

# EXHIBIT 37

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**From:** Newman, Russ [/O=APA/OU=DC/CN=RECIPIENTS/CN=RSN]  
**Sent:** 8/11/2005 11:10:40 AM  
**To:** Gilfoyle, Nathalie [ngilfoyle@apa.org]; Farberman, Rhea K. [rfarberman@apa.org]; Anderson, Norman [NAnderson@apa.org]; Honaker, Michael [mhonaker@apa.org]; Behnke, Stephen [sbehnke@apa.org]; Breckler, Steven J. [SBreckler@apa.org]; Strassburger, Judith [jstrassburger@apa.org]  
**Subject:** RE: DRAFT for Ron Script re: PENS

"...how the ethics code applies to national security investigations...."

Nathalie worried about this statement. I might suggest a "tweak" to this that is subtle but I think significant.

A major part of the charge of the TF was to *determine the extent to which the existing APA ethics code provides adequate guidance for psychologists working in national security activities*. I think this is a better description of the question before the Council. The TF determined that, except for a few exceptions, the ethics code as it is currently written is applicable and does provide adequate guidance. The Council is certainly free to disagree with this conclusion of the TF (which then implies that the next step is to work on the code, rather than investigating individual psychologists) but their focus should be on this issue since that is a big part of what the TF was asked to consider.

Russ

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

**From:** Gilfoyle, Nathalie  
**Sent:** Wednesday, August 10, 2005 7:51 PM  
**To:** Farberman, Rhea K.; Anderson, Norman; Honaker, Michael; Behnke, Stephen; Breckler, Steven J.; Strassburger, Judith; Newman, Russ  
**Subject:** RE: DRAFT for Ron Script re: PENS

A couple of suggested edits below. I also wonder about the idea of reinforcing for Council what the status of the report is (approved by Board on emergency action, why that was perceived as necessary ) and focus council on the various recommendations that they are supposed to be considering -it's important for them to have highlighted in particular the recommendation for a commentary and to have someone explain the process for that . One goal of that is to make them see that the report is a first step and the commentary will address all the issues that are raised by Council and others , if Council authorizes such a commentary as requested by the Task Force. We had discussed a public comment process on the Report to identify issues and that would precede the drafting of the commentary. I believe Steve was preparing a chart of which of the recommendations require Council approval or action?> Maybe we could have a slide available for that ?

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**From:** Farberman, Rhea K.  
**Sent:** Wednesday, August 10, 2005 7:35 PM  
**To:** Anderson, Norman; Honaker, Michael; Gilfoyle, Nathalie; Behnke, Stephen; Breckler, Steven J.; Strassburger, Judith; Newman, Russ  
**Subject:** DRAFT for Ron Script re: PENS

**DRAFT -- please give me your edits.**

**Thanks.**  
**Rhea**

Segment for Ron's script on PENS Report discussion

I look forward to a thoughtful and active discussion of the recently completed report of the APA Task Force on

## Psychological Ethics and National Security.

As we begin this discussion, I would like to remind Council that this body does not have an investigative or adjudicative role REGARDING THE BEHAVIOR OF INDIVIDUAL PSYCHOLOGISTS . That is the role of our Ethics OFFICE AND Ethics Committee. We are the policy making board of the Association. It would therefore be most productive to focus our discussion of the PENS report on APA policies [I WORRY ABOUT THE FOLLOWING BUT MAY BE THAT IS WHAT THEY ARE GOING TO DO ] and how the ethics code applies to national security investigations.

I would ask Council members to keep our role in mind as our discussion of the report proceeds. I would also ask Council members to focus on the important issues raised by new national security needs and procedures. Let's not do what many in the news media have been guilty of doing -- that is trade in hearsay and innuendo. Let's focus our discussion on what role APA can play to most productively and most responsibly give our members and other appropriate parties guidance about how our ethics code applies to the national security challenges that our nation faces.

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