

# EXHIBIT 36

**To:** Farberman, Rhea K.[rfarberman@apa.org]; Gilfoyle, Nathalie[ngilfoyle@apa.org]; Behnke, Stephen[sbehnke@apa.org]  
**Cc:** Breckler, Steven J.[SBreckler@apa.org]  
**From:** Newman, Russ[/O=APA/OU=DC/CN=RECIPIENTS/CN=RSN]  
**Sent:** Mon 6/27/2005 3:46:15 PM (UTC)  
**Subject:** RE: [APABOD] TF on Psychological Ethics and Nationabl Security (PENS)

This is an expedited review process that could do the trick, assuming no snags along the way. Russ

-----Original Message-----  
From: Farberman, Rhea K.  
Sent: Monday, June 27, 2005 11:30 AM  
To: Gilfoyle, Nathalie; Newman, Russ; Behnke, Stephen  
Cc: Breckler, Steven J.  
Subject: RE: [APABOD] TF on Psychological Ethics and Nationabl Security (PENS)

I'm worried that we will really piss off (pardon my language) the ethics committee by making the document public before they reviewed it. Marked draft or not this is extremely hot right now. I will not be able to keep it under wraps with the media.

Can we do the following --

- Day 1 -- Report goes to Board with a 24 hour review
- Day 2 -- Report goes to Ethics Committee with a 24 - 48 hour review
- Day 3 or 4 -- Report approved
- Day 4 or 5 -- Report goes to Council, governance divisions list serves DOD, Hill committees
- Day 5 or 6 -- Report goes to media

Because of the July 4 holiday weekend we might hold on the media release until July 5.

Rhea

-----Original Message-----  
From: Gilfoyle, Nathalie  
Sent: Monday, June 27, 2005 11:16 AM  
To: Farberman, Rhea K.; Newman, Russ; Behnke, Stephen  
Cc: Breckler, Steven J.  
Subject: RE: [APABOD] TF on Psychological Ethics and Nationabl Security (PENS)



Nathalie Gilfoyle  
General Counsel  
American Psychological Association  
750 First Street , N.E.  
Washington, D.C. 20002  
202-336-6186

The information contained in this e-mail message may be privileged, confidential and protected from disclosure. If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited. If you think that you have received this e-mail message in error, please e-mail the sender at ngilfoyle@apa.org.

-----Original Message-----

From: Farberman, Rhea K.  
Sent: Monday, June 27, 2005 10:11 AM  
To: Newman, Russ; Gilfoyle, Nathalie; Behnke, Stephen  
Cc: Breckler, Steven J.  
Subject: RE: [APABOD] TF on Psychological Ethics and Nationabl Security (PENS)

I agree that if this has to go to the ethics committee we can't release it ...not even to friendly DOD sources. The potential for leaks is just too great.

So, I hope we decide that the report is interpretive and that we can proceed quickly.

Rhea

-----Original Message-----

From: Newman, Russ  
Sent: Monday, June 27, 2005 8:42 AM  
To: Gilfoyle, Nathalie; Behnke, Stephen  
Cc: Breckler, Steven J.; Farberman, Rhea K.  
Subject: RE: [APABOD] TF on Psychological Ethics and Nationabl Security (PENS)

From my vantage point, I was hoping this would simply be interpretive, not new guidelines. To the extent that is so (or it can be "tweaked" so it is only interpretive), sending to the Ethics Committee is necessary, but I would be reluctant put this out widely for public comment. Russ

-----Original Message-----

From: Gilfoyle, Nathalie  
Sent: Monday, June 27, 2005 8:34 AM  
To: Behnke, Stephen  
Cc: Newman, Russ; Breckler, Steven J.; Farberman, Rhea K.  
Subject: RE: [APABOD] TF on Psychological Ethics and Nationabl Security (PENS)

PRIVILEGED

-----Original Message-----

From: Behnke, Stephen  
Sent: Sunday, June 26, 2005 11:16 PM  
To: Gilfoyle, Nathalie  
Cc: Newman, Russ; Breckler, Steven J.; Farberman, Rhea K.  
Subject: RE: [APABOD] TF on Psychological Ethics and Nationabl Security (PENS)

Now that I think of it, we do need to be careful. Several people want the Report asap (e.g., Morgan for a meeting with the Surgeon General on Wednesday). I think we should be careful about setting up a process whereby the Report would potentially undergo significant changes...certainly we can indicate that the Report is a draft, and perhaps as background that the Board is pleased with the Report (if they are), so that the Report is distributed as a draft, with the understanding that it has not yet been formally accepted by the Board...

-----Original Message-----

From: Gilfoyle, Nathalie  
Sent: Sunday, June 26, 2005 11:03 PM  
To: Behnke, Stephen  
Cc: Newman, Russ; Breckler, Steven J.; Farberman, Rhea K.  
Subject: RE: [APABOD] TF on Psychological Ethics and Nationabl Security (PENS)

APA0003821

PRIVILEGED

-----Original Message-----

From: Behnke, Stephen

Sent: Sunday, June 26, 2005 10:36 PM

To: Gilfoyle, Nathalie

Cc: Newman, Russ; Breckler, Steven J.; Farberman, Rhea K.

Subject: RE: [APABOD] TF on Psychological Ethics and National Security (PENS)

I think what we need to do is to make clear the distinction between the Board making the Report public and the Board adopting the Report--that's a critical distinction. I think it probably makes very good sense for the Board to make the Report public asap (Heather and Russ have looked at how APA would distribute, to whom--the military people are asking for the report soon--Morgan has a meeting with the Surgeon General on Wednesday). I think the Board could easily decide to make the report public, could they not? E.g, with a statement, the Board makes available to members and the public the Report of the Task Force on Psychological Ethics and National Security, which the Task Force completed at its June 24-26 meeting and has forwarded to the Board. The Board invites comments on the Report, and will review the Report for the purpose of determining an appropriate official action after a reasonable time to receive feedback.

-----Original Message-----

From: Gilfoyle, Nathalie

Sent: Sunday, June 26, 2005 10:29 PM

To: Behnke, Stephen

Cc: Newman, Russ; Breckler, Steven J.; Farberman, Rhea K.

Subject: FW: [APABOD] TF on Psychological Ethics and National Security (PENS)

PRIVILEGED

-----Original Message-----

From: American Psychological Association's Board of Directors [mailto:APABOD@LISTS.APA.ORG] On Behalf Of anton

Sent: Sunday, June 26, 2005 9:11 PM

To: APABOD@LISTS.APA.ORG

Subject: [APABOD] TF on Psychological Ethics and National Security (PENS)

Colleagues:

Tomorrow at 1 p.m. EDT, you will get a final draft of the PENS task force report. The Task Force worked extremely well together, with excellent support from Steve Behnke, Heather Kelly, Geoff Mumford, and other staff from the Ethics Office and the Science Directorate. Nathalie Gilfoyle, Russ Newman, Steve Breckler, Susan Brandon, Mel Gravitz, and Rhea Farberman all consulted on the project. I am hopeful that you will have time to review this document quickly, so that the appropriate governmental, media, and APA governance members will be able to receive this document in a timely manner given the attention these issues have generated.

Best,

Barry

APA0003822

Barry S. Anton, Ph.D., ABPP

