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**AMERICAN
PSYCHOLOGICAL
ASSOCIATION**

APA Council Debate and Vote

**On Substitute Motion 3 (and an
Amendment to Substitute Motion 3)**

***"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'"***

San Francisco, AUGUST 19, 2007

1 MADAM PRESIDENT: Now we move to Item No. 5. You
2 should have before you Substitute Motion 3. There have
3 been a lot of different motions, and so you want to make
4 sure you have Substitute Motion 3. This is the
5 reaffirmation of the American Psychological Association
6 position against torture and other cruel, inhuman and
7 degrading treatment or punishment and its application to
8 individuals defined in the United State Code as enemy
9 combatants. I would ask Dr. Haldeman to speak to this
10 motion.

11 DR. HALDEMAN: Madam President, Officers, and
12 colleagues of Council. It's my privilege and my
13 responsibility to open the discussion on Item 5 on
14 behalf of the Board of Directors.

15 I want to start by asking for a moment or two to
16 contextualize this very important and complex resolution
17 by acknowledging that the complexity itself and the
18 emotional variables thereof have invited a great deal of
19 information and misinformation about this particular
20 topic.

21 Our views and our position as an association has been
22 I think accurately portrayed and mischaracterized in the
23 press. To that end, as you know, the Board of Directors
24 authorized a program of eight sessions relative to the
25 entire topic of Ethics and Interrogation, Confronting

1 the Challenge. And I do hope that some of you have been
2 able to make it to some of these programs. They have
3 been -- at least the ones I've seen -- incredibly well-
4 attended, thoughtful, and very deep in their discourse.
5 They continue today and with the town hall meeting today
6 at five o'clock, concluding tomorrow.

7 I also want to acknowledge that there has been a
8 tremendous amount, as you know, of agreement and
9 disagreement about this particular issue. And I also
10 want to underline the fact that there is one issue about
11 which I believe and the Board believes that we are in
12 total agreement, and that is the involvement of
13 psychologists in any way in a process that involves
14 torture, cruel, inhuman, degrading treatment or
15 punishment of any kind is categorically opposed and
16 prohibited by the American Psychological Association.
17 And this position is without [inaudible], it is clear.
18 It has been and continues to be consistent.

19 Now, taking that as a starting point, I move to ask
20 that you vote to suspend the rules of our business this
21 morning so that we can continue discussing Substitute
22 Motion No. 3. Now, in contrast to Substitute Motion
23 No. 2, which was indeed a product of the Board of
24 Directors, the motion that you have in front of you at
25 your place and on the screen is the co-creation of

1 Divisions 14, 17, 19, 32, 39, 41, 48, 55 -- and I'm not
2 going to tell you what they are; you know what they are
3 -- the Divisions for Social Justice and Consultation
4 from the Ethics Committee. The motion that you see
5 before you took place by fairly laborious and intensive
6 work over four face-to-face meetings since the beginning
7 of this convention, and you can imagine how difficult it
8 was to schedule them, so that one meeting ran until
9 almost midnight; another one began at 6:30 in the
10 morning. And the work here demonstrates the passion and
11 intensity with which the aggregate of these divisions,
12 of these constituents wants to get it right when it
13 comes to APA policy about this vital topic.

14 And so, I ask you on behalf of the Board of the
15 Directions, which unanimously supports this resolution,
16 that we now vote to suspend the rules.

17 MADAM PRESIDENT: Okay. A motion has been made to
18 suspend the rules. This is debatable, and it requires a
19 two-thirds vote to carry. Are there comments? People
20 want to speak to this motion?

21 All right. Are you coming to the mike? No. Okay.
22 So, hearing none, then I will ask you to vote on this
23 motion to suspend the rules in order that we can discuss
24 Substitute Motion 3. All those in favor of suspension
25 of the rules, raise your hand? All those opposed?

1 Motion carries.

2 DR. HALDEMAN: I now ask for a motion -- for your
3 endorsement of a motion that Substitute Motion No. 3 now
4 become the main motion for our discussion, again
5 recalling the fact that this is a consensus document and
6 that it has the unanimous approval of the Board.

7 I would also ask in the spirit of who we are as
8 psychologists that we maintain a spirited and productive
9 discussion that is respectful in tone.

10 MADAM PRESIDENT: Okay. There's a motion that's been
11 moved. This is debatable. And to make the Substitute
12 Motion 3, to the main motion. Are there comments?
13 Questions? Seeing none, all those in favor of making
14 the Substitute Motion 3 into the main motion, please
15 raise your hand. All those opposed? Motion carries.

16 DR. HALDEMAN: I'm sorry, I forgot to add one thing,
17 which is to say parenthetically you will notice what is
18 not part of the substitute motion, and that is the
19 segment on which the groups did not agree, which has to
20 do with the limitation of participation of psychologists
21 in detention centers where detainees are not granted
22 their full civil and human rights. The language of that
23 amendment, which will be introduced during the course of
24 the discussion, is included in your packet in the front.

25 Thank you.

1 MADAM PRESIDENT: Thank you very much. I would now
2 ask to -- Neil Altman to come and make some comments on
3 the issue that we are now focused on. And I will also
4 then ask Morgan Sammons and Larry James as well. Each
5 of the two sets have three minutes, and we have a
6 stopwatch running.

7 Dr. Altman.

8 DR. ALTMAN: I want to change the frame of what we're
9 going to talk about today. (*Audience: we can't hear*
10 *you*). I want to change the frame of what we're talking
11 about today. We're not talking about a moratorium.
12 We're talking about the question of what human rights
13 standards need to be in place for psychologists to be
14 able to do their job in detention centers.

15 The substitute motion -- I support the substitute
16 motion with two amendments that you'll hear about, and
17 there are also two typographical errors that I have been
18 told will be mentioned to you. With those
19 qualifications, I support the substitution motion. It
20 has two major advantages from my point of view. One is
21 that it lists specific interrogation techniques which
22 are prohibited, taken from the UN convention against
23 torture. And the second thing is it acknowledges that
24 cruel, inhuman, degrading treatment and torture can be a
25 property of the context as well as an individual's

1 behavior.

