APA Council Debate and Vote

On Substitute Motion 3 (and an Amendment to Substitute Motion 3)

"Reaffirmation of the American Psychological Association Position Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Application to Individuals Defined in the United States Code as 'Enemy Combatants'"

San Francisco, AUGUST 19, 2007
MADAM PRESIDENT: Now we move to Item No. 5. You should have before you Substitute Motion 3. There have been a lot of different motions, and so you want to make sure you have Substitute Motion 3. This is the reaffirmation of the American Psychological Association position against torture and other cruel, inhuman and degrading treatment or punishment and its application to individuals defined in the United State Code as enemy combatants. I would ask Dr. Haldeman to speak to this motion.

DR. HALDEMAN: Madam President, Officers, and colleagues of Council. It's my privilege and my responsibility to open the discussion on Item 5 on behalf of the Board of Directors.

I want to start by asking for a moment or two to contextualize this very important and complex resolution by acknowledging that the complexity itself and the emotional variables thereof have invited a great deal of information and misinformation about this particular topic.

Our views and our position as an association has been I think accurately portrayed and mischaracterized in the press. To that end, as you know, the Board of Directors authorized a program of eight sessions relative to the entire topic of Ethics and Interrogation, Confronting
the Challenge. And I do hope that some of you have been able to make it to some of these programs. They have been -- at least the ones I've seen -- incredibly well-attended, thoughtful, and very deep in their discourse. They continue today and with the town hall meeting today at five o'clock, concluding tomorrow.

I also want to acknowledge that there has been a tremendous amount, as you know, of agreement and disagreement about this particular issue. And I also want to underline the fact that there is one issue about which I believe and the Board believes that we are in total agreement, and that is the involvement of psychologists in any way in a process that involves torture, cruel, inhuman, degrading treatment or punishment of any kind is categorically opposed and prohibited by the American Psychological Association. And this position is without [inaudible], it is clear. It has been and continues to be consistent.

Now, taking that as a starting point, I move to ask that you vote to suspend the rules of our business this morning so that we can continue discussing Substitute Motion No. 3. Now, in contrast to Substitute Motion No. 2, which was indeed a product of the Board of Directors, the motion that you have in front of you at your place and on the screen is the co-creation of
Divisions 14, 17, 19, 32, 39, 41, 48, 55 -- and I'm not going to tell you what they are; you know what they are -- the Divisions for Social Justice and Consultation from the Ethics Committee. The motion that you see before you took place by fairly laborious and intensive work over four face-to-face meetings since the beginning of this convention, and you can imagine how difficult it was to schedule them, so that one meeting ran until almost midnight; another one began at 6:30 in the morning. And the work here demonstrates the passion and intensity with which the aggregate of these divisions, of these constituents wants to get it right when it comes to APA policy about this vital topic.

And so, I ask you on behalf of the Board of the Directions, which unanimously supports this resolution, that we now vote to suspend the rules.

MADAM PRESIDENT: Okay. A motion has been made to suspend the rules. This is debatable, and it requires a two-thirds vote to carry. Are there comments? People want to speak to this motion?

All right. Are you coming to the mike? No. Okay. So, hearing none, then I will ask you to vote on this motion to suspend the rules in order that we can discuss Substitute Motion 3. All those in favor of suspension of the rules, raise your hand? All those opposed?
Motion carries.

DR. HALDEMAN: I now ask for a motion -- for your endorsement of a motion that Substitute Motion No. 3 now become the main motion for our discussion, again recalling the fact that this is a consensus document and that it has the unanimous approval of the Board.

I would also ask in the spirit of who we are as psychologists that we maintain a spirited and productive discussion that is respectful in tone.

MADAM PRESIDENT: Okay. There's a motion that's been moved. This is debatable. And to make the Substitute Motion 3, to the main motion. Are there comments? Questions? Seeing none, all those in favor of making the Substitute Motion 3 into the main motion, please raise your hand. All those opposed? Motion carries.

DR. HALDEMAN: I'm sorry, I forgot to add one thing, which is to say parenthetically you will notice what is not part of the substitute motion, and that is the segment on which the groups did not agree, which has to do with the limitation of participation of psychologists in detention centers where detainees are not granted their full civil and human rights. The language of that amendment, which will be introduced during the course of the discussion, is included in your packet in the front.

Thank you.
MADAM PRESIDENT: Thank you very much. I would now ask to -- Neil Altman to come and make some comments on the issue that we are now focused on. And I will also then ask Morgan Sammons and Larry James as well. Each of the two sets have three minutes, and we have a stopwatch running.

Dr. Altman.

DR. ALTMAN: I want to change the frame of what we're going to talk about today. (Audience: we can’t hear you). I want to change the frame of what we're talking about today. We're not talking about a moratorium. We're talking about the question of what human rights standards need to be in place for psychologists to be able to do their job in detention centers.

The substitute motion -- I support the substitute motion with two amendments that you'll hear about, and there are also two typographical errors that I have been told will be mentioned to you. With those qualifications, I support the substitution motion. It has two major advantages from my point of view. One is that it lists specific interrogation techniques which are prohibited, taken from the UN convention against torture. And the second thing is it acknowledges that cruel, inhuman, degrading treatment and torture can be a property of the context as well as an individual's
behavior.

