

I would like to formally request your participation in a training program we are developing for military psychologists who will be serving as behavioral science consultants to information-educing and detention operations. Specifically, we would like for you to talk on the ethical issues and resources for resolution of ethical dilemmas that might arise for psychologists working in these settings.

The training will be conducted the week of March 6th at Ft Bragg, Fayetteville, NC. We will work around your schedule and availability. Thank you for considering this request and thank you for your work on behalf of psychology.

Very respectfully,  
Debra

DEBRA DUNIVIN  
LTC, MS  
Deputy Chief, Dept of Psychology  
Walter Reed Army Medical Center  
202-782-5917 DSN 662-5917



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Tuesday, January 10, 2006 5:05:54 PM  
**Recipient:** Olivia Moorehead-Slaughter  
**Subject:** draft

---

Dear PENS Colleagues,

I hope this message finds you all flourishing in your work and non-work lives. I write to update you on our PENS work, and to ask for times that we can speak by phone next week.

In August, Council resoundingly supported our recommendation that a casebook/commentary be written on the PENS report, and directed the task force to write the casebook/commentary in collaboration with the APA Ethics Committee (you will recall that the Ethics Committee determined that the twelve statements in the report were appropriate "applications and interpretations" of the APA Ethics Code.) Norman Anderson has raised the possibility that the PENS report and the casebook/commentary be published in the American Psychologist.

I would like to schedule a conference call to discuss how we may proceed with our work, in collaboration with the Ethics Committee. There are a variety of issues to discuss, and I am very eager to hear from everyone your thoughts and ideas about how best to proceed.

In September, a "call for comments" on the PENS report was distributed, which asked that anyone interested submit comments on the report. The initial deadline was December 31; we have now extended the deadline to June 30, to ensure that as many individuals and groups as possible have the opportunity to weigh in. The Ethics Office will be compiling these comments and distributing them to us at regular intervals. I am attaching the report and the renewed call for comments.

I am hoping we will be able to speak next week. **Please let Rhea in the Ethics Office know whether you are available next Tuesday, January 17, at 7 or 8 pm East Coast time, or Thursday, January 19, at 7 or 8 pm East Coast time, for a call.** Please contact Rhea at [(202) 336-6005] or at [rjacobson@apa.org](mailto:rjacobson@apa.org)

Olivia



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Tuesday, March 23, 2004 7:26:41 PM  
**Recipient:** Honaker, Michael <mhonaker@apa.org>; Gilfoyle, Nathalie <ngilfoyle@apa.org>; Childress-Beatty, Lindsay <LChildress-Beatty@apa.org>  
**Subject:** FW: ethics and national security meeting letter of invitation

---

Howard Zonana, whom I've known for many years, is a prominent member of the American Academy of Psychiatry and Law (former president), and good friends with many people in the American Psychiatric Ass. who do psychiatry, law, and ethics, including Paul Appelbaum. (Howard is at Yale Medical School). I am being included in the (very) initial discussions of some sort of discussion (and perhaps working) group (I have no idea where this may lead--perhaps nowhere), but wanted you to know of that possible aspect of the collaboration.

Steve

-----Original Message-----

**From:** Howard Zonana [PRIVACY REDACTION]  
**Sent:** Tuesday, March 23, 2004 7:20 PM  
**To:** Andy Morgan; charneyd@nih.gov; Robert Kinscherff; Behnke, Stephen  
**Subject:** Re: ethics and national security meeting letter of invitation

Hi, This is an important issue and worth exploring. My initial suggestion is to ask if you would mind my sharing the problem with the APA Council on Psychiatry and Law of which I am a member. I can do this via email and/or discuss it at our meeting in May. We have some thoughtful people like Alan Stone and Paul Appelbaum on the Council --Howard

04:07 PM 3/23/2004, Andy Morgan wrote:

Hello Dennis, Hello Howard, as per our telephone conversations about a meeting regarding ethics and national security, I am sending this letter from Kirk to you both. We'd already sent this to Drs. Kinsherrf and Behnke, but I thought it would be good to resend it so everyone knew who was being asked to participate.

Andy Morgan  
Research Scientist, Behavioral Science Staff  
CIA

Greetings gentlemen. Geoff Mumford provided your names as potential resources to provide guidance on the APA's code of ethics and some of the new and unique demands being placed on psychologists in response to countering terrorism.

By way of introduction, I am the Chief of the Behavioral Sciences Staff at the Central Intelligence Agency. Our mission is to conduct applied behavioral and social science research to support the collection and analysis of human intelligence and to support special projects involving



counterterrorism efforts.

One of my staff, Andy Morgan, M.D. (cc'd above) have been discussing a problem that is experienced by both psychiatrists and psychologists, alike.

Both specialties are being asked to provide consultation to law enforcement, the military, and other organizations that have a role in national security.

Unfortunately, some of what they are asked to do runs counter to the American Psychological Association and American Psychiatric Association's code of ethics. For example, military psychologists are often asked to

assist in questioning or "interrogating" foreigners detained in Afghanistan and Iraq. Psychiatrists are often consulted by law enforcement to provide consultation on apprehending and/or questioning subjects suspected of committing major crime.

Andy and I were wondering if both our APA's (Andy is a psychiatrist) shouldn't begin to examine our respective code of ethics to account for

these new situations where the subject is not the client/patient, and the subject's rights can arguably be subordinate to the needs of national security. Do either of you have any thoughts on this issue, and how we

might pursue this in the professional community? Any comments or observations, pro or con, would be appreciated.

Regards,

Kirk Hubbard, Ph.D.  
Chief, Behavioral Sciences Staff  
CIA

tel: 703-613-7173  
fax: 703-613-7799

-Howard Zonana MD  
-Professor, Department of Psychiatry  
-Yale University School of Medicine  
-Clinical Professor [Adjunct]-Yale Law School

PRIVACY REDACTION

-Conn. Mental Health Center  
-34 Park St.



-New Haven, CT. 06519

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**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Wednesday, January 09, 2002 12:33:49 PM  
**Recipient:** Honaker, Michael <mhonaker@apa.org>  
**Subject:** RE: APA CE WEEKEND

---

Wow, Mike. I have never been called a "high-powered player" before!

Thanks for forwarding.

-----Original Message-----

**From:** Honaker, Michael  
**Sent:** Wednesday, January 09, 2002 11:49 AM  
**To:** Behnke, Stephen  
**Subject:** FW: APA CE WEEKEND

Good PR.

-----Original Message-----

**From:** Michael Brawer **PRIVACY REDACTION**  
**Sent:** Wednesday, January 09, 2002 10:41 AM  
**To:** Brawer, Michael  
**Cc:** Foster, Danny  
**Subject:** APA CE WEEKEND

**FPA joins APA in delivering ONE LAST CE DAY. Meet your bi-annual requirements in Ethics!!!**

**APA CE Winter Weekend**  
**February 7-10, 2002**  
**Orlando, Florida**

Winter Weekend will be held at the **Caribe Royale Resort Suites and Villas**--an all-suite hotel located near the Disney Parks (visit the hotel at [www.cariberoyale.com](http://www.cariberoyale.com)). **Please call the Caribe Royale to make your reservations at 1-800-823-8300. Calling by January 11th will ensure you receive the conference rate (\$179 single/double, including breakfast).** If you call after that date, please ask whether the conference rate is still available.

**The Aftermath of Terror: Psychology's Role (Day 1)**  
**and**  
**Ethical Practice: Addressing Complex Dilemmas (Day 2)**

**One fee--13 CE Credits**

**This top notch CE Seminar features some high-powered players including:**

--FPA's Ron Levant...APA Board of Directors and Chair, APA subcommittee on APA's response to terrorism. He'll chair the closing session on Friday.  
--Laura Barbanel, Independent Practice, New York City, on how 9/11 has changed the therapeutic relationship  
--Steve Behnke, Director of APA's Office of Ethics, along with Robert K (his vitals are on the web)



page)

--Division 42 (Independent Practice) Task Force on Ethics will do a panel on Ethical Practice

**CLICK THE LINK AND REGISTER NOW!!!!**

**<http://www.apa.org/ce/winterweekend.html>**

Michael P. Brawer, M.Ed.  
Executive Director  
FL Psychological Assn.  
408 Office Plaza Drive  
Tallahassee, FL 32301

PRIVACY REDACTION





**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Thursday, July 22, 2004 4:28:23 PM  
**Recipient:** Childress-Beatty, Lindsay <LChildress-Beatty@apa.org>  
**Subject:** RE: Meeting this week

---

Thanks, Lindsay!

-----Original Message-----

Childress-Beatty, Lindsay  
Thursday, July 22, 2004 4:27 PM  
Behnke, Stephen  
RE: Meeting this week

Hi steve - just wanted to let you know that i don't see any legal issues and i also think that it is a good summary!

-----Original Message-----

Behnke, Stephen  
Thursday, July 22, 2004 12:58 PM  
Mumford, Geoffrey; Breckler, Steven J.  
Honaker, Michael; Farberman, Rhea K.; Gilfoyle, Nathalie; Childress-Beatty, Lindsay  
Meeting this week

Geoff and Steve: Susan Brandon asked that we provide a brief statement about the meeting, for approval by her superiors at the White House (my sense is that Susan simply needed something to indicate where she had been at that time). Please let me know if what is below is okay. Thanks, Steve

On July 20, 2004, the American Psychological Association Ethics Office and Science Directorate convened a meeting in order to examine the ethical issues related to the use of psychology and psychological techniques in investigations related to national security. The meeting had five points of focus: 1) to identify the ethical issues that arise in the use of psychology or psychological techniques in national security-related investigations; 2) to discuss how the American Psychological Association and other professional and scientific organizations can serve as resources for psychologists and mental health professionals who participate in national security-related investigations and who wish to consider the ethical aspects of their work; 3) to identify resources, for example journal articles that raise and address the relevant ethical issues, as well as other individuals with a particular interest or expertise in this area; 4) to consider the relevant science, in order to examine how data and findings may inform the ethical discussion; and 5) to determine whether ongoing contacts among the group would be useful, for example additional meetings to continue the discussion, panels or workshops at national conferences, or articles in journals or newsletters to stimulate discussion in the broader investigative and intelligence communities.

The American Psychological Association Ethics Office and Science Directorate have adopted a forward looking, positive approach, in order to convey a sensitivity to and appreciation of the important work mental health professionals are doing in the national security arena, and in a supportive way offer our assistance in helping psychologists and other mental health professionals navigate through potentially thorny ethical dilemmas.



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Wednesday, July 21, 2004 1:36:00 PM  
**Recipient:** Honaker, Michael <mhonaker@apa.org>  
**Cc:** Gilfoyle, Nathalie <ngilfoyle@apa.org>; Childress-Beatty, Lindsay <LChildress-Beatty@apa.org>  
**Subject:** RE: Ethics meeting tomorrow

---

I think it did--thank you all very much for coming. A number of people expressed surprise/appreciation that APA is interested enough in this issue to reach out to the investigative community, which I think is a good thing all around. As the national organization, we should be on the cutting edge of the discussion/debate about the ethics of this issue--if we aren't, that particular community of psychologists is likely to "give up" on APA and go their own direction, as was alluded to during the discussion, which would be a very undesirable outcome for a variety of reasons.

-----Original Message-----

Honaker, Michael  
Wednesday, July 21, 2004 1:29 PM  
Behnke, Stephen  
Gilfoyle, Nathalie; Childress-Beatty, Lindsay  
RE: Ethics meeting tomorrow

Seems to have gone well!

-----Original Message-----

Behnke, Stephen  
Tuesday, July 20, 2004 9:40 AM  
Childress-Beatty, Lindsay; Gilfoyle, Nathalie  
Honaker, Michael  
RE: Ethics meeting tomorrow

It's interesting, but this particular group of folks is sensitive to those issues--one of the FBI people wrote back, expressing his appreciation that the meeting would not be publicized...

-----Original Message-----

Childress-Beatty, Lindsay  
Tuesday, July 20, 2004 9:38 AM  
Behnke, Stephen; Gilfoyle, Nathalie  
Honaker, Michael  
RE: Ethics meeting tomorrow

Steve - The outline of the introduction looks great. I'm surprised that the names of attendees would be an issue. Lindsay

-----Original Message-----

Behnke, Stephen  
Monday, July 19, 2004 7:11 PM



Nathalie; Childress-Beatty, Lindsay

Honaker, Michael

RE: Ethics meeting tomorrow

Hi Nathalie,

Really, your call. I'd love to have you there, because you are so smart and have such great common sense, and because I think you'll find it a very interesting group. On the other hand, Lindsay can certainly relate the discussion. I've no problem with your leaving, but I know what you mean, about starting something when you can't stay until the end. Please do what feels best to you.

Glad you liked my outline. Off to dinner with Robert K., who'll be at the meeting tomorrow. I know he'll want to say "hi."

Steve

-----Original Message-----

Gilfoyle, Nathalie

Monday, July 19, 2004 6:52 PM

Behnke, Stephen; Childress-Beatty, Lindsay

Honaker, Michael

RE: Ethics meeting tomorrow

Steve, this looks great. I know that it is unlikely that I can stay for 2 1/2 hours so I am wondering if it makes sense for me to hear about this from LC as much as I would love to hear part of it -- I really don't want to walk out in the middle of what I know is going to be a very interesting presentation. I am enjoying the article. N

*Nathalie Gilfoyle  
General Counsel  
American Psychological Association  
750 First Street, N.E.  
Washington, D.C. 20002  
202-336-6186*

-----Original Message-----

Behnke, Stephen

Monday, July 19, 2004 6:10 PM

Gilfoyle, Nathalie; Childress-Beatty, Lindsay

Honaker, Michael

Ethics meeting tomorrow

Hi Nathalie and Lindsay,

I wanted to share with you an outline of my brief introductory remarks tomorrow, in case you had any thoughts.

\* Welcome on behalf of APA.

\* Two points: we will not publish or otherwise make public the names of attendees or the substance of our discussions, and we are not here to assess nor investigate the behavior



of any specific individual or group.

\* Go around the room for people to introduce themselves. Because of the number of people (approximately 25), and the brief time we have (2 and one half hours), APA people give their name and position. For guests, give their name and title, institutional affiliation, and describe their involvement in investigative activities. Because some people have made clear that they are present as individuals and not as a representative of an organization, if people would like to make that clear, they should do so.

\* Four goals: 1) identify the ethical issues that arise in the use of psychology or psychological techniques in national security-related investigations; 2) discuss how the American Psychological Association and other professional and scientific organizations can serve as a resource for mental health professionals who participate in national security-related investigations; 3) identify resources, for example journal articles that raise and address the relevant ethical issues, as well as other individuals with a particular interest or expertise in this area; and 4) determine whether ongoing contacts among the group would be useful, for example additional meetings to continue our discussion, panels or workshops at national conferences, or articles in journals or newsletters to stimulate discussion in the broader investigative and intelligence communities .

\* Intro for discussion: 1) September 11 and Abu Ghraib brought into our awareness issues related to the ethical use of psychology and psychological techniques that had not been at the forefront of our thinking; 2) The APA and other mental health organizations, some of whom are here today, want to act as resources for their members and more broadly for the mental health professional community; 3) One way we do that is through our ethics codes and guidelines; 4) An artifact of ethics codes, guidelines, statutes, and regulations, is that they are never a perfect fit for the situations that mental health professionals actually encounter--that is why there is an ongoing need for revision. The question, then, is "how good is the fit" between what a document says and what professionals actually struggle with; 4) Today I would like us to look at this "goodness of fit" question--how good is the fit between the materials that guide our ethical thinking and the work that psychologists and other mental health professionals are doing related to national security investigations; 5) As an example, one could survey the Tarasoff statutes throughout the country and conclude that there is not a very good fit between those statutes and the sort of information that a mental health professional might learn from someone intent on doing harm to a large, although unnamed, body of individuals; 6) In the same way, one might look at our ethics codes and wonder to what extent they were written with post September 11 considerations in mind, or indeed to what extent post September 11 considerations were part of the discussions and debates that went into revising our codes; 7) If the answer is "not a very good fit," then debating whether to apply our current codes to the kinds of national-security related investigations that have occurred more frequently after September 11 may be problematic; 8) If the answer is not a good fit, then what we need is not a descriptive debate--about whether and in what way the current codes apply--but rather a normative debate, about how to balance the values of autonomy, privacy truthfulness, informed consent, and safety against one another; 9) the risk of not addressing these issues are that mental health professionals will stay away from this work, out of a concern of exposing themselves to legal and ethical liability, or that mental health professionals who do engage in this work will become split off from their national associations, because of a feeling that the national organizations do not understand what they do. Either would be a highly undesirable outcome.

