

Report on Division 35 Involvement with PENS and its Aftermath

By

The Member-Initiated Task Force

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TABLE OF CONTENTS

Executive Summary	4
I. Introductory Material	9
II. Important Events Relating to Division 35's Involvement	17
Revision of Ethics Code Task Force	17
The Task Force on the Psychological Effects of Efforts to Prevent Terrorism (PEPT TF)	22
III. The PENS Task Force, the Report, and Protests to Follow	25
Complaints to Department of Defense about Psychologists	25
Formation of PENS Task Force 2004-2005	25
PENS Task Force 2005-2006	28
2006 Delay of Casebook	33
2006 APA Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment	33
2006 Moratorium Resolution	34
2007 Reaffirmation of the 2006 APA Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.	36
Note: 2007, Before and After, in the News	37
2007 Letters Regarding Larry James' Participation in "Enhanced" Interrogations	39
2007 Mini-Convention on Ethics and Interrogation at APA Convention San Francisco, August	47
Olivia Moorehead-Slaughter's Letter in Response to Mini-Convention Accusations	48
2008 Referendum	50
Summer 2009	51
2011 Executive Committee Meeting (through 2012 Midwinter Meeting in San Antonio)	52
2012-2013 Member-Initiated Task Force of Division 48 (MITF Div48)	56
IV. 2015 Hoffman Report and Events 2015 Hoffman Report and Events That Followed	59
Preparation of a Division Statement in Response to the Hoffman Report	59
Division 35 Executive Committee (EC35) Meeting in Toronto	60
Events That Led to the Formation of the Division 35 Member-Initiated	

Task Force and in Response to Within Division Protest	63
Letters For/Against Moorehead-Slaughter Resignation or Removal as Div35 President-elect	63
Div35 Listserv Communications	65
Div35 “Lunch Counter Conversations”	66
Div35 Listserv “Tone” and Calls for Strict Moderation	66
Formation of the Div35 MITF	66
Continued Abuse of Power before Midwinter Meeting	67
Division 35 Executive Committee Meeting Mid-Winter 2016 (New Orleans)	68
V. Analysis	70
VI. Summary of Recommendations	84
References	89
Appendices (Appendices appear in a separate document.)	

Executive Summary

This report was undertaken by past and present members of Division 35 (Div35) as part of a member-initiated task force (MITF), which is independent from APA and Div35. Our sole purpose was to explore Div35's accountability with regard to the APA Psychological Ethics and National Security Task Force Report (PENS TF Report) and its aftermath. The MITF co-authors have attempted to write an account of events relating to Div35, beginning around the time period of the PENS TF through the present. We focused on actions and missed opportunities in order to document the role of division leaders, identify lessons learned, and help Div35 move forward. We found that the division and its leaders failed to act in accordance with its feminist principles of social justice, which include attention to power, gender, and its intersection with race, ethnicity, class, and other identities, global feminism, and ethics.

We wish to state clearly that the MITF is not part of, nor is sponsored by Div35 or APA and as such does not purport to represent their views in this report. We hope this report may be of use to Div35 in further understanding actions and inactions of the Division related to APA's history of involvement in the issues documented in the Hoffman report.

It is also important to make clear at the outset that the MITF does not believe that any APA member or staff that we have written about supports abuse or torture. Unfortunately, some actions and inactions may have enabled some individuals in GTMO, Abu Ghraib, and the CIA Black Sites to pursue the abusive interrogation program (see Risen, 2014, Part III: Endless War, Chapter 7: The War on Decency; also Risen, 2015).

This MITF report does, however, follow through on Div35's statement responding to the Hoffman report (see Section IV) in trying to begin to make good on the promises in that statement including: accepting Hoffman, acknowledging our role, condemning the ethical violations, demanding public accountability of all of those involved, acknowledging our failures at different points in time (e.g., failure to oppose PENS, not taking an early stance that APA should uphold international standards related to torture, issuing a separate statement in 2012 instead of signing on to the PENS annulment petition, and pledging to bring together more members to take steps to reform APA in order to prevent such failures in the future).

Conclusions:

1. There were several points in time when the Div35 Executive Committee (EC35) could have taken a position that would have supported the Divisions of Social Justice, the Coalition for an Ethical Psychology, and/or other critics in their efforts to prevent psychologists' participation in torture and/or abusive interrogations as well as push for accountability. We see the missed opportunities as:

- failure to support the 2007 Mini-Convention on Ethics and Interrogations,
- failure to support the Divisions of Social Justice when they presented the 2007 Moratorium Resolution on psychologists' participation in interrogations,
- failure to support the PENS Annulment Petition in 2012 by writing a less effective, substitute statement instead,
- failure to take a leadership role in the aftermath of Hoffman including: failing to a) call for Moorehead-Slaughter's resignation, b) investigate our own conflicts of interest, and c) conduct a thorough investigation of Div35's potential past collusions or mistakes.

2. Overall, Div35 was a minor player in APA's collusion with the Department of Defense (DoD) regarding psychologists' involvement in interrogations. Nonetheless, there were several members who took active roles in events that unfolded, which may have contributed to allowing abusive interrogations involving psychologists to continue. Some individuals defended those who may have participated in abusive interrogations. Others were highly influential in steering Div35 against reforms being promoted by individuals working to prevent psychologists' participation in abusive interrogations. They sometimes did this for what they saw as different social justice ends than those of the dissidents or the Divisions of Social Justice. One striking example was when, after the dissidents wrote a letter criticizing Larry James and others, some Div35 members signed the Melba Vasquez initiated letter to support Larry James, believing, as Vasquez appeared to believe, that he was being maligned for racist reasons. Another leader was Laura Brown who saw her own actions as an attempt to protect military psychologists and their families. Prominent division members went along with leaders they trusted, the APA status quo, or with staff members' directions (particularly those of past APA Ethics Director, Stephen Behnke). There are multiple likely reasons our leaders went along: perhaps they did not have the time to become better informed about the issues on their own and did not trust the mainstream news or the dissenters' perspective. Perhaps they trusted APA staff members too much or agreed with them and saw no problem with APA's position or perhaps they were motivated by personal gain. While there was sufficient evidence in the general news at the times when EC35 members were making important relevant decisions, which could have informed them, personal persuasion seemed to be relied on over seeking of outside information. To add context, Div35's actions occurred in a period in which the AMA, Physicians for Human Rights, the American Anthropological Association, Amnesty International, the Red Cross, the Center for Human Rights, and other professional and human rights organizations were raising alarms about possible torture and abusive treatment of detainees.

3. Olivia Moorehead-Slaughter, President-elect of Div35 (as of July 2015) and member since 2008, played a major role in these events during the time period examined by this report. According to the 2015 APA-commissioned Hoffman report, she was Chair of the PENS TF and supported Behnke's manipulation and dismissal of those who were

attempting to address the problems of the Task Force and its report. The Hoffman report shows her substantial involvement in: willingly supporting irregular and corrupt processes during and following the PENS TF deliberations; obstructing any dissidents; collaborating with Behnke to delay votes; undermining members' leadership over staff leadership; delaying publication of the Casebook; supporting the changing of the wording of resolutions to preserve loopholes; and facilitating Behnke's manipulation of the APA Council of Representatives.

She continued and likely benefited from supporting the PENS process up through her publication with Behnke (Behnke & Moorehead-Slaughter, 2012), and continuing through her election as President-elect of Div35. Our own report shows multiple points in time when she could have potentially challenged the PENS process and its aftermath by: asking questions, challenging authority, and/or supporting Jean Maria Arrigo or other dissidents. After the Hoffman Report came out, many division members and past leaders requested accountability and for Moorehead-Slaughter to step down as President-elect due to the conflicts of interest. That request resulted in a rift within Div35, wherein those who attempted to hold her responsible were implied to be naïve at best and racist at worst. The strategy of labeling requests for Moorehead-Slaughter to step down as racist appears likely to be due to perceptions of past racism in Div35. This strategy of labeling others as racist was also used by people in prominent positions in an attempt to silence dissidents who spoke out against fellow PENS TF member Larry James in 2007 and thereafter. The rift within Div35 continued through 2015 and 2016, and was manifested through: leaders' use of lawyers to silence critics within Div35 and a debate about free speech on Div35 listservs which devolved into a debate about netiquette. Moorehead-Slaughter has largely remained disengaged from the membership during this period and when she has engaged, has defended her participation, explaining that "she didn't know what she didn't know at the time," but not why she ignored or disregarded the information provided by protesters at the time.