Now, I believe that minimum standards for human rights are not in place in the detention centers, such as Guantanamo Bay and the CIA so-called black sites because the detainees are accorded neither the Geneva Accord protections afforded to prisoners of war nor are they charged with a crime in a timely manner as required in criminal cases. And this constitutes cruel, inhuman and degrading treatment to hold people without charging them, without clearly defining their status, and in an indefinite manner, over five years for over 300 people at Guantanamo Bay, for example.

These conditions make the gathering of reliable information very, very unlikely as was pointed out by Steve Kleinman, a person who has 24 years of operational experience in the intelligence community and who spoke the other day in the panel as part of the mini-convention. Mr. Kleinman authorized me to read the following statement. He says, "I've strongly believed that it would be in the best interests of everyone involved in the interrogation process, including the interrogators, supervisors, commanders, and the host of subject matter experts supporting interrogations, including behavioral science consultants, if an unequivocal standard of ethics and conduct were to be
established based on a recognized and widely accepted controlling authority. Toward that end, I can think of no better sources than the Constitution of the United States and the Geneva Convention relative to the treatment of prisoners of wars." And he says, "These standards could protect interrogators."

I also have a supportive statement from Michael Gelles who served 16 years as chief psychologist for the Naval Criminal Investigative Service. And Dr. Gelles says, "The fact that we've moved away from a moratorium and toward a position that defines what we're going to do and what we're not going to do is an important protection for psychologists today and in the future who are trying to support national security. It is important, too, that for psychologists to be participating in interrogation operations --

MADAM PRESIDENT: Dr. Altman?

DR. ALTMAN: -- the environment --

MADAM PRESIDENT: We're close.

DR. ALTMAN: Okay.

MADAM PRESIDENT: Yes.

DR. ALTMAN: -- should be one in which human rights are [inaudible].

MADAM PRESIDENT: Thank you. Dr. Sammons and Dr. James?
DR. SAMMONS: Thank you, Madam President.

I'm Morgan Sammons. I represent Division 55, but I am speaking now as a military officer and a psychologist in the Navy. Okay? I strongly urge support for the reaffirmation of the Association's position against torture and other cruel, inhuman and degrading treatment, a reaffirmation resulting from sincere and intense collaboration among all parties.

The question is not whether psychologists should be involved in such activities. On this I am sure unanimous opposition exists. The true questions are two-fold. One, how we preserve ethical practice in any circumstance where the ability to give free and fully informed consent is in whatever fashion constrained; and two, how psychologists can assist in the collection of national security data in a manner that is ethically sound, morally defensible, and operationally useful. In every instance that I am personally aware of for psychologists' participation has -- every instance I'm personally aware of, psychologists' participation has resulted in improved oversight, leading to greater protection of detainees.

Dictating a moratorium against psychologists' involvement in national security data collection will have the opposite effect and may place at greater risk
those whose rights we are concerned about protecting.

I am proud of participating in this collaboration that has resulted in this reaffirmation. I am proud to be a military officer. And I am most proud to be a member of this most ethical association. Thank you.

COL. JAMES: Good morning, everyone. I'm Col. Larry James. I'm going to keep my comments short.

First thing I want to say, and it's very important, thank God this is a democracy -- thank God this is a democracy. I actually welcome and support all of the discussion and the debate. That's why [inaudible] this issue because I'm very, very proud of this democracy. So, I want to thank Dr. Altman and his colleagues for having the courage to speak out, although I may disagree with many of the things they say. God bless America.

Number two, torture is wrong. How can anyone disagree with that? So, under no conditions would myself or any of the psychologists you see here today and in the uniforms that they wear representing our country would ever support anything that allows torture or inhumane treatment.

Thirdly and lastly, if we remove psychologists from the front in any capacity whatsoever, innocent people are going to die. Innocent people are going to get hurt. Phil Zimbardo told us this was going to happen 30
years ago. And so going back through the chronicles of history, in any detention facilities that we've set up anywhere in the world, when you don't have psychologists involved in policy decision-makings, when you don't have psychologists involved in the day-to-day activities, bad things are going to happen. Innocent people are going to die.

MADAM PRESIDENT: Dr. James?

DR. JAMES: Sorry. Thank you, Madam President.

MADAM PRESIDENT: Thank you. We'll now open the floor to debate. And I would like to have us use different microphones. It would be helpful for me so that I can make sure that all the different positions can be represented. So, I would suggest that those who are in favor of the motion would go to that mike. The main motion that we've adopted. We agreed that the Substitute Motion 3 is now the main motion. We voted on that. Yes? Yes. So, we are speaking to the motion.

All right. So, those who are in favor on the right, those who are opposed on the left, and those who have a in-between position or a mixed position, come in the middle. That way we can make sure that we have lots -- we have speakers across all of the concerns that people have. And I will vary them as we go. So, we'll start here.
DR. TAYLOR: My name is Hank Taylor. I'm representing Division 21, Applied Experimental and Engineering Psychology. I'm also a past president of Division 19, Military Psychology. And I have 50 years' experience as a military psychologist, 23 in uniform as an Air Force officer, and 27 as a university professor at a major research university.

My experience during the Air Force did not include many of the things that we'll be discussing today, although I had some very interesting assignments, including two combat tours, one in the unpopular war of Viet Nam where I flew a C-130 aircraft, 750 combat hours. And the other major thing that I did was be responsible for the science work in the Washington area, all psychological science [inaudible] when I worked with Congress and congressional staffs. So, I have had to look through the eyes and ears of my colleagues to look at the advice that psychologists give on torture to commanders in places and to military healthcare to the troops.