Open for discussion.



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Tuesday, July 20, 2004 8:44:41 PM  
**Recipient:** 'Jeffrey Janofsky' [REDACTED]  
**Subject:** RE: July 20 lunch meeting at APA

---

Jeff,

Thanks very much for attending our meeting today, and for your thoughtful comments. (My staff, which was sitting behind you, singled out your contributions for rave reviews!) I'm hopeful that our two APAs can collaborate on this issue, to everyone's benefit.

I've enjoyed reading your work, and look forward to being in touch about this and perhaps other issues. Take care, and thanks again for coming,

Steve

-----Original Message-----

**From:** Jeffrey Janofsky [REDACTED]  
**Sent:** Friday, July 16, 2004 9:06 PM  
**To:** Behnke, Stephen  
**Subject:** Re: July 20 lunch meeting at APA

I'll be there

Jeffrey S. Janofsky, M.D.  
Associate Professor of Psychiatry  
Johns Hopkins University  
School of Medicine

Behnke, Stephen wrote:

Paul, that's great. I'm very pleased that we will have Jeff from APA at t  
Jeff, we will meet at the APA building, which is right next door to Union

-----Original Message-----

**From:** Appelbaum, Paul [REDACTED]  
**Sent:** Friday, July 16, 2004 3:44 PM  
**To:** Behnke, Stephen  
**Cc:** Jeffrey Janofsky [REDACTED]  
**Subject:** RE: July 20 lunch meeting at APA

Steve,

Jeff Janofsky, a general and forensic psychiatrist at Hopkins, and an APA leader, will be able to be there. I'm cc'ing him on this so that you have his email address. I think he'll need to know exactly where to go for the session.

I'll also forward you in a minute some links to a set of papers from the Journal of AAPL that relate to this issue. If you're distributing papers to the attendees, you might consider including some or all of this material.

APA\_0058049



Thanks again for the invitation and good luck with the session. Best regards.

Paul

Paul S. Appelbaum, M.D.  
A.F. Zeleznik Distinguished Professor and Chair  
Department of Psychiatry  
Director, Law & Psychiatry Program  
UMass Memorial Medical Center/UMass Medical School  
55 Lake Avenue North, Worcester MA 01655 U.S.A.

PRIVACY REDACTION

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]

Sent: Wednesday, July 14, 2004 3:32 PM

To: Paul Appelbaum

Subject: July 20 lunch meeting at APA

Paul, I send this invitation to you, realizing that in all likelihood, your schedule will not permit your attending (although it would be great if you could). If you cannot, could you recommend someone from the American Psychiatric Association who you think would be interested and good?

Thanks so much, and I hope you are well, Steve

Dear Paul,

Events in our recent history, most notably the terrorist attacks of

September 11, 2001 and the Abu Ghraib prison situation, have stimulated a great deal of interest in the ethics of using psychology and psychological techniques as tools in national security investigations. The American Psychological Association Ethics Office and the Science Directorate are convening a lunch meeting to explore what unique ethical issues such investigations raise. The meeting will be held at the American Psychological Association, 750 First Street, NE, Washington, DC, on Tuesday July 20, from 12-2:30 pm in the sixth floor board room.

The purpose of the meeting is to bring together people with an interest

in the ethical aspects of national security-related investigations, to identify the important questions, and to discuss how we as a national organization can better assist psychologists and other mental health professionals sort out appropriate from inappropriate uses of psychology. We want to ask individuals involved in the work what the salient issues are, whether more or better guidance is needed, and how best to provide guidance (e.g., through ethics consultations) that may be deemed appropriate or helpful. We would like to emphasize that we will not advertise the meeting other than



this letter to the individual invitees, that we will not publish or otherwise make public the names of attendees or the substance of our discussions, and that in the meeting we will neither assess nor investigate the behavior of any specific individual or group.

Our specific goals for this meeting are to: 1) identify the ethical i

that arise in the use of psychology or psychological techniques in national security-related investigations; 2) discuss how the American Psychological Association and other professional and scientific organizations can serve as a resource for psychologists and mental health professionals who participate in national security-related investigations; 3) identify resources, for example journal articles that raise and address the relevant ethical issue as well as other individuals with a particular interest or expertise in the area; and 4) determine whether ongoing contacts among the group would be useful, for example additional meetings to continue our discussion, panels or workshops at national conferences, or articles in journals or newsletters to stimulate discussion in the broader investigative and intelligence communities .

The Ethics Office and Science Directorate would like to take a forward

looking, positive approach, in which we convey a sensitivity to and appreciation of the important work mental health professionals are doing in the national security arena, and in a supportive way offer our assistance helping them navigate through thorny ethical dilemmas, if they feel that need (informal conversations with people in the field suggest the need is there).

Please let me know at your earliest convenience whether you will be a

to attend the meeting. In your response, please be sure to include your full name and your title (as well as any dietary restrictions). If you have specific questions or issues that you would like to raise, please feel free to send them to me by email in advance of the meeting. Also, if you know an individual who you think would make a substantial contribution to the meeting, please send me that person's name and contact information. Finally, I will be sending email messages to you as a group; if you do not want your email address to appear either in that list or in an attendance list that will be passed out at the meeting, please let me know.>

Thank you, and I look forward to our discussion on July 20.

Sincerely,

Stephen Behnke  
Director, APA Ethics Office  
(202) 336-6006



---

Incoming mail is certified Virus Free.

Checked by AVG anti-virus system (<http://www.grisoft.com>).

Version: 6.0.688 / Virus Database: 449 - Release Date: 5/18/2004

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Jeffrey Janofsky

Please note new e-mail address:

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**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Tuesday, July 20, 2004 9:13:36 AM  
**Recipient:** 'Beyer, Kristen ' [REDACTED]  
**Subject:** RE: July 20 lunch meeting at APA

---

Thank you for your message, Kristen. Sorry you'll not be able to attend, but I will definitely keep you in the loop, and let you know in August how things went.

Be well,

Stephen

-----Original Message-----

From: Beyer, Kristen [REDACTED]  
Sent: Tuesday, July 20, 2004 8:20 AM  
To: Behnke, Stephen  
Subject: RE: July 20 lunch meeting at APA

Hi Stephen,

I'm sorry that I haven't gotten back with you sooner. Despite my best efforts to arrange my schedule to attend the luncheon today, I will unfortunately not be able to attend. I am certainly interested participating in any future meetings and I look forward to hearing about the outcome of today's meeting. Perhaps we'll have a chance to catch up at the NCAVC's Research Advisory Board meeting August 19-20. Again, I apologize for the last minute nature of my email and hope that you have a productive meeting.

Take care,  
Kristen Beyer

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Fri 7/9/2004 12:36 PM  
To: Beyer, Kristen  
Cc:  
Subject: July 20 lunch meeting at APA

> Dear Kristen,

>

> Events in our recent history, most notably the terrorist attacks of September 11, 2001 and the Abu Ghraib prison situation, have stimulated a great deal of interest in the ethics of using psychology and psychological techniques as tools in national security investigations. The American Psychological Association Ethics Office and the Science Directorate are convening a lunch meeting to explore what unique ethical issues such investigations raise. The meeting will be held at the American Psychological Association, 750 First Street, NE, Washington, DC, on Tuesday, July 20, from 12-2:30 pm in the sixth floor board room.

>

> The purpose of the meeting is to bring together people with an interest in the ethical aspects of national security-related investigations, to identify the important questions, and to discuss how we as a national organization can better assist psychologists and other mental health professionals sort out appropriate from inappropriate uses of psychology. We want to ask individuals involved in the work what the salient issues are, whether more or better guidance is needed, and how best to provide guidance (e.g., through ethics consultations) that may be deemed appropriate or helpful. I would like to emphasize that we will not advertise the meeting other than this letter to the individual invitees, that we will not publish or otherwise make public the names of attendees or the substance of our discussions, and that in the meeting we will neither assess nor investigate the behavior of any specific individual or group.

>

> Our specific goals for this meeting are to: 1) identify the ethical issues that arise in the use of psychology or



psychological techniques in national security-related investigations; 2) discuss how the American Psychological Association and other professional and scientific organizations can serve as a resource for psychologists and mental health professionals who participate in national security-related investigations; 3) identify resources, for example journal articles that raise and address the relevant ethical issues, as well as other individuals with a particular interest or expertise in this area; and 4) determine whether ongoing contacts among the group would be useful, for example additional meetings to continue our discussion, panels or workshops at national conferences, or articles in journals or newsletters to stimulate discussion in the broader investigative and intelligence communities .

>

> The Ethics Office and Science Directorate would like to take a forward looking, positive approach, in which we convey a sensitivity to and appreciation of the important work mental health professionals are doing in the national security arena, and in a supportive way offer our assistance in helping them navigate through thorny ethical dilemmas, if they feel that need (informal conversations with people in the field suggest the need is there).

>

> Please let me know at your earliest convenience whether you will be able to attend the meeting. In your response, please be sure to include your full name and your title (as well as any dietary restrictions). If you have specific questions or issues that you would like to raise, please feel free to send them to me by email in advance of the meeting. Also, if you know of an individual who you think would make a substantial contribution to the meeting, please send me that person's name and contact information. Finally, I will be sending email messages to you as a group; if you do not want your email address to appear either in that list or in an attendance list that will be passed out at the meeting, please let me know.

>

> Thank you, and I look forward to our discussion on July 20.

>

> Sincerely,

>

> Stephen Behnke

> Director, APA Ethics Office

> (202) 336-6006

>

>

>



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Monday, July 19, 2004 7:11:03 PM  
**Recipient:** Gilfoyle, Nathalie <ngilfoyle@apa.org>; Childress-Beatty, Lindsay <LChildress-Beatty@apa.org>  
**Cc:** Honaker, Michael <mhonaker@apa.org>  
**Subject:** RE: Ethics meeting tomorrow

---

Hi Nathalie,

Really, your call. I'd love to have you there, because you are so smart and have such great common sense, and because I think you'll find it a very interesting group. On the other hand, Lindsay can certainly relate the discussion. I've no problem with your leaving, but I know what you mean, about starting something when you can't stay until the end. Please do what feels best to you.

Glad you liked my outline. Off to dinner with Robert K., who'll be at the meeting tomorrow. I know he'll want to say "hi."

Steve

-----Original Message-----

Gilfoyle, Nathalie  
Monday, July 19, 2004 6:52 PM  
Behnke, Stephen; Childress-Beatty, Lindsay  
Honaker, Michael  
RE: Ethics meeting tomorrow

Steve, this looks great. I know that it is unlikely that I can stay for 2 1/2 hours so I am wondering if it makes sense for me to hear about this from LC as much as I would love to hear part of it -- I really don't want to walk out in the middle of what I know is going to be a very interesting presentation. I am enjoying the article. N

*Nathalie Gilfoyle  
General Counsel  
American Psychological Association  
750 First Street, N.E.  
Washington, D.C. 20002  
202-336-6186*

-----Original Message-----

Behnke, Stephen  
Monday, July 19, 2004 6:10 PM  
Gilfoyle, Nathalie; Childress-Beatty, Lindsay  
Honaker, Michael  
Ethics meeting tomorrow

Hi Nathalie and Lindsay,

I wanted to share with you an outline of my brief introductory remarks tomorrow, in case you had any thoughts.

\* Welcome on behalf of APA.



\* Two points: we will not publish or otherwise make public the names of attendees or the substance of our discussions, and we are not here to assess nor investigate the behavior of any specific individual or group.

\* Go around the room for people to introduce themselves. Because of the number of people (approximately 25), and the brief time we have (2 and one half hours), APA people give their name and position. For guests, give their name and title, institutional affiliation, and describe their involvement in investigative activities. Because some people have made clear that they are present as individuals and not as a representative of an organization, if people would like to make that clear, they should do so.

\* Four goals: 1) identify the ethical issues that arise in the use of psychology or psychological techniques in national security-related investigations; 2) discuss how the American Psychological Association and other professional and scientific organizations can serve as a resource for mental health professionals who participate in national security-related investigations; 3) identify resources, for example journal articles that raise and address the relevant ethical issues, as well as other individuals with a particular interest or expertise in this area; and 4) determine whether ongoing contacts among the group would be useful, for example additional meetings to continue our discussion, panels or workshops at national conferences, or articles in journals or newsletters to stimulate discussion in the broader investigative and intelligence communities .

\* Intro for discussion: 1) September 11 and Abu Ghraib brought into our awareness issues related to the ethical use of psychology and psychological techniques that had not been at the forefront of our thinking; 2) The APA and other mental health organizations, some of whom are here today, want to act as resources for their members and more broadly for the mental health professional community; 3) One way we do that is through our ethics codes and guidelines; 4) An artifact of ethics codes, guidelines, statutes, and regulations, is that they are never a perfect fit for the situations that mental health professionals actually encounter--that is why there is an ongoing need for revision. The question, then, is "how good is the fit" between what a document says and what professionals actually struggle with; 4) Today I would like us to look at this "goodness of fit" question--how good is the fit between the materials that guide our ethical thinking and the work that psychologists and other mental health professionals are doing related to national security investigations; 5) As an example, one could survey the Tarasoff statutes throughout the country and conclude that there is not a very good fit between those statutes and the sort of information that a mental health professional might learn from someone intent on doing harm to a large, although unnamed, body of individuals; 6) In the same way, one might look at our ethics codes and wonder to what extent they were written with post September 11 considerations in mind, or indeed to what extent post September 11 considerations were part of the discussions and debates that went into revising our codes; 7) If the answer is "not a very good fit," then debating whether to apply our current codes to the kinds of national-security related investigations that have occurred more frequently after September 11 may be problematic; 8) If the answer is not a good fit, then what we need is not a descriptive debate--about whether and in what way the current codes apply--but rather a normative debate, about how to balance the values of autonomy, privacy truthfulness, informed consent, and safety against one another; 9) the risk of not addressing these issues are that mental health professionals will stay away from this work, out of a concern of exposing themselves to legal and ethical liability, or that mental health professionals who do engage in this work will become split off from their national associations, because of a feeling that the national organizations do not understand what they do. Either would be a highly undesirable outcome.

Open for discussion.



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Tuesday, December 21, 2004 5:44:14 PM  
**Recipient:** Ron Levant  
**Cc:** O'Brien, Maureen <mobrien@apa.org>  
**Subject:** Psychology, Ethics, and National Security  
**Attachments:** TaskForceproposal.doc

---

Hi Ron,

I hope you are well. I am writing to follow up on a matter that was mentioned at the Board meeting, concerning recent media accounts of interrogations at Abu Ghraib prison and Guantanamo Bay. As you are no doubt aware, a number of psychologists have read these accounts and are very interested in what APA is doing to address the situations.

I drafted a description of a task force, that I believe Barry Anton brought to a lunch meeting on Saturday in order to discuss funding (I have attached a copy for you, if you would find it helpful). As I understand it, this task force was identified as appropriate for Board funding. It seems to me (I hope I am not being presumptuous), that this decision was exactly correct, given the sensitivity and potential volatility of the subject, as well as the tone of a Council item that will be put forward in February.

Please let me know how I can be helpful with the task force. Certainly the Ethics Office will be happy to provide staffing (the Science Directorate may be very interested in participating as well), and I will work with Maureen to draft the item for the Board agenda. In terms of who will be on the task force, I would be happy to suggest individuals, if that would be at all helpful to you; some of the people who attended the meeting at APA last July on ethics and national security-related investigations and research would be very good.

