

EXHIBIT 41

Sender: Behnke, Stephen </O=APA/OU=DC/CN=RECIPIENTS/CN=SVB>
Sent: Tuesday, June 13, 2006 2:51:22 AM
Recipient: 'Banks, Louie M. COL' <louie.morgan.banks@us.army.mil>
Subject: FW: AMA position

Morgan, what do you think of my (brief) analysis?

Steve

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

From: Behnke, Stephen

Sent: Tuesday, June 13, 2006 2:50 AM

To: 'Gerry Koocher'; 'Levant,Ronald F'; 'SSB'; Anderson, Norman; Farberman, Rhea; Newman, Russ; Gilfoyle, Nathalie

Subject: AMA position

Having had an opportunity to study the AMA position more closely, I believe that AMA's position is our position restated, using other language. The AMA sets forth conditions that govern physician involvement in interrogations:

- 1) The physician participation's in an interrogation may not be "direct" (physician cannot be in the role of an interrogator). The PENS Report is clear that psychologists "assist in" and "support" interrogations. Psychologists are not interrogators.
- 2) The interrogation cannot be coercive ("...that is, threatening or causing harm through physical injury or mental suffering," AMA Report, page 7) The PENS report is clear that APA's position is based on the ethical principle do no harm, and the Report prohibits in every instance torture or other cruel, inhuman and degrading treatment.
- 3) A physician may not use medical information originally obtained for medical purposes to provide specific guidance in the interrogation of a particular detainee (i.e., to construct an interrogation strategy). (See PENS guideline #3, "Psychologists who serve in the role of supporting an interrogation do not use health care related information from an individual's medical record to the detriment of the individual's safety and well-being.")

No direct participation, no coercion (as defined in AMA report), no use of medical information obtained for medical purposes to construct an interrogation strategy = APA position in PENS report.

I will check my interpretation and confirm.

Steve

EXHIBIT 42

From: Behnke, Stephen [/O=APA/OU=DC/CN=RECIPIENTS/CN=SVB]
Sent: 6/24/2006 4:01:32 PM
To: 'Gerald P. Koocher, Ph.D.' [koocher@simmons.edu]
CC: Strassburger, Judy [jstrassburger@apa.org]; Anderson, Norman [NAnderson@apa.org]; Gilfoyle, Nathalie [ngilfoyle@apa.org]; Farberman, Rhea [rfarberman@apa.org]; Newman, Russ [rnewman@apa.org]
Subject: RE: Ethics and Interrogation/Petition/Supreme Court Case

Gerry, all this sounds exactly right. I don't think there is a point to bringing specific Bylaw provisions to anyone's attention at this point in time.

We may want to begin with a brief introduction/update on the PENS process by Olivia. She has a calming affect. Then Larry could speak; I think the combination of Olivia and Larry will go far to settle and reassure Council about APA's position, and I think both should be on the dais.

Judy Van Horn and Corann may be wanting to move forward with their Resolution (they have a large number of signatures that they began collecting after Council in February.) Olivia and I are speaking to them at some point this week. I do not think this would necessary be a bad thing; Olivia and I are going to encourage them to reach out to Division 19 in the spirit of collegiality, and if a Resolution can be fashioned that 48 and 19 can agree on, Council can vote and will have the feeling that it has DONE something, which may be very good for the group process.

Let's look carefully at the Hamdan decision as soon as it comes down, and decide how best to use. If it's a good decision, it could be very helpful to us.

Steve

From: Gerald P. Koocher, Ph.D. [mailto:koocher@simmons.edu]
Sent: Saturday, June 24, 2006 11:46 AM
To: Behnke, Stephen
Cc: Strassburger, Judy; Anderson, Norman; Gilfoyle, Nathalie; Farberman, Rhea; Newman, Russ
Subject: Re: Ethics and Interrogation/Petition/Supreme Court Case

I have intentionally not pointed out to the petitioners the specific By-law process on petitions. Given the need to validate signatures (many of whom are not even psychologists, let alone APA members) and time lines required (if their intent is to put a petition before Council) the odds of this being an actual new business item in NOLA (or ever) are quite slim..

The best strategy might be to plan a one hour program at Council that includes a Behnke-style (i.e., thoughtful integrative summary of APA's actions to date and case law such as Hamdan) followed by a closed session with Larry James (who can give chapter and verse on some actual work by psychologists in Iraq and Guantanamo) along with questions and discussion.

This would have the effect of giving folks real data in the moment. It has been my experience that even those who have not wanted to hear things rationally in other context will have little choice but to listen, plus the social pressures of the other rational people present will have a settling effect.

Any thoughts about this?

Gerry

Behnke, Stephen wrote:

Over the past several weeks there has been significant attention to APA's position on ethics and interrogations. Much of the discussion has not been terribly well informed, and the petition which people are being asked to sign is based on distortions of both law and fact. My strong sense is that it will not be terribly productive to try and correct the misinformation, since our attempts thus far have been unsuccessful. I believe Trish Crawford's message to Council, in

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which she said that much of this is not about ethics and psychologists at all, is exactly right. For reasons that Dr. Crawford captures, I do not think the forces at work are amendable to reasoned arguments.

That said, a decision of the United States Supreme Court, *Hamdan v. Rumsfeld*, is due by the end of the Court's term, which is next week. The *Hamdan* case has potentially enormous implications for APA, since the case involves what due process should be afforded detainees, and whether the Geneva Conventions (specifically the third Geneva Convention) apply in a setting such as Guantanamo. Due process and the application of the Geneva Conventions are central to many of the current discussions about APA's position.

When the decision comes out we will want to look at it very closely, and depending on the holding, we may wish to inform Council of what the Court has done.

Steve

EXHIBIT 43

From: Behnke, Stephen [/O=APA/OU=DC/CN=RECIPIENTS/CN=SVB]
Sent: 10/21/2006 12:54:27 AM
To: Baker, Deborah [dbaker@apa.org]; 'Pat DeLeon' [deleon1@erols.com]; Newman, Russ [rnewman@apa.org]; 'msammons@mindspring.com' [msammons@mindspring.com]
CC: 'koocher@simmons.edu' [koocher@simmons.edu]; robinmiyamoto@hotmail.com [robinmiyamoto@hotmail.com]; Farberman, Rhea [rfarberman@apa.org]
Subject: RE: Variety Fair want to do an article on dod & rxp & apa and getmo

Rhea has been handling this.

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

From: Baker, Deborah
Sent: Friday, October 20, 2006 8:05 PM
To: Pat DeLeon; Newman, Russ; msammons@mindspring.com
Cc: Behnke, Stephen; koocher@simmons.edu; robinmiyamoto@hotmail.com
Subject: RE: Variety Fair want to do an article on dod & rxp & apa and getmo

I referred the info to our PR department in Practice and they are working along with Rhea Farberman on this.

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

From: Pat DeLeon [mailto:deleon1@erols.com]
Sent: Fri 10/20/2006 6:52 PM
To: Newman, Russ; msammons@mindspring.com
Cc: Baker, Deborah; Baker, Deborah; Behnke, Stephen; koocher@simmons.edu; robinmiyamoto@hotmail.com
Subject: Variety Fair want to do an article on dod & rxp & apa and getmo

deborah has the info

718 636-4672

kathryn eban

aloha