I believe that the record as the resolution shows is very clear that military psychologists made a very, very positive condition. It would be wrong to remove them from a situation where they couldn't make their contribution. I strongly urge you to support the
Substitute Motion 3.

Thank you.

MADAM PRESIDENT: Thank you.

DR. VAN HOORN: Judy Van Hoorn, Division 48, Society for the Study of Peace, Conflict and Violence. I want to point out one of the reasons that we -- in working on this, the reaffirmation of the position that we took last year, this document, the substitute motion, contains a lot of the language from last year that has led to great confusion. And one of the things -- three of the things that we want to affirm -- reaffirm that you'll find in the document that are really critical are the statement that last year's resolution remains the comprehensive broad document that applies in all cases and that this is a specific application.

Two, you'll find that this document is critical because it reaffirms our definition of torture and our definition of cruel, inhuman, degrading treatment and punishment, including the Fifth, Eighth and 14th Amendment, and that those definitions, those Amendments apply to all persons, the guarantees.

And thirdly, we reaffirm actually for the third time or fourth time that there is no condition, whether threat of war, any condition that would permit torture or other cruel, inhuman, degrading treatment and
punishment. So, I'm speaking very heartedly for the Substitute Motion 3.

MADAM PRESIDENT: Yes.

UNIDENTIFIED FEMALE: I have a process question. Are we -- there is an amendment to Substitute Motion or not? But --

MADAM PRESIDENT: There's no amendment on the floor.

UNIDENTIFIED FEMALE: Okay.

MADAM PRESIDENT: People can propose amendments --

UNIDENTIFIED FEMALE: Okay.

MADAM PRESIDENT: -- to the -- we have a main motion, and it can be amended.

DR. STRICKLAND: Good morning. I'm Bill Strickland. I represent Division 19, the Society for Military Psychology. I was part of a group, including Judy and several speakers behind me, who have been working over the last few days to get this resolution right. You probably haven't had time to study it. I'm asking you to trust us. But, I do want to point out Resolutions starting at Line 76 and running through 108 are -- extend what we did last year, an unequivocal condemnation against knowing participation in planning, designing, assisting in the use of torture in any form of cruel, inhumane or degrading treatment. And then the big resolution at Line 81, which lists absolute
prohibitions and then some other things where psychologists may be present but not part of the operations of the facility. And we wanted to make it clear that indirect participation in -- doesn't include the psychologists at the facility when the guards are doing something bad.

So, there's two sets of resolutions in that section starting at Line 81, an absolute prohibition against some really bad stuff, and an prohibition against using some things in an interrogation session that we acknowledge may happen in a prison setting. And then the resolution at 102 calling upon APA to make it clear to the government that we really want all of this stuff to stop all the time.

Thank you.

DR. WAGNER: I'm Laurie Wagner, Council representative from the Division of Psychoanalysis and Division 39's liaison to the Divisions of Social Justice.

I first want to say that I feel honored to have been a member of this working group that put this resolution together, and I want to speak today at the moment specifically to Lines 110 through 152, which councilmembers have before them.

I think one of the most key elements that I want to
point out is that cruel, inhuman, degrading treatment and punishment derives not only from the behaviors of individuals, but the conditions of confinement. And I want to speak a little bit more about those conditions of confinement. When we looked at the 2006 resolution last year, we defined conditions of confinement and that individuals who lacked the protection of the Fifth, Eighth and 14th Amendments of the US Constitution, that those individuals that lacked that protection, the lack of that protection does, in fact, constitute cruel, inhuman, degrading treatment and punishment.

And so this resolution takes that issue a step further in that if you read it carefully, it talks about the grave concerns that we have about the lack of those conditions. And I hope that as we continue this discussion, that we can carry it further as to then the real question is, is what do psychologists do in settings where the individuals there do not have those protections?

Thank you.

DR. WIGGINS: I'm Beth Wiggins, representing Division 41, Psychology and Law. I too worked with the group over the past four days to develop this substitute motion, and I was very impressed with the sincerity and hard work of everyone who was involved, many of whom I
met for the first time during the conference.

I'm here to speak to Lines 154 to 167. These lines call for the Ethics Committee to proceed forthwith in writing a casebook and commentary to set forth guidelines for psychologists. To my division, Psychology and Law, this is probably the most important provision, and the most important word is "forthwith."

We feel that complex issues such as the ones we're discussing on the floor today of ethics need very careful study and deliberation by a diverse group of people. Although we worked with the group to develop a consensus resolution language because we knew it was going forward, we would have actually preferred to be considering the substance of a casebook and hope that next year at this time that will be what is before Council.

I know that Dr. Deutsch who heads the Ethics Committee would like to say a few words about the process of the Ethics Committee in the coming year, and I ask that she be recognized.

MADAM PRESIDENT: That will be fine.

DR. DEUTSCH: I'm Robin Deutsch. And I want to say that as chair of the Ethics Committee, I am very, very impressed with the collaborative process that went into developing this Substitute Motion No. 3. And I also
want to speak to the issue of the casebook commentary. This has been a challenge for the Ethics Committee because Council has been appropriately so active in writing resolutions on this issue. And given the complexity and the importance of this issue, the Ethics Committee wanted to have the full benefit of the extensive programming on ethics and interrogation at this convention in its work on the casebook and the commentary.