There is one person who would be particularly strong, I think, Robert Kinscherff, and who would make an excellent chair for a variety of reasons. Robert is a clinical psychologist in forensic practice and an attorney who has very strong APA connections (two term chair of the ethics committee, current chair of COLI); appointments on both law and psychology faculties (Harvard, Boston University, Mass. School of Professional Psychology); extensive connections with law enforcement, including federal agencies (he was recently approached about joining the Professional Advisory Board for the Department of Defense Field Counterintelligence Operations); and is extremely hard-working and reasonable--all of which would be assets for this particular task force. Again, I hope I am not being presumptuous in mentioning Robert to you.

Take care, Ron. I hope you have a restful holiday, and please let me know how I can be helpful to you in your presidential year,

Steve



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Monday, December 13, 2004 7:46:36 PM  
**Recipient:** O'Brien, Maureen <mobrien@apa.org>  
**Subject:** Board meeting  
**Attachments:** TaskForceproposal.doc

---

Hi Maureen,

I am attaching a proposal for a task force that was suggested this weekend, concerning the ethics of investigations related to national security. I'm not sure whether you need (or want!) it, but I thought I'd send it along just in case.

Steve





## **Task Force Proposal**

### **Task Force to explore the ethical aspects of psychologists' involvement and the use of psychology in national security-related investigations**

Recent events in the United States and around the world, most notably the terrorist attacks of September 11, and the Abu Ghraib prison and Guantanamo Bay detention center situations, have raised questions concerning the role of psychologists who are involved in national security-related investigations and research. The ethical aspects of psychologists' work in these arenas are non-trivial and complex.

Article I of APA's Bylaws states that "the American Psychological Association shall... advance psychology as a science and profession and as a means of promoting health, education and human welfare...by the establishment and maintenance of the highest standards of professional ethics and conduct of the members of the Association."

The APA Code of Ethics, like many laws and regulations governing the practice of psychology, as well as the ethics codes of other major mental health organizations, have developed largely within specific contexts, that of traditional forms of therapy, academic research, and training programs. As a consequence, such texts may not provide as much guidance as ideal in addressing situations that involve values fundamental to the profession—confidentiality, safety, respect for autonomy, honesty, integrity—in contexts where national security and potentially many innocent lives are at issue. This task force will examine the ethical dimensions of psychology's involvement and the use of psychology in national security-related investigations. The overarching purpose of the task force will be to examine whether our current Ethics Code adequately addresses such activities, whether the APA provides adequate ethical guidance to psychologists involved in these endeavors, and whether APA should develop policy to address the role of psychologists and psychology in investigations related to national security.

In examining these issues, the task force will address issues such as:

- What appropriate limits does the principle "Do no harm" place on psychologists' involvement in investigations related to national security?
- To the extent it can be determined, given the classified nature of many of these activities: What roles are psychologists asked to take in investigations related to national security?
- What are criteria to differentiate ethically appropriate from ethically inappropriate roles that psychologists may take?
- How is psychology likely to be used in investigations related to national security?
- What role does informed consent have in investigations related to national security?
- What does current research tell us about the efficacy of coercive techniques?
- How would our ethics be affected, if at all, were coercive techniques found to be effective?



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Tuesday, December 07, 2004 2:22:51 PM  
**Recipient:** Farberman, Rhea K. <rfarberman@apa.org>  
**Subject:** RE: [COR] Guantanamo

---

Yes, I am--thanks, Rhea.

-----Original Message-----

From: Farberman, Rhea K.  
Sent: Tuesday, December 07, 2004 2:03 PM  
To: Behnke, Stephen  
Subject: FW: [COR] Guantanamo

I'm not sure if you are on the Council listserve...

-----Original Message-----

From: Council of Representatives [<mailto:COR@LISTS.APA.ORG>] On Behalf Of  
James A. Mulick  
Sent: Tuesday, December 07, 2004 7:50 AM  
To: COR@LISTS.APA.ORG  
Subject: Re: [COR] Guantanamo

This is a commendable statement and an excellent start to deliberations about this important matter.

-----Original Message-----

From: Council of Representatives [<mailto:COR@LISTS.APA.ORG>] On Behalf Of  
O'Brien, Maureen  
Sent: Monday, December 06, 2004 8:11 PM  
To: COR@LISTS.APA.ORG  
Subject: Re: [COR] Guantanamo

The attached statement was created by APA late last week and is being used to respond to member inquiries about an APA position or possible action concerning the Guantanamo torture allegations. To date we have had approximately 6 such inquiries.  
Maureen

<<Guantanamo Statement2.doc>>



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Monday, December 06, 2004 11:55:10 AM  
**Recipient:** Gilfoyle, Nathalie <ngilfoyle@apa.org>  
**Subject:** RE: [APABODEMG] [Fwd: Re: Guantanamo]

---

Thanks--

-----Original Message-----

**From:** Gilfoyle, Nathalie  
**Sent:** Monday, December 06, 2004 11:50 AM  
**To:** Behnke, Stephen  
**Subject:** FW: [APABODEMG] [Fwd: Re: Guantanamo]

*Nathalie Gilfoyle  
General Counsel  
American Psychological Association  
750 First Street , N.E.  
Washington, D.C. 20002  
202-336-6186*

-----Original Message-----

**From:** APA's Board of Directors Executive Management Group [mailto:APABODEMG@LISTS.APA.ORG]**On**  
**Behalf Of** Gerry Koocher  
**Sent:** Monday, December 06, 2004 10:44 AM  
**To:** APABODEMG@LISTS.APA.ORG  
**Subject:** [APABODEMG] [Fwd: Re: Guantanamo]

See attached message from Dr. Mulick and my response.  
Gerry

----- Original Message -----

**Subject:** Re: Guantanamo  
**Date:** Mon, 06 Dec 2004 10:42:54 -0500  
**From:** Gerry Koocher **PRIVACY REDACTION**  
**To:** Mulick, James **PRIVACY REDACTION**  
**References:** <[B8C817C8BC05D44C9BA14B5990995FD926161D@chi2k3ms01.columbuschildre](mailto:B8C817C8BC05D44C9BA14B5990995FD926161D@chi2k3ms01.columbuschildre)>

Hi Jim,  
I expect that Board of Directors will be discussion this in December.  
Gerry

-----  
Mulick, James wrote:

Gerry,

I have been trying to email the contact person from the Division of Military

APA\_0058532



Psychology to inquire about the alleged involvement of psychologists in unethical behavior at Guantanamo. The server won't accept my email for Dr. Bartone. According to the NY Times:

"The report alleges that doctors and medical personnel conveyed information about prisoners' mental health and vulnerabilities to their military interrogators.

That information, according to the report, was usually transmitted through a group called the Behavioral Science Consultation Team, or BSCT. That team, known informally as Biscuit, is composed of psychologists and psychological workers who advise the interrogators.

The U.S. government, which received the report in July, sharply rejected its charges, administration and military officials said."

This may be something that APA, COR or Ethics should look into.

**James A. Mulick, Ph.D.**

Professor in Pediatrics & Psychology

The Ohio State University  
700 Children's Drive, CHPB-4  
Columbus OH 43235-2696 USA

PRIVACY REDACTION

[No Institutional Approval of Message Content Implied]

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**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Wednesday, December 01, 2004 10:45:42 PM  
**Recipient:** 'anton' [REDACTED]  
**Subject:** RE: Dec 7th call

---

It went well. We reviewed what we had learned from the media accounts, and we all felt comfortable in formulating a response to inquiries that makes two points: 1) ethical analyses are highly dependent on knowing the context of a behavior. At the present time, our knowledge of what occurred and psychologists' roles is extremely limited. As a consequence, it is necessary for all the relevant facts and circumstances to emerge before we are able to assess the ethical aspects of what took place. 2) The APA Ethics Code addresses activities that have long been the subject of discussion and debate among psychologists, such as therapy, assessment, research, training, and publication. Psychology, along with other mental health professions, have given less thought to the ethical aspects of certain activities, such as investigations related to national security. The Bylaws of the American Psychological Association state that APA seeks to advance psychology "by the establishment and maintenance of the highest standards of professional ethics and conduct" of its members. The APA will continue to promote the highest standards of professional ethics and conduct by enforcing its ethics code and by ensuring that its ethical standards adequately speak to new areas of practice. Toward this end, the APA will actively seek to understand what roles psychologists are asked to assume in national security-related endeavors, will actively explore whether our current Ethics Code adequately addresses such activities, and will actively engage in ongoing discussions with psychologists involved in this work to determine whether the APA has given adequate ethical guidance for their work-related activities.

(Not yet ready for distribution. How does it sound?)

-----Original Message-----

From: anton [REDACTED]  
Sent: Wednesday, December 01, 2004 10:23 PM  
To: Behnke, Stephen  
Subject: RE: Dec 7th call

Thanks Steve. How did the meeting go today?

>That should work for us, Barry.

>

>-----Original Message-----

>From: anton [REDACTED]  
>Sent: Wednesday, December 01, 2004 10:12 PM  
>To: pdxion@apa.org; Behnke, Stephen  
>Subject: Dec 7th call

>

>

>Hi:

>I wonder if we could move the time of our call to 10:30 a.m. your time, as I

>have an interview to give at 8 my time. Thanks

>

>Best,

>

>Barry

>

>Barry S. Anton, Ph.D.

>Department of Psychology

>University of Puget Sound

>Tacoma, WA 98416-1046

Barry S. Anton, Ph.D.

Department of Psychology

University of Puget Sound

Tacoma, WA 98416-1046



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Wednesday, December 01, 2004 10:52:19 AM  
**Recipient:** Farberman, Rhea K. <rfarberman@apa.org>  
**Subject:** RE: NYTimes.com Article: Red Cross Finds Detainee Abuse in Guantánamo

---

Okay, thanks.

-----Original Message-----

From: Farberman, Rhea K.  
Sent: Wednesday, December 01, 2004 10:49 AM  
To: Behnke, Stephen  
Subject: RE: NYTimes.com Article: Red Cross Finds Detainee Abuse in Guantánamo

My home # is

**PRIVACY  
REDACTION**

Rhea

-----Original Message-----

From: Behnke, Stephen  
Sent: Wednesday, December 01, 2004 10:43 AM  
To: Childress-Beatty, Lindsay; Gilfoyle, Nathalie; Farberman, Rhea K.; Honaker, Michael; Mumford, Geoffrey; Breckler, Steven J.  
Cc: Anderson, Norman  
Subject: RE: NYTimes.com Article: Red Cross Finds Detainee Abuse in Guantánamo

Okay, good. Let's say 4 in Mike's office, and we'll call Rhea from there.

Thank you.

-----Original Message-----

From: Childress-Beatty, Lindsay  
Sent: Wednesday, December 01, 2004 10:14 AM  
To: Gilfoyle, Nathalie; Behnke, Stephen; Farberman, Rhea K.; Honaker, Michael; Mumford, Geoffrey; Breckler, Steven J.  
Cc: Anderson, Norman  
Subject: RE: NYTimes.com Article: Red Cross Finds Detainee Abuse in Guantánamo

I'm free either time. Lindsay

-----Original Message-----

From: Gilfoyle, Nathalie  
Sent: Wednesday, December 01, 2004 8:52 AM  
To: Behnke, Stephen; Farberman, Rhea K.; Honaker, Michael; Mumford, Geoffrey; Breckler, Steven J.; Childress-Beatty, Lindsay  
Cc: Anderson, Norman  
Subject: RE: NYTimes.com Article: Red Cross Finds Detainee Abuse in Guantánamo

3:30 or 4 is better for me but I can move my 3:00 if that works best for everyone. Nathalie

Nathalie Gilfoyle



General Counsel  
American Psychological Association  
750 First Street , N.E.  
Washington, D.C. 20002  
202-336-6186

-----Original Message-----

From: Behnke, Stephen  
Sent: Tuesday, November 30, 2004 9:40 PM  
To: Farberman, Rhea K.; Honaker, Michael; Gilfoyle, Nathalie; Mumford, Geoffrey; Breckler, Steven J.; Childress-Beatty, Lindsay  
Cc: Anderson, Norman  
Subject: NYTimes.com Article: Red Cross Finds Detainee Abuse in Guantánamo

Would we, as a group, be able to meet for a brief period of time, say 15 minutes, at 3 or 4 O'Clock tomorrow (Wednesday) afternoon?

Steve



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Wednesday, January 19, 2005 1:46:31 PM  
**Recipient:** Farberman, Rhea K. <rfarberman@apa.org>; Gilfoyle, Nathalie  
<ngilfoyle@apa.org>  
**Subject:** RE: [COR] Guantanamo

---

It is what they live for...

-----Original Message-----

**From:** Farberman, Rhea K.  
**Sent:** Wednesday, January 19, 2005 1:44 PM  
**To:** Gilfoyle, Nathalie; Behnke, Stephen  
**Subject:** RE: [COR] Guantanamo

These people just love to make my job harder...!

-----Original Message-----

**From:** Gilfoyle, Nathalie  
**Sent:** Wednesday, January 19, 2005 1:38 PM  
**To:** Behnke, Stephen; Farberman, Rhea K.  
**Subject:** FW: [COR] Guantanamo

well, there you have it ..

-----Original Message-----

**From:** Council of Representatives [mailto:COR@LISTS.APA.ORG] **On Behalf Of** Dr. Trish Crawford  
**Sent:** Wednesday, January 19, 2005 1:35 PM  
**To:** COR@LISTS.APA.ORG  
**Subject:** Re: [COR] Guantanamo

Dear Dr. Koocher:

I'm not sure about how to gather this information or what has already been done. Perhaps it would involve interviewing the people from the International Red Cross who were involved in the initial allegations? I will forward your question to Dr. Shapiro and am including his email address in this message as he has initiated this dialogue and has obviously given it a great deal of thought and consideration.

You may contact him at **PRIVACY REDACTION**

Thank you for your attention to this matter.

Trish Crawford

----- Original Message -----

**From:** [Gerald P. Koocher, Ph.D.](#)  
**To:** [Dr. Trish Crawford](#)  
**Sent:** Tuesday, January 18, 2005 11:04 PM  
**Subject:** Re: [COR] Guantanamo

Perhaps Dr. Crawford will give suggestions for how APA might obtain the data needed to investigate?

Gerry Koocher

-----



Dr. Trish Crawford wrote:

Dear COR members

I am forwarding a message to you from Dr. David Shapiro. Dr. Shapiro discussed his concerns with me recently, and indicated that he had written APA about this matter previously but had not received a response. I forwarded to him the APA statement that COR delegates had been given (dated Dec. 7) that was supposed to be sent to any psychologists that inquired about the matter(although he had not received it). He has asked me to forward to COR his response to that statement.

I want to add that I have had the privilege of knowing and studying with Dr. Shapiro over a period of many years and have the highest regard for the many significant contributions he has made to the field of psychology. I hope COR will be able to address this issue at the upcoming meeting. I would also appreciate if anyone has more specific information regarding this matter, if they could contact him directly.

Thank you.

Trish Crawford, Ph.D.  
BCPA COR delegate

Dear Members of the COR:

I wish to communicate a reaction to the APA statement regarding the allegations of psychologists' participation in torture in Iraq and at Guantanamo. I found this statement to be seriously inadequate, in view of the gravity of these allegations, for the following reasons:

One can hardly imagine more egregious violations of ethical standards of psychological practice. The statement does not seem to recognize that these alleged acts are, if confirmed, not only highly unusual, but far more grave than the sort of ethical violations that are generally encountered. Furthermore, the APA statement fails to recognize that the allegations are not made by individuals whose reliability is completely unknown, but by the International Red Cross, whose reliability is very well known. Indeed, the statement seems to go out of its way to avoid the special nature of these allegations.

In my view, it is incumbent upon the APA COR to take immediate steps to investigate these shocking allegations and, if they are confirmed, to hold accountable those who are involved.