2 Now, I believe that minimum standards for human
3 rights are not in place in the detention centers, such
4 as Guantanamo Bay and the CIA so-called black sites
5 because the detainees are accorded neither the Geneva
6 Accord protections afforded to prisoners of war nor are
7 they charged with a crime in a timely manner as required
8 in criminal cases. And this constitutes cruel, inhuman
9 and degrading treatment to hold people without charging
10 them, without clearly defining their status, and in an
11 indefinite manner, over five years for over 300 people
12 at Guantanamo Bay, for example.

13 These conditions make the gathering of reliable
14 information very, very unlikely as was pointed out by
15 Steve Kleinman, a person who has 24 years of operational
16 experience in the intelligence community and who spoke
17 the other day in the panel as part of the mini-
18 convention. Mr. Kleinman authorized me to read the
19 following statement. He says, "I've strongly believed
20 that it would be in the best interests of everyone
21 involved in the interrogation process, including the
22 interrogators, supervisors, commanders, and the host of
23 subject matter experts supporting interrogations,
24 including behavioral science consultants, if an
25 unequivocal standard of ethics and conduct were to be

1 established based on a recognized and widely accepted
2 controlling authority. Toward that end, I can think of
3 no better sources than the Constitution of the United
4 States and the Geneva Convention relative to the
5 treatment of prisoners of wars." And he says, "These
6 standards could protect interrogators."

7 I also have a supportive statement from
8 Michael Gelles who served 16 years as chief psychologist
9 for the Naval Criminal Investigative Service. And
10 Dr. Gelles says, "The fact that we've moved away from a
11 moratorium and toward a position that defines what we're
12 going to do and what we're not going to do is an
13 important protection for psychologists today and in the
14 future who are trying to support national security. It
15 is important, too, that for psychologists to be
16 participating in interrogation operations --

17 MADAM PRESIDENT: Dr. Altman?

18 DR. ALTMAN: -- the environment --

19 MADAM PRESIDENT: We're close.

20 DR. ALTMAN: Okay.

21 MADAM PRESIDENT: Yes.

22 DR. ALTMAN: -- should be one in which human rights
23 are [inaudible].

24 MADAM PRESIDENT: Thank you. Dr. Sammons and
25 Dr. James?

1 DR. SAMMONS: Thank you, Madam President.

2 I'm Morgan Sammons. I represent Division 55, but I
3 am speaking now as a military officer and a psychologist
4 in the Navy. Okay? I strongly urge support for the
5 reaffirmation of the Association's position against
6 torture and other cruel, inhuman and degrading
7 treatment, a reaffirmation resulting from sincere and
8 intense collaboration among all parties.

9 The question is not whether psychologists should be
10 involved in such activities. On this I am sure
11 unanimous opposition exists. The true questions are
12 two-fold. One, how we preserve ethical practice in any
13 circumstance where the ability to give free and fully
14 informed consent is in whatever fashion constrained; and
15 two, how psychologists can assist in the collection of
16 national security data in a manner that is ethically
17 sound, morally defensible, and operationally useful. In
18 every instance that I am personally aware of for
19 psychologists' participation has -- every instance I'm
20 personally aware of, psychologists' participation has
21 resulted in improved oversight, leading to greater
22 protection of detainees.

23 Dictating a moratorium against psychologists'
24 involvement in national security data collection will
25 have the opposite effect and may place at greater risk

1 those whose rights we are concerned about protecting.

2 I am proud of participating in this collaboration
3 that has resulted in this reaffirmation. I am proud to
4 be a military officer. And I am most proud to be a
5 member of this most ethical association. Thank you.

6 COL. JAMES: Good morning, everyone. I'm Col. Larry
7 James. I'm going to keep my comments short.

8 First thing I want to say, and it's very important,
9 thank God this is a democracy -- thank God this is a
10 democracy. I actually welcome and support all of the
11 discussion and the debate. That's why [inaudible] this
12 issue because I'm very, very proud of this democracy.
13 So, I want to thank Dr. Altman and his colleagues for
14 having the courage to speak out, although I may disagree
15 with many of the things they say. God bless America.

16 Number two, torture is wrong. How can anyone
17 disagree with that? So, under no conditions would
18 myself or any of the psychologists you see here today
19 and in the uniforms that they wear representing our
20 country would ever support anything that allows torture
21 or inhumane treatment.

22 Thirdly and lastly, if we remove psychologists from
23 the front in any capacity whatsoever, innocent people
24 are going to die. Innocent people are going to get
25 hurt. Phil Zimbardo told us this was going to happen 30

1 years ago. And so going back through the chronicles of
2 history, in any detention facilities that we've set up
3 anywhere in the world, when you don't have psychologists
4 involved in policy decision-makings, when you don't have
5 psychologists involved in the day-to-day activities, bad
6 things are going to happen. Innocent people are going
7 to die.

8 MADAM PRESIDENT: Dr. James?

9 DR. JAMES: Sorry. Thank you, Madam President.

10 MADAM PRESIDENT: Thank you. We'll now open the
11 floor to debate. And I would like to have us use
12 different microphones. It would be helpful for me so
13 that I can make sure that all the different positions
14 can be represented. So, I would suggest that those who
15 are in favor of the motion would go to that mike. The
16 main motion that we've adopted. We agreed that the
17 Substitute Motion 3 is now the main motion. We voted on
18 that. Yes? Yes. So, we are speaking to the motion.

19 All right. So, those who are in favor on the right,
20 those who are opposed on the left, and those who have a
21 in-between position or a mixed position, come in the
22 middle. That way we can make sure that we have lots --
23 we have speakers across all of the concerns that people
24 have. And I will vary them as we go. So, we'll start
25 here.

1 DR. TAYLOR: My name is Hank Taylor. I'm
2 representing Division 21, Applied Experimental and
3 Engineering Psychology. I'm also a past president of
4 Division 19, Military Psychology. And I have 50 years'
5 experience as a military psychologist, 23 in uniform as
6 an Air Force officer, and 27 as a university professor
7 at a major research university.

8 My experience during the Air Force did not include
9 many of the things that we'll be discussing today,
10 although I had some very interesting assignments,
11 including two combat tours, one in the unpopular war of
12 Viet Nam where I flew a C-130 aircraft, 750 combat
13 hours. And the other major thing that I did was be
14 responsible for the science work in the Washington area,
15 all psychological science [inaudible] when I worked with
16 Congress and congressional staffs. So, I have had to
17 look through the eyes and ears of my colleagues to look
18 at the advice that psychologists give on torture to
19 commanders in places and to military healthcare to the
20 troops.