In this resolution Council gives the Ethics Committee very clear direction that the time to write the casebook and the commentary is now. I want to say as clearly as I possibly can that this process of writing the casebook and the commentary will be open, transparent, and participatory. We will reach out to you. The Committee will seek your input and your involvement. And you will be informed at each step of the way as the work moves forward.

The Committee also recognizes that there are issues in this resolution that further -- that require further work such as how the resolution addresses isolation or sleep deprivation. I want again to emphasize that we'll be addressing these and other issues in the casebook commentary, and very soon you will hear about the writing process.
Thank you.

MADAM PRESIDENT: Thank you.

DR. OKORODUDU: I'm Corann Okorodudo, representing Division 48 and a member of the consensus group that developed the Substitute Motion No. 3.

The American Psychological Association is the world's largest association of psychologists. We need to be able to take as strong as possible stance on human rights for our association, for our society, and indeed for psychologists in the world.

The amendment to the substitute motion that I'm going to ask to be placed on the floor for discussion was one that we in the consensus group could not come to consensus on. But, it is a very important amendment. The substitute motion reaffirms our 2006 resolution against torture. It goes further and produces some forward-moving elements such as the listing of specific techniques that should not be used by psychologists. It even goes further to express the American Psychologists' strong, grave concern about conditions in detention where detainees are denied their human rights. This is a very strong statement. It even goes further to say -- recognize the right of psychologists to refuse to participate, in fact, to disobey rules and regulations under these conditions.
But, is this enough? And so I'm putting -- asking to place the Amendment on the floor for discussion. You see the Amendment on the overhead. It asks that psychologists in such settings where detainees are deprived of adequate protection of their human rights, should be limited to the provision of a military psychological treatment as health personnel.

MADAM PRESIDENT: An amendment has been proposed. And we can speak now to the Amendment. Yes.

DR. STRICKLAND: Thank you, Madam President. Good morning again. I'm Bill Strickland. I represent Division 19, the Division for Military Psychology.

Let me state that again it's the Division for Military Psychology. It's not the division in favor of war. It's not the division that supports torture. And it's certainly not a division against social justice. We're a division of people who perform services for the United States Government, primarily.

This particular amendment, as we've called it a non-participation amendment, is very much like the moratorium amendment that was the original motion. You've had the opportunity to read the Division's comments on that original motion if you chosen to do so. I would point out that in governance last spring seven governance groups and the Board of Directors all
disagreed with the notion that psychologists should be prohibited from performing their jobs based on a location in which they will be performing them, and that's what this amendment proposes.

Psychologists routinely work in situations where clients and patients are involuntary participants. Does anybody believe that that fact makes our participation in those settings unethical? I suspect not. The question is, what do we do when we're working in those settings?

Non-participation in this amendment appears to have two rationales. One is the situation is really bad, and we need to protect detainees to make their situation better. Does removing psychologists from the situation do that in any way? I think not. The situation would only get worse as you've heard both Capt. Sammons and Col. James state a little earlier.

Secondly, we've heard that the purpose of non-participation is to protect military psychologists, people who would find themselves in this situation.

The Substitute Motion 3, which is now the main motion, we support every word of that, and I want to make that very clear. Every word of the motion that is now our main motion, we support. Military Psychology supports. We're not looking for help. And as Corann
pointed out, by the way, there is a provision in there that says psychologists shouldn't have to work in places they don't want to work in. What this motion says is psychologists can't work in places where somebody else doesn't want them to work. Would we accept that if the purpose of this motion were to say psychologists who are five-ten, blond and over 50 can't do something because they're too insensitive to recognize when an unethical procedure is being performed? We would dismiss that immediately. If we picked any minority group within the Association and said that group is too insensitive to know when unethical activities are taking place so we can't even let them go there, we would reject that out of hand. That's what this motion, what this amendment is saying for a minority group in this association that is bound by ethical procedures, that agrees with every word of the main motion now, we're saying that's not enough because you don't understand the words and you'll get in trouble. And I just have to say I strongly disagree with that, and I urge you to vote against this amendment.

Thank you.

MADAM PRESIDENT: Yes. Okay.

DR. LOTT: I'm Bernice Lott, representing Division 9, the Society for the Psychology Study of Social Issues.
And obviously you can see from my mike that I'm standing here to urge you to carefully, carefully read the proposed amendment that's up there on the screen. In contrasts to the interpretation that you've just heard from someone who urged you not to support it, I think you will find that the words in the very last sentence are "should be." The words "should be limited," "psychologists should be limited in their work in detention centers to work as health personnel."

Okay. Now, let me get into my argument. I will try to be brief. Substitute Motion 3, which seems to be well-received, Substitute Motion 3 is a really fine motion. Some people disagree with these words; some people disagree with those words. But, in substance it is a remarkably wonderful motion, and it includes a lot of material that the group around -- who worked in consensus to reach consensus to develop it, they did a wonderful job.

To me, however, and this is my argument that I'm hoping you will consider seriously. To me, the logical and ethical conclusion, conclusion, to Substitute Motion 3 is, in fact, this amendment. Without this amendment, what we have are some wonderful words not accompanied by deeds. Taking Substitute No. 3 and adding this "be it resolved" makes this a strong
expression of APA's bad news. It makes it a strong statement. It brings everything to a conclusion because in Substitute Motion 3, and other people have already pointed out, there is a list of really terrible procedures. Why are they there? They are in that motion because they have been implicated in interrogations. We all know that. Otherwise, we wouldn't list, aaaaah. They're there because they've been implicated in interrogations. What that says is psychologists should not be involved in interrogations because of all of those terrible things.

