



SOCIETY FOR MILITARY PSYCHOLOGY

Division 19 of the American Psychological Association



29 July 2015

Nadine J. Kaslow, PhD, ABPP
Susan H. McDaniel, PhD, ABPP
The APA's Independent Review Special Committee
750 First Street, NE
Washington, DC 20002-4242

Dear Drs. Kaslow and McDaniel,

As President of Division 19, Society for Military Psychology, I am very concerned about the misrepresentations, public statements, and proposed actions being advanced by current American Psychological Association (APA) leadership in response to the Hoffman Report. I want to share my concerns and provide recommendations to you in the hope of helping APA move forward in a positive and productive way that represents and displays the best characteristics that our profession strives to advance.

Individuals within Division 19 have been harmed by unsubstantiated and unbridled accusations within the Hoffman report. Their names have been maligned as nefariously engaging in "collusion" when their true motivations, intent and the outcome of their actions in concert with the APA Staff with whom they worked, all point to *cooperation*. As you know, the Hoffman report also divulged confidential conversations that a member of Division 19 had with the Ethics Office, in violation of APA policy. APA listserv postings are vitriolic and lack civility, revealing how APA membership is becoming increasingly polarized and intolerant of legitimate differences of opinions or views. There have been many members of APA, in particular Division 19 members, who have been maligned by those who have asserted as facts their strongly held opinions. Appropriate precautions should have been taken prior to releasing the Hoffman report, since not one individual named in the report has been convicted in our criminal justice system. This is indeed a "bleak chapter in our history," but we must not make it worse by failing to now take appropriate actions.

I ask your assistance and leadership in stemming the unwarranted and unjustified attacks on Division 19 members, and your help in leading APA back to a professional organization deserving of its name. APA's press release of July 10, 2015, however inadvertently, misleads the public and our membership and needs correction. While I recognize it was done quickly, prior to being able to appropriately and reasonably evaluate the information in the Hoffman report, it often reads as if reflecting the worst of APA. Too often it sounds as if the most vocal critics of APA were vested with extraordinary power to influence and shape APA's response to the Hoffman report. I will describe each of the areas of concern and provide my recommendation for how to address the issue.

1. APA leadership's acceptance of Hoffman et al.'s assertion of "collusion" pertaining to the PENS report and the composition of its membership is unfounded and misrepresents the facts. If any

other group within APA was confronted with uncertain and ambiguous practice settings issues related to ethics and came to APA to request guidance, it is unthinkable that APA would not want the majority of task force participants to actually understand and have experience with the issues before them. What makes this “collusion” in the eyes of Hoffman, and most of those who object to PENS, is that they were (and are) opposed to the reasons why the psychologists were in those practice settings. The greatest emotional reason they cite is that PENS helped advance the Bush Administration torture policy. To those who bother to consider the facts, the PENS report did exactly the opposite; it helped ensure torture would not occur. Division 19 policy statements, APA policy statements and all the factual evidence point to that same, largely ignored fact. Collusion implies “hidden,” and one of the great tragedies in this episode is the failure of APA to consider all the publications by Steve Behnke, all his presentations of APA Ethics Hot Topics at every convention for the past several years, and other ways that he very publicly addressed how complex and challenging these issues were for psychology.

Recommendation: Retract the negative statements related to PENS and its membership. The PENS task force was always represented, both publicly and in publications, as a first step in a very complex process to ensure ethical practice in difficult settings. Only suspicions and dissembling about the motivations related to the cooperative and collaborative actions by the parties involved have turned a helpful process and outcome into one that is viewed as a conspiracy. Even further down in the Press release it is noted that, Hoffman “did not find evidence” that either the ethics code change in 2002 or any other actions (to include presumably, PENS) were taken by APA to advance the Justice Department’s legal rationale for torture.

We can’t have it both ways. It took great courage and honor for psychologists practicing in national security settings to stand up for the ethics code, and it’s truly disheartening when you see concerted efforts to distort and malign their efforts. We must not forget or ignore that the end-state achieved by the PENS policy was a strong affirmation of the APA ethics code in all national security settings that military psychologists then leveraged with great positive effect. It also reasserted and reaffirmed Human Rights protections. Subsequent APA policy was further refined and affirmed that initial guidance. Cooperative actions achieved that; not the misrepresentations of the PENS report that serve an effort to advance an unspoken political agenda. That represents the true collusion and must be addressed.

2. There is a proposed action to “clarify the role of psychologists related to interrogation and detainee welfare in national security settings and safeguards against acts of torture and cruel, inhuman or degrading treatment or punishment in all settings.” Another proposed action is to “adopt a policy prohibiting psychologists from participating in interrogation of persons held in custody by military or intelligence authorities...” I am opposed to any hastily considered actions or policies that attempt to limit the participation or practice settings of psychologists on the basis of the Hoffman report. As noted above, PENS and other policy affirmations by APA provide excellent support and guidance to psychologists in not only military settings, but also law enforcement and other settings. Efforts and attempts by APA to limit the settings in which psychologists can practice now reflect more a desire not to be associated with certain policies.

Recommendation: The ethics code should focus on the ethical practice of psychologists regardless of the setting. APA should not allow ethics code changes to occur because some

members disagree with certain governmental policies. There are tremendously complicated second and third-order effects of this proposal, to include potential anti-trust issues. Therefore, the APA commission being proposed to evaluate and make recommendations to the ethics code is the appropriate forum to address this issue, rather than some hasty reactionary effort to appease critics.

3. I support the recommendation for Council to approve the establishment of a commission to evaluate recommended changes to APA ethics processes. The ethics process and code is dynamic and must reflect the practice of psychology, regardless of the setting.