David Shapiro, Ph.D.  
Professor of Psychology, Director of Clinical Training  
Graduate Faculty  
New School University



**Summary of the  
American Psychological Association  
*Report of the Presidential Task  
Force on Psychological Ethics And  
National Security***

**Ft. Huachuca  
*April, 2006***



# Overview of the Report

- In February 2005, the APA Board charges that the Task Force “examine whether our current Ethics Code adequately addresses [the ethical dimensions of psychologists’ involvement in national security-related activities]...”



# Overview of the Report

- The Task Force had no investigative or adjudication role and therefore rendered no opinions or judgments about events that may or may not have occurred in any national security setting.



# Overview of the Report

- The Task Force “was unambiguous that psychologists do not engage in, direct, support, facilitate, or offer training in torture or other cruel, inhuman, or degrading treatment and that psychologists have an ethical responsibility to be alert to and report any such acts to appropriate authorities.”



# Introduction to the Report

- The Task Force found that when psychologists serve in national security roles, including as consultants to interrogations, “the APA Ethics Code applies. Thus in any such circumstance, psychologists are bound by the APA Ethics Code.”



# Introduction to the Report

- The Task Force found Principle B (Fidelity and Responsibility) resulted in a “central role for psychologists working in the area of national security-related investigations to assist in ensuring that processes are safe, legal and ethical for all participants.”



# Introduction to the Report

- The Task Force found Principle A (Beneficence and Nonmaleficence), Principle D (Justice), and Principle E (Respect for People's Rights and Dignity) to be applicable to national security roles, and the Ethics Code to be “fundamentally sound in addressing the ethical dilemmas” that arise in this domain of practice.



# Twelve Statements

1. Psychologists do not engage in, direct, support, facilitate or offer training in torture or other cruel, inhuman, or degrading treatment.



# Twelve Statements

2. Psychologists are alert to acts of torture and other cruel, inhuman, or degrading treatment and have an ethical responsibility to report these acts to the appropriate authorities.



# Twelve Statements

3. Psychologists who serve in the role of supporting an interrogation do not use health care related information from an individual's medical record to the detriment of the individual's safety and well-being.



# Twelve Statements

4. Psychologists do not engage in behaviors that violate the laws of the United States, although psychologists may refuse for ethical reasons to follow laws or orders that are unjust or that violate basic principles of human rights.



# Twelve Statements

5. Psychologists are aware of and clarify their role in situations where the nature of their professional identity and professional function may be ambiguous.



# Twelve Statements

6. Psychologists are sensitive to the problems inherent in mixing potentially inconsistent roles, such as health care provider and consultant to an interrogation, and refrain from engaging in such multiple relationships.



# Twelve Statements

7. Psychologists may serve in various national security-related roles, such as a consultant to an interrogation, in a manner that is consistent with the Ethics Code, and when doing so psychologists are mindful of factors unique to these roles and contexts that require special ethical consideration.



# Twelve Statements (statement seven)

- How certain settings may instill a profound sense of powerlessness and result in disadvantage to individuals in asserting their interests and rights
- How failures to understand cultural or ethnic differences may result in misunderstanding that may compromise the safety or efficacy of investigatory processes and so result in harm



# Twelve Statements (statement seven)

- How the combination of a setting's ambiguity with high stress may facilitate engaging in behaviors that cross the boundaries of competence and ethical propriety ["drift"]



# Twelve Statements

8. Psychologists who consult on interrogation techniques are mindful that the individual being interrogated may not have engaged in untoward behavior and may not have information of interest to the interrogator



# Twelve Statements

## (statement eight)

- This “ethical obligation is not diminished by the nature of an individual’s acts prior to detainment or the likelihood of the individual having relevant information.”
- “At all times psychologists remain mindful of and abide by the prohibitions against engaging in or facilitating torture or other cruel, inhuman or degrading treatment.”



# Twelve Statements

## (statement eight)

- “Psychologists inform themselves about research regarding the most effective and humane methods of obtaining information and become familiar with how culture may interact with the techniques consulted upon.”



# Twelve Statements

9. Psychologists make clear the limits of confidentiality.



# Twelve Statements (statement nine)

- Being aware of the sensitivity of health or mental health information to which they have access or utilize
- Disclosing only the minimum amount of information required and only to those with a “clear professional purpose” in having access to the information



# Twelve Statements (statement nine)

- Taking care to “not leave a misimpression that information is confidential when in fact it is not.”



# Twelve Statements

10. Psychologists are aware of and do not act beyond their competencies, except in unusual circumstances, as set forth in the Ethics Code.



# Twelve Statements

11. Psychologists clarify for themselves the identity of their client and retain ethical obligations to individuals who are not their clients.



# Twelve Statements

## (statement eleven)

- Regardless of who is the client, psychologists are obliged to “ensure that their activities in relation to the individual are safe, legal, ethical and effective.”
- This obligation is especially important when individuals may not be able to assert their own interests and rights effectively



# Twelve Statements

12. Psychologists consult when they are facing difficult ethical dilemmas.



**Action by the APA  
Ethics Committee and Board of Directors  
July, 2005**

- **The Ethics Committee determines that the twelve statements are appropriate interpretations and applications of the APA Ethics Code**
- **The Board of Directors adopts the twelve statements as APA Policy**



# Other Conclusions Drawn

- **The best ways to ensure that national security-related activities of psychologists are safe, legal, ethical and effective:**
  - **Development of professional skills and competencies;**
  - **Ethical consultation and ethical self-reflection; and**
  - **Willingness to take responsibility for one's own ethical behavior**



# Other Conclusions Drawn

- It is critical to offer ethical guidance and support to psychologists, especially to those at the beginning of their careers, who may experience pressures to engage in unethical or inappropriate conduct



# Other Conclusions Drawn

- APA should develop a process that allows psychologists whose work involves classified material and who need ethical guidance or consultation to consult APA for assistance and support



# Other Conclusions Drawn

- Psychologists should encourage and engage in research relevant to national security roles, including:
  - Effectiveness of information-gathering techniques
  - Effects of interrogation on interrogators
  - Cultural differences and the impact of specific information-gathering techniques and what constitutes cruel, inhuman, or degrading treatment



# Other Conclusions Drawn

- Psychologists working in this area should inform themselves about how culture and ethnicity interact with investigative or information-gathering techniques, attending in particular to how failing to take such factors into consideration may result in harm



# Areas Of Ongoing Controversy

- The role of human rights standards in an ethics code, and in particular, whether international or US standards or law should be the “touchstone”
- The degree to which psychologists may ethically disguise the nature and purpose of their work



# Areas Of Ongoing Controversy

- Whether the discussions of the Task Force should have been made available outside of the Task Force (by a vote of 7-1-1, the Task Force voted to limit the substance of its deliberations to this report and other public statements of the Task Force, in order to facilitate richer and more productive discussion of sensitive information within the Task Force itself).



# Key Recommendations

- APA reaffirm its 1986 Resolution Against Torture and Other Cruel, Inhuman or Degrading Treatment
- **Develop a companion document and commentary for the 12 Statements**
- Continue to examine the “fit” between the Ethics Code and national security activities of psychologists



# Summary of Key Recommendations

- Develop a process for ethical consultation to psychologists involved in national security roles
- Continue to foster a strong relationship with psychologists working in these roles, mindful of the unique ethical challenges they face
- Provide a copy of the Task Force report to the Department of Defense and other relevant government organizations



# Summary of Key Recommendations

- Encourage further research in relevant areas, minimizing risk to research participants
- Encourage behavioral scientists to collaborate across disciplines, cultures and countries
- Consider support of a repository of psychologists' contributions to national security, as an historical record and resource concerning how ethical challenges were met



# Summary of Key Recommendations

- View this Task Force as an initial step in addressing the complex and challenging ethical dilemmas facing psychologists in national security roles, which will assist APA to engage in thoughtful reflection of complex ethical situations in an area of psychological practice likely to expand significantly in coming years



# Overview of the Report

- The Task Force acknowledged the long tradition of psychologists serving in consultative positions for national security and other law enforcement contexts. The Task Force also acknowledged that such roles entail “a delicate balance of ethical considerations” and that psychologists are in “a unique position to assist in ensuring that these processes are safe and ethical for all participants.”



# **Action by the APA Council of Representatives August, 2005**

- Embraced all of the PENS recommendations
- **Added: “Council acknowledges, based on the U.N. Convention Against Torture, that there are no exceptional circumstances whatsoever, whether induced by a state of war or a threat of war, internal political instability or any other public emergency, that may be invoked as a justification for torture, including the invocation of laws, regulations, or orders.”**



# **Policy of the American Psychiatric Association**

*(not official and subject to change)*

- 1. The American Psychiatric Association reiterates its position that psychiatrists should not participate in, or otherwise assist or facilitate, the commission of torture of any person. Psychiatrists who become aware that torture has occurred, is occurring, or has been planned must report it promptly to a person or persons in a position to take corrective action.**



# **Policy of the American Psychiatric Association**

***(not official and subject to change)***

- 2. Every person in military or civilian detention, whether in the United States or elsewhere, is entitled to adequate medical care under domestic and international humanitarian law. Psychiatrists providing medical care to individual detainees owe their primary obligation to the well-being of their patients and should not participate or assist in any way, whether directly or indirectly, overtly or covertly, in the interrogation of their patients on behalf of military or civilian agencies. Nor should any part of the medical records of any patient, or information derived from the treatment relationship, be disclosed to persons conducting interrogation of the detainee.**



# Policy of the American Psychiatric Association

*(not official and subject to change)*

3. Psychiatrists should not participate in the interrogation of persons held in custody by military or civilian investigative or law enforcement authorities, whether in the United States or elsewhere. Nor should they provide information or advice to military or civilian investigative or law enforcement authorities regarding the likely consequences of specific techniques of interrogation that is in any way particularized in its application to an individual detainee.



# Policy of the American Psychiatric Association

*(not official and subject to change)*

\*As used in this statement, “interrogation” refers to a deliberate attempt to elicit information from a detainee for the purposes of incriminating the detainee, identifying other persons who have committed or may be planning to commit acts of violence or other crimes, or otherwise obtaining information that is believed to be of value for criminal justice or national security purposes. It does not include interactions with judges or attorneys in connection with adjudication or preparation for adjudication; interviews or other interactions with a detainee authorized by a court or by counsel for the detainee; or interviews or other interactions with a prisoner serving a sentence conducted by or on behalf of correctional authorities.



**Thank you.**

**Stephen Behnke**  
**APA Ethics Office**  
**(202) 336-5930**

**[Sbehnke@apa.org](mailto:Sbehnke@apa.org)**

**[www.apa.org/ethics](http://www.apa.org/ethics)**



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Friday, April 07, 2006 10:56:53 PM  
**Recipient:** 'Judith Van Hoorn'  
PRIVACY REDACTION; Olivia Moorehead-Slaughter; Corann Okorodudu  
**Cc:** Linda M. Woolf, Ph.D.; PRIVACY REDACTION; 'Doughaldeman@aol.com'  
PRIVACY REDACTION; 'G. Andrew H. Benjamin, J.D., Ph.D.'  
PRIVACY REDACTION; O'Brien, Maureen <mobrien@apa.org>; McHugh,  
Jim <jmchugh@apa.org>  
**Subject:** RE: Reference: the Joint Congressional Resolution

---

Hi Judy,

I received your message this evening; I fear it's a bit late to return your call on a Friday evening (I've been at the Consolidated meetings all day, and will be again tomorrow, until I leave for Boston to do a workshop). I will check in with Jim McHugh and Maureen on Monday, to see when we can expect a response to our questions.

Olivia has asked that I write to suggest that we have a conference call (you, Corann, Olivia, and I) with Andy Benjamin. Today Olivia and I were attending meetings, to ask for comments on the PENS report, and we visited the Policy and Planning Board. Andy Benjamin said that you had very recently contacted him to ask about the possibility of suspending the rules at Council this summer to vote on the Resolution, and seemed not to be aware of our extensive exchanges regarding collaborating on the Resolution's language, in order to support the Resolution going through the governance process. We, in turn, were not aware that you were considering the possibility of suspending the rules at Council this summer--I think everyone was just a bit caught off guard. Probably it would make good sense for us to have a conversation, just to get everyone up to speed and on the same page.

Does that make sense to you and Corann? Let us know, and if so I'll set it up.

Thanks, Judy,

Steve



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Wednesday, March 29, 2006 4:09:38 PM  
**Recipient:** Judith Van Hoorn [REDACTED]; Corann Okorodudu  
**Cc:** 'Olivia Moorehead-Slaughter' [REDACTED]; Linda Woolf, Ph.D.'  
[REDACTED]; Doug Haldeman [REDACTED]; O'Brien, Maureen  
<mobrien@apa.org>; Laumeier, Emily <elaumeier@apa.org>  
**Subject:** FW: New Business Item from Div 48

---

Hi Judy and Corann,

Here is the information I have so far from Maureen O'Brien and Jim McHugh (Office of General Counsel).

I am continuing to look into our third question and will provide that to you as soon as I have something substantive.

Steve

-----Original Message-----

From: O'Brien, Maureen  
Sent: Wednesday, March 29, 2006 3:56 PM  
To: Behnke, Stephen  
Cc: McHugh, Jim  
Subject: RE: New Business Item from Div 48

Steve,

I consulted with Jim McHugh, APA Senior Counsel, and have provided our responses below.

1) When Council votes on a resolution and intends it to be policy, the language of the motion normally will state that "Council adopts the resolution as APA policy", and when the motion is stated as such, the resolution is adopted as APA policy and is included in the Council Policy Manual.

2) In 1986 Council passed the Resolution Against Torture. Included in that resolution was a statement that "the APA supports the UN Declaration and Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and the U.N. Principles of Medical Ethics...." Supporting a document is not the same as adopting a document as APA policy. It is accurate to state that in supporting a document, Council has deemed it as important and worthy. In order for the United Nations Convention and Principles to be considered APA policy, Council would have had to say that it was "adopting the UN Convention and Principles as APA policy." Council did say that the resolution it was passing was APA policy, but that only means the actual text of the resolution is APA policy.

3) We are researching the details regarding APA being an NGO of the UN and will get back to you with a response.

Maureen

-----Original Message-----

From: Behnke, Stephen  
Sent: Monday, March 27, 2006 10:41 PM  
To: 'Judith Van Hoorn'; Corann Okorodudu  
Cc: Linda Woolf, Ph.D.; O'Brien, Maureen; oms@parkschool.org; Laumeier, Emily; Doug Haldeman [REDACTED]; Honaker, Michael  
Subject: RE: New Business Item from Div 48

Dear Judith and Corann,

By this message, I am asking Maureen to direct us to whomever is the person who can answer our questions from this evening's discussion.



We have three questions:

- 1) Is a resolution adopted by Council APA policy?
- 2) The 1986 APA Resolution Against Torture states that APA "supports" the UN Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment, and the U.N. Principles of Medical Ethics. What does the word "support" signify in this context--does it mean that APA has adopted these documents, in their totality, as APA policy, or does it mean something less definitive, for example that APA believes the documents are important and worthy but has not adopted them as APA policy?
- 3) What is the nature of the commitment by APA to uphold human rights, that is represented in the application to be recognized by the U.N.?

Thank you, Maureen. The Ethics Committee is very eager to work with Judy and Corann in order to fashion language for the resolution that has everyone's support, and having these questions answered will be very helpful in that regard. It will also be helpful in putting the draft resolution into its final form.

Steve



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Monday, March 27, 2006 10:41:09 PM  
**Recipient:** 'Judith Van Hoorn' [REDACTED]; Corann Okorodudu  
**Cc:** Linda Woolf, Ph.D. [REDACTED]; O'Brien, Maureen  
<mobrien@apa.org>; Olivia Moorehead-Slaughter [REDACTED]; Laumeier, Emily  
<elaumeier@apa.org>; Doug Haldeman [REDACTED]; Honaker, Michael  
<mhonaker@apa.org>  
**Subject:** RE: New Business Item from Div 48

---

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By this message, I am asking Maureen to direct us to whomever is the person who can answer our questions from this evening's discussion.