Substitute Motion 3 talks about the inhumane conditions under which the detainees are detained. It speaks to that. It talks about. It recognizes these inhumane conditions. It says they by themselves are degrading, torture-like. It says that, not quite in those words.

In Substitute Motion 3 in addition we make reference to due process. We talk about the Fifth, the Eighth, the 14th Amendment. We're saying we believe in them. I'm stopping. Therefore, if we believe what Substitute Motion 3 has to say in its text and it looks like that's going to be the sentiment, the logical and ethical conclusion is to accept the proposed amendment.

Thank you.
MADAM PRESIDENT: This is obviously a very important conversation that we're having. But I would ask if one might keep the remarks a little bit shorter. Judy.

DR. VAN HOORN: Judith Van Hoorn, Division 48. I'm a slow speaker, but I'm going to really speed up this time.

I want to read you from a statement of the American Bar Association president, Karen Mathis, concerning the Defense Counsel access to Guantanamo detainees. She wrote in part, "The ability of lawyers to confer with their clients and advocate for justice for these clients is a deeply imbedded principle of American democracy. The principles of freedom, due process and justice are too critical to our national character to be abandoned in any manner."

I ask that you consider that here in San Francisco in 1948 the UN Convention of Human Rights was signed, and the US led the fight for that convention with Eleanor Roosevelt here in San Francisco. I ask, too, that as you go to the Asian Museum this evening, you consider that here in San Francisco in the early '40s Japanese-Americans were rounded up and taken to internment camps. For me and Division 48 there needs to be a line that we say we will not be bystanders. There's a considerable psychological work in the area of the importance of
bystanders in making sure that torture and other cruel, inhuman, degrading treatment and punishment does not occur. We are all bystanders to what's happening in Guantanamo and other US detention centers, and I ask that we take an active role so that we don't remain passive bystanders.

DR. WIGGINS: I am Beth Wiggins from Division 41. I just wanted -- many of the members of Division 41 work in the area of correction, interrogations, and other aspects of law enforcement. They provide treatment. They perform assessments. And they also do research in these areas.

I've discussed with them both the substitute motion as well as this proposed amendment over the past few days at individual conversations as well as at our Executive Committee meeting and our business meeting. And two points basically came up in every discussion, and that is they feel very strongly that just because a psychologist works in a very challenging situation does not make their work unethical. And more so, indeed by walking away from such settings, they become the bystander that my colleague just mentioned, and it's the client that gets hurt, not the system. Walking away doesn't close the system. It doesn't help it make it better.
The second major point that came up in my discussions with the members of our division is that this resolution would prohibit some of Division 41 members who are not health providers from making very positive contributions in very challenging situations. It would actually -- as an example, it would prohibit two of my colleagues who this year received Presidential citations from their work from providing assistance in a very positive way in this environment. Many of our members do research, as you may know, of interrogation procedures and false confessions. They try to identify those kinds of interrogation procedures that lead to the elicitation of false information. And they're often called by prosecutors who have a piece of paper in their hand, I have a confession from someone; do you think this is reliable? This amendment would say they couldn't answer that call. They couldn't say -- they couldn't look at the situation and say, yes, indeed this confession is indeed reliable -- unreliable.

The other of my Division 41 who received a Presidential citation for his work in eyewitness testimony, looking at different lineup procedures that lead to faulty identification also couldn't participate because of this. And this is, I think, a very, very serious shortcoming of this amendment because there are...
people, psychologists who are not health providers who could provide very important contributions to remedy some of the problems that other people have acknowledged.

Thank you.

MADAM PRESIDENT: We have a number of people now who wish to speak, and we are somewhat close to the noon hour. So, I would like to suggest that we will give each speaker two minutes, and this way will make it possible for as many people to speak as they wish.

Also, if you wish to speak, I would ask you to make your decision now and get into line. And that way we can see how many people we have to accommodate. I want to make sure that everyone who wants to speak to this does, in fact, have a chance to do so. So, we're going to time it now for two minutes.

DR. ALTMAN: I'm Neil Altman; I'm the maker of the original resolution. I started off this conversation. I'll try to be 30 seconds -- I'll try to be 30 seconds in order to make room for as many other people as possible.

I want to say that we're not talking about situations where the detainees do not have the opportunity to consent. And we're not talking about challenging situations. We're talking about situations where the
people being interrogated do not have human rights, and that's what makes the entire context cruel, inhuman and degrading, and that our previous commitments as an organization, both made here in the Council and also in terms of the commitments we made when we became a non-governmental member of the United States require us not to support cruel, inhuman and degrading treatment. So, that's number one.

Number two is that this resolution as it's intended and as I read it does not supplant the decision-making power of the individual who might choose to continue working there. This is not a prohibition. This is a statement of principle from the American Psychological Association. And I think we need to make a distinction between the organization taking a position about what it thinks is the right thing to do and the individual's autonomy.

Thank you.

DR. WAGNER: Laurie Wagner, Division of Psychoanalysis, 39. I want to follow up on the comments that I made earlier and on Dr. Altman's comments.