21 I believe that the record as the resolution shows is
22 very clear that military psychologists made a very, very
23 positive condition. It would be wrong to remove them
24 from a situation where they couldn't make their
25 contribution. I strongly urge you to support the

1 Substitute Motion 3.

2 Thank you.

3 MADAM PRESIDENT: Thank you.

4 DR. VAN HOORN: Judy Van Hoorn, Division 48, Society
5 for the Study of Peace, Conflict and Violence. I want
6 to point out one of the reasons that we -- in working on
7 this, the reaffirmation of the position that we took
8 last year, this document, the substitute motion,
9 contains a lot of the language from last year that has
10 led to great confusion. And one of the things -- three
11 of the things that we want to affirm -- reaffirm that
12 you'll find in the document that are really critical are
13 the statement that last year's resolution remains the
14 comprehensive broad document that applies in all cases
15 and that this is a specific application.

16 Two, you'll find that this document is critical
17 because it reaffirms our definition of torture and our
18 definition of cruel, inhuman, degrading treatment and
19 punishment, including the Fifth, Eighth and 14th
20 Amendment, and that those definitions, those Amendments
21 apply to all persons, the guarantees.

22 And thirdly, we reaffirm actually for the third time
23 or fourth time that there is no condition, whether
24 threat of war, any condition that would permit torture
25 or other cruel, inhuman, degrading treatment and

1 punishment. So, I'm speaking very heartedly for the
2 Substitute Motion 3.

3 MADAM PRESIDENT: Yes.

4 UNIDENTIFIED FEMALE: I have a process question. Are
5 we -- there is an amendment to Substitute Motion or not?
6 But --

7 MADAM PRESIDENT: There's no amendment on the floor.

8 UNIDENTIFIED FEMALE: Okay.

9 MADAM PRESIDENT: People can propose amendments --

10 UNIDENTIFIED FEMALE: Okay.

11 MADAM PRESIDENT: -- to the -- we have a main motion,
12 and it can be amended.

13 DR. STRICKLAND: Good morning. I'm Bill Strickland.
14 I represent Division 19, the Society for Military
15 Psychology. I was part of a group, including Judy and
16 several speakers behind me, who have been working over
17 the last few days to get this resolution right. You
18 probably haven't had time to study it. I'm asking you
19 to trust us. But, I do want to point out Resolutions
20 starting at Line 76 and running through 108 are --
21 extend what we did last year, an unequivocal
22 condemnation against knowing participation in planning,
23 designing, assisting in the use of torture in any form
24 of cruel, inhumane or degrading treatment. And then the
25 big resolution at Line 81, which lists absolute

1 prohibitions and then some other things where
2 psychologists may be present but not part of the
3 operations of the facility. And we wanted to make it
4 clear that indirect participation in -- doesn't include
5 the psychologists at the facility when the guards are
6 doing something bad.

7 So, there's two sets of resolutions in that section
8 starting at Line 81, an absolute prohibition against
9 some really bad stuff, and an prohibition against using
10 some things in an interrogation session that we
11 acknowledge may happen in a prison setting. And then
12 the resolution at 102 calling upon APA to make it clear
13 to the government that we really want all of this stuff
14 to stop all the time.

15 Thank you.

16 DR. WAGNER: I'm Laurie Wagner, Council
17 representative from the Division of Psychoanalysis and
18 Division 39's liaison to the Divisions of Social
19 Justice.

20 I first want to say that I feel honored to have been
21 a member of this working group that put this resolution
22 together, and I want to speak today at the moment
23 specifically to Lines 110 through 152, which
24 councilmembers have before them.

25 I think one of the most key elements that I want to

1 point out is that cruel, inhuman, degrading treatment
2 and punishment derives not only from the behaviors of
3 individuals, but the conditions of confinement. And I
4 want to speak a little bit more about those conditions
5 of confinement. When we looked at the 2006 resolution
6 last year, we defined conditions of confinement and that
7 individuals who lacked the protection of the Fifth,
8 Eighth and 14th Amendments of the US Constitution, that
9 those individuals that lacked that protection, the lack
10 of that protection does, in fact, constitute cruel,
11 inhuman, degrading treatment and punishment.

12 And so this resolution takes that issue a step
13 further in that if you read it carefully, it talks about
14 the grave concerns that we have about the lack of those
15 conditions. And I hope that as we continue this
16 discussion, that we can carry it further as to then the
17 real question is, is what do psychologists do in
18 settings where the individuals there do not have those
19 protections?

20 Thank you.

21 DR. WIGGINS: I'm Beth Wiggins, representing
22 Division 41, Psychology and Law. I too worked with the
23 group over the past four days to develop this substitute
24 motion, and I was very impressed with the sincerity and
25 hard work of everyone who was involved, many of whom I

1 met for the first time during the conference.

2 I'm here to speak to Lines 154 to 167. These lines
3 call for the Ethics Committee to proceed forthwith in
4 writing a casebook and commentary to set forth
5 guidelines for psychologists. To my division,
6 Psychology and Law, this is probably the most important
7 provision, and the most important word is "forthwith."
8 We feel that complex issues such as the ones we're
9 discussing on the floor today of ethics need very
10 careful study and deliberation by a diverse group of
11 people. Although we worked with the group to develop a
12 consensus resolution language because we knew it was
13 going forward, we would have actually preferred to be
14 considering the substance of a casebook and hope that
15 next year at this time that will be what is before
16 Council.

17 I know that Dr. Deutsch who heads the Ethics
18 Committee would like to say a few words about the
19 process of the Ethics Committee in the coming year, and
20 I ask that she be recognized.

21 MADAM PRESIDENT: That will be fine.

22 DR. DEUTSCH: I'm Robin Deutsch. And I want to say
23 that as chair of the Ethics Committee, I am very, very
24 impressed with the collaborative process that went into
25 developing this Substitute Motion No. 3. And I also

1 want to speak to the issue of the casebook commentary.
2 This has been a challenge for the Ethics Committee
3 because Council has been appropriately so active in
4 writing resolutions on this issue. And given the
5 complexity and the importance of this issue, the Ethics
6 Committee wanted to have the full benefit of the
7 extensive programming on ethics and interrogation at
8 this convention in its work on the casebook and the
9 commentary.