4. Our analysis describes several division problems that may have contributed to the division's actions during this period. We name only a few here:

- lack of a feminist analysis of power that could have informed Div35's response to military injustices particularly along global racial lines;
- lack of a global feminist analysis including exploration of similarities and differences between state-sanctioned racism by state-apparatus in the US through police and globally through military;
- invisibility and/or apparent lack of concern for the Global Brown community in arguments about racism;
- following of trusted influential leaders without question;
- privileging of friendship and niceness over social justice;

- seemingly protecting some leaders of color solely based on their race, no matter their actions or positions, which was perhaps in part a reaction to previous racism that women of color experienced in APA and Div35

5. Our recommendations, summarized in Section VI of the report, request that Div35 support

- a) **Truth-Telling**, including accepting the MITF Report as an official document of Div35;
- b) **Culture Changes**, including finding ways to safeguard against the cult of niceness and the suppression of dissension or expressions of anger, creating a better communication system so that all members may feel encouraged to participate in important ethical discussions, forming a Task Force to better understand the history of racism in the division as it has affected Div35, and devising safeguards against silencing members' voices especially when issues of race and ethnicity arise;
- c) **Changes within Division Governance**, including creating changes in election and appointment to the Div35 Executive Committee (EC35), term limits, policies related to conflicts of interests by holding multiple leadership positions across the organization, and policy preventing the same people from "division shopping" and moving the same individuals to various positions within the EC which effectively crowds out new opinions and new participation;
- d) **Changes in the Understanding of Feminism and Feminist Process**, including creating a series of Feminism in the 21st century workshops that provide education regarding intersectionality, global feminism, and issues that recommit the division to a definition of feminism that goes beyond simply advancing women leaders in the pipeline, supporting women, no matter their positions;
- e) **Leading APA Reform**, including repairing our position as a social justice division and leading APA in ethical reform;
- f) **Reparations**, including making reparations to those whom we have harmed by our silence, ignorance, and complicity with power.

With regard to Conflicts of Interest, we articulate why the current President-elect, Olivia Moorehead-Slaughter, should not continue in her current office and recommend that EC35 ask her to step down as President-elect, whether or not the by-laws or constitution can enforce this request.

In conclusion, Div35, as a feminist organization, has a greater responsibility to pressure APA and to hold its leaders accountable for their role in PENS and post-PENS events. We offer this report in hopes of not only moving forward but in changing business-as-usual in our division and in APA. The history of feminism shows many splits and coming together to support our shared values of inclusivity, justice, and care. May this report bring us back together, if not now, then hopefully in the near future.

With regard to those who were tortured and abused in part because of our indirect complicity, the focus must change to be on them. It takes moral courage to move out of the role of bystander. We must be alert to harmful trends, and ready to step out of our comfort and safety zones in order to take action to protect the welfare of others when psychologists inflict cruel, inhumane or degrading treatment (Pope, 2015). We must be especially alert to people and populations who may be more vulnerable due to their race, ethnicity, income level, status, and religion. We would like to see APA move forward in making reparations to the victims and hope that Div35's leadership supports taking action towards that end.

NOTE: On pages 9-11 of the introductory section of the full report, we acknowledge and outline the methods used to create this report and our perspective on some of the complex issues involved (for example, race) .With regard to method, if, in response to this report, new information comes to light suggesting substantive factual errors or errors that would substantively change our analysis and/or recommendations, we will publish a corrected version.

I. INTRODUCTORY MATERIAL

This report was undertaken by past and present members of Division 35 (Div35) as part of a member-initiated task force (MITF) which is independent of APA and Div35, with the sole purpose of exploring Div35's accountability with regard to the APA Psychological Ethics and National Security Task Force (PENS TF) Report (PENS TF Report) and its aftermath. The MITF co-authors have attempted to write an account of events relating to Div35, since around the time period the APA PENS TF was formed. We include actions and missed opportunities, in order to document the role of division leaders and to identify lessons learned and possible steps for Div35 to take in order to rectify past mistakes, make reparations, and move forward in a more positive, unified way. We found that the division and its leaders failed to act in accordance with its feminist principles of social justice, which include attention to power, gender and its intersection with race, ethnicity, class, and other identities, global feminism, and ethics.

We wish to state clearly at the outset that the MITF is not part of, nor is sponsored by Div35 and as such does not purport to represent Div35 or its views in this report. We hope this report may be of use to Div35 in further understanding actions and inactions that played a role in APA's history of involvement in issues as documented in the Hoffman report.

Because we were not able to interview everyone invited, the report is incomplete in places. When factual information derived from two different sources conflicted, we included the conflicting information and gave the sources for each. We made good faith attempts to also consult historical documents such as newsletters, emails, and public letters where available. These are cited and/or included in appendices, which we refer to throughout the report.

The timeline and analysis of events presented here are incomplete. Several key actors in these events did not respond to email invitations to be interviewed, and several declined to be interviewed. In addition, we had inadequate time and resources to produce an exhaustively researched report like the Hoffman Report, specific to Div35's role. We relied on the Hoffman Report and assume readers of this report have read the Hoffman Report as this is necessary in order to fully understand the broader context of events described here. There are likely analytic perspectives and biases that may have affected interpretations, however, attempts were made to reduce the likelihood of those biases by relying on other sources of information outside of interviews (e.g. historical documents such as meeting minutes, newsletters, public letters, listserv posts). Furthermore, we offer interviewees' thoughts as *only* their perspective, with the realization that those referenced or affected by those recountings may have different interpretations of events. When using information derived from interviews, particularly when two different sources conflicted,

we included the conflicting information and gave the sources for each. If, in response to this report, new information comes to light suggesting substantive factual errors or errors that would substantively change our analysis and/or recommendations, we will publish a corrected version.

We acknowledge that this report may be limited by the fact that white women are overrepresented as MITF members. While some women of color supported our efforts behind the scenes, a few communicated that the racial divisions that have emerged in this conflict made them feel unsafe taking a public position. They did not want to be alienated or targeted by people who had been their supports. Some also felt torn between social justice issues (supporting detainees versus supporting women of color). After our very first call for Task Force members, an African American woman joined the Task Force, and then decided she would rather resign from APA and devote her time to work in other associations and on other endeavors, writing to us that in the end she believed that change in APA seemed unlikely. Some women of color offered to contribute to our efforts by reading the report.

However, to be consistent/fair, the co-authors decided that we would not receive comments on this report prior to release from those in the division who declined to be interviewed nor from those we interviewed. Nor did we solicit comments from former Presidents or other important leaders of the division, even when those members were on our “supporters” of the MITF email list.

To address the fact that white women are overrepresented as authors of this report, we approached our task with reflexivity. Henwood (2008) recommends that reflexive researchers attend to their own individual psychology, the dynamics between different groups, and their own social embeddedness. This includes our work on understanding our biases and privilege. Working reflexively also means that researchers reveal their identities and make themselves vulnerable (Chase, 2007). To this end we are transparent about our identities. Of the 7 co-authors, only one is a woman of color, identified as a person of color from the Global South. The others vary in sexuality, region, ethnic background, ability, and religion. In response to being part of the MITF we have all sought advice from friends and colleagues both within and outside of APA (white women and women of color) to understand the racial issues involved. Despite the overrepresentation of white women on the MITF, several co-authors and supporters have been committed to life-long anti-racist efforts through activism and teaching, including ending institutional and structural racism in psychology and larger environments in which we operate. Others have contributed to the field of psychology through scholarly work on women and/or girls of color.

The committee also took seriously the history of the racial divide in Div35 as an important context when approaching the events outlined in this report. We also

understood there to be another racial divide along global lines, between those who are focused on race (e.g., Black/White racial politics) within the U.S. and those who also extend this perspective globally to racism throughout the world. We hope this report will be useful in expanding the discussion of both racism within the division, and racism, power, and privilege within a global perspective.

It is important to make clear that we on the MITF do not think or know that any APA member or staff that we have written about supports torture. Unfortunately, some actions and inactions may have enabled some in GTMO, Abu Ghraib, and the CIA Black Sites to pursue the abusive interrogation program (see Risen, 2014, Part III: Endless War, Chapter 7: The War on Decency; see also Risen, 2015).

