

Fact Sheet about the Independent Review and Hoffman Report

For additional commentary: <http://www.hoffmanreportapa.com/> and <http://psychcoalition.org/>

1. The APA Board commissioned the independent review (IR) in November 2014, to review allegations in James Risen's book, *Pay Any Price*. Mr. Risen, a journalist for the NY Times, later conceded he had not given anyone an opportunity to respond to his allegations before publishing *Pay Any Price*, stating it was not necessary to do so.
2. The Board established a "special committee," co-chaired by Drs. Susan McDaniel and Nadine Kaslow, to handle the IR. Drs. Norman Anderson and Bonnie Markham were also appointed to the special committee, yet each was later recused. (Dr. Anderson was recused immediately after the IR began and Dr. Markham was recused at the very end of the IR.) APA continues to attempt to clarify its conflict of interest policies.
3. The IR was scheduled to be completed at the end of March, 2015 and estimated to cost between \$400,000 and \$800,000. The product of the IR, the Hoffman Report (HR), was submitted to the Board on June 27, 2015 at a cost of \$4.1 million. (The Board later stated that this cost actually represented a discount for APA.) Associated costs (outside attorneys and public relations firm) brought the total to nearly \$5 million, approximately 8% of APA's financial reserves. IR costs will likely continue to increase.
4. The HR found:
 - a. No evidence that APA had colluded with the CIA, as James Risen claimed in *Pay Any Price*. (At the August 2015 Council meeting in Toronto, Mr. Hoffman acknowledged he had not found evidence of collusion to commit torture.)
 - b. No evidence that APA amended its Ethics Code to enable torture, as James Risen also claimed in *Pay Any Price*. The timeline of the 2002 Ethics Code revision process and revision drafts, available to David Hoffman (and to James Risen, had he inquired), clearly and definitively disproved this allegation. The relevant amendments to the Ethics Code had been drafted *prior* to 9/11. Nonetheless, Mr. Hoffman spent considerable APA money and staff time, likely reaching well into the six figures, to reach this forgone and indisputable conclusion.
 - c. No evidence that the DoD offered contracts, jobs, or any financial benefits in exchange for APA adopting a policy position related to interrogations. Rather, the HR found that APA wished to "curry favor" with the DoD, without giving any specific or additional content to this vague and undefined term. The HR (and James Risen) acknowledged that there was no evidence that any specific favor was either sought by APA or granted by DoD.
5. The Board made the HR available to two critics of APA's position on interrogations, Dr. Steven Reisner and Dr. Stephen Soldz (who had previously resigned his APA membership), prior to Council receiving the HR. The Board's arrangement with Drs. Reisner and Soldz was secret, in contrast to the Board's calls for transparency. The Board invited Drs. Reisner and Soldz to attend a July 2 Board meeting about the HR.
6. Drs. Reisner and Soldz made recommendations at the Board's July 2 meeting. Even while acknowledging they had not had time to read and digest the entire 542-page HR, they called for staff firings, a permanent ban on certain individuals serving in APA

governance, and the HR to be referred to the FBI for a federal criminal investigation. Dr. Soldz had previously displayed racially-based animus toward Dr. Larry James, whom he and Dr. Reisner recommended be permanently banned from APA governance. Drs. Reisner and Soldz continue to incorrectly assert in numerous forums that the HR found collusion between APA and the CIA.