10 In this resolution Council gives the Ethics Committee
11 very clear direction that the time to write the casebook
12 and the commentary is now. I want to say as clearly as
13 I possibly can that this process of writing the casebook
14 and the commentary will be open, transparent, and
15 participatory. We will reach out to you. The Committee
16 will seek your input and your involvement. And you will
17 be informed at each step of the way as the work moves
18 forward.

19 The Committee also recognizes that there are issues
20 in this resolution that further -- that require further
21 work such as how the resolution addresses isolation or
22 sleep deprivation. I want again to emphasize that we'll
23 be addressing these and other issues in the casebook
24 commentary, and very soon you will hear about the
25 writing process.

1 Thank you.

2 MADAM PRESIDENT: Thank you.

3 DR. OKORODUDU: I'm Corann Okorodudo, representing
4 Division 48 and a member of the consensus group that
5 developed the Substitute Motion No. 3.

6 The American Psychological Association is the world's
7 largest association of psychologists. We need to be
8 able to take as strong as possible stance on human
9 rights for our association, for our society, and indeed
10 for psychologists in the world.

11 The amendment to the substitute motion that I'm going
12 to ask to be placed on the floor for discussion was one
13 that we in the consensus group could not come to
14 consensus on. But, it is a very important amendment.
15 The substitute motion reaffirms our 2006 resolution
16 against torture. It goes further and produces some
17 forward-moving elements such as the listing of specific
18 techniques that should not be used by psychologists. It
19 even goes further to express the American Psychologists'
20 strong, grave concern about conditions in detention
21 where detainees are denied their human rights. This is
22 a very strong statement. It even goes further to say --
23 recognize the right of psychologists to refuse to
24 participate, in fact, to disobey rules and regulations
25 under these conditions.

1 But, is this enough? And so I'm putting -- asking to
2 place the Amendment on the floor for discussion. You
3 see the Amendment on the overhead. It asks that
4 psychologists in such settings where detainees are
5 deprived of adequate protection of their human rights,
6 should be limited to the provision of a military
7 psychological treatment as health personnel.

8 MADAM PRESIDENT: An amendment has been proposed.
9 And we can speak now to the Amendment. Yes.

10 DR. STRICKLAND: Thank you, Madam President. Good
11 morning again. I'm Bill Strickland. I represent
12 Division 19, the Division for Military Psychology.

13 Let me state that again it's the Division for
14 Military Psychology. It's not the division in favor of
15 war. It's not the division that supports torture. And
16 it's certainly not a division against social justice.
17 We're a division of people who perform services for the
18 United States Government, primarily.

19 This particular amendment, as we've called it a non-
20 participation amendment, is very much like the
21 moratorium amendment that was the original motion.
22 You've had the opportunity to read the Division's
23 comments on that original motion if you chosen to do so.
24 I would point out that in governance last spring seven
25 governance groups and the Board of Directors all

1 disagreed with the notion that psychologists should be
2 prohibited from performing their jobs based on a
3 location in which they will be performing them, and
4 that's what this amendment proposes.

5 Psychologists routinely work in situations where
6 clients and patients are involuntary participants. Does
7 anybody believe that that fact makes our participation
8 in those settings unethical? I suspect not. The
9 question is, what do we do when we're working in those
10 settings?

11 Non-participation in this amendment appears to have
12 two rationales. One is the situation is really bad, and
13 we need to protect detainees to make their situation
14 better. Does removing psychologists from the situation
15 do that in any way? I think not. The situation would
16 only get worse as you've heard both Capt. Sammons and
17 Col. James state a little earlier.

18 Secondly, we've heard that the purpose of non-
19 participation is to protect military psychologists,
20 people who would find themselves in this situation.

21 The Substitute Motion 3, which is now the main
22 motion, we support every word of that, and I want to
23 make that very clear. Every word of the motion that is
24 now our main motion, we support. Military Psychology
25 supports. We're not looking for help. And as Corann

1 pointed out, by the way, there is a provision in there
2 that says psychologists shouldn't have to work in places
3 they don't want to work in. What this motion says is
4 psychologists can't work in places where somebody else
5 doesn't want them to work. Would we accept that if the
6 purpose of this motion were to say psychologists who are
7 five-ten, blond and over 50 can't do something because
8 they're too insensitive to recognize when an unethical
9 procedure is being performed? We would dismiss that
10 immediately. If we picked any minority group within the
11 Association and said that group is too insensitive to
12 know when unethical activities are taking place so we
13 can't even let them go there, we would reject that out
14 of hand. That's what this motion, what this amendment
15 is saying for a minority group in this association that
16 is bound by ethical procedures, that agrees with every
17 word of the main motion now, we're saying that's not
18 enough because you don't understand the words and you'll
19 get in trouble. And I just have to say I strongly
20 disagree with that, and I urge you to vote against this
21 amendment.

22 Thank you.

23 MADAM PRESIDENT: Yes. Okay.

24 DR. LOTT: I'm Bernice Lott, representing Division 9,
25 the Society for the Psychology Study of Social Issues.

1 And obviously you can see from my mike that I'm standing
2 here to urge you to carefully, carefully read the
3 proposed amendment that's up there on the screen. In
4 contrasts to the interpretation that you've just heard
5 from someone who urged you not to support it, I think
6 you will find that the words in the very last sentence
7 are "should be." The words "should be limited,"
8 "psychologists should be limited in their work in
9 detention centers to work as health personnel."

10 Okay. Now, let me get into my argument. I will try
11 to be brief. Substitute Motion 3, which seems to be
12 well-received, Substitute Motion 3 is a really fine
13 motion. Some people disagree with these words; some
14 people disagree with those words. But, in substance it
15 is a remarkably wonderful motion, and it includes a lot
16 of material that the group around -- who worked in
17 consensus to reach consensus to develop it, they did a
18 wonderful job.

19 To me, however, and this is my argument that I'm
20 hoping you will consider seriously. To me, the logical
21 and ethical conclusion, conclusion, to Substitute
22 Motion 3 is, in fact, this amendment. Without this
23 amendment, what we have are some wonderful words not
24 accompanied by deeds. Taking Substitute No. 3 and
25 adding this "be it resolved" makes this a strong

1 expression of APA's bad news. It makes it a strong
2 statement. It brings everything to a conclusion because
3 in Substitute Motion 3, and other people have already
4 pointed out, there is a list of really terrible
5 procedures. Why are they there? They are in that
6 motion because they have been implicated in
7 interrogations. We all know that. Otherwise, we
8 wouldn't list, aaaaaah. They're there because they've
9 been implicated in interrogations. What that says is
10 psychologists should not be involved in interrogations
11 because of all of those terrible things.

