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FEATURE

Ethics and national security

Olivia Moorehead-Slaughter chaired the APA Presidential Task Force on Psychological Ethics and National Security (PENS) and is current chair of the APA Ethics Committee. At the February Council of Representatives meeting, she provided an update on implementation of council's August 2005 actions regarding the PENS report and process. The Monitor reprints her remarks here.

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Print version: page 20

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I would like to thank Dr. Gerry Koocher for giving me the opportunity to discuss with you the work of the Presidential Task Force on Psychological Ethics and National Security (PENS Task Force). I would also like to thank Dr. Ron Levant for having the confidence in me to serve as the task force chair. Serving in this role has given me some of the most challenging-and most rewarding-work of my professional life.

I would like to begin by remarking on the collegiality of the PENS Task Force. Some members of the task force were active-duty military, others had extensive professional involvement in international human rights and social justice, others brought expertise in ethics, law, national security and forensic psychology. The task force was not monolithic in its thinking on any dimension of its work, and even members with similar backgrounds thought very differently on key issues. In a respectful and thoughtful manner, the task force reached a consensus statement in the form of a report. You would have been proud to see your colleagues exert themselves on behalf of APA as hard, as passionately and as collaboratively as they did. A testament to the confidence task force members had in one another and our process is a statement, contained in the report, of issues on which we did not reach agreement, where we agreed to disagree.

I knew this would be a tremendous challenge as we grappled with important and difficult professional and ethical issues in the context of our own deep concern about human suffering. We thus began with Principle A in the Ethics Code, "Do No Harm," which is the starting point for *all* our ethical analyses. The principle of "Do No Harm" provides the foundation for APA resolutions against

torture dating back over 20 years. In 1985, APA issued a joint resolution against torture with the American Psychiatric Association, and, in 1986, APA issued a second resolution against torture.

The PENS Task Force believed it necessary to go beyond confining its ethical prohibition to torture. The task force looked to international human rights documents, such as the 1987 U.N. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment. A prohibition against "cruel, inhuman or degrading treatment" was added to the prohibition against torture, in keeping with international human rights standards. Thus, the first statement in the Task Force report is: "Psychologists do not engage in, direct, support, facilitate or offer training in torture or other cruel, inhuman or degrading treatment."

The PENS Task Force believed that a simple prohibition against these acts was not enough and added an ethical obligation, that psychologists must report any such behavior to appropriate authorities. The second statement in the task force report therefore is: "Psychologists are alert to acts of torture and other cruel, inhuman or degrading treatment *and have an ethical responsibility to report these acts to the appropriate authorities*" (emphasis added). I note that a member of the PENS Task Force fulfilled this ethical obligation at a significant risk to his career, as has been reported in several media accounts.

This past August, having reviewed the PENS report, council took emphatic action by declaring:

"Council acknowledges, based on the U.N. Convention Against Torture, that there are no exceptional circumstances whatsoever, whether induced by a state of war or a threat of war, internal political instability or any other public emergency, that may be invoked as a justification for torture, including the invocation of laws, regulations or orders."

APA has spoken consistently, forcefully and unambiguously against any psychologist engaging in torture or cruel, inhuman or degrading treatment. It is unethical and antithetical to our role and values for a psychologist to engage in these behaviors at any time, at any place, for any reason.

The second ethical principle that forms the foundation for the PENS analysis is Principle B, "Fidelity and Responsibility." According to Principle B, psychologists have an ethical responsibility to society. Psychologists, as experts in human behavior, have an ethical responsibility to contribute our expertise to promote the good of society by protecting individuals from harm. The task force concluded that psychologists must act consistent with *both* ethical principles A and B. Thus, as experts in human behavior, psychologists contribute to effective interrogations, *always* abiding by the principle Do No Harm. The task force concluded psychologists have a critical role in keeping interrogations *safe, legal, ethical and effective*.

The task force rejected the argument that when acting outside traditional health-care provider roles, the Ethics Code no longer applies and psychologists are free of ethical constraints. Psychologists are bound by the Ethics Code in *all* their professional endeavors. The Ethics Code *always* applies.

As chair of the task force, I was extraordinarily pleased to see APA show strong public support for the McCain amendment, which embodies these principles so central to our ethics as psychologists. Sen. McCain called for uniform standards of interrogation and a prohibition on cruel, inhuman or degrading treatment of U.S. detainees, wherever they are held. APA expended considerable resources in supporting this amendment, at a time and in a manner that put other significant legislative funding for psychology, potentially many millions of dollars, in jeopardy. Supporting the McCain amendment was the right thing to do, and APA did it. *The New York Times* published a letter, signed by Ron Levant as well as the presidents of the American Psychiatric Association and the American College of Physicians, stating that the McCain amendment, which is now law, would "help ensure that our colleagues in the national-security setting are never drawn into abusive, harmful or unethical interrogations and detention practices...."

The task force recommended that a commentary/casebook be PENS report to provide further guidance to psychologists about the appropriate boundaries of their roles. The task force believed that continuing this work is vital and noted that a lack of ethical guidance is cited as highly problematic in numerous investigations and reports on interrogations that have occurred in national security-related settings. Council accepted this recommendation at its August 2005 meeting. The task force requested that responsibility for writing the casebook/commentary be given to the Ethics Committee. The task force reasoned that the Ethics Committee is the most appropriate group to continue this important work, given that council identified the Ethics Committee as

having responsibility for this task and that the authority to offer official interpretations of the Ethics Code, on which the PENS report is explicitly based, rests with the Ethics Committee.

As the Ethics Committee moves forward in continuing the work of the association in this important arena, the committee's first step will be to ask for your-council's-help and participation. I have asked the Ethics Office to utilize its resources in reaching out to all APA boards, committees and task forces, as well as to other groups and individuals with special expertise or knowledge in this area.

Like all of you, I have been deeply disturbed by reports of abusive and degrading treatment of prisoners and detainees. The PENS report makes clear that it is unethical and utterly antithetical to our role and values for a psychologist to engage in, direct, support, facilitate or offer training in any such activities. In my role as chair of the Ethics Committee, I will vigorously pursue the sanctioning of any psychologist found to have engaged in behaviors prohibited in the PENS report. I am confident that every member of the PENS Task Force fully supports me in this position.

Through the PENS report, APA provides ethical guidance to our colleagues in their difficult, challenging and important work. Many psychologists in the military work far from home under enormously stressful conditions. When they come to us, their professional colleagues, for help and guidance in doing the right thing as ethical psychologists, we must respond. As chair of the Ethics Committee, which will be writing the casebook/commentary on the PENS report, I ask each of you to contribute to the challenging work that lies ahead.

Finally, in my role as chair of the PENS Task Force, I have had the opportunity to speak with a number of you on an individual basis. There is much more agreement on these issues than may be apparent. I strongly encourage you to talk to one another. Find that individual or division who you believe most differs from you and talk to them about their positions and concerns. I am confident that the more we are able to talk to one another about our differences, the more we will discover our similarities.

I remain convinced that our differences need not leave us as a profession divided, and that all of us can proceed to work through these important and impassioned issues together, as colleagues. Thank you.

Further Reading

For more on the APA Council of Representatives meeting, [see "APA governance news" \(/monitor/apr06/governance\).](#)

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