This MITF report follows through on Div35's response to the Hoffman report in trying to begin to make good on the promises in that statement including: accepting Hoffman, acknowledging our role, condemning the ethical violations, demanding public accountability of all of those involved, acknowledging our failures at different points in time (e.g., failure to oppose PENS, not taking an early stance that APA should uphold international standards related to torture, issuing a separate statement in 2012 instead of signing on to the PENS annulment petition, and pledging to bring together more members to take steps to reform APA in order to prevent such failures in the future.

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Names and Explanations:

Executive Committee of Division 35 (EC35): In Div35, the Executive Committee has come to refer to a very large and extended group of members that include elected officials, Section Presidents, Task Force chairs, Newsletter Editors, and more. This group

is known as EC35 and as the Extended EC. There is, however, only a small group of elected officials that constitute the voting membership of EC35, as defined in the by-laws. This group is known as the Voting EC35. These are the President, President-elect, Past President, Past Past President, Secretary, Treasurer, Professional Representative, Council Representatives, and the 5 Presidents of the 5 Sections (Psychology of Black Women, Concerns of Hispanic Women/Latinas, Lesbian, Bisexual, Transgender Concerns, Psychology of Asian Pacific American Women, Alaska Native/ American Indian/ Indigenous Women).

Coalition for an Ethical Psychology (the Coalition): The Coalition was organized loosely in 2006, although there was not an exact start date, in an effort to mobilize diverse groups to work towards removing psychologists from U.S. programs of torture and other situations involving potential detainee abuse. Originally, Physicians for Human Rights pulled together interested parties in a teleconference. Jean Maria Arrigo states that she was drawn in after meeting Reisner in August 2006, but the group cohered slowly. Today they have an expanded focus on exposing and opposing psychologists involved in any state-supported abuse based on a national security rationale. The Coalition initiated the APA petition to annul and delegitimize the PENS Report.

Members of the Coalition & Dissidents: The word “dissidents” generally refers to all the supporters of the mass movement of psychologists and others who understood there was APA collusion before the Hoffman Report and protested that collusion. These include the members that withheld APA dues, members of PsySR, and psychologists around the world. “Coalition” sometimes refers specifically to the following people: Steven Reisner, Stephen Soldz, Roy Eidelson, Brad Olson, Trudy Bond, Bryant Welch, and Jean Maria Arrigo. Michael Wessells originally was a dissenting voice on the PENS TF, but was very busy with United Nations responsibilities rehabilitating child soldiers in Africa both pre- and post-PENS TF efforts. He resigned from the PENS TF in January of 2006 when the promised Casebook was not produced.

Divisions of Social Justice (DSJ): We refer to these selected APA divisions as separate from dissidents, although they often worked collaboratively with the Coalition. Div35 was a member of the DSJ. Brad Olson was the President of the DSJ when the PENS Report came out and Joan Chrisler (Past President of Div35) later was a President of the DSJ.

Psychologists for Social Responsibility (PsySR): Psychologists for Social Responsibility is a community of members and supporters who work to advance peace, human rights, and social justice through psychological research and practice initiatives. Members can be from outside of psychology. It is a non-profit organization separate from APA; however, the program coordinators for the Program on Human Rights and Psychology are Stephen Soldz and Jean Maria Arrigo, both APA-member psychologists, although

Soldz resigned in 2010 and rejoined in 2015 as the Hoffman Report was coming out. The Program on Human Rights and Psychology works to change institutional policies and practices that perpetuate state-sponsored abuse, and to hold health and mental health professions accountable to international human rights standards and to their ethical commitments to “do no harm.”

Abbreviations

APA: The American Psychological Association

BoD: The APA Board of Directors

BSCT: Behavioral Science Consultation Team

BSC: Behavioral Science Consultant, a member of a BSCT

Casebook: The casebook of examples for the PENS Report

CIDTP: Cruel, Inhumane, or Degrading Treatment or Punishment, a form of abuse legally distinguished from “torture”

Coalition: As defined in Names and Explanations immediately above

COLI: Committee on Legal Issues

COR: APA Council of Representatives

DSJ: Divisions of Social Justice

Dissidents: As defined in Names and Explanations immediately above.

Div35: Division 35

DoD: The Department of Defense

EC35: The Executive Committee of Div35

GTMO: The U.S. facilities at Guantánamo Bay, Cuba

Hoffman and Hoffman Report: The Hoffman report produced by law firm Sidley Austin, LLC, under the leadership of David Hoffman.

MITF: Member-Initiated Task Force working on this report (Div35)

Moratorium Resolution: A resolution for a moratorium by psychologists at detention centers to the COR by Neil Altman

PENS TF: APA Psychological Ethics and National Security Task Force

PEPT TF: The Task Force on The Psychological Effects of Efforts to Prevent Terrorism

PsySR: Psychologists for Social Responsibility

SSCI: United States Senate Select Committee on Intelligence

TF: Task Force

MITF's Mission

In Div35's written statement in response to the Hoffman Report, which was published in the Fall 2015 issue of *The Feminist Psychologist*, the Division stated:

The Society for Psychology of Women pledges to contribute to the process of bringing our members and the large and diverse community of psychologists together to engage in serious and redemptive self-reflection and to take the necessary steps to (re)build a more conscious and compassionate organization. We stand with other concerned psychologists who are committed to reforming the American Psychological Association to ensure transparent and democratic process and to do all we can to reduce the possibility that such events will ever occur in the future. As feminists and as a social justice division, we affirm the importance of human dignity and well-being and of addressing all violations of human rights.

Therefore, in light of the Hoffman Report and Division 35's response to it, a new "Member-Initiated Task Force" (MITF) of Div35 members (past and present) was formed in December 2015 in order to identify and address the division's role over the past decade in events surrounding the PENS TF and its aftermath.

The overarching goal of the MITF is to make Div35 a model for a feminist ethical psychology by taking this pledge seriously.

To this end, the MITF charged itself to:

- a. write a history of events with a timeline of actions and missed opportunities of Div35 and its members;
- b. document the role of Div35 and division leaders over the past decade; drawing conclusions regarding lessons learned;
- c. list accountability steps for Div35 to take in order to both rectify past mistakes and make reparations to victims.

The MITF openly invited and involved members who have not served on the EC35 nor had been involved in APA governance over the past 10 years. We also specifically emailed women of color individually who served as Div35 President and/or on the APA COR for the years surrounding PENS. The MITF called on members of other divisions to form similar Task Forces if they too believed that their divisions had moved on too quickly, before self-analysis, accountability, and reparations had been made.

Procedures

Meeting Dates: 1/7/16; 3/13/16; 6/22/16; 6/29/16; 7/23/16

Div35 Members Interviewed (alphabetical order):

Jean Maria Arrigo 3/6/16

Nancy Baker, Past President, 2/17/16

Susan Basow (email with memories of meetings) 3/1/16

Laura Brown, Past President, 2/6/16

Joan Chrisler, Past President, 1/21/16

Cynthia de la Fuentes, Past President, 2/22/16

Mindy Erchull 2/10/16

Janet Hyde, Past President, 2/17/16

Bernice Lott, Past President, 2/18/16

Maureen McHugh, Past President, 2/24/16

Virginia O'Leary, Past President, 2/22/16

Natalie Porter, Past President, 2/26/16

Alexandra Rutherford 2/25/16

Stephanie Shields, Past President (answered questions via email) 1/8/16, 3/11/16

Rhoda Unger, Past President, 2/11/16

Jacquelyn White, Past President, 2/17/16

Others Interviewed

Brad Olson, 1/11/16, 3/12/16

Stephen Soldz, 3/16/16

The following people were invited to participate via interviews: all Past Div35 Presidents, with special invitations to current board members; President BraVada Garrett-Akinsanya; Melba Vasquez; Jean Lau Chin; President-elect Olivia Moorehead-Slaughter; Jessica Henderson-Daniel; and Linda Woolf, specifically. Those individuals who were not interviewed, either refused to be interviewed, delayed the interview indefinitely, or did not respond to the email invitations. Their public comments on listservs and newsletters may be used in this report to represent their positions. We specifically reached out to all Div35 Past Presidents and Council Representatives from 2005 to 2008; however, many did not respond to invitations.

The Written Report

The following report presents a descriptive timeline, an analysis, a discussion of accountability, and recommendations for future action. Within the timeline after each section, there is a brief analysis in italics regarding what we deem meaningful in that period of history for Div35 in regards to the issues of concern.

Background History

See Appendix A for a timeline and description of events.