12 Substitute Motion 3 talks about the inhumane
13 conditions under which the detainees are detained. It
14 speaks to that. It talks about. It recognizes these
15 inhumane conditions. It says they by themselves are
16 degrading, torture-like. It says that, not quite in
17 those words.

18 In Substitute Motion 3 in addition we make reference
19 to due process. We talk about the Fifth, the Eighth,
20 the 14th Amendment. We're saying we believe in them.
21 I'm stopping. Therefore, if we believe what Substitute
22 Motion 3 has to say in its text and it looks like that's
23 going to be the sentiment, the logical and ethical
24 conclusion is to accept the proposed amendment.

25 Thank you.

1 MADAM PRESIDENT: This is obviously a very important
2 conversation that we're having. But I would ask if one
3 might keep the remarks a little bit shorter. Judy.

4 DR. VAN HOORN: Judith Van Hoorn, Division 48. I'm a
5 slow speaker, but I'm going to really speed up this
6 time.

7 I want to read you from a statement of the American
8 Bar Association president, Karen Mathis, concerning the
9 Defense Counsel access to Guantanamo detainees. She
10 wrote in part, "The ability of lawyers to confer with
11 their clients and advocate for justice for these clients
12 is a deeply imbedded principle of American democracy.
13 The principles of freedom, due process and justice are
14 too critical to our national character to be abandoned
15 in any manner."

16 I ask that you consider that here in San Francisco in
17 1948 the UN Convention of Human Rights was signed, and
18 the US led the fight for that convention with Eleanor
19 Roosevelt here in San Francisco. I ask, too, that as
20 you go to the Asian Museum this evening, you consider
21 that here in San Francisco in the early '40s Japanese-
22 Americans were rounded up and taken to internment camps.
23 For me and Division 48 there needs to be a line that we
24 say we will not be bystanders. There's a considerable
25 psychological work in the area of the importance of

1 bystanders in making sure that torture and other cruel,
2 inhuman, degrading treatment and punishment does not
3 occur. We are all bystanders to what's happening in
4 Guantanamo and other US detention centers, and I ask
5 that we take an active role so that we don't remain
6 passive bystanders.

7 DR. WIGGINS: I am Beth Wiggins from Division 41. I
8 just wanted -- many of the members of Division 41 work
9 in the area of correction, interrogations, and other
10 aspects of law enforcement. They provide treatment.
11 They perform assessments. And they also do research in
12 these areas.

13 I've discussed with them both the substitute motion
14 as well as this proposed amendment over the past few
15 days at individual conversations as well as at our
16 Executive Committee meeting and our business meeting.
17 And two points basically came up in every discussion,
18 and that is they feel very strongly that just because a
19 psychologist works in a very challenging situation does
20 not make their work unethical. And more so, indeed by
21 walking away from such settings, they become the
22 bystander that my colleague just mentioned, and it's the
23 client that gets hurt, not the system. Walking away
24 doesn't close the system. It doesn't help it make it
25 better.

1 The second major point that came up in my discussions
2 with the members of our division is that this resolution
3 would prohibit some of Division 41 members who are not
4 health providers from making very positive contributions
5 in very challenging situations. It would actually -- as
6 an example, it would prohibit two of my colleagues who
7 this year received Presidential citations from their
8 work from providing assistance in a very positive way in
9 this environment. Many of our members do research, as
10 you may know, of interrogation procedures and false
11 confessions. They try to identify those kinds of
12 interrogation procedures that lead to the elicitation of
13 false information. And they're often called by
14 prosecutors who have a piece of paper in their hand, I
15 have a confession from someone; do you think this is
16 reliable? This amendment would say they couldn't answer
17 that call. They couldn't say -- they couldn't look at
18 the situation and say, yes, indeed this confession is
19 indeed reliable -- unreliable.

20 The other of my Division 41 who received a
21 Presidential citation for his work in eyewitness
22 testimony, looking at different lineup procedures that
23 lead to faulty identification also couldn't participate
24 because of this. And this is, I think, a very, very
25 serious shortcoming of this amendment because there are

1 people, psychologists who are not health providers who
2 could provide very important contributions to remedy
3 some of the problems that other people have
4 acknowledged.

5 Thank you.

6 MADAM PRESIDENT: We have a number of people now who
7 wish to speak, and we are somewhat close to the noon
8 hour. So, I would like to suggest that we will give
9 each speaker two minutes, and this way will make it
10 possible for as many people to speak as they wish.

11 Also, if you wish to speak, I would ask you to make
12 your decision now and get into line. And that way we
13 can see how many people we have to accommodate. I want
14 to make sure that everyone who wants to speak to this
15 does, in fact, have a chance to do so. So, we're going
16 to time it now for two minutes.

17 DR. ALTMAN: I'm Neil Altman; I'm the maker of the
18 original resolution. I started off this conversation.
19 I'll try to be 30 seconds -- I'll try to be 30 seconds
20 in order to make room for as many other people as
21 possible.

22 I want to say that we're not talking about situations
23 where the detainees do not have the opportunity to
24 consent. And we're not talking about challenging
25 situations. We're talking about situations where the

1 people being interrogated do not have human rights, and
2 that's what makes the entire context cruel, inhuman and
3 degrading, and that our previous commitments as an
4 organization, both made here in the Council and also in
5 terms of the commitments we made when we became a non-
6 governmental member of the United States require us not
7 to support cruel, inhuman and degrading treatment. So,
8 that's number one.

9 Number two is that this resolution as it's intended
10 and as I read it does not supplant the decision-making
11 power of the individual who might choose to continue
12 working there. This is not a prohibition. This is a
13 statement of principle from the American Psychological
14 Association. And I think we need to make a distinction
15 between the organization taking a position about what it
16 thinks is the right thing to do and the individual's
17 autonomy.

18 Thank you.

19 DR. WAGNER: Laurie Wagner, Division of
20 Psychoanalysis, 39. I want to follow up on the comments
21 that I made earlier and on Dr. Altman's comments.