I think that if we as an organization have affirmed that the conditions of confinement are cruel, inhuman and degrading treatment of punishment when there is a lack of fundamental principles of justice, we then have
to logically ask the next question: What do we do in those situations? I know that Capt. Sammons in my discussions with him has said, we provide an ethical presence. I think that it's true that psychologists in some of those settings can do good work. But, if the setting itself by our own definition constitutes cruel, inhuman and degrading treatment and punishment, then it's an unethical situation, and I would submit that we as psychologists, how are we ethically in an unethical situation? I don't think we can. I think we could act morally, but I don't think we can ethically. And that is why we should not be involved in any way except in providing treatment.

   Thank you.

   MADAM PRESIDENT: Thank you.

   DR. ZENTALL: I'm Tom Zentall from Division 3, Experimental Psychology. And I think one issue that has not been addressed is the consequences for the general public of what we do here today. There are news media around, and we are going to be -- whatever we decide will appear as a very short statement. And the impact of whatever we do is one of the important consequences. In my opinion the impact can be greatest if we make a firm statement about where we stand.

   This is a very long substitute motion. The proposed
amendment is very short and can have I think a greatest impact on the public, and I think that's one of the goals to influence the public to make changes in the current Administration in the way they handle prisoners.

Thank you.

DR. LALLEY: Steven Lalley from the District of Columbia. I speak as an educator and a practitioner whose practice includes forensic psychology. And I support the main Substitute Motion 3 which I think very clearly prohibits torture and other cruel, inhumane, and degrading treatment. But, I oppose this amendment to it.

I believe what we need to do is regulate and monitor psychologists' behavior, but we don't regulate the setting and context. I'm disgusted by many of the actions of our current government. I feel we'll be paying a strong moral and ethical and financial cost for years to come as will my children. However, I think as APA what we need to do is to regulate the psychologists' behavior and not the context or setting.

MADAM PRESIDENT: Dr. James?

DR. JAMES: Hi. Thank you, Madam President. Folks, I came here from Cuba, so I have lots of first person experience about all of what we're discussing. This is my second tour at GITMO Cuba. I was also the first
psychologist at Abu Ghraib.

I'm going to repeat what I said earlier. If we remove psychologists from these facilities, people are going to die. If we removed psychologists from these facilities, people are going to get hurt. There's one --

UNIDENTIFIED MALE: [Inaudible] wartime.

DR. JAMES: One other thing I want to add: We've got young 27, 28, 29-year-old psychologists on the battlefield right now. If you support this amendment, those young psychologists are going to feel as though we've abandoned them, and they need our support right now.

Thank you very much.

MADAM PRESIDENT: Yes.

DR. OMOTO: Yes. My name is Alan Omoto, and I'm proud to represent Division 9, the Society for the Psychological Study of Social Issues. And I want to urge support of the substitute motion as well as the Amendment. I think it's time for us to take a strong stand as an organization and to draw the line in what I believe to be an appropriate place.

I want to say three things about that. And it's my executive committee and SPSSI is strongly in favor of this amendment. And I would say that a part of this --
-- as Division 9 part of this comes from our perspective as scientists and scientists interested in social issues. And I would urge you who have not seen the SPSSI report on interrogation that came out last year that is on the website to review that because that report talks about the impact of interrogation on individuals and on society. And as part of that science drives the Society's decision to support this resolution as well as the Amendment.

Of course that Society is also concerned about social justice. And it is a no-brainer for that Society to say that reported issue about social justice is right here and this is what we need to support as a society. So, I want to remind you of the science of this and that principle.

The other thing I want to say is I had the great pleasure last February when we had breakout session for Council to facilitate the breakout discussion about social justice. And as I reported to you at that time, that breakout session involved people from across the traditional constituencies and directorates of APA. And we came to some conclusions about social justice and its central role for psychologists and that it was time for us as a discipline to reclaim that social justice orientation and to be proud of that. And I think that
adopting the substitute motion and the Amendment will go a long way toward serving that end.

The last thing I would say is -- again, my last name is Omoto, and I'm glad that Dr. Van Hoorn offered this up. But, I actually have a personal investment in this issue as a child of having a family that was all interned during World War II because they had the misfortune of being of Japanese ancestry and living on the West Coast. And I think that we as a discipline are better than this and that we need to draw the hard, firm line to say that we don't tolerate these kinds of actions, we don't tolerate these settings. So, for the science, the principles and appreciation of that history I hope that we will adopt this --

MADAM PRESIDENT: All right.

DR. OMOTO: -- motion as well as the Amendment.

MADAM PRESIDENT: Okay. I have to ask you to stay in the time limits. It's very important to stay in the time limits. Also notice that I'm assuming no one else wishes to speak who's not in line. If you wish to speak, I need to ask you to be in line so that we know how people are there. Yes.

DR. MARKHAM: Bonnie Markham, Division 42, Psychologists in Independent Practice.

I'm speaking for the main motion and against this
amendment. Psychologists in this amendment are prohibited from being part of the decision-making body that prevents torture. If torture does occur, this amendment allows psychologists only to work to ameliorate the abuse. Psychologists need to be able to be part of the process of preventing abuse rather than being relegated to picking up the pieces after the trauma has occurred.

MADAM PRESIDENT: Yes.