II. IMPORTANT EVENTS RELATING TO DIVISION 35'S INVOLVEMENT: REVISION OF ETHICS CODE TASK FORCE AND THE TASK FORCE ON THE PSYCHOLOGICAL EFFECTS OF EFFORTS TO PREVENT TERRORISM (PEPT TF)

Below we summarize two important events relating to Div35's involvement with PENS TF and its aftermath: Revision of Ethics Code Task Force and The Task Force On The Psychological Effects of Efforts to Prevent Terrorism (PEPT TF)

Revision of Ethics Code Task Force

We include this section on the Revision of the Ethics Code, because later in this narrative, some Div35 leaders claimed that they did not trust the dissidents because they (the dissidents) were wrong on one point regarding the Ethics Code changes. We also include it for background to Olivia Moorehead-Slaughter's assisting Behnke in apparent attempts to manipulate state licensing boards.

The revision of the Ethics Code plays a part in unintentionally setting the stage for the PENS TF events and a small part in the decisions made post the PENS TF by Div35 and so we briefly review it here.

In 1996, the APA Ethics Committee appointed the Ethics Code Task Force (14 members), including Div35 members Laura Brown, Jessica Henderson Daniel, and Melba Vasquez, who worked to update the 1992 Ethics Code with Board of Directors representative Gerald Koocher over a five-year period (Brown resigned in 1999 prior to its completion and adoption). All three members were also Presidents of Div35 during this period; Brown (96-97), Vasquez (98-99), & Henderson Daniel (01-02). As a result of their work, the Ethics Code Revision was approved by Council of Representatives (COR) and published in 2002. It became effective on June 1, 2003.

The 2002 Ethics Code changed the wording of standard 1.02, "If psychologists' ethical responsibilities conflict with law, regulations, or other governing legal authority, psychologists make known their commitment to the Ethics Code and take steps to resolve the conflict" (APA, 1992, p. 1600), by adding the waiver, "If the conflict is unresolvable via such means, psychologists may adhere to the requirements of the law, regulations, or other governing legal authority" (APA, 2002, p. 1063). This language has been interpreted as allowing the "Nuremberg Defense" (Pope & Gutheil, 2009).

Koocher describes the changes as intending to address civil disobedience. The waiver would allow psychologists to obey state law if state law differed from the code, particularly in the case of confidentiality.

APA discussed and drafted Standard 1.02 in the fall of 2000 before 9/11 and the "war on terror" (Pope, 2011a; Pope & Gutheil, 2008). That same year Olivia Moorehead-Slaughter was serving the first year as a voting member of the ethics committee and APA hired Stephen Behnke as the Ethics director that fall. At least two interviewees described protests to the Ethics Code lodged around this time. Dissidents later alleged that Standard 1.02 was written in such a way as to permit abusive interrogations and torture but the Hoffman Report did not find a connection. As Laura Brown and Nancy Baker told us, they knew, and various others knew (e.g. Melba Vasquez, and Jessica Henderson-Daniel, members of EC35) that the committee they had served on had finished the ethics code before 2001 and the 9/11 terrorist attacks, and that accusations that the code was written to support the war on terror were false.

An interview with Stephen Soldz revealed that very soon after their mistake was brought to the attention of Coalition members, they dropped the accusation that the ethics code was changed as a response to 9/11, though they continued to find the standard problematic as it could allow a psychologist to participate in command-authorized abuse. He did note, however, that the case of Daniel King, covered by 60 Minutes and other news sources, showed sleep deprivation was being used by US operatives before the 9/11 attacks (Kaye, 2009). An ethics complaint against Michael Gelles had been filed with APA over the treatment of Navy Petty Officer King; subsequently Gelles campaigned to remove psychologists serving the intelligence agencies from the strictures of professional ethics codes (Ewing & Gelles, 2003).

The idea that Standard 1.02 of the Ethics Code was changed solely due to 9/11 was false, yet the change was still problematic, especially because the U.S. "war on terror" had been going on before 9/11 (just not as vigorously and not labeled "war"). Kenneth Pope (2016) notes that "1.02 continued to attract strong criticism even after it had been formal policy for years" (e.g., Burton & Kagan, 2007; Godlee, 2009; Horton, 2009; 2014; Kaye, 2008; Levine, 2007; Mausfeld, 2009; Pope & Gutheil, 2009a, 2009b; Soldz, 2009; Tolin & Lohr, 2009; Triskel, 2009). Additionally, Pope has argued that just because something was drafted before 9/11 doesn't mean that it would have passed had 9/11 not occurred (Pope, 2011a). However, as the Hoffman Report concluded, APA staff and elected governance officials *were* attempting to curry favor with the DoD, and the change to Section 1.02 *was actually favored* by the DoD with regard to how the military cited this ethics policy and used it over time (see Pope, 2011b).

The extent to which the approval of such a change was influenced by the Department of Defense (DoD) is impossible to know without revealing the depth and breadth of communications between Stephen Behnke and military personnel before 9/11 (which is virtually impossible at this time). In 2010, APA finally mitigated the problematic language in the code (APA, 2010) by adding that Standard 1.02 could not be used as a

defense for human rights violations; however commit no “human rights violation” is still a low threshold compared with the “do no harm” standard followed by the medical profession (Pope & Guthiel, 2009a). As Kenneth Pope has written regarding changes to Standard 1.02 as well as the entire Ethics Code: “APA taught and promoted giving greater weight to the US government's power and authority--as expressed through laws, orders, or regulations--than to ethics for the next 8 years” (Pope, 2015).

According to Nancy Baker, in her opinion, people have forgotten that there was an “overstatement of the malfeasance involved” in changing Standard 1.02, and remember only the “more nuanced position that Ken Pope now takes and articulates.” It may be that people have forgotten the overstatement because, as Soldz related, it was quickly corrected by Coalition members when they realized they had made claims that couldn’t be supported, and the more nuanced positions started appearing quite early. There were however, Soldz told us, some dissidents who did not take the more nuanced position and continued to repeat the original claim.

Laura Brown stated that the mistake that the dissidents made, regarding what members of the ethics committee knew and why they supported the 2002 version of Standard 1.02, undermined her and others’ trust in the dissident members and their message. She added that, for her, dissident members’ personal style also created problems with credibility. According to the Coalition, this worked both ways as they perceived there to be *ad hominem* attacks by APA Board members and other APA loyalists against critics of the organization.

Div35 members who had been involved in the 2002 revision of Standard 1.02 to the APA Ethics Code did not publically protest its use in the PENS Report which was seen by some as a principle used to legitimize psychologists’ involvement in interrogations in national security settings.

An additional problematic event for Div35 occurred in August of 2005 when APA’s COR considered adding the phrase “in keeping with basic principles of human rights” to Ethical Standard 1.02, but then passed this conversation on to the Ethics Committee for consideration (of which Olivia Moorehead-Slaughter was then a member). Stephen Behnke, Director of APA’s Ethics Office, then delayed making changes to the code. He wrote a response saying that the Ethics Committee thought current policies sufficed, and that they wanted to wait for “broader review” and see what comments the PENS Report brought out. Regarding this event, Hoffman states, “This response was the first in what became a pattern of obstruction and delay from APA, an approach endorsed and orchestrated by Stephen Behnke” (Hoffman, 2015, p. 451).

For Div35, this delay in making changes to include “human rights” language is problematic. Olivia Moorehead-Slaughter, as a member of the Ethics Committee, was

involved (whether wittingly or unwittingly) in blocking efforts to add clarifying language (“in keeping with basic principles of human rights”) to Standard 1.02. So it died in committee. She was not, however, a member of Div35 at that time.

In Feb 2006, it appears that any agenda item regarding the addition of the phrase “in keeping with basic principles of human rights” to Standard 1.02 was dropped by COR in favor of a new business item entitled, “Torture and Cruel, Inhuman or Degrading Treatment or Punishment.” This new item was sent to several APA bodies including the Ethics Committee, the Board for the Advancement of Psychology in the Public Interest (BAPPI), the Board of Professional Affairs (BPA) and the Policy and Planning Board (P&P).