7. The HR was leaked to James Risen. Council received the HR on July 8 and the HR supplemental materials on July 9 in the evening. On July 10, the NY Times published a story about the HR which included the full text of the HR but absent the supplemental materials. ***In late April, James Risen had published a front page NY Times story about a document Drs. Reisner and Soldz had written along with co-author Nathaniel Raymond, a story that was based on emails provided to them by James Risen.*** In this document, *All the President's Psychologists*, Drs. Reisner and Soldz and Nathaniel Raymond made many of the same incorrect claims as James Risen had in *Pay Any Price*. The special committee was well aware of James Risen's NY Times story on *All the President's Psychologists*, yet nonetheless gave Drs. Reisner and Soldz privileged, secret access to the HR. The Board has never indicated what, if any efforts it made to discover the source of the leak to James Risen.
8. The HR did not find collusion between APA and the CIA as Mr. Risen had inaccurately reported, an incorrect position that the NY Times Editorial Board reinforced. Mr. Risen has previously been questioned publicly about precisely this sort of conduct in relation to his reporting on the government investigation of scientist Wen Ho Lee.
9. The HR concluded that APA staff and certain military psychologists had colluded with the intent to keep ethics guidelines "loose," i.e., no stricter than existing DoD guidelines governing interrogation, which according to the HR allowed sleep deprivation and stress positions among other "enhanced interrogation techniques." The HR failed to state:
 - a. DoD policies at the time of PENS ***prohibited the very techniques Mr. Hoffman claimed DoD policy then allowed. In the HR, Mr. Hoffman never identified or examined the actual policies in question, even though these policies formed the basis of his central (and incorrect) conclusion. The policies were not classified and were freely accessible on the Internet.***
 - b. Mr. Hoffman did not discuss the state of DoD interrogation policies in June 2005 with witnesses whom his team interviewed and who were able and willing to provide this information had Mr. Hoffman's team expressed an interest. ***One witness offered to discuss these policies, which she helped draft, with Mr. Hoffman. Mr. Hoffman declined the offer.***
 - c. Despite reviewing tens of thousands of email messages, as well as a voluminous number of documents, the HR does not contain a single piece of evidence that shows collaboration between APA staff and military psychologists for the purpose of allowing abusive interrogations. To reach his conclusion, Mr. Hoffman worked entirely from inference, interpreting emails in the context of incorrect facts and without acknowledging other explanations that would be consistent with existing APA staff-governance practices, nor did he examine or discuss such practices to provide a context for his assertions.

10. The HR stated that military psychologists involved with the PENS process sought to reject international human rights documents in APA policy. To the contrary, the PENS report specifically references DoD regulations requiring adherence to the Geneva Conventions and the UN Convention Against Torture. Prior to the PENS Task Force meeting in June 2005, these military psychologists were drafting policy that required familiarity with *and adherence to* the Geneva Conventions.
11. Immediately after the HR was made public, a number of witnesses stated that the HR mischaracterized or stated incorrectly what they had said in their interviews. An attorney for one witness contacted Mr. Hoffman's law firm, Sidley Austin, to demand that incorrect material be removed from the HR. The material was removed.
12. Despite numerous witness protests that their statements to the IR interviewers were mischaracterized or incorrect in the HR—and a *July 11, 2015 communication from the special committee stating that "interview data" would help members understand "how Mr. Hoffman came to his conclusions"*—APA and Mr. Hoffman have refused to release source materials, including interview notes. In response to a request for the notes, APA initially did not claim the notes were privileged, but in a message to Council (not to the parties who had requested the notes) the Board did claim the notes were privileged. (The Board's reason was that despite the \$4.1 million IR cost, source materials other than what Mr. Hoffman turned over to APA belong to Sidley Austin.) This position, at odds with transparency and with Mr. Hoffman's repeated claims of "independence" from APA, makes it impossible to obtain the truth about the HR's data and conclusions—as *the special committee itself acknowledged on July 11*. APA continues to claim privilege and work product to ensure that HR source materials are not disclosed.
13. Mr. Hoffman issued a revised report on September 4, 2015. A number of witnesses who informed APA that the initial HR had significant inaccuracies and stated they were preparing a document to identify inaccuracies *were never told that Mr. Hoffman was revising the June 27 report which had been labelled "final."* (APA stated the HR was submitted on June 27; the cover letter from Mr. Hoffman to APA submitting the HR is dated July 2; the revised HR is dated September 4.) APA has inaccurately stated that witnesses were informed they could contact Mr. Hoffman for the revision. In fact, despite not being informed regarding a revision, certain witnesses *did* contact Mr. Hoffman well prior to September 4 *and Mr. Hoffman did not respond*. (It appears that APA may have selectively informed witnesses about the revision and provided relevant deadlines for the submission process to some—but *not to the military*—witnesses.)
14. The HR stated that the ethics matters related to national security interrogations were handled "improperly" yet conceded that the ethics complaint against Dr. Larry James was handled consistently with the Ethics program's Rules and Procedures. The HR failed to state that complaints against Dr. James had been heard on *no fewer than seven occasions* and that no board or court had found against Dr. James. The APA Board's decision to disclose information related to the ethics complaint against Dr. James in the HR appears to have violated the Ethics Committee's Rules and Procedures regarding confidentiality.
15. The HR alleges an undisclosed conflict of interest between a former APA staff member who was an observer on the PENS Task Force and a military psychologist who was serving as a behavioral science consultant at Guantanamo Bay. The HR focused on the

fact that these two psychologists are married. The HR failed to provide the reader an actual conflict-of-interest policy in place for 2005, or to address important facts:

- a. The marriage had been fully disclosed—including a story in the *APA Monitor on Psychology*, which is sent to every APA member;
 - b. The APA Office of General Counsel had obtained an opinion from PriceWaterHouseCoopers which stated that a marriage, in and of itself, did not constitute a conflict of interest for members of APA governance, but rather should be assessed on a case-by-case basis. The APA General Counsel was aware of the staff member’s role as a PENS observer.
 - c. Three sets of contemporaneous notes, including the notes of a self-proclaimed “dissident” and longtime critic of APA, clearly indicated that the staff member’s role at the PENS meeting was not as influential as described in the HR. The staff member was a non-voting observer and was not a member of the Task Force listserv.
16. In its Task Force Report, Division 19, the Society for Military Psychology, provided examples of a deep anti-military bias in the HR, including a lack of familiarity with basic aspects of DoD culture and practices. The HR claimed that the military psychologist in the alleged conflict-of-interest situation (point 14) would have suffered adverse professional consequences had the PENS report stated the role of behavioral science consultant was not appropriate. In fact, a military psychologist in this situation would be reassigned to another duty without penalty or adverse consequence. The HR’s analysis is thus demonstrably incorrect.
17. In August 2015, Council adopted a resolution prohibiting psychologists from consulting on military and national security interrogations—even those that conform to international human rights documents. The 2015 resolution also stated that military psychologists may not have *any* role in certain settings identified by the UN. The Department of Defense subsequently sent a letter to APA regarding the 2015 Council resolution, stating that:
- a. The 2015 Resolution’s prohibition on military psychologists providing healthcare services to detainees at certain settings is inconsistent with Common Article 3 of the Geneva Conventions. (thus violating human rights standards)
 - b. The blanket prohibition against psychologist involvement in interrogations is reactive and harms our national interest given the variety of threats our nation faces in the contemporary world.
18. At its August 2015 meeting, Council never discussed the fact that the 2015 resolution would prevent psychologists from providing healthcare services to detainees in contravention to Common Article 3 of the Geneva Conventions.
19. The 2015 APA resolution states that psychologists may consult on humane *methods* of interrogation, but that psychologists may not consult on humane *interrogations*. Council did not identify what—if any—ethical distinction permits one *and yet prohibits the other*.
20. APA and Mr. Hoffman stated that there was a “strong preference” for the HR to be addressed at Council’s August 2015 meeting. The 2015 Board has never said whose preference this was, nor why it was more important for the HR to go forward than it was to ensure that colleagues were not harmed—in certain cases severely and irreparably

harmed—by disseminating false and/or highly misleading information. These colleagues did not have an opportunity to respond (in certain cases, even to see the HR) prior to the HR’s public release by James Risen in the NY Times. The 2015 Board’s decision to move forward hastily—to address events that had occurred a decade or more in the past—was especially troubling given that the length of the HR—540+ pages with thousands of pages of reference materials—made it highly unlikely Council would have an opportunity to read the report with the appropriate and necessary care and diligence prior to its meeting.

21. A group of former APA Ethics Committee chairs wrote the Board on July 1, 2015 respectfully requesting to review the HR prior to its public release in order to ensure the HR’s accuracy with respect to ethics-related matters. While the letter was acknowledged, the Ethics Committee chairs received no substantive response to their request. In retrospect, it is clear that the leak to James Risen of the NY Times notwithstanding, the Board had left no adequate time for such a process prior to the HR’s scheduled public release. The effect of not having built any such process into the schedule, that is, to allow individuals most familiar with the relevant events to review the HR, has contributed to a substantial amount of misinformation being disseminated to APA members and the public.
22. There is overwhelming evidence that the IR process and the HR were severely flawed, as only partially described here. Mr. Hoffman refuses to comment on these points. Colleagues who devoted years of service to APA have suffered and continue to suffer egregious harm because of the IR process and the HR, and the 2015 Board’s handling of them.