22 I think that if we as an organization have affirmed
23 that the conditions of confinement are cruel, inhuman
24 and degrading treatment of punishment when there is a
25 lack of fundamental principles of justice, we then have

1 to logically ask the next question: What do we do in
2 those situations? I know that Capt. Sammons in my
3 discussions with him has said, we provide an ethical
4 presence. I think that it's true that psychologists in
5 some of those settings can do good work. But, if the
6 setting itself by our own definition constitutes cruel,
7 inhuman and degrading treatment and punishment, then
8 it's an unethical situation, and I would submit that we
9 as psychologists, how are we ethically in an unethical
10 situation? I don't think we can. I think we could act
11 morally, but I don't think we can ethically. And that
12 is why we should not be involved in any way except in
13 providing treatment.

14 Thank you.

15 MADAM PRESIDENT: Thank you.

16 DR. ZENTALL: I'm Tom Zentall from Division 3,
17 Experimental Psychology. And I think one issue that has
18 not been addressed is the consequences for the general
19 public of what we do here today. There are news media
20 around, and we are going to be -- whatever we decide
21 will appear as a very short statement. And the impact
22 of whatever we do is one of the important consequences.
23 In my opinion the impact can be greatest if we make a
24 firm statement about where we stand.

25 This is a very long substitute motion. The proposed

1 amendment is very short and can have I think a greatest
2 impact on the public, and I think that's one of the
3 goals to influence the public to make changes in the
4 current Administration in the way they handle prisoners.

5 Thank you.

6 DR. LALLEY: Steven Lalley from the District of
7 Columbia. I speak as an educator and a practitioner
8 whose practice includes forensic psychology. And I
9 support the main Substitute Motion 3 which I think very
10 clearly prohibits torture and other cruel, inhumane, and
11 degrading treatment. But, I oppose this amendment to
12 it.

13 I believe what we need to do is regulate and monitor
14 psychologists' behavior, but we don't regulate the
15 setting and context. I'm disgusted by many of the
16 actions of our current government. I feel we'll be
17 paying a strong moral and ethical and financial cost for
18 years to come as will my children. However, I think as
19 APA what we need to do is to regulate the psychologists'
20 behavior and not the context or setting.

21 MADAM PRESIDENT: Dr. James?

22 DR. JAMES: Hi. Thank you, Madam President. Folks,
23 I came here from Cuba, so I have lots of first person
24 experience about all of what we're discussing. This is
25 my second tour at GITMO Cuba. I was also the first

1 psychologist at Abu Ghraib.

2 I'm going to repeat what I said earlier. If we
3 remove psychologists from these facilities, people are
4 going to die. If we removed psychologists from these
5 facilities, people are going to get hurt. There's
6 one --

7 UNIDENTIFIED MALE: [Inaudible] wartime.

8 DR. JAMES: One other thing I want to add: We've got
9 young 27, 28, 29-year-old psychologists on the
10 battlefield right now. If you support this amendment,
11 those young psychologists are going to feel as though
12 we've abandoned them, and they need our support right
13 now.

14 Thank you very much.

15 MADAM PRESIDENT: Yes.

16 DR. OMOTO: Yes. My name is Alan Omoto, and I'm
17 proud to represent Division 9, the Society for the
18 Psychological Study of Social Issues. And I want to
19 urge support of the substitute motion as well as the
20 Amendment. I think it's time for us to take a strong
21 stand as an organization and to draw the line in what I
22 believe to be an appropriate place.

23 I want to say three things about that. And it's my
24 executive committee and SPSSI is strongly in favor of
25 this amendment. And I would say that a part of this --

1 -- as Division 9 part of this comes from our perspective
2 as scientists and scientists interested in social
3 issues. And I would urge you who have not seen the
4 SPSSI report on interrogation that came out last year
5 that is on the website to review that because that
6 report talks about the impact of interrogation on
7 individuals and on society. And as part of that science
8 drives the Society's decision to support this resolution
9 as well as the Amendment.

10 Of course that Society is also concerned about social
11 justice. And it is a no-brainer for that Society to say
12 that reported issue about social justice is right here
13 and this is what we need to support as a society. So, I
14 want to remind you of the science of this and that
15 principle.

16 The other thing I want to say is I had the great
17 pleasure last February when we had breakout session for
18 Council to facilitate the breakout discussion about
19 social justice. And as I reported to you at that time,
20 that breakout session involved people from across the
21 traditional constituencies and directorates of APA. And
22 we came to some conclusions about social justice and its
23 central role for psychologists and that it was time for
24 us as a discipline to reclaim that social justice
25 orientation and to be proud of that. And I think that

1 adopting the substitute motion and the Amendment will go
2 a long way toward serving that end.

3 The last thing I would say is -- again, my last name
4 is Omoto, and I'm glad that Dr. Van Hoorn offered this
5 up. But, I actually have a personal investment in this
6 issue as a child of having a family that was all
7 interned during World War II because they had the
8 misfortune of being of Japanese ancestry and living on
9 the West Coast. And I think that we as a discipline are
10 better than this and that we need to draw the hard, firm
11 line to say that we don't tolerate these kinds of
12 actions, we don't tolerate these settings. So, for the
13 science, the principles and appreciation of that history
14 I hope that we will adopt this --

15 MADAM PRESIDENT: All right.

16 DR. OMOTO: -- motion as well as the Amendment.

17 MADAM PRESIDENT: Okay. I have to ask you to stay in
18 the time limits. It's very important to stay in the
19 time limits. Also notice that I'm assuming no one else
20 wishes to speak who's not in line. If you wish to
21 speak, I need to ask you to be in line so that we know
22 how people are there. Yes.

23 DR. MARKHAM: Bonnie Markham, Division 42,
24 Psychologists in Independent Practice.

25 I'm speaking for the main motion and against this

1 amendment. Psychologists in this amendment are
2 prohibited from being part of the decision-making body
3 that prevents torture. If torture does occur, this
4 amendment allows psychologists only to work to
5 ameliorate the abuse. Psychologists need to be able to
6 be part of the process of preventing abuse rather than
7 being relegated to picking up the pieces after the
8 trauma has occurred.