In 2006, Moorehead-Slaughter was involved with another attempt to block this language. According to Hoffman (2015), Stephen Behnke then reached out to state licensing boards through a letter signed by Olivia Moorehead-Slaughter. The letter she sent was drafted by Behnke (see Hoffman, 2015, Binder #2 email) and sent to her on March 8, 2006 (in Hoffman 2015, APA 0060030). He then sent a copy to the Ethics Committee on March 12, 2006 stating that it was Moorehead-Slaughter’s message, where he wrote: “This is Olivia’s message to Catherine Yarrow and Steve DeMers in preparation for their meeting with the Ethics Committee on Friday.” Moorehead-Slaughter then emailed state licensing boards to ask for their collaboration using this letter. Moorehead-Slaughter had been on the Massachusetts State Licensing Board for some years and so her letter would have carried weight.

According to Hoffman (2015), sending such a letter was a ruse to alarm state licensing boards. In the letter, Moorehead-Slaughter posed the question on behalf of Behnke, writing that she was “very interested in (their) perspective on this proposal, since the proposal identifies an instance in which a psychologist would potentially not follow state law. I am especially interested in your sense of how this change would affect the likelihood of a state’s adopting the APA Ethics Code by statute or regulation” (Hoffman, 2015, p. 452).

Hoffman (2015) concluded that in pitting professional ethics against state law, Moorehead-Slaughter and Behnke were likely assuming that the state regulation boards would choose state law over the Ethics Code. Hoffman states that this was a manipulation, “...drawing on the specter of psychologists being ethically required to disobey state laws and court orders.” Hoffman additionally states, “Behnke was aware that he was tapping into explosive issues for state psychological associations and ethics committees” (Hoffman, p. 452). This is a second example in which Olivia Moorehead-Slaughter apparently worked in tandem with Behnke to stop any changes to Standard 1.02.

Brad Olson continued to work on the revision and, according to Hoffman (2015), it seemed as if Behnke ostensibly approved the suggested revision but that APA leadership did not. According to Hoffman, this was part of a pattern of Behnke using the Committee on Legal Issues (COLI) to back up his positions: “COLI stood firmly against adding in the phrase ‘in keeping with basic principles of human rights’ reasoning that adding the proposed language to enforceable parts of the Code could “lead to unanticipated consequences” (Hoffman, 2015, p. 454). Hoffman suggests, “Although Sidley has found no documentary evidence proving that Behnke influenced COLI’s position, it seems likely that he swayed COLI to take the stance that it did” (Hoffman, 2015, p. 454).

Protesters continued to wait to see the outcome of requests for revisions. In a January 2007 email, Steven Reisner asked Behnke what was taking so long regarding the change to Standard 1.02. In April 2007, “Ken Pope sent an email to members of the Ethics Committee asking for a consult on how to interpret Standard 1.02;” Pope noted that it “seems to take a stance at odds with the Nuremberg principle that one could not set aside personal responsibility on the basis of just following the state’s law or orders from an authority.” Within hours, Pope received several responses from members of the Ethics Committee acknowledging the problem that Pope had raised, including a response from Behnke clarifying that “[w]e all agree there are laws one must not follow” and explaining that “[f]inding the right language to identify which laws one may never follow is not so easily done.” When Pope responded to these comments provided by the Ethics Committee and reiterated his concerns the next day, Behnke again responded by defending the then-current iteration of Standard 1.02 as permitting civil disobedience in the face of an unethical order. According to Hoffman (2015), the exchange between Behnke and Pope extended over the next several weeks, as the two worked through hypothetical situations and parsed language.

In August 2007, the “APA Resolution Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment” was passed to supplement the PENS Report. This was an effort led by the DSJ and, according to Linda Woolf (2015), an effort also led by Div35 leaders. The change to Standard 1.02, however, seems to have been dropped from the COR discussion.

In February of 2008, Pope resigned from APA over Standard 1.02. Hoffman quotes him as saying, “This new enforceable standard, in my opinion, contradicts one of the essential ethical values voiced in the Nuremberg trials” (Hoffman, 2015, p. 456). His letter to APA President Kazdin notes that the Ethics Code changes may “lead to far-reaching unintended consequences” and “take APA so far away from its ethical foundation, historic traditions, and basic values” that he could no longer support APA with his membership (Pope, 2008). It wasn’t until 2010 that Standard 1.02 was updated to remove the “Nuremberg” clause.

Summary of Ethics Code Standard 1.02 with Regard to Div35:

This section has shown that several prominent Div35 members were a part of the ethics committee that revised the code and created changes to Standard 1.02. This section also provides partial reason for why the dissidents were disregarded by some Div35 feminist psychologists. Also, according to Laura Brown, some feminist psychologists mistrusted the dissidents because what they said was not accurate regarding the motivation for changing Standard 1.02. According to Laura Brown, those who worked on the changes to Standard 1.02 knew the motivation for the change was not to support “enhanced interrogations” because they had written the code before 9/11; thus it may be that in their thinking (which was also widely believed at the time), there were no “enhanced interrogations” pre-9/11. This section also shows Olivia Moorehead-Slaughter, Ethics Committee Member (and later Chair), had apparently assisted Behnke and the rest of the Ethics Committee Members in delaying changes to Standard 1.02 that would have incorporated human rights language. One way Moorehead-Slaughter did so was by allowing such changes to die in committee, and another way was to assist Behnke through sending a letter to state licensing boards in order to raise concerns against changes in Standard 1.02 that COR was considering for adoption. The larger issue is that those who were on the Ethics Committee Task Force ought to have been more concerned about doing no harm rather than protecting the profession from lawsuits. This highlights the problem Kenneth Pope articulated about such revisions being part of APA changing course over time to put “guild ethics” before “professional ethics” Pope (2016).

The Task Force On The Psychological Effects of Efforts to Prevent Terrorism (PEPT TF)

We include this section because two past-Presidents of Div35, Rhoda Unger and Bernice Lott, were concerned that Div35 apparently took no public action to support the acceptance and dissemination of the PEPT Task Force Report. This is one of the first documented times in which Div35 responded weakly to a request by a member to examine/develop a response to the “war on terror.”

We also provide some background information relevant to the PENS TF process here, because it involves at least two prominent Div35 members who were also Div35 Past Presidents. After 9/11, a Task Force was convened by the APA COR before the PENS TF, known as the Psychological Effects of Efforts to Prevent Terrorism Task Force (PEPT TF). For some individuals we interviewed, this earlier Task Force (as well as what happened to its final report) is directly related to what was to follow in terms of the PENS TF and Div35’s response, while for others, the two Task Forces are completely separate.

Paul Kimmel (2016) was the Chair of PEPT TF which produced a report. Div35 members Bernice Lott and Rhoda Unger were on the PEPT TF, as were Mike Wessells and Nina Thomas (who were later on the PENS TF). APA derailed publication and distribution of the PEPT TF's final report saying, according to Bernice Lott's interview with MITF, that it was "too political." (See Appendix B for further detail).

Bryant Welch (former Executive Director of Professional Practice for the APA), in a Huffington Post article (2009), considered what happened to the PEPT TF report to be immensely important with regard to APA's future direction. Welch noted that, in 2003, a group of "respected psychologists concerned with human rights" proposed to study the psychological cost to the US of the Bush Administration's "War on Terror." He noted that the PEPT TF found that the stressful environment post-9/11 led authorities to overestimate both the threat, and consequences of terrorist activities and thus make poor decisions; it appeared that the aftereffects of the war on terror influenced the American public by increasing uncertainty, stress, and fear. According to Welch, the PEPT TF made it clear that it wasn't just a set of "liberal values at stake, but America's ability to function rationally."

When the PEPT task force was created, it was supported almost unanimously by COR. In 2004, their TF report was completed and ready to be submitted and hopefully endorsed by COR. Paul Kimmel (PEPT TF Chair) was set to present the findings to COR, the APA President-elect, the Head of the Public Interest Directorate, when the liaison on the PEPT TF to the BoD (BOD) and one of the PEPT TF members persuaded Kimmel to amend his motion to have the report "received" by COR. As Hoffman explained: "At the upcoming COR meeting only a few days later, Kimmel was approached by President-elect Ronald Levant, Rhea Farberman, Nina Thomas, and Sandra Shullman, who convinced him that the APA could only "receive" the report but not take action on it in its current form, and that it would be best to send the report for approval through the Boards and Committees" (Hoffman, p. 190). This process would require another six months before approval and a journey through various APA Boards and Committees that would comment on the report prior to its official acceptance.

This course of action led to the report not being supported by APA and Kimmel having to find an independent book publisher (see Kimmel & Stout, 2006 and Appendix B for further details). We review this here to note that Div35 Past-Presidents Unger and Lott were involved and found Div35 unsupportive of their work.