Recommendation: Division 19 members whose practice of psychology often occurs in some of the most demanding and ambiguous settings must be represented and included in this process. The process must also reflect the great diversity of practice and must recognize the increasing scope of practice in more non-traditional, non-healthcare settings that reflect the new reality for the practice of psychology.

4. I support APA's call to adopt clear procedures for appointing members to APA Task Forces and Commissions. However, we must also ensure that a majority of task force membership include those with understanding and expertise of the issues they are asked to address.

Recommendation: This change in APA policy should reflect a "best practice" approach and not serve as a reaction to disagreements about the composition of the membership of the PENS Task Force.

5. I welcome and support the call for more transparency and accuracy in the disclosure of current ethics office practices. However, given the vitriol and the maligning of members with any affiliation to DoD, I am very concerned about these proposed changes, who will lead them, and the potential overreaction in adjudication and investigative procedures to any ethics complaints filed for what can only be seen as vengeful efforts to achieve what the Hoffman report did not: to try to find some evidence of psychologists in military settings engaged in torture.

Recommendation: Given the reason behind these proposed changes, and the great risk for over-correction, we must ensure adjudicative guidelines and processes do not allow for reactionary targeting of psychologists who practice in national security settings or who are affiliated with DoD or other governmental agencies. In concert with these changes, ethics code and policy guidance is needed to more clearly delineate what constitutes harassment, making it an ethics code violation to repeatedly file charges against another psychologist when previous adjudications have cleared him or her.

6. Related to the point above, I also support APA's proposed change to organizational procedures to collaborate on establishing civility procedures that promote respect for all voices and perspectives. That process needs to start with the Hoffman report itself and its aftermath. APA leadership, as the requestor of the report, had a duty and obligation to control the report since, as a review, it is rife with speculation and innuendo. The process that was followed harmed individuals and contributed to incivility and polarization.

Recommendation: Provide an apology to any member of APA who is maligned in the Hoffman report, who has been accused of collusion or other nefarious acts that are unsubstantiated and without a basis in fact. Initiate an after action review of APA's handling of the Hoffman report and define steps to take in light of the mistakes made.

7. I am concerned about the actions related to charging the "Strategic Planning Advisory Committee with considering ethics, organizational restructuring, and human rights" and to re-assert the "do no harm" as a core value. If we are truly committed to this precept, then we must also honestly and forthrightly address the fact that the practice of psychology "may" cause harm even when not intended. Alerting patients to this fact is one of the primary purposes of informed consent. My concern is whether the "do no harm" is being asserted more as a euphemistic way to denounce practice in support of interrogations. If so, we cannot heal if we are not willing to honestly and genuinely recognize our motivations for our actions. At one time it was recognized, accepted, and asserted that psychologists had an obligation to ensure support to our national security as one of the ways we helped avoid "harm" to our society. Robert Yerkes, as President of APA, and many of the most prominent psychologists of his day, clearly understood this nexus as our nation confronted an earlier threat to our national security: the First World War. As we know, Yerkes courageously led APA's and psychology's "collaboration" with the military in support of psychologists in national security settings in his time. Yerkes' actions reflected an understanding of what was once a foundation of the beliefs of most Americans: we are a government of the people and by the people. That helps ensure what the Framers of our U.S. constitution intended and sought to ensure: that we have a say in the powers of our government which touch our daily lives "in the ordinary course of affairs, concerns the lives, liberties, and properties of the people" (The Federalist, No. 45, at 293). The DoD and our government are not the enemies of APA. If we have expertise to help defend those freedoms for members of our society, what is our ethical obligation to ensure that "no harm" comes to them? Part of that answer is provided by Tarasoff...part of the rest may well depend on whether APA openly recognizes and accepts the full obligation of what is meant by "do no harm." In reality, there are two sides: taking actions that harm, or failing to take actions that then result in harm.

Recommendation: Do not attempt to advance and assert "do no harm" to cloak opposition to the practice of psychology in settings or in response to governmental policies that members may disagree with. Take aggressive steps to stem the actions that are contributing to the polarization and vitriol that will actually prevent organizational change and renewed focus on core values. Recognize that the core values of APA must reflect the need to help maintain our freedom and liberties as a free nation, and that a core value of APA is not inconsistent with helping preserve those freedoms and liberties.

I am deeply saddened and very concerned by what too often appears a politically-motivated, anti-government and anti-military stance that does not advance the mission of APA as much as it seems to appease the most vocal critics of APA and Division 19. What seems conveniently (and by some completely) ignored for what now seems more political than professional reasons, is that the repeated actions by APA leadership that are now condemned, in truth helped set the conditions to ensure "torture would not occur." Leaders always have to deal with complex and complicated problems, and perhaps none were more so than the ones APA leadership had the courage to confront in the past 12 years. As leaders, if we distill down to the essence of each of those actions, the APA leadership was unrelenting in

its demands for adherence to the APA ethics code. Adherence to the ethics code by ALL members of the profession in all circumstances (however difficult, new, uncertain, or wherever in the world psychologists found themselves) was always affirmed.

We are now at a crossroads within our profession, and some are asserting that they are the only true source of direction for the path “they” see is best for us to follow. We, as leaders, have a duty to help guide our organization through the emotional storm and crisis of confidence that now confronts us. We need to represent the best standards of our profession, not the worst of our emotional reactions. We also need to recognize that concerted efforts to tear down the profession (in order “to save it”), may actually do more harm to our ability to maintain the trust and promote the welfare of the society we all seek to serve and protect.

In conclusion, we need your leadership; leadership that is focused on *all* of APA’s members and interests, not just those who now seek to redefine the profession and APA in their own image of psychology and what it serves. Division 19 proudly stands with the efforts to strengthen APA for the betterment of society and the members we serve.

Sincerely,

Tom Williams, Ph.D.
President
Division 19
Society for Military Psychology