DR. LOTT: I'm going to take a few seconds. I just want to remind those of us who are sitting here looking at the Amendment and Substitute Motion 3 that this is specific to the detention centers that exist right now about which everybody in this room has read a lot. It is not -- doesn't deal with prisons. It doesn't deal with other important and challenging situations. It deals only with the detention centers that exist at this moment with all of the lack of human rights and legal rights and indeterminate sentences and no charges and no due process. That is what this is about and nothing else.

Thank you.

DR. COGER: My name is Roger Coger, and I am a member of Divisions 3, 12 and 29. I've been a researcher for most of my career.
One of the things that's bothered me over the past several years is the lack of definition. And whenever there's an ambiguous definition, a term or a role, it tends to get distorted and misused. What I see in this amendment is a clear definition of what our role is in those specific situations. And with that kind of clarity and definition we are unlikely to be used as face validity for other things that may get substituted for psychology.

I want to preserve our integrity as psychologists by being as specific as we can as to our role in these kind of situations. And I believe that this amendment does that.

Thank you.

MADAM PRESIDENT: Thank you.

DR. WILCOX: Brian Wilcox from Division 27, Society for Community Research and Action. I do want to thank Bernice Lott for clarifying the point of what this amendment to the Substitute Motion 3 does say. I really appreciate the tone of the debate we've had here. It's been a good debate.

At the same time, as Bernice noted, there has been unintentional, I believe, misrepresentation of what this amendment to Substitute Motion 3 does say. And so I stand on behalf of Division 27 supporting its passage.
DR. ZAGER: Karen Zager, Division 42, Independent Practice.

I just wish to add something from a practitioner perspective. I'm not a military psychologist; I am a private practitioner full time. And I believe that although the intention of this amendment is limited, it strikes me as almost a slippery slope issue. We are trying to legislate or prevent psychologists from practicing in certain settings. It reminds me -- and I'm trying to translate this into clinical experience in my office, for example. I work with children and families with children who have very limited rights and may being abused. Am I to be prevented from intervening in this situation where abuse is occurring and then be limited to the aftermath and try to remedy the effects after the abuse? Or do I have the freedom to intervene in a situation where I know there is abuse and my intention is to try to stop it.

Therefore, and translating it into my limited experience, which is outside the military, it seems to me that the substitute motion which is now the main motion, I'm completely in support of, but I cannot support the proposed Amendment.

DR. TAYLOR: My name is Hank Taylor, Division 21, Applied Experimental and Engineering Psychology. And I
think if you look very carefully at this amendment, you'll see that the focus is misplaced. The focus should be if we want to do something about situations, is attack the situations, not prevent people who've made very positive contributions and have protected human rights and have provided the most ethical treatment. There's been no evidence that APA psychologists, military psychologists have violated the APA ethics in regard to interrogation.

If we limit APA's psychologists from participating, we not only eliminate the positive things that they've been able to do, but we really place them in a position of having to choose between APA and doing their job and serving the country. This is just wrong. Please vote against the Amendment.

MADAM PRESIDENT: Yes. Remember, I had asked for anybody who wished to speak to this amendment please be in line now.

DR. DARWIN: I'm Jaine Darwin from the Division of Psychoanalysis. And I'd like to say there can be no more of a moral presence than a psychologist who can get up and say, I can only be here to do care, not to supervise interrogations, and that I feel our military psychologists need to know they have the support of the American Psychological Association behind them when they
do that.

DR. GEISINGER: Thank you, Madam President. I'm Kurt Geisinger with Division 5. I want to speak in favor of Substitute Motion 3, but against the Amendment.

In 1969 I went in front of my draft board as a conscientious objector. I refused to serve in the military during the Viet Nam War, unlike Col. James. By the same token, I have written two Republican congressmen in the last two years, asking them to do whatever they can do to stop Guantanamo Bay, including impeaching the President. One of those congressman was from Houston, Texas and is no longer a congressman.

I think the Amendment is inappropriate. We should say more directly that we deplore the removal of basic human rights such as are guaranteed by the Geneva Convention rather than the roles of psychologists. And I have two examples I'd like to provide of psychologists who I've worked with in my career who I think could work in a setting like that, would not be in conformance with this amendment. One of those psychologists was a person who had grants from the CIA to study lie detection. He was an expert in lie detection. Were he in Guantanamo Bay listening to the interrogation under legal and appropriate means, he could actually prevent the escalation of those interrogations. And I know another
psychologist who happens to be a Jesuit priest and who's working in the Navy right now as a chaplain. If he were there working with patients as a chaplain, he too would be in violation of this amendment. And both of those examples convinced me that we should not support this amendment.

Thank you.

MADAM PRESIDENT: Is there anybody at the mike over here that wish to speak?

DR. WAGNER: Laurie Wagner, Division of Psychoanalysis.

I just wanted to make one small comment that is in response to something that I took very seriously when I heard Col. James say that if psychologists are not present in Guantanamo and other settings similar to it, that innocent lives will be lost. And I asked him what he meant by that, and he said the lives of detainees. And I would submit that if psychologists have to be there in order to keep detainees from being killed, that those conditions are so horrendous that the only moral and ethical thing to do is to protest it by leaving it.

DR. ALSENGOOD: I am Hertz Alsengood [sic], Division 25, Behavior Analysis. We all have to work against torture in the name of the United States. There can be no argument about that. Only the APA could go into the
incredible detail on what it is that's bad about torture. You know, we've got this long, long document, and I guess we should be proud of that, and that's very good. But, I think we have an amendment here which really doesn't go in the right way. It's like, you know, I'm going to cover my eyes; I don't want to see it. I don't want to see the torture is what this says. That can't be a role for a psychologist, for an ethical person. An ethical person has to be there, bear witness and try to interfere with the torture. Going away is not a good solution.