Rhoda Unger and Bernice Lott, both members and past presidents of Div35, were on PEPT TF. Both indicated in their interviews with MITF that the existence of the PEPT TF report in book form helped exert pressure on Behnke to hold a Mini-Convention on Ethics and Interrogations in 2007, at which Jean Maria Arrigo also aired her concerns in a presentation entitled, "*A Counterintelligence Perspective on APA PENS Task Force*

Process." When interviewed, Lott noted that APA leaders were nervous about this mini-convention, but Behnke wanted to show that APA was impartial, and it was held as planned. Division 48 and SPSSI (The Society for the Psychological Study of Social Issues) also sponsored the mini-convention, which took place as part of the San Francisco APA convention.

In her interview with MITF, Unger stated that she went to the EC meeting of Div35 and asked that they also contribute to this mini-convention by donating hours or contributing in some other way. She reported to us that EC35 decided not to support the mini-convention; instead, she stated that Laura Brown was both "eloquent and hostile" as she argued that supporting the mini-convention would be tantamount to taking jobs away from psychologists who work for the military and perform interrogations in a variety of other jobs. Unger noted that, when the EC35 members heard Brown speak, many got "scared into shutting up." Unger also said that she believes it was Brown who circulated a rumor that she and Bernice Lott were "anti-Black" because they had spoken out against Larry James and his involvement in "enhanced interrogations." Rhoda Unger doesn't remember a single Div35 member verbally supporting her. In her interview, Lott said she was not at this meeting.

Summary of Relevance of the PEPT TF to Div35:

The PEPT TF had two past-Presidents of Div35 as members, Rhoda Unger and Bernice Lott. Div35 took no known action to support the acceptance and dissemination of the PEPT TF report, either during the time of COR review or afterwards (and was apparently silent as it was replaced with the PENS TF). Unger's request for support from Div35 for the mini-convention was another opportunity for Div35 to insist upon or even explore a measured response to the "war on terror." This also represents one of the earlier occasions during which an accusation of racism was used to silence disagreement.

III. THE TF, THE REPORT, AND PROTESTS TO FOLLOW

*In this section we give background to the formation of the PENS Task Force. A much more detailed version is found in Hoffman. We show in each of the sections below the kinds of protests that were evolving over time and note what Div35 **did not** do to support these protests as well as what Moorehead-Slaughter **did** do to undermine them. Div35 involvement that we could find documentation for began in 2007 at the San Francisco APA Convention, which is described in a later section with that title.*

Complaints to Department of Defense about Psychologists

In 2004, one of the CIA's lead psychologists and CIA contractor psychiatrists stated that there were concerns that psychologists assisted interrogations in ways that contradicted their ethics code. This was brought to the attention of APA. A New York Times article (Lewis, 2004) said that agency insiders emailed APA about this in March. In April, 2004, abuses at Abu Ghraib appeared in national media outlets, and in November, (Lewis, 2004), the New York Times reported on a Red Cross report stating that the coercion that occurred at Guantanamo (GTMO) was "tantamount to torture" (Lewis, 2004; See Appendix C for timeline of news stories and relevant books.)

In July, 2004 there was a confidential meeting at APA with the CIA, DoD, FBI psychologists, and other behavioral scientists who worked for national security agencies where, according to the NY Times, some tried to say that APA ethics shouldn't apply in national security settings (Lewis, 2004).

Formation of PENS TF – 2004-2005

Hoffman states that 111 psychologists (70% nonmilitary) were considered for the PENS TF; however, the selection committee, under pressure from Lt. Col. Debra Dunivin (a SERE – Survival, Evasion, Resistance, and Escape – program psychologist as indicated in a 2004 APA Monitor article; Holloway, 2004), exerted pressure to appoint certain members to the PENS TF that were connected to the DoD. Dunivin was also a member of the Behavioral Science Consultation Team (BSCT) team at GTMO where psychologists were involved in interrogations; and she was the wife of Russell Newman, (Director of the APA Practice Directorate).

DoD members of the PENS TF included:

- Morgan Banks: Command Psychologist and Chief of the Psychological Applications Directorate of the U.S. Army Special Operations Command ("USASOC")

- Robert Fein: Forensic psychologist and consultant to the DoD Counterintelligence Field Activity (“CIFA”)
- Michael Gelles: Chief Psychologist for Naval Criminal Investigative Service (“NCIS”)
- Larry James: Chief of Department of Psychology at Tripler Army Medical Center
- Bryce Lefever: Product Line Leader at the Naval Medical Center; Command Psychologist of the Naval Special Warfare Development Group during September 11 and advisor on missions in Afghanistan
- Scott Shumate: Director of Behavioral Science at CIFA

Non-DoD members of the PENS TF included:

- Olivia Moorehead-Slaughter (Chair): Senior Faculty Consultant for the Center for Multicultural Training Program; Vice-Chair of APA Ethics Committee
- Jean Maria Arrigo: Independent social psychologist; oral historian whose work focused on military intelligence
- Nina Thomas: clinical psychologist and faculty member at New York University; research in ethnic conflict, terrorism, and genocide
- Michael Wessells: Professor of Psychology at Randolph-Macon College and Columbia University; research and experience in war zones and child protection (Hoffman, p. 237-238)

The PENS TF was a “very carefully selected task force” (Hoffman, 2015, p. 326) according to Geoff Mumford, former head of governmental relations for the Science Directorate of APA. Jean Maria Arrigo was initially chosen, Hoffman stated, because of her “Latina identity,” although she has never identified as Latina and Arrigo is a Sicilian Italian name (from the Spanish invasion). When interviewed, Arrigo also said Dick Wagner from Division 48 had recommended both herself and Corann Okorodudu. Arrigo had co-organized four APA convention sessions with Wagner to which she had brought intelligence professionals as presenters. She also had given many presentations to the Joint Services Conference on Professional Ethics, and had written a paper in 2004 called “A Utilitarian Argument against Torture Interrogation.”

Olivia Moorehead-Slaughter was chosen, according to her own Div35 Mid-winter Meeting President-elect Report (2016), because of her “background in ethics,” “facilitation skills,” “respect and credibility (she) held in the association,” and her “identity as a woman of color adding diversity to the task force.” She noted that she protested her selection saying that she was not a “content expert in national security and (had) no military experience.” But eventually she agreed to serve as Chair where she would have no vote and would play a more administrative and leadership role. As Nancy Baker noted to us in her interview, “My own personal read of it was that the folks who were setting up the task force were incredibly manipulative and calculating. Yeah I think

that it was conscious manipulation. They were trying to make it hard for progressive people to attack the credibility of the Task Force and what better way to do that than to put the face of a Black woman as the Task Force chair.” Binder 1, May 20, 2005, Exhibit APA_0025671 from Hoffman shows Behnke meeting with Moorehead-Slaughter and Gerald Koocher before the PENS TF listserv to communicate the need not to ban all interrogations.

In April through June of 2005 there was a listserv set up for PENS TF members before the members ever met, and emails from the PENS TF listserv and described in the Hoffman Report show Moorehead-Slaughter presenting Behnke’s proposals and emails verbatim as her own.

PENS TF listserv emails show that, following Behnke’s direction, Moorehead-Slaughter suggested the committee add two observers of the PENS TF deliberations. The Board liaison to the PENS TF, Barry Anton, proposed Russ Newman. When Morgan Banks agreed to Russ Newman (Dunivin’s husband) as an observer, Moorehead-Slaughter pronounced this a done deal (it is unclear whether she knew at the time that Newman was Dunivin’s husband). Moorehead-Slaughter repeated this same process during the approval of the other PENS TF observer, Melvin Gravitz, long-time CIA contractor/psychologist and “father of operational psychology.” According to Hoffman, Gravitz wrote an opinion in 2003 that persuaded the chief of the CIA’s counterterrorism center to permit Dr. Mitchell (one of two psychologists who were named early on by the NY Times and other journalists as contributing to torture) to continue to participate in and support interrogations (see also Mayer, 2008, and see Gravitz opinion in Hoffman binders).