We have three questions:

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- 3) What is the nature of the commitment by APA to uphold human rights, that is represented in the application to be recognized by the U.N.?

Thank you, Maureen. The Ethics Committee is very eager to work with Judy and Corann in order to fashion language for the resolution that has everyone's support, and having these questions answered will be very helpful in that regard. It will also be helpful in putting the draft resolution into its final form.

Steve



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Tuesday, March 21, 2006 9:52:38 PM  
**Recipient:** Olivia Moorehead-Slaughter  
**Subject:** FW: New Business Item from Div 48

---

Hi Olivia, let's chat, Steve

Dear Corann,

Thank you for your message. Steve (who is right now on his way to the California Psychological Association Convention) and I very much look forward to speaking with you.

The Ethics Committee was most interested in learning about your process of writing the resolution, and how you crafted the three resolves in the language you did. As an example, the second resolve could be interpreted in a manner that would preclude a significant portion of current forensic practice, and the Committee was unsure of whether that was your intent. Given the complexity of the issues, it probably makes sense to begin with our discussion on Monday evening, and then to schedule a follow-up discussion if we think that would be helpful.

All best,

Olivia

---

**From:** Corann Okorodudu [REDACTED]  
**Sent:** Tuesday, March 21, 2006 9:17 PM  
**To:** Behnke, Stephen; Linda Woolf, Ph.D.; Judith Van Hoorn  
**Cc:** O'Brien, Maureen [REDACTED] Laumeier, Emily; [REDACTED]  
**Subject:** Re: New Business Item from Div 48

Dear Steve,

Judy and I are really looking forward to the conference call on Monday, March 27 at 8:00 pm with Olivia and you about the Preliminary Division 48 New Business Item. In preparation for having a most constructive conversation and making the most of the time we will have together, we would greatly appreciate it if you could let us know the concerns of the Ethics Committee that we need to address collaboratively with Olivia and you.

All the best,  
Corann

On 3/19/06 1:36 PM, "Behnke, Stephen" <sbehnke@apa.org> wrote:

Dear Drs. Woolf, Van Hoorn, and Okorodudu,

I am writing on behalf of the Ethics Committee (The Committee chair, Dr. Olivia Moorehead-Slaughter, tried to reach Dr. Okorodudu by phone Sunday morning, before the Committee completed its work and left APA, but was not successful). The Ethics Committee recognizes and deeply appreciates the work that went into the resolution and the accompanying materials, and with your permission will include the resolution and materials as a comment on the PENS report. The Committee feels strongly that it wants the continued benefit of your thinking on these issues as it moves forward in writing the casebook/commentary on the PENS report.



The Committee was in complete agreement and full support of the first resolve in your resolution, but had concerns about specific language in the second and third resolves. The purpose of Dr. Moorehead-Slaughter's call was to ask about the possibility of the division and the Ethics Committee working together to find language that everyone could fully support in this important resolution.

Dr. Moorhead-Slaughter requested that I ask whether the Consolidated meetings would offer an opportunity to share the Committee's concerns with you in person. In the alternative, I will be in the San Francisco area this weekend for the California Psychological Association Convention and could meet with Dr. Van Hoorn there, if that would be convenient for Dr. Van Hoorn. Dr. Moorehead-Slaughter would like to have an in-person meeting at your earliest convenience.

Thank you very much,

Stephen Behnke



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Sunday, March 19, 2006 1:36:05 PM  
**Recipient:** 'Linda Woolf, Ph.D.' [PRIVACY REDACTION] Judith Van Hoorn  
[PRIVACY REDACTION] Corann Okorodudu  
**Cc:** O'Brien, Maureen <mobrien@apa.org> [PRIVACY REDACTION] Olivia Moorehead-Slaughter; Laumeier, Emily  
<elaumeier@apa.org> [PRIVACY REDACTION] Doug Haldeman  
**Subject:** New Business Item from Div 48

---

Dear Drs. Woolf, Van Hoorn, and Okorodudu,

I am writing on behalf of the Ethics Committee (The Committee chair, Dr. Olivia Moorehead-Slaughter, tried to reach Dr. Okorodudu by phone Sunday morning, before the Committee completed its work and left APA, but was not successful). The Ethics Committee recognizes and deeply appreciates the work that went into the resolution and the accompanying materials, and with your permission will include the resolution and materials as a comment on the PENS report. The Committee feels strongly that it wants the continued benefit of your thinking on these issues as it moves forward in writing the casebook/commentary on the PENS report.

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Dr. Moorhead-Slaughter requested that I ask whether the Consolidated meetings would offer an opportunity to share the Committee's concerns with you in person. In the alternative, I will be in the San Francisco area this weekend for the California Psychological Association Convention and could meet with Dr. Van Hoorn there, if that would be convenient for Dr. Van Hoorn. Dr. Moorehead-Slaughter would like to have an in-person meeting at your earliest convenience.

Thank you very much,

Stephen Behnke



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Thursday, March 16, 2006 9:25:39 AM  
**Recipient:** 'Banks, Louie M. COL' <louie.morgan.banks@us.army.mil>  
**Subject:** FW: PHR Comments  
**Attachments:** PHR Commentary on APA PENS Report.pdf

---

Morgan, these are the comments on the PENS report from Physicians for Human Rights. I'm in an Ethics Committee meeting this weekend, but will be very interested to discuss with you after you've had a chance to give a careful read.

Steve

---

**From:** Anne Cooper [REDACTED]  
**Sent:** Wednesday, March 15, 2006 6:51 PM  
**To:** Behnke, Stephen  
**Cc:** Leonard Rubenstein  
**Subject:** PHR Comments

Hello Steve,

PHR's commentary on the Task Force report is attached. Thanks again for the chance to contribute to the discussion.

Best regards,  
Anne

---

Anne Cooper  
Assistant to the Director  
Physicians for Human Rights  
1156 15th Street NW, Suite 1001  
Washington, DC 20005



www.phrusa.org



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Sunday, March 12, 2006 10:12:26 PM  
**Recipient:** Ethics-Dept <Ethics-dl@apa.org>  
**Subject:** FW: upcoming Ethics Cte. meeting  
**Attachments:** CouncilFeb2006coderevision.doc

---

Hi Everyone,

This is Olivia's message to Catherine Yarrow and Steve DeMers, in preparation for their meeting with the Ethics Committee on Friday. Let's discuss on Tuesday at our meeting,

Steve

-----Original Message-----

From: Olivia Moorehead-Slaughter [REDACTED]  
Sent: Thursday, March 09, 2006 9:04 PM  
To: Catherine Yarrow [REDACTED]; Steven DeMers [REDACTED]  
Cc: Tom Demaio [REDACTED]; Doug Haldeman [REDACTED]; Behnke, Stephen  
Subject: upcoming Ethics Cte. meeting

Dear Catherine and Steve,

I very much look forward to our meeting with you next Friday, March 17. As chair of the Ethics Committee and as an immediate past-chair of a licensing board (Massachusetts), I think this is an especially fortunate—and perhaps long-overdue—opportunity to work together. I'm excited about the prospect of our developing a relationship between ASPPB and the APA Ethics Committee and am sure that once our meeting gets underway, we'll discover we have much more to discuss than time will allow. I'll take that as an indication that there are many fruitful possibilities for a productive collaboration.

There are four specific areas I would like to make sure we address (in addition to any others you would like to discuss). The first relates to the attached Council of Representatives (February 2006) agenda item. This item concerns a proposed revision to the APA Ethics Code. The proposed revision entails adding the words "in keeping with basic principles of human rights" to ethical standard 1.02, such that when a conflict arises between ethics and law, a psychologist could follow the law only if the law were "in keeping with basic principles of human rights." I am very interested in your perspective on this proposal, since the proposal identifies an instance in which a psychologist would potentially not follow state law. I am especially interested in your sense of how this change would affect the likelihood of a state's adopting the APA Ethics Code by statute or regulation.

The second issue concerns the very exciting possibility of a collaboration between Division 31 (State, Provincial, and Territorial Psychological Association Affairs), ASPPB, and the APA Ethics Committee/Office. This idea, which Division 31 generated, involves jointly developing a curriculum for new licensing board members. I believe that together we could come up with a thoughtful and thought-provoking orientation to service on a licensing board which could make a significant contribution to raising ethical practice in the profession and protecting the welfare of the individuals and groups with whom psychologists work.

The third issue involves conflicts of interest, which is getting a great deal of attention across a broad range of areas such as government,



science, medicine, and psychology. The Ethics Committee is interested in thinking together with you about how to approach conflicts and recusals on adjudicative bodies, such as ethics committees and licensing boards. The Committee has discovered that there appears to be very little guidance on when recusals are appropriate, and that these decisions are mostly left in the hands of the individuals with the potential conflict.

The fourth issue involves the nature and quality of supervision that ethics committees and licensing boards sometimes give in response to ethics and board complaints. In the committee's experience, such supervision is often conducted in a manner that invites role confusion and that proceeds without an appropriate assessment of the issues that need to be addressed. The Committee is very interested in your perspective on this issue.

I would like to begin the meeting by asking each person on the Committee to introduce him/herself and to say a bit about his/her work. I will invite you to describe the role of ASPPB, and what you would like to accomplish as President and as Executive Officer, in order to give the Committee a sense of your interests and initiatives. If you would have biographical statements or cv's that you could send me, I would appreciate that very much.

I look forward to greeting you in person next Friday, March 17, in the 6th floor APA Boardroom. The Committee would like to meet with you from 1:30-4pm. Please join us for lunch at 12:15 if you are able, and you are very welcome to join us for dinner as well if your schedule will allow.

I am copying Dr. Tom DeMaio who is the APA Board of Directors liaison to ASPPB and Dr. Doug Haldeman, the Board liaison to the Ethics Committee, on this message.

Warmly,

Olivia



**III. ETHICS**

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**Request to Consider Proposed Revision to the  
Ethical Principles of Psychologists and Code of Conduct (2002)**

**Issue**

The Council of Representatives reviewed the report of the Presidential Task Force on Psychological Ethics and National Security (PENS) at Council's August 17 & 21, 2005 meeting. The Council of Representatives requested that the Ethics Committee consider a revision of the Ethics Code. This item reports on the Ethics Committee's action in response to Council's request.

Council's request, excerpted from the draft minutes, is as follows:

Council requests that the APA Ethics Committee review the discrepancy between the language of the Introduction and Applicability section of the *Ethical Principles of Psychologists and Code of Conduct* and Ethical Standard 1.02, and make a recommendation to the Board of Directors concerning adding the words "in keeping with basic principles of human rights" to Ethical Standard 1.02. Council requests that this process move forward as expeditiously as reasonably possible, recognizing that a proposed amendment to the *Ethical Principles of Psychologists and Code of Conduct* will be subject to the review procedures required by Association Rule 30-8, Standards and Guidelines, and final Council action.

As Council requested, the Ethics Committee reviewed the difference in language between Standard 1.02 and the proposed language from Introduction and Applicability section of the *Ethical Principles of Psychologists and Code of Conduct* (2002). The Ethics Committee reviewed Council's recommendations at its meeting of September 23-25, 2005.

The Committee believes that it needs to consider the many potential dimensions of such a proposed change. As a consequence, the Committee would like to benefit in its understanding of the issues from the process of collaborating with the Task Force on Psychological Ethics and National Security (PENS) in writing a casebook/commentary on the PENS Report and in reviewing comments submitted to APA concerning the PENS Report. The Committee thus does not recommend this revision to the *Ethical Principles of Psychologists and Code of Conduct* (2002) at the immediate present time. A detailed response from the Ethics Committee is provided as Exhibit 1.

A copy of the *Ethical Principles of Psychologists and Code of Conduct* is provided for reference as Exhibit 2.

**Background:**

At its February 2005 meeting, the Board of Directors voted to fund a Presidential Task Force on Psychological Ethics and National Security. The PENS Task Force met on June 24-26, 2005, and issued a report on Monday, June 27, 2005.

The PENS Task Force Report, provided as Exhibit 3, contained twelve statements regarding the ethical responsibilities of psychologists involved in information-gathering activities related to national security. The Ethics Committee convened via conference call, and voted to affirm that the 12 statements in the Report of the Task Force on Psychological Ethics and National Security are appropriate interpretations and applications of the American Psychological Association *Ethical Principles of Psychologists and Code of Conduct* (2002).



Following this Ethics Committee action, the APA Board of Directors (in keeping with its role as stated in the Bylaws) declared emergency action and voted to adopt the Task Force report as APA policy. The Board also made plans to review the report's recommendations at its August 2005 meeting.

At its August 2005 meeting, the Board reviewed the recommendations of the Task Force and voted to recommend that Council approve several actions as follow-up to the recommendations provided in Section III of the PENS Report. At its August 2005 meeting, the Council added to the Board's recommendations, and voted to approve the motion as shown in Exhibit 4.

### **Implementation Plan**

To be determined.

### **Fiscal Implications**

It is difficult to provide an accurate estimate of the cost of revising a particular standard in the *Ethical Principles of Psychologists and Code of Conduct*. APA should assume that even a minor revision would incur potentially significant administrative expenses.

### **Main Motion**

N/A

### **Recommendation**

None.

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### **Exhibits**

1. Recommendation from the Ethics Committee, September 2005
2. *Ethical Principles of Psychologists and Code of Conduct (2002)*
3. Report of the APA Presidential Task Force on Psychological Ethics and National Security, June 2005
4. Excerpt, draft minutes of the Council of Representatives, August 17 & 21, 2005

*Stephen H. Behnke, JD, PhD*  
*Ethics Office*



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Friday, March 10, 2006 12:27:35 AM  
**Recipient:** 'Banks, Louie M. COL' <louie.morgan.banks@us.army.mil>  
**Subject:** RE: Eyes Only

---

Hey Morgan—will you be in tomorrow? I've been in the middle of preparing for an Ethics Committee meeting, but will be speaking with Sharon Brehm tomorrow afternoon, & want to touch base with you first.

Thanks Morgan,

Steve

---

**From:** Banks, Louie M. COL [mailto:louie.morgan.banks@us.army.mil]  
**Sent:** Wednesday, March 08, 2006 5:41 AM  
**To:** Behnke, Stephen  
**Subject:** Re: Eyes Only

I am in town this week. I should be in my office most of the afternoon, and on the cell phone otherwise.

Morgan  
COL L. Morgan Banks  
Director Psychological Applications Directorate  
US Army Special Operations Command  
DSN 239-6833 COM (910) 432-6833  
PRIVACY REDACTION

-----Original Message-----

From: Behnke, Stephen <sbehnke@apa.org>  
To: Banks, Louie M. COL <louie.morgan.banks@us.army.mil>  
Sent: Tue Mar 07 20:17:11 2006  
Subject: Eyes Only

Morgan, would you be around tomorrow? Sharon Brehm is our president-elect; I'd like to touch base before I speak with her. Thanks, Steve

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From: Behnke, Stephen PRIVACY REDACTION  
Sent: Tuesday, March 07, 2006 8:13 PM  
To: Behnke, Stephen  
Subject: FW: PLease note references to psychologists

-----Original Message-----

From: SSB PRIVACY REDACTION  
Sent: Tue 3/7/2006 5:41 PM  
To: Behnke, Stephen ; sbehnke@apa.org  
Cc:  
Subject: FW: PLease note references to psychologists



Steve, I was just sent the article below. It's not a new article, but one published late in 05. It repeats some of what was in the 05 New Yorker article. I'd like to talk with you by phone about this. Are you available tomorrow or Friday? If not, how about next week? As always, it will be very helpful to me to have access to your knowledge and expertise. All best regards, Sharon

#### Interrogation: Doing Unto Others as They Did Unto Us

The New York Times, November 14, 2005

M. Gregg Bloche, Visiting Fellow, Economic Studies  
Jonathon H. Marks, Bioethics Fellow, Georgetown University and Johns Hopkins University

M. Gregg Bloche

How did American interrogation tactics after 9/11 come to include abuse rising to the level of torture? Much has been said about the illegality of these tactics, but the strategic error that led to their adoption has been overlooked.