DR. SAMMONS: Morgan Sammons, Division 55.

As my colleagues from Division 9 and Division 39 suggest, it is time to take a strong stand against abusive practices in Guantanamo Bay and elsewhere. In the main motion we have done so. This amendment as written does not. As worded it is not specific to detention centers and will deny detainees in whatever setting the protections that we seek to provide them.

Thank you.

MADAM PRESIDENT: Yes. I might note no one else is coming in line now. We're really getting close to the end now. So, no one else can join the line. We'll just -- yeah.

DR. HILL: Thank you. I am David Hill. I'm the
representative to Council from the state of Kansas. And I am rising to support the substitute motion but to oppose this particular amendment. Our responsibility on Council I believe is to take the position that's clear [inaudible] human rights, torture. And when we've reached that point that our statement, we got it worked out and it is clear and unequivocal, then our job is done. My concern is that this amendment does not add to that statement. We've worked on it, and we've made it clear, and that the substitute motion without this amendment should stand.

Thank you.

MADAM PRESIDENT: Thank you. Dr. [inaudible], the last.

UNIDENTIFIED FEMALE: Yes. I would like to offer a friendly amendment to the Amendment. Is that possible?

MADAM PRESIDENT: No. It's an amendment.

UNIDENTIFIED FEMALE: We cannot amend the Amendment that is on the floor?

MADAM PRESIDENT: We have to vote on the Amendment as it is to see if it's adopted. That's the first thing that has to happen.

UNIDENTIFIED FEMALE: Before it can be amended further? Okay. Well, let me just simply say this, that Bernice and others have said, the wording here is
restricted to detention centers. It does not limit the
participation of psychologists in other areas of society
from working against inhumane, degrading, and treatment
and punishment or working to improve the conditions in
prisons and in detention centers. This is only focused
on the role of psychologists in detention centers where
human rights are violated. It does not restrict the
range of other opportunities a psychologist to be
involved in creating social changes --

MADAM PRESIDENT: No.

UNIDENTIFIED FEMALE: -- related to national
security.

MADAM PRESIDENT: We really need -- we have closed
debate. I said there were no more people in line.
Okay. So, we need to vote on the Amendment as it is
posted. All right. So, all of those in favor of the
Amendment, please raise your hand. All of those
opposed? The Amendment's defeated.

We now move to the main motion --

DR. KARON: I'd like to offer another amendment, please.

MADAM PRESIDENT: Yes.

UNIDENTIFIED FEMALE: Madam Chairman, we have another
amendment as -- that the whole group that worked on
Substitute Motion 3 agrees to. It is on Line 97. It's
a one-word change, and we're all standing here supporting it.

MADAM PRESIDENT: You said 97 or 7?

UNIDENTIFIED FEMALE: 97, where it says "severe" -- "that represent severe pain or suffering," we all agree that it would be a friendly amendment to change that to "significant pain or suffering."

MADAM PRESIDENT: Yes, I think that's a friendly amendment. Accepted.

DR. KARON: I would like to offer an amendment a number of people have suggested just to clarify the wording and actually make it easier for people working in detention centers. Again, it's Lines 97 to a 100, where it says "threats of harm or death and isolation sensory, sleep deprivation." I'd like to change that to "isolation, sensory and/or sleep deprivation or over stimulation beyond that incident to normal operations of a detention facility." The reason for that --

MADAM PRESIDENT: Did the movers of the motion accept this as a friendly amendment? No.

DR. KARON: Okay.

MADAM PRESIDENT: So, the amendment is not accepted.

DR. KARON: Okay. But I would then like to propose it as an amendment to be voted on.

MADAM PRESIDENT: We can debate. The amendment's on
the floor, so you can debate.

DR. KARON: Okay. Let me just say that I think it would clarify things and the question of whether people can work in prisons, for example, isolation is --

MADAM PRESIDENT: So, you've offered an amendment.

DR. KARON: Right.

MADAM PRESIDENT: So, we can take a vote on your amendment because I want it noted as friendly. Yes.

Dr. Strickland: Bill Strickland, Division 19. We had this discussion a little earlier, several of us, on the drafting committee. And, frankly, those words were acceptable to me until it was pointed out by some other members of the drafting committee that those words actually made things less clear. One could conceive of a situation where the normal operation of the detention center at Guantanamo is the guards are out of control. And we don't want that to be the standard by which prisoners at Guantanamo could be interrogated. That's why we changed the wording from severe to significant, actually causing harm as opposed to something outside the normal operation of the prison because the definition of "normal" is not something that any of us were comfortable leaving in that amendment -- or in the motion.

MADAM PRESIDENT: All right. So, let's take
Dr. Karon's suggested amendment and we'll vote on it.

All those in favor please signify by saying -- raising your hand. Accept his motion. All those opposed?

Okay. It's defeated.

Now we move to the main motion. All of those in favor of the main motion, which is the Substitute Motion 3, please raise your hand. All those opposed?

Motion carries.

This is end of Council. This has been an extraordinary session, and I thank all of you for your dedication. By the way, this afternoon at five to 6:30 p.m. there will be a town hall meeting on Ethics and Interrogation. I urge you to attend.

[Session ends.]