9 MADAM PRESIDENT: Yes.

10 DR. LOTT: I'm going to take a few seconds. I just
11 want to remind those of us who are sitting here looking
12 at the Amendment and Substitute Motion 3 that this is
13 specific to the detention centers that exist right now
14 about which everybody in this room has read a lot. It
15 is not -- doesn't deal with prisons. It doesn't deal
16 with other important and challenging situations. It
17 deals only with the detention centers that exist at this
18 moment with all of the lack of human rights and legal
19 rights and indeterminate sentences and no charges and no
20 due process. That is what this is about and nothing
21 else.

22 Thank you.

23 DR. COGER: My name is Roger Coger, and I am a member
24 of Divisions 3, 12 and 29. I've been a researcher for
25 most of my career.

1 One of the things that's bothered me over the past
2 several years is the lack of definition. And whenever
3 there's an ambiguous definition, a term or a role, it
4 tends to get distorted and misused. What I see in this
5 amendment is a clear definition of what our role is in
6 those specific situations. And with that kind of
7 clarity and definition we are unlikely to be used as
8 face validity for other things that may get substituted
9 for psychology.

10 I want to preserve our integrity as psychologists by
11 being as specific as we can as to our role in these kind
12 of situations. And I believe that this amendment does
13 that.

14 Thank you.

15 MADAM PRESIDENT: Thank you.

16 DR. WILCOX: Brian Wilcox from Division 27, Society
17 for Community Research and Action. I do want to thank
18 Bernice Lott for clarifying the point of what this
19 amendment to the Substitute Motion 3 does say. I really
20 appreciate the tone of the debate we've had here. It's
21 been a good debate.

22 At the same time, as Bernice noted, there has been
23 unintentional, I believe, misrepresentation of what this
24 amendment to Substitute Motion 3 does say. And so I
25 stand on behalf of Division 27 supporting its passage.

1 DR. ZAGER: Karen Zager, Division 42, Independent
2 Practice.

3 I just wish to add something from a practitioner
4 perspective. I'm not a military psychologist; I am a
5 private practitioner full time. And I believe that
6 although the intention of this amendment is limited, it
7 strikes me as almost a slippery slope issue. We are
8 trying to legislate or prevent psychologists from
9 practicing in certain settings. It reminds me -- and
10 I'm trying to translate this into clinical experience in
11 my office, for example. I work with children and
12 families with children who have very limited rights and
13 may be abused. Am I to be prevented from intervening
14 in this situation where abuse is occurring and then be
15 limited to the aftermath and try to remedy the effects
16 after the abuse? Or do I have the freedom to intervene
17 in a situation where I know there is abuse and my
18 intention is to try to stop it.

19 Therefore, and translating it into my limited
20 experience, which is outside the military, it seems to
21 me that the substitute motion which is now the main
22 motion, I'm completely in support of, but I cannot
23 support the proposed Amendment.

24 DR. TAYLOR: My name is Hank Taylor, Division 21,
25 Applied Experimental and Engineering Psychology. And I

1 think if you look very carefully at this amendment,
2 you'll see that the focus is misplaced. The focus
3 should be if we want to do something about situations,
4 is attack the situations, not prevent people who've made
5 very positive contributions and have protected human
6 rights and have provided the most ethical treatment.
7 There's been no evidence that APA psychologists,
8 military psychologists have violated the APA ethics in
9 regard to interrogation.

10 If we limit APA's psychologists from participating,
11 we not only eliminate the positive things that they've
12 been able to do, but we really place them in a position
13 of having to choose between APA and doing their job and
14 serving the country. This is just wrong. Please vote
15 against the Amendment.

16 MADAM PRESIDENT: Yes. Remember, I had asked for
17 anybody who wished to speak to this amendment please be
18 in line now.

19 DR. DARWIN: I'm Jaine Darwin from the Division of
20 Psychoanalysis. And I'd like to say there can be no
21 more of a moral presence than a psychologist who can get
22 up and say, I can only be here to do care, not to
23 supervise interrogations, and that I feel our military
24 psychologists need to know they have the support of the
25 American Psychological Association behind them when they

1 do that.

2 DR. GEISINGER: Thank you, Madam President. I'm
3 Kurt Geisinger with Division 5. I want to speak in
4 favor of Substitute Motion 3, but against the Amendment.

5 In 1969 I went in front of my draft board as a
6 conscientious objector. I refused to serve in the
7 military during the Viet Nam War, unlike Col. James. By
8 the same token, I have written two Republican
9 congressmen in the last two years, asking them to do
10 whatever they can do to stop Guantanamo Bay, including
11 impeaching the President. One of those congressman was
12 from Houston, Texas and is no longer a congressman.

13 I think the Amendment is inappropriate. We should
14 say more directly that we deplore the removal of basic
15 human rights such as are guaranteed by the Geneva
16 Convention rather than the roles of psychologists. And
17 I have two examples I'd like to provide of psychologists
18 who I've worked with in my career who I think could work
19 in a setting like that, would not be in conformance with
20 this amendment. One of those psychologists was a person
21 who had grants from the CIA to study lie detection. He
22 was an expert in lie detection. Were he in Guantanamo
23 Bay listening to the interrogation under legal and
24 appropriate means, he could actually prevent the
25 escalation of those interrogations. And I know another

1 psychologist who happens to be a Jesuit priest and who's
2 working in the Navy right now as a chaplain. If he were
3 there working with patients as a chaplain, he too would
4 be in violation of this amendment. And both of those
5 examples convinced me that we should not support this
6 amendment.

7 Thank you.

8 MADAM PRESIDENT: Is there anybody at the mike over
9 here that wish to speak?

10 DR. WAGNER: Laurie Wagner, Division of
11 Psychoanalysis.

12 I just wanted to make one small comment that is in
13 response to something that I took very seriously when I
14 heard Col. James say that if psychologists are not
15 present in Guantanamo and other settings similar to it,
16 that innocent lives will be lost. And I asked him what
17 he meant by that, and he said the lives of detainees.
18 And I would submit that if psychologists have to be
19 there in order to keep detainees from being killed, that
20 those conditions are so horrendous that the only moral
21 and ethical thing to do is to protest it by leaving it.