The Pentagon effectively signed off on a strategy that mimics Red Army methods. But those tactics were not only inhumane, they were ineffective. For Communist interrogators, truth was beside the point: their aim was to force compliance to the point of false confession.

Fearful of future terrorist attacks and frustrated by the slow progress of intelligence-gathering from prisoners at Guantánamo Bay, Pentagon officials turned to the closest thing on their organizational charts to a school for torture. That was a classified program at Fort Bragg, N.C., known as SERE, for Survival, Evasion, Resistance, Escape. Based on studies of North Korean and Vietnamese efforts to break American prisoners, SERE was intended to train American soldiers to resist the abuse they might face in enemy custody.

The Pentagon appears to have flipped SERE's teachings on their head, mining the program not for resistance techniques but for interrogation methods. At a June 2004 briefing, the chief of the United States Southern Command, Gen. James T. Hill, said a team from Guantánamo went "up to our SERE school and developed a list of techniques" for "high-profile, high-value" detainees. General Hill had sent this list - which included prolonged isolation and sleep deprivation, stress positions, physical assault and the exploitation of detainees' phobias - to Secretary of Defense Donald Rumsfeld, who approved most of the tactics in December 2002.

Some within the Pentagon warned that these tactics constituted torture, but a top adviser to Secretary Rumsfeld justified them by pointing to their use in SERE training, a senior Pentagon official told us last month.

When internal F.B.I. e-mail messages critical of these methods were made public earlier this year, references to SERE were redacted. But we've obtained a less-redacted version of an e-mail exchange among F.B.I. officials, who refer to the methods as "SERE techniques." We also learned from a Pentagon official that the SERE program's chief psychologist, Col. Morgan Banks, issued guidance in early 2003 for the "behavioral science consultants" who helped to devise Guantánamo's interrogation strategy (we've been unable to learn the content of that guidance).

SERE methods are classified, but the program's principles are known. It sought to recreate the brutal conditions American prisoners of war experienced in Korea and Vietnam, where Communist interrogators forced false confessions from some detainees, and broke the spirits of many more, through Pavlovian and other conditioning. Prolonged isolation, sleep deprivation, painful body positions and punitive control over life's most intimate functions produced overwhelming stress in these prisoners. Stress led in turn to despair, uncontrollable anxiety and a collapse of self-esteem. Sometimes hallucinations and delusions ensued. Prisoners who had been through this treatment became pliable and craved companionship, easing the way for captors to obtain the "confessions" they sought.

SERE, as originally envisioned, inoculates American soldiers against these techniques. Its psychologists create mock prison regimens to study the effects of various tactics and identify the coping styles most likely to withstand them. At Guantánamo, SERE-trained mental health professionals applied this knowledge to detainees, working with guards and medical personnel to uncover resistant prisoners' vulnerabilities. "We know if you've been despondent; we know if you've been homesick," General Hill said. "That is given to interrogators and that helps the interrogators" make their plans.

Within the SERE program, abuse is carefully controlled, with the goal of teaching trainees to cope. But under combat conditions, brutal tactics can't be dispassionately "dosed." Fear, fury and loyalty to fellow soldiers facing mortal danger make limits almost impossible to sustain.



By bringing SERE tactics and the Guantánamo model onto the battlefield, the Pentagon opened a Pandora's box of potential abuse. On Nov. 26, 2003, for example, an Iraqi major general, Abed Hamed Mowhoush, was forced into a sleeping bag, then asphyxiated by his American interrogators. We've obtained a memorandum from one of these interrogators - a former SERE trainer - who cites command authorization of "stress positions" as justification for using what he called "the sleeping bag technique."

"A cord," he explained, "was used to limit movement within the bag and help bring on claustrophobic conditions." In SERE, he said, this was called close confinement and could be "very effective." Those who squirmed or screamed in the sleeping bag, he said, were "allowed out as soon as they start to provide information."

Three soldiers have been ordered to stand trial on murder charges in General Mowhoush's death. Yet the Pentagon cannot point to any intelligence gains resulting from the techniques that have so tarnished America's image. That's because the techniques designed by communist interrogators were created to control a prisoner's will rather than to extract useful intelligence.

A full account of how our leaders reacted to terrorism by re-engineering Red Army methods must await an independent inquiry. But the SERE model's embrace by the Pentagon's civilian leaders is further evidence that abuse tantamount to torture was national policy, not merely the product of rogue freelancers. After the shock of 9/11 - when Americans desperately wanted mastery over a world that suddenly seemed terrifying - this policy had visceral appeal. But it's the task of command authority to connect means and ends rationally. The Bush administration has too frequently failed to do this. And so it is urgent that Congress step in to tie our detainee policy to our national interest.

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Note: The views expressed in this piece are those of the author and should not be attributed to the staff, officers or trustees of The Brookings Institution

Anthony J. Marsella, Ph.D., D.H.C.  
Professor Emeritus  
Department of Psychology  
University of Hawaii  
Honolulu, Hawaii 96822

"What kind of peace do I mean? What kind of peace do we seek? Not a Pax Americana enforced on the world by American weapons of war. . . . I am talking about genuine peace, the kind of peace that makes life on earth worth living, . . . not merely peace for Americans but peace for all men and women -- not merely peace in our time but peace for all time." President John F. Kennedy, American University, June 10, 1963.



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Wednesday, March 08, 2006 7:18:48 PM  
**Recipient:** Olivia Moorehead-Slaughter  
**Subject:** Message I just sent  
**Attachments:** CouncilFeb2006coderevision.doc

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Hi Olivia, I just sent you a draft welcome message, for your review, as a message to Catherine Yarrow and Steve DeMers, in anticipation of their attending the Ethics Committee meeting next week.

When you think it's ready to be sent, please copy Tom Demaio, who is the APA Board of Directors liaison to ASPPB, and myself.

I am also attaching to this message the Council agenda item, which the message to Catherine and Steve indicates is attached to that message.

Steve

Tom Demaio:  
PRIVACY REDACTION

Steve DeMers and Catherine Yarrow:

PRIVACY REDACTION

"Stephen DeMers" PRIVACY REDACTION  
"Catherine Yarrow" PRIVACY REDACTION





**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Tuesday, June 13, 2006 2:51:22 AM  
**Recipient:** 'Banks, Louie M. COL' <louie.morgan.banks@us.army.mil>  
**Subject:** FW: AMA position

---

Morgan, what do you think of my (brief) analysis?

Steve

-----Original Message-----

From: Behnke, Stephen

Sent: Tuesday, June 13, 2006 2:50 AM

To: 'Gerry Koocher'; 'Levant,Ronald F'; 'SSB'; Anderson, Norman; Farberman, Rhea; Newman, Russ; Gilfoyle, Nathalie

Subject: AMA position

Having had an opportunity to study the AMA position more closely, I believe that AMA's position is our position restated, using other language. The AMA sets forth conditions that govern physician involvement in interrogations:

- 1) The physician participation's in an interrogation may not be "direct" (physician cannot be in the role of an interrogator). The PENS Report is clear that psychologists "assist in" and "support" interrogations. Psychologists are not interrogators.
- 2) The interrogation cannot be coercive ("...that is, threatening or causing harm through physical injury or mental suffering," AMA Report, page 7) The PENS report is clear that APA's position is based on the ethical principle do no harm, and the Report prohibits in every instance torture or other cruel, inhuman and degrading treatment.
- 3) A physician may not use medical information originally obtained for medical purposes to provide specific guidance in the interrogation of a particular detainee (i.e., to construct an interrogation strategy). (See PENS guideline #3, "Psychologists who serve in the role of supporting an interrogation do not use health care related information from an individual's medical record to the detriment of the individual's safety and well-being.")

No direct participation, no coercion (as defined in AMA report), no use of medical information obtained for medical purposes to construct an interrogation strategy = APA position in PENS report.

I will check my interpretation and confirm.

Steve



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Monday, June 12, 2006 9:44:59 AM  
**Recipient:** 'James, Larry C COL TAMC' <larry.james@us.army.mil>  
**Subject:** RE: [COR] Response to New York Times Article

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Larry, in my opinion this is EXACTLY what we need. I am going to work with Rhea Farberman, Olivia, Norman, and Gerry to develop a strategy for Council. Things are getting pretty hot around here. I'll keep you posted at each step along the way.

-----Original Message-----

From: James, Larry C COL TAMC [<mailto:larry.james@us.army.mil>]  
Sent: Monday, June 12, 2006 12:58 AM  
To: Behnke, Stephen  
Subject: RE: [COR] Response to New York Times Article

indeed I would

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From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Sat 6/10/2006 8:32 AM  
To: James, Larry C COL TAMC  
Subject: FW: [COR] Response to New York Times Article

Larry, this is bad. Let me ask you a question: Would you be willing to make yourself available at Convention, for Council members (no press), to answer questions regarding the role of psychologists in settings such as Guantanamo Bay? I am meeting with the Board tomorrow (Sunday) am, and I think that would be a good part of a plan to respond to what's going on.

Thanks,

Steve

-----Original Message-----

From: Council of Representatives [<mailto:COR@LISTS.APA.ORG>] On Behalf Of Laurel B Wagner  
Sent: Saturday, June 10, 2006 1:52 PM  
To: COR@LISTS.APA.ORG  
Subject: Re: [COR] Response to New York Times Article

David Ramirez, President of the Division of Psychoanalysis (39), asked me to post this message. Normally we would wait until after our EC meeting, but we are sending it now because it is our understanding that the BOD is meeting this weekend.  
Laurie

Laurel Bass Wagner, Ph.D.  
Council Representative, Division of Psychoanalysis (39)

June 9, 2006, From the President of Division 39 to the BOD: The Executive Committee of the Division of Psychoanalysis (39) will convene a



conference  
call meeting on June 12, 2006 in response to what it sees as a crisis  
within APA regarding our Ethics Code as it pertains to interrogations.  
The  
most immediate crisis was precipitated by the June 7 article in the New  
York Times, Military Alters the Makeup of Interrogation Advisors, and  
Dr.  
Koocher's letter to the editor in response to that article. The Times  
article reflects the now indisputable fact that our house is not in  
order;  
in contrast to our psychiatric colleagues, we appear unable to be  
unequivocal regarding participation in torture/coercive  
interrogations. Repeatedly APA has said to the public, "our ethics code

says do no harm" and we undo it by saying "but". We find this an  
intolerable ethical stance and a public relations disaster. We are  
holding  
our meeting to discuss and devise strategies to help contribute to the  
resolution of this crisis and the repair of the ethical integrity so  
essential to our profession.

David Ramirez, Ph.D., ABPP  
President 2005-2006  
Division of Psychoanalysis (39)  
American Psychological Association

PRIVACY REDACTION

At 03:04 PM 6/7/2006, O'Brien, Maureen wrote:  
>The following letter to the editor has been submitted to the New York  
>Times in response to this morning's article.  
><[http://www.nytimes.com/2006/06/07/washington/07detain.html?\\_r=1&oref=slogin](http://www.nytimes.com/2006/06/07/washington/07detain.html?_r=1&oref=slogin)>  
>[http://www.nytimes.com/2006/06/07/washington/07detain.html?\\_r=1&oref=slogin](http://www.nytimes.com/2006/06/07/washington/07detain.html?_r=1&oref=slogin)<?xml:namespace  
>prefix = o ns = "urn:schemas-microsoft-com:office:office" />  
>  
>We will also use it to respond to any member inquiries about the Times  
>story. Feel free to post to division lists as you see fit.  
>  
>Rhea Farberman  
>  
>  
>To the Editor:  
>  
>  
>  
>Regarding interrogations, (Military Alters the Makeup of Interrogations  
  
>Advisors, June 7) the position of the American Psychological  
Association  
>is clear: Psychologists may never engage in, facilitate, or  
countenance  
>torture or other cruel, inhuman, or degrading treatment. Such acts  
>violate the most fundamental maxim of our ethics, Do No Harm, and our  
>association will not hesitate to sanction any member who violates this  
>ethical rule. At the same time, as experts in human behavior,  
>psychologists have skills that can help prevent future acts of  
>terror. Preventing harm to others is likewise an ethical mandate for



our  
>profession.  
>  
>  
>  
>Gerald P. Koocher, PhD, President  
>  
>American Psychological Association



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Saturday, June 10, 2006 10:32:12 AM  
**Recipient:** 'Banks, Louie M. COL' <louie.morgan.banks@us.army.mil>  
**Subject:** RE: Psychiatrists and Interrogation

---

Morgan, could I give you a shout at some point today? After last week (Dr. Winkenwerder's statements to the press), we've been taking some very heavy hits, related to Guantanamo. I'm meeting with the Board in tomorrow am--

Thanks Morgan,

Steve

-----Original Message-----

From: Banks, Louie M. COL [<mailto:louie.morgan.banks@us.army.mil>]  
Sent: Wednesday, May 24, 2006 3:32 PM  
To: Behnke, Stephen; Kelly, Heather  
Subject: RE: Psychiatrists and Interrogation

Steve,

I look forward to discussing it with you. Stay safe.

Morgan

COL L. Morgan Banks  
Director, Psychological Applications Directorate  
US Army Special Operations Command  
DSN 239-6833 COM (910) 432-6833  
**PRIVACY REDACTION**  
[banks1@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil](mailto:banks1@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil)

-----Original Message-----

From: Behnke, Stephen [<mailto:sbehnke@apa.org>]  
Sent: Wednesday, May 24, 2006 3:24 PM  
To: Banks, Louie M. COL; Kelly, Heather  
Subject: RE: Psychiatrists and Interrogation

I agree, although I've not read the statement itself the description of it and Dr. S's comments make it sound very confusing. Morgan, I think that's correct--it's being described as equivalent to our aspirational principles--which means there is no enforcement to it. My guess is that it's a result of a compromise, but my initial read is that it's going to raise a lot more questions that it answers.

Let's see if we can get the statement itself to review--perhaps we can all speak next week when I'm back in the country,

Steve

---

From: Banks, Louie M. COL [<mailto:louie.morgan.banks@us.army.mil>]  
Sent: Wed 5/24/2006 3:10 PM  
To: Kelly, Heather  
Cc: Behnke, Stephen  
Subject: RE: Psychiatrists and Interrogation



Heather,

I don't know that it is much help, but I still think that our report is well thought out, and consistent with the ethical standards of our profession. The more I read their ApA's position paper, the less I understand. It apparently is not binding, is not a statement of ethics, but a position paper(?) Also, Dr. Sharfstein is poorly informed on several issues. (He is inaccurate in his depiction of several facts.)

Morgan

COL L. Morgan Banks

Director, Psychological Applications Directorate US Army Special  
Operations Command DSN 239-6833 COM (910) 432-6833 **PRIVACY REDACTION**  
banksl@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

---

From: Kelly, Heather [<mailto:hkelly@apa.org>]  
Sent: Wednesday, May 24, 2006 12:56 PM  
To: Banks, Louie M. COL  
Subject: RE: Psychiatrists and Interrogation

Morgan,

I can imagine! I hope you'll let Steve (sbehnke@apa.org) and me know if there's anything on your end you can share in the way of a reaction or what it might mean for conducting business.

Heather

Heather O'Beirne Kelly, Ph.D.  
Senior Legislative and Federal Affairs Officer  
Science Public Policy Office  
American Psychological Association  
750 First Street, N.E., 5th Floor  
Washington, D.C. 20002  
phone 202.336.5932  
fax 202.336.6063  
email hkelly@apa.org

---

From: Banks, Louie M. COL  
[<mailto:louie.morgan.banks@us.army.mil>]  
Sent: Wednesday, May 24, 2006 12:55 PM  
To: Kelly, Heather  
Subject: RE: Psychiatrists and Interrogation

Thanks much, Kelly.



Yes, it is the topic of much conversation right now. I hope you are well.