There were other problems with observers. First, members’ suggestions were not processed. When Jean Maria Arrigo asked that Matt Wynia, MD, Director of the American Medical Association Institute for Ethics (who was very interested) be added, her suggestion was ignored. There were also unnamed observers introduced in the PENS TF meeting: four scientists two of whom were lobbyists for the DoD according to Dr. Arrigo. Also invited to observe was Rhea Farberman (Executive Director for APA Marketing and Communications), and an intern. Finally, a Board liaison is often invited as a task force observer, but, according to Hoffman, the two invited, Board Member Barry Anton and APA President-elect Gerald Koocher, played active roles on the committee and did not remain mere observers. Koocher (personal communication) stated that his role was as a liaison and not an observer and that the two roles differ. A liaison represents the Board’s views and communicates with the board. As noted above regarding the May 20 Boston meeting described in Binder 1 of the Hoffman Report, Koocher may have been a part of planning for the PENS TF. Arrigo explained in her 2007 speech at the “Mini-Convention,” that Russ Newman effectively set the agenda and led the meeting (See Appendix D).

PENS Task Force 2005-2006

The PENS TF met for two and one-half days (June 24 to June 26, 2005).

Ad hoc PENS TF rules were established. One of these rules was banning note taking. As PENS TF Chair, Moorehead-Slaughter enforced the rules during subsequent meetings. According to Hoffman, there was a vote that the content of the PENS TF meeting discussions be confidential and all members, except for Arrigo who dissented and Wessells who abstained, voted in favor of this. APA Chief Counsel Gilfoyle, who has now taken a position on the Board of Trustees of HumRRO (a military contractor of psychologists), stated to Hoffman that since the task force was not a formal APA decision-making body, she also believed full and frank discussion could have been inhibited if the meetings were more open (Hoffman, p. 279). According to Arrigo, security-sector participants revealed very little confidential information and thus the confidentiality requirement largely served to cover PENS TF irregularities.

There were negotiations at the end that led to all members consenting to the PENS Report. One of the major points of contention was whether to rely on the United Nations Convention Against Torture or to follow US law. In the meeting, Arrigo, Wessells, and Nina Thomas argued for using the definition of torture provided by The United Nations Convention Against Torture. Arrigo notes that during the meeting Wessells was “very firm on the point of using International Law” but the “military people said we are employed by the government and have to use US law.” Arrigo and Wessells also argued for specificity with regard to the fine line between interrogation and abuse/torture. Arrigo said that in response to her repeated demand for specificity through case examples, Newman proposed a subsequent Casebook to accompany the PENS Report. Newman argued that adding case examples to the PENS Report itself could open the APA to legal liability.

According to Hoffman, Behnke promised that there would be a Casebook produced five months after the PENS TF that would make the distinctions between ethical and unethical interrogation and abuse/torture. His assurance likely contributed to the eventual signing of the PENS Report by those who had expressed concerns and/or were asking difficult questions. Notably, Wessells resigned from the committee six months later when the Casebook was not produced and described the process of the PENS TF as an “absolute farce” (Hoffman, p. 266). LeFevre also criticized the final product of the PENS TF because it did not specify which acts were unethical. He called the report “loose” (Hoffman, p. 266).

On July 1, 2005, the PENS task force was informed by Dr. Moorehead-Slaughter of the

plans for the release of their report over the fourth of July weekend (Hoffman, p. 115). While some expressed concern about keeping the document embargoed, Banks expressed thanks to Moorehead-Slaughter for her work and the plan for the release of the document, and stated, “This is GREAT news” (PENS listserv, July 2, 2005, p. 116).

Nina K. Thomas, when learning of the planned attempt at embargo and to release the report to certain powerful people prior to general release, expressed a “hope that since it is July 4th, people will be too busy watching fireworks and eating hot dogs to read their e-mail. We can all live in hope” (PENS Listserv, July 1, 2005, p. 115). To this, Moorehead-Slaughter responded with assurances that their “orchestration” would be effective and that “Like Nina, I too hope that some of them are too busy celebrating to read their email in a timely manner” (PENS Listserv, July 2, 2005, p. 118).

At APA COR, the task of creating the Casebook was moved to the Ethics Committee where Moorehead-Slaughter would soon be Chair, in 2006. Once the Casebook had been assigned to the Ethics Committee, however, it was significantly delayed and not produced until the Ethics Committee sent it out for comment in 2011 (with an expected publication date of 2012).

As Hoffman wrote, “Thus, six years after PENS, the great promise of a Casebook as the proper means of providing specificity and resolving the unavoidably (said Behnke) limited nature of the PENS TF Report had shrunk to the form of a 30-page document, intentionally created to avoid any ‘problems,’ which was snuck into a corner of the APA website with the fervent hope that it would be entirely ignored” (Hoffman, 2015, p. 41). Although Moorehead-Slaughter (in a 9/5/2007 letter to APA President Brehm) along with others (e.g., Woolf, 2015, in the division newsletter) have made claims that even Arrigo agreed to the PENS Report, the Hoffman Report clearly states:

...we agree with the three non-DoD task force members that it is unfair for defenders of the APA task force report to use their end-of-report approval as evidence that the report simply reflected the consensus of a diverse task force rather than an intentional pro-DoD approach (Hoffman, 2015, p. 267).

Also, Arrigo told us that Moorehead-Slaughter has used comments she wrote in an email after the PENS TF met to discredit her claims that the PENS TF had deep problems.

The depth, scope, and wisdom of this document are indeed impressive, and I approve it as a Task Force member. Also, I appreciate its literary grace (owing to Steve). As mentioned previously, I have felt uneasy with some elements, primarily omissions. Fulfillment of the Task Force recommendations would relieve my concerns, and I hope for an opportunity for further participation. Thanks to the APA ethics committee, board, and staff members who have

mobilized for swift review and dissemination of the PENS TF Report. (Arrigo, PENS Listserv, June 29, 2005, p. 108).

These “kind words,” Arrigo told us, were written to be kind while she remained quite critical of the PENS process. Why did Arrigo consent to the report? Arrigo notes that at the time she and Wessells were told that the report was a *preliminary* step. She was interested in a number of activities she wanted to prevent psychologists from being involved in, and thought they were taking an incremental approach, beginning with interrogations and later moving on to other issues. She believed that the Casebook would be “very significant” and would be the next step. Behnke had told her and others that APA would bring them to Washington to work on it.

The PENS Report, which stated that psychologists play a critical role in keeping interrogations “safe, legal, ethical and effective” and what the Coalition describes as “the defining document endorsing psychologists’ engagement in detainee interrogations,” was adopted as official APA ethics policy on an emergency basis. Only 11 of the 12 APA BoD members’ votes were found and Jessica Henderson Daniel’s vote was missing which means that the adoption of the PENS Report was not legal (according to Washington, DC law). Nevertheless, APA proceeded as if there had been 12 votes and the document adopted as APA policy.

It is important to note that the report did not contain the important lead-in ethics principle, “Do No Harm” that begins the 2002 APA Code of Ethics. Furthermore, the APA, the largest association of psychologists worldwide, “became the sole major professional healthcare organization to support practices contrary to the international human rights standards” (Coalition for an Ethical Psychology, 2010).

One member of the BoD, a then Div35 member, Diane Halpern who was also a Past President of APA, made a strong recommendation that the PENS TF add somewhere that torture is ineffective in obtaining good information (Hoffman, 2015, p. 314). Behnke, however, blocked this suggestion and it was never added to the report. The Hoffman Report (2015) calls the ethical changes “loose, high-level ethical guidelines” that would not constrain the DoD in their interrogations. In August 2005, COR also asked for language to ensure human rights protections but no language change occurred. COR did insist starting in 2005 on getting the Casebook done and put a deadline of February 2010 on the task, which was not met.

