

# COALITION FOR AN ETHICAL PSYCHOLOGY

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## Coalition Responds to New APA Policy Proposal

The Coalition for an Ethical Psychology has significant reservations about [Action Item #3](#): a “Policy Related to Psychologists' Work in National Security Settings and Reaffirmation of the APA Position Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.” This new policy proposal – based on a report from a five-person, Board-endorsed “Member-Initiated Task Force” – will be brought to the American Psychological Association’s Council of Representatives at its meeting later this month in Hawaii.

The proposed policy document has the stated aim of consolidating and clarifying APA policies on national security work, torture, and other ill treatment. In fact, Action Item #3 fails to provide the greater clarity and coherence that its advocates have promised. Moreover, it appears to weaken and obfuscate policies that the APA has already adopted – policies that, from the outset, were highly controversial and the result of deeply flawed processes. Three examples illuminate our concerns.

First, and most troubling, “Statement 1” of the new proposal appears to eviscerate the sense and purpose of the 2008 member-initiated referendum, which was adopted by 59% of voting members and certified by Council as APA policy. That referendum (sometimes referred to as the “petition resolution”) explicitly prohibits psychologists from working in national security settings where detainees lack the human rights protections provided by international law and the U.S. Constitution. But Action Item #3 asserts only that psychologists have the “prerogative” to refuse to work in these settings. This substitution transforms a binding injunction into a matter of personal choice. It is well known that a majority of the members of the recent “Member-Initiated Task Force” strongly opposed the 2008 referendum and worked for its defeat. Insofar as the APA is a democratic organization, the clearly expressed will of APA’s membership must not be subverted through administrative policy reinterpretations.

Second, “Statement 4” of Action Item #3 also weakens the 2007 and 2008 policies that prohibit specific sets of widely used abusive practices. The 2007 “reaffirmation resolution” stated: “This unequivocal condemnation includes...an absolute prohibition for psychologists against direct or indirect participation in interrogations *or in any other detainee-related operations...*” (emphasis added). In the subsequent 2008 amendment to this resolution, the APA Ethics Office concluded that the prohibition referred only to interrogation techniques – not to techniques used to “soften” or otherwise weaken the will of detainees outside of an interrogation. This contradicted the will of the Council and the membership, which was to prohibit such practices from being used with detainees *anywhere and at any time*. The new proposed policy exacerbates this narrowing of ethical focus. For example, the text specifies that “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....” (emphasis added). Thus the document permits the interpretation that psychologists observing abuse in other detainee-related operations have no ethical responsibility to inform their superiors.

A third equivocation can be found in “Statement 5.” The new policy states “Psychologists in national security settings shall work in accordance with international human rights instruments....” But the paragraph that immediately follows this statement appears to reduce this requirement to a recommendation that “psychologists working in national security settings *should review* vital human rights documents relevant to their roles...” (emphasis added). Again, where Council mandated (in its 2006 Resolution Against Torture) that psychologists’ actions adhere to international human rights standards, the current “consolidation” interprets this merely as a study suggestion. These three examples are not the only instances where Action Item #3 adds ambiguity rather than clarity and equivocation rather than firm guidance.

The Coalition has called for – and continues to call for ([www.ethicalpsychology.org/pens](http://www.ethicalpsychology.org/pens)) – the annulment and repudiation of the illegitimate 2005 Report of the Presidential Task Force on Psychological Ethics and National Security (PENS Report). Although the rescission of the PENS Report proposed by Action Item #3 is a positive step, it is inadequate as a decisive and unambiguous rejection of the Report. Despite compelling evidence that psychologists were involved in abusive interrogations, the PENS Task Force concluded that psychologists played a critical role in keeping interrogations safe, legal, ethical and effective. Unacceptable flaws in the PENS process included:

- *bias in the Task Force membership*: six of the nine voting members were on the payroll of the U.S. military and/or intelligence agencies and made clear that the PENS Report must not challenge military or government policies; several members had served in chains of command previously accused of prisoner abuses;
- *additional significant conflicts of interest*, with several unacknowledged participants, including the spouse of a Guantánamo military psychologist, a Bush-Cheney White House official, and high-level lobbyists for Department of Defense and CIA funding for psychologists;
- *irregularities in the report approval process*, such as the Board’s use of emergency powers, preempting standard review mechanisms; and
- *unwarranted secrecy*, including a shield of the Task Force membership from press and APA member inquiries, and unusual prohibitions on the freedom of Task Force members to discuss the Report.

The PENS Report must be annulled – rather than merely rescinded due to inclusion of out-of-date standards – because it constitutes the subversion of APA’s ethical principles in favor of illegal and unethical military policies. The Report, in effect, gave the APA imprimatur to psychologists’ involvement in widely condemned practices. The purpose of the APA’s post-PENS policies – and the 2008 member-initiated referendum – was to acknowledge psychologists’ vulnerability to participation in abuse in national security

settings and to protect them by providing a clear mandate to refuse such assignments. These later policies were spurred by outrage over the PENS Report among the general membership and members of Council. But with the clear exception of the referendum, these policies – to be consolidated in Action Item #3 – continue the presumption of the PENS Report’s assertion that psychologist participation in interrogation and detention operations is ethical. This crucial claim has never been submitted to scrutiny and review by Council or by APA members. The new proposed policy obscures the history that might otherwise alert future psychologists to the danger of the APA losing its moral compass in the face of military and governmental pressures.

As a final note, the proposed policy lacks meaningful analysis – or even acknowledgement – of the unethical roles that psychologists have played as planners, consultants, researchers, and overseers in U.S. government programs that authorized the torturous and abusive detention and interrogation of “war on terror” prisoners. Without reference to this crucial context, Action Item #3 appears to whitewash U.S. and APA history. Without careful consideration of the formal policies, legal opinions, and situational pressures authorizing and encouraging these reprehensible activities, it will not be possible for the American Psychological Association to develop effective ethical policies to prevent future abuses.

In light of these problems, the Coalition for an Ethical Psychology views the new policy proposal as a regression rather than an advance in ethics policy in national security work. We therefore encourage APA Council members to vote against Action Item #3.

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