Morgan

COL L. Morgan Banks  
Director, Psychological Applications Directorate  
US Army Special Operations Command  
DSN 239-6833 COM (910) 432-6833  
[REDACTED]  
banks1@usasoc.socom.smil.mil/louie.morgan.banks@us.army.mil

---

From: Kelly, Heather [<mailto:hkelly@apa.org>]  
Sent: Wednesday, May 24, 2006 12:45 PM  
To: Banks, Louie M. COL  
Subject: FW: Psychiatrists and Interrogation

Hi, Morgan:

Steve Behnke is out of the country this week, but he and I thought you would want to see this if you haven't already. APA is working on its public response.

Hope all is going well,  
Heather

Heather O'Beirne Kelly, Ph.D.  
Senior Legislative and Federal Affairs Officer  
Science Public Policy Office  
American Psychological Association  
750 First Street, N.E., 5th Floor  
Washington, D.C. 20002  
phone 202.336.5932  
fax 202.336.6063  
email [hkelly@apa.org](mailto:hkelly@apa.org)

---

From: Behnke, Stephen  
Sent: Monday, May 22, 2006 3:53 PM  
To: Honaker, Michael; Gilfoyle, Nathalie; Farberman, Rhea; Kelly, Heather  
Subject: Psychiatrists and Interrogation

Here is what the psychiatrists have passed:

[http://www.psych.org/news\\_room/press\\_releases/06-36PositionStatementonInterrogation.pdf](http://www.psych.org/news_room/press_releases/06-36PositionStatementonInterrogation.pdf)

It is a confusing statement, and one that differs from



their original position. I'm not quite sure what to make of it--we also could say that psychologists are not "directly" engaged in interrogations. I'll need to ponder on this. We would be in full agreement with everything up until the last clause--I'm just not entirely sure what that last clause means. Really, a careful read shows the statement raises many more questions than it answers.



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Friday, June 09, 2006 10:26:20 PM  
**Recipient:** 'James, Larry C COL TAMC'  
<larry.james@us.army.mil> **Larry James**  
**Subject:** RE: Eyes only

---

Larry, this is very very good. I'm wondering whether we could work with Rhea Farberman on some kind of message or statement that could be shared with Council—things really heated up this week, and I believe that we need to do a better job of getting this message out, at least to Council where you and Debra have enormous respect. People have ALL kinds of ideas about what psychologists are doing, and anyway we can make you available—of course within the limits of your position—I think would be helpful (perhaps, as an example, at a discussion group for interested Council members during Convention.)

What do you think? Is this something we could discuss?

Steve

---

**From:** James, Larry C COL TAMC [mailto:larry.james@us.army.mil]  
**Sent:** Friday, June 09, 2006 8:27 PM  
**To:** Behnke, Stephen; **Larry James**  
**Subject:** RE: Eyes only

I have personal and professional experience in this arena and DOD psychologists have held firm on three principals:

1). **"do no harm,"** is a moral compass for psychologists in uniform, 2) psychologists should never condone or support torture and 3) psychologists do not do interrogations. I can rest easy at night and feel good in my heart knowing that no new reports of abuse or torture have arisen since psychologists began their duties at Abu Ghraib in May of 2004 and in January of 2003.

The data is clear, when we do not have military psychologists at prisons during war, horrible tragedies occur. The data is actually opposite of what many of our members fear--our military psychologists have put firm procedures in place to make the environments safe and humane.

Serving to ensure safety and proper adherence to the Geneva convention and teaching an interrogator how to build rapport with another human being are the duties of a psychologists in these roles--not teaching torture tactics.

It was a psychologist who wrote the memorandum that eventually led to firm rules and laws to out law sleep deprivation, starvation diets, stress positions and other harsh tactics.

Steve, what do you think?

Larry

---

**From:** Behnke, Stephen [mailto:sbehnke@apa.org]



**Sent:** Wednesday, June 07, 2006 2:58 PM  
**To:** James, Larry C COL TAMC  
**Subject:** RE: Eyes only

Larry, it may be best if you compose a message for Gerry to post on the Council listserve. What would you think of that? You garner enormous respect in the APA.

---

**From:** James, Larry C COL TAMC [mailto:larry.james@us.army.mil]  
**Sent:** Wednesday, June 07, 2006 8:50 PM  
**To:** Behnke, Stephen  
**Subject:** RE: Eyes only

as you know Steve, although not a scientific study, whenever and where ever we have had Army Psychologists, no acts of torture have occurred!!!

lets talk by phone as soon as possible

---

**From:** Behnke, Stephen [mailto:sbehnke@apa.org]  
**Sent:** Wednesday, June 07, 2006 2:39 PM  
**To:** Dunivin, Debra L LTC WRAMC-Wash DC; James, Larry C COL TAMC  
**Subject:** Eyes only

Thoughts on a response to this message would be helpful as well

---

**From:** Council of Representatives [mailto:COR@LISTS.APA.ORG] **On Behalf Of** Lewis Lipsitt  
**Sent:** Wednesday, June 07, 2006 8:20 PM  
**To:** COR@LISTS.APA.ORG  
**Subject:** Re: [COR] Response to New York Times Article

Trish, I have similar regrets about that statement, with all due respect to Gerry Koocher. I don't think it's you - or your cold. If I were to hear the chiropractic assn or the American Psychiatric Assn say such a thing, I would have to feel that it was a very narcissistic kind of assertion – unless --- unless – unless there were some empirical backing of the statement that could be well defended. I would expect, in that case, that the originators of the message could cite chapter and verse of the data to uphold the assertion. I hope that might be so in this instance.

Lew Lipsitt

-----Original Message-----

**From:** Council of Representatives [mailto:COR@LISTS.APA.ORG] **On Behalf Of** Dr. Trish Crawford  
**Sent:** Wednesday, June 07, 2006 6:45 PM  
**To:** COR@LISTS.APA.ORG  
**Subject:** Re: [COR] Response to New York Times Article

I'm not sure quite how to say and ask what I would like to say and ask, without putting myself in the middle of some controversy but I guess that's the risk and responsibility of being a Council delegate (and I apologize in advance if I have overlooked some previous information that may have clarified these issues).

Do other Council members think it is really important to spell out, very concretely, just how:

"Psychologists have skills that can help prevent future acts of terror."

Speaking from the perspective of a fairly generically trained clinical psychologist,(NYU) I would say the



majority of psychologists with backgrounds similar to mine, will want to know, just exactly what skills psychologists have "that can help prevent future acts of terror". How are these skills being used at places like Guantanamo?

I thought the consensus was that places like Guantanamo, in and of themselves, constitute "inhuman, or degrading" treatment and if psychologists are working there, that amounts to "countenancing" it. Or is there more controversy on that than I am not aware of?

I do have to say that I am at home today, sick with a bad virus and fever, so maybe the obvious escapes me.

However, if as a psychologist I feel a need for more specific information and am somewhat mystified, I can only imagine what the lay public must think, especially when the American Psychiatric Assn. appears to have drawn such a strong line. Are we, as an Assn, in a conflict of interest around this issue because of financial/professional/political concerns and therefore it makes it difficult for us to see the issue clearly? Are there pressures we have that the American Psychiatric Assn. does not have? Can we be objective about this?

(At the last Council meetings, a few of us were asking Nathalie Gilfoye about conflict of interest issues related to representing our "constituency" versus the overall best interests of APA...and it was clear we are responsible to APA first, and I believe that is the source of my concerns).

I am quite sure if I posted the Times letter and response to our listserv ( about 600 psychologists) they would all come back with questions similar to mine. So, before I do, I would like to hear the perspective on this from other Council members.

Thank you.

Trish Crawford, Ph.D.  
BCPA delegate to COR

----- Original Message -----

**From:** O'Brien, Maureen

**To:** [COR@LISTS.APA.ORG](mailto:COR@LISTS.APA.ORG)

**Sent:** Wednesday, June 07, 2006 1:04 PM

**Subject:** [COR] Response to New York Times Article

The following letter to the editor has been submitted to the *New York Times* in response to this morning's article.

[http://www.nytimes.com/2006/06/07/washington/07detain.html?\\_r=1&oref=slogin](http://www.nytimes.com/2006/06/07/washington/07detain.html?_r=1&oref=slogin)

We will also use it to respond to any member inquiries about the Times story. Feel free to post to division lists as you see fit.

Rhea Farberman

To the Editor:

Regarding interrogations, (*Military Alters the Makeup of Interrogations Advisors*, June 7) the position of the American Psychological Association is clear: Psychologists may never engage in, facilitate, or countenance torture or other cruel, inhuman, or degrading treatment. Such acts violate the most fundamental maxim of our ethics, Do No Harm, and our association will not hesitate to sanction any member who violates this ethical rule. At the same time, as experts in human behavior, psychologists have skills that can help prevent future acts of terror. Preventing harm to others is likewise an ethical mandate for our profession.

Gerald P. Koocher, PhD, President  
American Psychological Association



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Wednesday, June 07, 2006 11:10:57 PM  
**Recipient:** 'Shumate, Scott (GOV)' <Scott.Shumate@cifa.mil>  
**Subject:** RE: Eyes only

---

Well, Scott, I appreciate that, and it's a real privilege to work with you and your colleagues.

-----Original Message-----

From: Shumate, Scott (GOV) [<mailto:Scott.Shumate@cifa.mil>]  
Sent: Wednesday, June 07, 2006 11:10 PM  
To: Behnke, Stephen  
Subject: Re: Eyes only

Thanks I think so also and you sir are clearly the right man at the right time for your job

-----  
Dr. R. Scott Shumate  
Director Behavioral Sciences  
DoD/Counterintelligence Field Activity  
703-699-7792  
[scott.shumate@CIFA.MIL](mailto:scott.shumate@CIFA.MIL)  
[scott.shumate@CIFA.SMIL.MIL](mailto:scott.shumate@CIFA.SMIL.MIL)

Sent from my BlackBerry Wireless Handheld ([www.BlackBerry.net](http://www.BlackBerry.net))

-----Original Message-----

From: Behnke, Stephen <sbehnke@apa.org>  
To: Shumate, Scott (GOV) <Scott.Shumate@cifa.mil>  
Sent: Wed Jun 07 23:06:07 2006  
Subject: RE: Eyes only

Dude, you are definitely in the right line of work

-----Original Message-----

From: Shumate, Scott (GOV) [<mailto:Scott.Shumate@cifa.mil>]  
Sent: Wednesday, June 07, 2006 11:06 PM  
To: Behnke, Stephen  
Subject: Re: Eyes only

Those hornets what's wrong with them anyway

-----  
Dr. R. Scott Shumate  
Director Behavioral Sciences  
DoD/Counterintelligence Field Activity  
703-699-7792  
[scott.shumate@CIFA.MIL](mailto:scott.shumate@CIFA.MIL)  
[scott.shumate@CIFA.SMIL.MIL](mailto:scott.shumate@CIFA.SMIL.MIL)

Sent from my BlackBerry Wireless Handheld ([www.BlackBerry.net](http://www.BlackBerry.net))

-----Original Message-----

From: Behnke, Stephen <sbehnke@apa.org>  
To: Shumate, Scott (GOV) <Scott.Shumate@cifa.mil>  
Sent: Wed Jun 07 23:02:43 2006  
Subject: RE: Eyes only



Thanks, Scott--I REALLY appreciate your help here...

Probably no way to do it, but I'd like to convey to ww that statements like yesterday's can stir up a hornet nest that is best left alone (as are most hornet nests)

-----Original Message-----

From: Shumate, Scott (GOV) [<mailto:Scott.Shumate@cifa.mil>]  
Sent: Wednesday, June 07, 2006 11:01 PM  
To: Behnke, Stephen  
Subject: Re: Eyes only

Ww has his own agenda I think he was hoping to avoid the conflict. And he wouldn't recognize an interrogation if he saw one

Absolutely 17 toronto comment right on the nose. The decapitation is a cultural thing to the west it seems sick but not to the arab

-----  
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Director Behavioral Sciences  
DoD/Counterintelligence Field Activity  
703-699-7792  
[scott.shumate@CIFA.MIL](mailto:scott.shumate@CIFA.MIL)  
[scott.shumate@CIFA.SMIL.MIL](mailto:scott.shumate@CIFA.SMIL.MIL)

Sent from my BlackBerry Wireless Handheld ([www.BlackBerry.net](http://www.BlackBerry.net))

-----Original Message-----

From: Behnke, Stephen <[sbehnke@apa.org](mailto:sbehnke@apa.org)>  
To: Shumate, Scott (GOV) <[Scott.Shumate@cifa.mil](mailto:Scott.Shumate@cifa.mil)>  
Sent: Wed Jun 07 22:56:07 2006  
Subject: RE: Eyes only

Winkenwerder

Is the point I make about the Toronto 17 okay?

-----Original Message-----

From: Shumate, Scott (GOV) [<mailto:Scott.Shumate@cifa.mil>]  
Sent: Wednesday, June 07, 2006 10:55 PM  
To: Behnke, Stephen  
Subject: Re: Eyes only

What is ww?

-----  
Dr. R. Scott Shumate  
Director Behavioral Sciences  
DoD/Counterintelligence Field Activity  
703-699-7792  
[scott.shumate@CIFA.MIL](mailto:scott.shumate@CIFA.MIL)  
[scott.shumate@CIFA.SMIL.MIL](mailto:scott.shumate@CIFA.SMIL.MIL)

Sent from my BlackBerry Wireless Handheld ([www.BlackBerry.net](http://www.BlackBerry.net))

-----Original Message-----

From: Behnke, Stephen <[sbehnke@apa.org](mailto:sbehnke@apa.org)>  
To: Shumate, Scott (GOV) <[Scott.Shumate@cifa.mil](mailto:Scott.Shumate@cifa.mil)>  
Sent: Wed Jun 07 22:52:19 2006  
Subject: RE: Eyes only



Excellent. I'll send to Gerry, & to you and Robert, to see how we'd like to elaborate. It's been pretty hot around here today (my first voicemail message this am was a member screaming into the phone that I need to take an ethics course!). Not sure if/why WW needed to make any statement at all regarding psychology/psychiatry.

-----Original Message-----

From: Shumate, Scott (GOV) [<mailto:Scott.Shumate@cifa.mil>]  
Sent: Wednesday, June 07, 2006 10:51 PM  
To: Behnke, Stephen  
Subject: Re: Eyes only

Sounds good

-----  
Dr. R. Scott Shumate  
Director Behavioral Sciences  
DoD/Counterintelligence Field Activity  
703-699-7792  
[scott.shumate@CIFA.MIL](mailto:scott.shumate@CIFA.MIL)  
[scott.shumate@CIFA.SMIL.MIL](mailto:scott.shumate@CIFA.SMIL.MIL)

Sent from my BlackBerry Wireless Handheld ([www.BlackBerry.net](http://www.BlackBerry.net))

-----Original Message-----

From: Behnke, Stephen <[sbehnke@apa.org](mailto:sbehnke@apa.org)>  
To: Shumate, Scott (GOV) <[Scott.Shumate@cifa.mil](mailto:Scott.Shumate@cifa.mil)>  
Sent: Wed Jun 07 22:48:01 2006  
Subject: RE: Eyes only

Okay, how about "(as has certainly been observed in certain instances)"

-----Original Message-----

From: Shumate, Scott (GOV) [<mailto:Scott.Shumate@cifa.mil>]  
Sent: Wednesday, June 07, 2006 10:48 PM  
To: Behnke, Stephen  
Subject: Re: Eyes only

Sure just soften the notion that its a predominate characteristic

-----  
Dr. R. Scott Shumate  
Director Behavioral Sciences  
DoD/Counterintelligence Field Activity  
703-699-7792  
[scott.shumate@CIFA.MIL](mailto:scott.shumate@CIFA.MIL)  
[scott.shumate@CIFA.SMIL.MIL](mailto:scott.shumate@CIFA.SMIL.MIL)

Sent from my BlackBerry Wireless Handheld ([www.BlackBerry.net](http://www.BlackBerry.net))

-----Original Message-----

From: Behnke, Stephen <[sbehnke@apa.org](mailto:sbehnke@apa.org)>  
To: Shumate, Scott (GOV) <[Scott.Shumate@cifa.mil](mailto:Scott.Shumate@cifa.mil)>  
Sent: Wed Jun 07 22:45:07 2006  
Subject: RE: Eyes only

Yes, that's why I said "a not uncommon phenomenon." It's a language folks on Council will understand and will be able to bend their minds around...think it's okay to leave in?