22 DR. ALSENGOOD: I am Hertz Alsengood [sic], Division
23 25, Behavior Analysis. We all have to work against
24 torture in the name of the United States. There can be
25 no argument about that. Only the APA could go into the

1 incredible detail on what it is that's bad about
2 torture. You know, we've got this long, long document,
3 and I guess we should be proud of that, and that's very
4 good. But, I think we have an amendment here which
5 really doesn't go in the right way. It's like, you
6 know, I'm going to cover my eyes; I don't want to see
7 it. I don't want to see the torture is what this says.
8 That can't be a role for a psychologist, for an ethical
9 person. An ethical person has to be there, bear witness
10 and try to interfere with the torture. Going away is
11 not a good solution.

12 DR. SAMMONS: Morgan Sammons, Division 55.

13 As my colleagues from Division 9 and Division 39
14 suggest, it is time to take a strong stand against
15 abusive practices in Guantanamo Bay and elsewhere. In
16 the main motion we have done so. This amendment as
17 written does not. As worded it is not specific to
18 detention centers and will deny detainees in whatever
19 setting the protections that we seek to provide them.

20 Thank you.

21 MADAM PRESIDENT: Yes. I might note no one else is
22 coming in line now. We're really getting close to the
23 end now. So, no one else can join the line. We'll just
24 -- yeah.

25 DR. HILL: Thank you. I am David Hill. I'm the

1 representative to Council from the state of Kansas. And
2 I am rising to support the substitute motion but to
3 oppose this particular amendment. Our responsibility on
4 Council I believe is to take the position that's clear
5 [inaudible] human rights, torture. And when we've
6 reached that point that our statement, we got it worked
7 out and it is clear and unequivocal, then our job is
8 done. My concern is that this amendment does not add to
9 that statement. We've worked on it, and we've made it
10 clear, and that the substitute motion without this
11 amendment should stand.

12 Thank you.

13 MADAM PRESIDENT: Thank you. Dr. [inaudible], the
14 last.

15 UNIDENTIFIED FEMALE: Yes. I would like to offer a
16 friendly amendment to the Amendment. Is that possible?

17 MADAM PRESIDENT: No. It's an amendment.

18 UNIDENTIFIED FEMALE: We cannot amend the Amendment
19 that is on the floor?

20 MADAM PRESIDENT: We have to vote on the Amendment as
21 it is to see if it's adopted. That's the first thing
22 that has to happen.

23 UNIDENTIFIED FEMALE: Before it can be amended
24 further? Okay. Well, let me just simply say this, that
25 Bernice and others have said, the wording here is

1 restricted to detention centers. It does not limit the
2 participation of psychologists in other areas of society
3 from working against inhumane, degrading, and treatment
4 and punishment or working to improve the conditions in
5 prisons and in detention centers. This is only focused
6 on the role of psychologists in detention centers where
7 human rights are violated. It does not restrict the
8 range of other opportunities a psychologist to be
9 involved in creating social changes --

10 MADAM PRESIDENT: No.

11 UNIDENTIFIED FEMALE: -- related to national
12 security.

13 MADAM PRESIDENT: We really need -- we have closed
14 debate. I said there were no more people in line.
15 Okay. So, we need to vote on the Amendment as it is
16 posted. All right. So, all of those in favor of the
17 Amendment, please raise your hand. All of those
18 opposed? The Amendment's defeated.

19 We now move to the main motion --

20 DR. KARON: I'd like to offer another amendment,
21 please.

22 MADAM PRESIDENT: Yes.

23 UNIDENTIFIED FEMALE: Madam Chairman, we have another
24 amendment as -- that the whole group that worked on
25 Substitute Motion 3 agrees to. It is on Line 97. It's

1 a one-word change, and we're all standing here
2 supporting it.

3 MADAM PRESIDENT: You said 97 or 7?

4 UNIDENTIFIED FEMALE: 97, where it says "severe" --
5 "that represent severe pain or suffering," we all agree
6 that it would be a friendly amendment to change that to
7 "significant pain or suffering."

8 MADAM PRESIDENT: Yes, I think that's a friendly
9 amendment. Accepted.

10 DR. KARON: I would like to offer an amendment a
11 number of people have suggested just to clarify the
12 wording and actually make it easier for people working
13 in detention centers. Again, it's Lines 97 to a 100,
14 where it says "threats of harm or death and isolation
15 sensory, sleep deprivation." I'd like to change that to
16 "isolation, sensory and/or sleep deprivation or over
17 stimulation beyond that incident to normal operations of
18 a detention facility." The reason for that --

19 MADAM PRESIDENT: Did the movers of the motion accept
20 this as a friendly amendment? No.

21 DR. KARON: Okay.

22 MADAM PRESIDENT: So, the amendment is not accepted.

23 DR. KARON: Okay. But I would then like to propose
24 it as an amendment to be voted on.

25 MADAM PRESIDENT: We can debate. The amendment's on

1 the floor, so you can debate.

2 DR. KARON: Okay. Let me just say that I think it
3 would clarify things and the question of whether people
4 can work in prisons, for example, isolation is --

5 MADAM PRESIDENT: So, you've offered an amendment.

6 DR. KARON: Right.

7 MADAM PRESIDENT: So, we can take a vote on your
8 amendment because I want it noted as friendly. Yes.

9 Dr. Strickland: Bill Strickland, Division 19. We
10 had this discussion a little earlier, several of us, on
11 the drafting committee. And, frankly, those words were
12 acceptable to me until it was pointed out by some other
13 members of the drafting committee that those words
14 actually made things less clear. One could conceive of
15 a situation where the normal operation of the detention
16 center at Guantanamo is the guards are out of control.
17 And we don't want that to be the standard by which
18 prisoners at Guantanamo could be interrogated. That's
19 why we changed the wording from severe to significant,
20 actually causing harm as opposed to something outside
21 the normal operation of the prison because the
22 definition of "normal" is not something that any of us
23 were comfortable leaving in that amendment -- or in the
24 motion.

25 MADAM PRESIDENT: All right. So, let's take

1 Dr. Karon's suggested amendment and we'll vote on it.
2 All those in favor please signify by saying -- raising
3 your hand. Accept his motion. All those opposed?
4 Okay. It's defeated.

5 Now we move to the main motion. All of those in
6 favor of the main motion, which is the Substitute
7 Motion 3, please raise your hand. All those opposed?
8 Motion carries.

9 This is end of Council. This has been an
10 extraordinary session, and I thank all of you for your
11 dedication. By the way, this afternoon at five to
12 6:30 p.m. there will be a town hall meeting on Ethics
13 and Interrogation. I urge you to attend.

14 [Session ends.]

15