-----Original Message-----

From: Shumate, Scott (GOV) [<mailto:Scott.Shumate@cifa.mil>]  
Sent: Wednesday, June 07, 2006 10:45 PM  
To: Behnke, Stephen  
Subject: Re: Eyes only

Some have axis ii not all. Navy seals and delta force troops rarely have axis ii and to a similar extent not all terrorists are sick.

-----  
Dr. R. Scott Shumate  
Director Behavioral Sciences  
DoD/Counterintelligence Field Activity  
703-699-7792  
[scott.shumate@CIFA.MIL](mailto:scott.shumate@CIFA.MIL)  
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Sent from my BlackBerry Wireless Handheld ([www.BlackBerry.net](http://www.BlackBerry.net))

-----Original Message-----

From: Behnke, Stephen <[sbehnke@apa.org](mailto:sbehnke@apa.org)>  
To: Shumate, Scott (GOV) <[Scott.Shumate@cifa.mil](mailto:Scott.Shumate@cifa.mil)>  
Sent: Wed Jun 07 22:39:27 2006  
Subject: RE: Eyes only

Scott, this is a message I'm writing to Gerry at the moment, as a start:

In reflecting on a response, I think we can address different levels of complexity/nuance.

On a superficial level, the letter says that psychologists have skills that can "help" prevent future acts of terror. Such help can consist of advising interrogators, for example on interview techniques that are designed to establish rapport with an interviewee, especially interviewees with axis II pathology (a not uncommon phenomenon). No psychologist could seriously argue that clinical and counseling psychologists do not have expertise in establishing rapport with such individuals.

On a deeper level, there are members of APA who have worked in forensic settings with persons who have committed acts of violence, who have worked with law enforcement professionals in attempting to prevent imminent acts of harm, and who have worked with national security and intelligence organizations that have a mandate to prevent terrorist attacks. Psychologists who have worked in these settings and who have the benefit of specialized training with a focus on culture and ethnicity, may have insights, perspectives, understandings about behaviors, motives, attitudes, patterns and modes of communication that can be of assistance in determining how best to approach and interpret the communications of a individual being interviewed. Certainly such psychologists may observe all of the PENS strict ethical guidelines and assist an interrogation. As an example, one could argue that a psychologist assisting in the interrogation of the 17 individuals detained in Toronto over the weekend, to determine their plans, to identify others with whom they may have been working and who may be planning other acts of violence in Canada or the US, could

-----Original Message-----

From: Shumate, Scott (GOV) [<mailto:Scott.Shumate@cifa.mil>]  
Sent: Wednesday, June 07, 2006 10:39 PM  
To: Behnke, Stephen



Subject: Re: Eyes only

Yes it may require a little effort for us to connect but there is much to offset these poorly constructed concerns while encouraging constructive engagement

-----  
Dr. R. Scott Shumate  
Director Behavioral Sciences  
DoD/Counterintelligence Field Activity  
703-699-7792  
scott.shumate@CIFA.MIL  
scott.shumate@CIFA.SMIL.MIL

Sent from my BlackBerry Wireless Handheld ([www.BlackBerry.net](http://www.BlackBerry.net))



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Wednesday, June 07, 2006 8:38:53 PM  
**Recipient:** 'Dunivin, Debra L LTC WRAMC-Wash DC'  
<Debra.Dunivin@NA.AMEDD.ARMY.MIL>; 'James, Larry C COL TAMC'  
<larry.james@us.army.mil>  
**Subject:** Eyes only

---

Thoughts on a response to this message would be helpful as well

---

**From:** Council of Representatives [mailto:COR@LISTS.APA.ORG] **On Behalf Of** Lewis Lipsitt  
**Sent:** Wednesday, June 07, 2006 8:20 PM  
**To:** COR@LISTS.APA.ORG  
**Subject:** Re: [COR] Response to New York Times Article

Trish, I have similar regrets about that statement, with all due respect to Gerry Koocher. I don't think it's you - or your cold. If I were to hear the chiropractic assn or the American Psychiatric Assn say such a thing, I would have to feel that it was a very narcissistic kind of assertion – unless --- unless – unless there were some empirical backing of the statement that could be well defended. I would expect, in that case, that the originators of the message could cite chapter and verse of the data to uphold the assertion. I hope that might be so in this instance.  
Lew Lipsitt

-----Original Message-----

**From:** Council of Representatives [mailto:COR@LISTS.APA.ORG] **On Behalf Of** Dr. Trish Crawford  
**Sent:** Wednesday, June 07, 2006 6:45 PM  
**To:** COR@LISTS.APA.ORG  
**Subject:** Re: [COR] Response to New York Times Article

I'm not sure quite how to say and ask what I would like to say and ask, without putting myself in the middle of some controversy but I guess that's the risk and responsibility of being a Council delegate (and I apologize in advance if I have overlooked some previous information that may have clarified these issues).

Do other Council members think it is really important to spell out, very concretely, just how:

"Psychologists have skills that can help prevent future acts of terror."

Speaking from the perspective of a fairly generically trained clinical psychologist, (NYU) I would say the majority of psychologists with backgrounds similar to mine, will want to know, just exactly what skills psychologists have "that can help prevent future acts of terror". How are these skills being used at places like Guantanamo?

I thought the consensus was that places like Guantanamo, in and of themselves, constitute "inhuman, or degrading" treatment and if psychologists are working there, that amounts to "countenancing" it. Or is there more controversy on that than I am not aware of?

I do have to say that I am at home today, sick with a bad virus and fever, so maybe the obvious escapes me.

However, if as a psychologist I feel a need for more specific information and am somewhat mystified, I can only imagine what the lay public must think, especially when the American Psychiatric Assn. appears to have drawn such a strong line. Are we, as an Assn, in a conflict of interest around this issue because of financial/professional/political concerns and therefore it makes it difficult for us to see the issue clearly? Are there pressures we have that the American Psychiatric Assn. does not have? Can we be



objective about this?

(At the last Council meetings, a few of us were asking Nathalie Gilfoye about conflict of interest issues related to representing our "constituency" versus the overall best interests of APA...and it was clear we are responsible to APA first, and I believe that is the source of my concerns).

I am quite sure if I posted the Times letter and response to our listserv ( about 600 psychologists) they would all come back with questions similar to mine. So, before I do, I would like to hear the perspective on this from other Council members.

Thank you.

Trish Crawford, Ph.D.  
BCPA delegate to COR

----- Original Message -----

**From:** O'Brien, Maureen

**To:** [COR@LISTS.APA.ORG](mailto:COR@LISTS.APA.ORG)

**Sent:** Wednesday, June 07, 2006 1:04 PM

**Subject:** [COR] Response to New York Times Article

The following letter to the editor has been submitted to the *New York Times* in response to this morning's article.

[http://www.nytimes.com/2006/06/07/washington/07detain.html?\\_r=1&oref=slogin](http://www.nytimes.com/2006/06/07/washington/07detain.html?_r=1&oref=slogin)

We will also use it to respond to any member inquiries about the Times story. Feel free to post to division lists as you see fit.

Rhea Farberman

To the Editor:

Regarding interrogations, (*Military Alters the Makeup of Interrogations Advisors*, June 7) the position of the American Psychological Association is clear: Psychologists may never engage in, facilitate, or countenance torture or other cruel, inhuman, or degrading treatment. Such acts violate the most fundamental maxim of our ethics, Do No Harm, and our association will not hesitate to sanction any member who violates this ethical rule. At the same time, as experts in human behavior, psychologists have skills that can help prevent future acts of terror. Preventing harm to others is likewise an ethical mandate for our profession.

Gerald P. Koocher, PhD, President  
American Psychological Association



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Wednesday, June 07, 2006 7:33:43 PM  
**Recipient:** 'Dunivin, Debra L LTC WRAMC-Wash DC'  
<Debra.Dunivin@NA.AMEDD.ARMY.MIL>; James, Larry C COL TAMC  
<larry.james@us.army.mil>  
**Subject:** Eyes only

---

Can you all help out here? I think we'll need a substantive response. Thanks.

---

**From:** Council of Representatives [mailto:COR@LISTS.APA.ORG] **On Behalf Of** Dr. Trish Crawford  
**Sent:** Wednesday, June 07, 2006 6:45 PM  
**To:** COR@LISTS.APA.ORG  
**Subject:** Re: [COR] Response to New York Times Article

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I do have to say that I am at home today, sick with a bad virus and fever, so maybe the obvious escapes me. However, if as a psychologist I feel a need for more specific information and am somewhat mystified, I can only imagine what the lay public must think, especially when the American Psychiatric Assn. appears to have drawn such a strong line. Are we, as an Assn, in a conflict of interest around this issue because of financial/professional/political concerns and therefore it makes it difficult for us to see the issue clearly? Are there pressures we have that the American Psychiatric Assn. does not have? Can we be objective about this?

(At the last Council meetings, a few of us were asking Nathalie Gilfoye about conflict of interest issues related to representing our "constituency" versus the overall best interests of APA...and it was clear we are responsible to APA first, and I believe that is the source of my concerns).

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Thank you.

Trish Crawford, Ph.D.  
BCPA delegate to COR

| ----- Original Message -----

| **From:** O'Brien, Maureen

| **To:** COR@LISTS.APA.ORG

| **Sent:** Wednesday, June 07, 2006 1:04 PM



**Subject:** [COR] Response to New York Times Article

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[http://www.nytimes.com/2006/06/07/washington/07detain.html?\\_r=1&oref=slogin](http://www.nytimes.com/2006/06/07/washington/07detain.html?_r=1&oref=slogin)

We will also use it to respond to any member inquiries about the Times story. Feel free to post to division lists as you see fit.

Rhea Farberman

To the Editor:

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Gerald P. Koocher, PhD, President  
American Psychological Association



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Friday, June 30, 2006 12:38:08 PM  
**Recipient:** 'Phil Zimbardo' [REDACTED]  
**Subject:** RE: ZIMBARDO'S COMMENTARY ON PENS

---

Phil, yes, exactly. Much, MUCH more important to do it right than to do it fast

---

**From:** Phil Zimbardo [REDACTED]  
**Sent:** Friday, June 30, 2006 12:15 PM  
**To:** Behnke, Stephen  
**Subject:** Re: ZIMBARDO'S COMMENTARY ON PENS

yes

you must be strong to resist board and internal pressures  
it is too loaded for confrontation and dissent if not handled properly and wisely  
we must resist pressures from military and civilian administration to rush it out  
phil

On Jun 30, 2006, at 7:52 AM, Behnke, Stephen wrote:

Phil, I think this is EXACTLY the right approach. I realize there is pressure within APA to act immediately, and to resolve all questions/issues immediately, but as you wisely emphasize, the issues here are way too complicated for that. We need to approach in a thoughtful, considered, deliberate manner and think our way through.

Steve

---

**From:** Phil Zimbardo [REDACTED]  
**Sent:** Friday, June 30, 2006 10:26 AM  
**To:** Behnke, Stephen  
**Cc:** Larry C COL TAMC James  
**Subject:** Re: ZIMBARDO'S COMMENTARY ON PENS

glad you like my commentary - in general  
criticisms are meant as refinements for stage 2, I think we should be planning a PENS-2 from the start of developing a casebook and revising PENS-1  
what has been missing in all the military interrogation as far as i know is an awareness of the techniques used by american police detectives, as I showed in my research is very sophisticated and works as well as the old 3rd degree.  
There is no evidence that the more brutal, coercive interrogation tactics used by our MI and others has been effective.

Cordially,  
Philip G. Zimbardo, Ph.D.  
Prof. Emeritus, Stanford University

See: [www.Zimbardo.com](http://www.Zimbardo.com)  
[www.PrisonExp.org](http://www.PrisonExp.org)



On Jun 29, 2006, at 7:07 PM, Behnke, Stephen wrote:

Phil, my initial reaction is that this is an extremely articulate, thoughtful, and impressive piece. Of course some of the criticism was not my most enjoyable reading for the day, but I think it's important for the Committee to have the benefit of your best thinking.

As I read your comment, I am more than ever convinced that we need to speak with the folks who are in this role, and who have been in this role. Hearing their experiences directly from them will be enormously helpful in thinking through the ethical aspects of this work—we need the data (although it will not be easy to get)

I completely agree with your assessment, that we see the PENS report as the beginning of a process; the Task Force itself saw the report as “an initial step in a continuing process.” We have much work to do.

I am eager to hear Larry's thoughts, especially as they concern the actual experience of someone in that role and the pressures such a person is likely to face.

Phil, you mention the AMA and ApA—if you have a chance to read it, I've written a very brief (2 page) comparison of the three association positions, which is right on the front page of the APA website.

Steve

---

**From:** Phil Zimbardo [REDACTED]  
**Sent:** Thursday, June 29, 2006 3:21 PM  
**To:** Behnke, Stephen  
**Cc:** Larry C COL TAMC James  
**Subject:** ZIMBARDO'S COMMENTARY ON PENS

Dear Stephen and Larry

attached please find a draft of my commentary that you requested, by my June 30 deadline.

It took much more time and mental effort than I had expected because the issues are so complex and interwoven



and there was a great deal in PENS that was hinted or implied but not fully expressed.

I hope that this is what you expected of me. I tried to give as much praise as I could to the basic outcome of PENS and then indicate where it needed further refinement and development in PENS-2

I have definitely urged the development of an Ethics Casebook around these issues,

but to be effective it must go beyond the limited expertise of APA Ethics office to include input from a variety of retired practitioners in the field of interrogation.

I am open to making modifications if persuaded effectively where changes are called for.

I will not distribute this draft to anyone until I get your approval.

warm regards

Nlow back to editing my monster book, really grueling work. should be published next spring 07



**Sender:** Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>  
**Sent:** Thursday, June 29, 2006 9:19:58 PM  
**Recipient:** 'Judith Van Hoorn' [REDACTED]  
**Subject:** RE: [COR] Petition on APA Ethics & New Business Item from Div 48

---

Hi Judy,

I think in terms of when, the best response is that the originators of the Resolution, (you and Corann, and I'm sure Linda as well), would like to move the Resolution forward as expeditiously as possible.

As staff, we can explore the possibilities for moving the Resolution forward (but of course cannot do that--it must be governance)

So, to that question, I would respond: The Movers would like to move the Resolution forward as expeditiously as possible, and have asked staff to indicate what mechanisms are available to get the Resolution before Council at the earliest date.

Steve

-----Original Message-----

From: Judith Van Hoorn [REDACTED]  
Sent: Thursday, June 29, 2006 7:41 PM  
To: Behnke, Stephen  
Subject: RE: [COR] Petition on APA Ethics & New Business Item from Div 48

Hi Steve,

Would you help us out with this question? When we respond to question about who asked us to ready this for the August meeting, what do we reply? I'm sure that this issue/question will arise.

The Ethics Committee's suggestion? The Board's? Your suggestion?

On another note...

Has Judy S. sent you the info re. the minutes from the 1986 meeting when the resolution was passed?

Judy

Quoting "Behnke, Stephen" <sbehnke@apa.org>:

> Hello Everyone,  
>  
> The wording for the second to final "Be It Resolved" that we  
> discussed:  
>  
> BE IT RESOLVED that based upon the APA's longstanding commitment to  
> basic human rights including its position against torture,  
> psychologists always work in accordance with international human  
> rights instruments relevant to their roles, and regardless of their  
> roles, do not engage in, direct, support, facilitate, or offer  
> training in torture or other cruel, inhuman, or degrading treatment.  
>  
> In terms of the other issue, a possible "WHEREAS" to consider:  
>  
> Whereas, all members of the APA have important contributions to make  
> to the individuals and groups with whom they work, and to society,



> when abiding by the Ethical Principles of Psychologists and Code of  
> Conduct (2002),  
>  
>  
> Okay, we look forward to being in touch,  
>  
> Olivia and Steve  
>