After the release of the PENS TF Report in July of 2005, a number of psychologists expressed negative opinions to the PENS TF members. Nina Thomas, a PENS TF member, wrote to her fellow PENS TF members and stating she had received negative comments from others, and Moorehead-Slaughter wrote back “I do not think that we should begin to second guess ourselves” (PENS Listserv, July 9, 2005, p. 139). Thomas

wrote later that month about reading a July 28, 2005 NY Times article that showed lawyers had stood up against harsh interrogation techniques: "reading it made me all the more sad that Mike Wessells, Jean Maria and I were not more successful at arguing our case for a more stringent standard for holding psychologists to account." (PENS listserv, July 29, 2005, p. 155). In response, Moorehead-Slaughter wrote that the PENS TF members had discussed including human rights standards in their report, but had concluded that "including such standards in the document would likely (perhaps definitely) put the document at odds with United States law and military regulations," she wrote on (PENS Listserv, July 29, 2005., p. 156 "[T]he military would simply have ignored the document – thus, the community that we would most want to reach would have been prevented from using the report." Thomas then wrote back to Moorehead-Slaughter: "(I)t has been the military's own lawyers, indeed their highest ranking lawyers who have argued for the importance of using international human rights standards as the benchmark" (PENS Listserv, July 29, 2005, p. 156). Then APA President-elect, former Ethics Committee member, and observer on the PENS TF, Gerald Koocher, contributed to this exchange, when he wrote on PENS Listserv, July 30, 2005, p. 160). "I have zero interest in entangling APA with the nebulous, toothless, contradictory, and obfuscatory treaties that comprise 'international law.'" He communicated to this Task Force that his intention was to keep the committee on task given it was funded for only one meeting to address the ethics code, and to prevent the committee from straying into consideration of unenforceable material that members hadn't reviewed in advance.

There was continued discussion on the PENS TF listserv about the PENS TF-related Casebook; Banks wrote relative to developing examples for the Casebook: "All of my examples and commentary are classified, and cannot be shared outside of the DoD community" (Hoffman, 2015, p. 338). Moorehead-Slaughter then responded that it would be best to move the development of the Casebook to the APA Ethics Committee (PENS Listserv, January 26, 2006). Moorehead-Slaughter was by this time the Chair of the Ethics Committee. Stephen. The move to the Ethics Committee occurred because the committee itself expired on December 31, of 2001 and because, as Koocher wrote to this committee (personal communication), it involved interpretation of the ethics code.

Soldz believes that many members and/or observers on the PENS TF never wanted to produce a Casebook because it would be horrifying for people to read some of the examples. This opinion is bolstered by Shumate's comments that Hoffman (2015) reports on p. 40 where he stated during the PENS TF meetings that "the examples 'would be awful' and 'would alarm people.'" This opinion was also supported by our interview with Jackie White who stated that while on COR, someone from the military came and talked about forced feeding with the intent of showing how humane it was, but that to her it was disgusting. Furthermore, the Hoffman Report noted that "ultimately, Behnke did virtually nothing to pursue a Casebook for years, effectively abandoning an essential element of his (disingenuous) claim that APA's development of ethical guidance on the issue would

be a multi-step process” (Hoffman, 2015, p. 41).

Jean Maria Arrigo wrote back on PENS Listserv, January 26, 2006, when the emails about the Casebook occurred on the listserv to say that many critics have asked her to justify why there were 6 out of 10 military people on the committee and also advocated for keeping the Casebook work within the PENS TF. Koocher wrote back to say there were only 4 military people and justified moving the Casebook to the Ethics Committee. On Feb 12th Arrigo wrote to the PENS Listserv to express both her own and Wessells’ disagreement with these actions and requested an addendum to the PENS TF letter. Wessells had resigned by that time, on ethical grounds, and Arrigo asked to write a minority view to a letter going to COR that expressed hers and Wessells’ dissenting opinion. She was told that given Wessells was no longer on the PENS TF, she could only write on behalf of herself. In her addendum, she took issue with Moorehead-Slaughter’s wording in the letter, in particular that the PENS TF was an “independent” advisory group (advisory to the APA president), given that Koocher was forceful in the PENS TF meeting (for one day) and throughout the listserv discussions. (Koocher noted in a response to this report that he was actually only present for 3 hours) (Koocher, 2016). She also noted that already there were letters from Divisions 48 and 51 regarding PENS being a tool of “appeasement” to obstruct an investigation into psychologists participating in interrogations. PENS TF official business was then ended abruptly, with Koocher announcing it had actually officially ended December 31, 2005. This was strange to Arrigo, given that the email discussion, as part of the PENS TF, continued and showed that they believed they would be working on the Casebook through February 2006 up until the COR meeting. Koocher stated that the listserv remained open (Koocher, 2016). One of the final emails of the group was Bryce Lefever’s to Moorehead-Slaughter stating, as he had in previous emails, that he did not understand the concept of “moral autonomy” and that “that which is best for the community” is a higher ethic, and was the one that he was operating under. He also wrote in this email, “We agreed to keep our proceedings private” thus confirming something that Moorehead-Slaughter takes issue with in her 2007 letter to APA President Sharon Brehm written in response to Arrigo’s speech at the mini-convention. Lefever also asks Arrigo how she can dissent from a report she co-authored. A June 24th 2006 email to the PENS listserv (p. 216) from Nina Thomas states that Arrigo has “terminate(d) the confidentiality we all agreed to.” Lefever agrees with her, calling Arrigo unethical.

According to Soldz’s interview, at the APA convention in August of 2005, there was a panel that included Gelles and Behnke. In Gelles discussion, he did not say he was on the PENS TF, and so Ed Tejerian, then a member of the dissidents asked Behnke if he would tell the audience who was on the PENS TF. Behnke said, “no.” Tejerian asked why and Behnke replied it was confidential. In 2006, Soldz asked Behnke why he had said back in 2005 that the names were confidential and Behnke said to him, “I don’t know.” According to Soldz, in 2005 when reporters, for example Mark Benjamin of Salon,

sought the names from APA, they were unable to obtain them. He then obtained them from congressional sources. When Soldz was asked what they were attempting to hide, given that the names had already been released to COR, Soldz said he believes that they were trying to hide that there were six members with ties to the military, and also the Dunivin/Newman marital relationship, which is a classic conflict of interest. Soldz asked how a person could contribute on a committee to make policy if that policy could end up stating that his wife had done something unethical? At the time of the meeting, Newman did not disclose to all PENS TF participants he was married to Dunivin, and Arrigo was unaware of it even though some people in Div48 said “everyone knew.” In his post-Hoffman apologia as 2015 APA President, Barry Anton stated: “Had I known that Russ Newman was married to Debra Dunivin – a person who was personally and professionally involved in the interrogation process and whose own activities would be the subject of our ethical opinion – I would not have suggested that he participate as an observer. It was a clear conflict of interest that I simply did not know about (Anton, July 31, 2015 email to COR, See Appendix E).

The other major conflict of interest was that Banks, James, and Lefever were all active in the military during the PENS TF (Hoffman, p. 237) and so might have been under orders to represent the military and not acting as autonomous agents.

2006 Delay of Casebook

Although not directly relevant to Div35, we include this section for background and to question the extent of Moorehead-Slaughter’s involvement in delaying creation of a casebook.

Hoffman (2015) found several drafts of the Ethics Committee’s response to COR moving the issue of the Casebook to the Ethics Committee. These drafts show that Behnke, Stanley Jones, (a former Chair of the Ethics Committee), Moorehead-Slaughter, and others supported the strategy of deferring action on this issue. The clear theme running throughout the response to COR’s request is that the Ethics Committee had no intention of moving forward with a revision “expeditiously,” as COR had requested. Rather, it is clear from the reference to “broad participation,” that this response was intended to halt progress on the proposed revision (Hoffman, 2015, p. 451). In a contentious correspondence with Arrigo between December 2006 and May 2007, Moorehead-Slaughter ignored Arrigo’s forceful proposals to commence the Casebook (see PENS listserv).

2006 APA Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

We include this section and the next to track the resolutions regarding torture that led to the 2015 final resolution. These sections also demonstrate tension between Div35 members and those who called for the annulment of the PENS Report.

This resolution was proposed in 2006 partly in response to media reports of torture and also as an effort to codify anti-torture policy (Woolf, personal correspondence 2016). But, according to Arrigo, this resolution was “completely irrelevant” because it had “no operational component.” It was initiated by Van Hoorn and Okorodudu, and, according to Woolf (Hoffman, 2015, p. 355) came out of dissatisfaction with the PENS Report. Hoffman writes that Behnke then attempted a partnership with Van Hoorn, Okorodudu, and Woolf to influence “the language of their resolution” (Hoffman, 2015, p. 357). This was one of the many times that Moorehead-Slaughter sent a letter that was drafted in its entirety by Behnke and this letter asked the three Div48 members to change the wording, ostensibly so that it would not preclude the work of forensic psychologists. Hoffman (2015, p. 358) describes the manipulations by which Behnke attempted to prevent an early vote on the resolution and his proposal that they work with Div19, Military Psychology.

2007 Moratorium Resolution

According to Hoffman (2015) at the August 2006 COR meeting, Neil Altman, representing Division 39 (Psychoanalysis), moved to add a new business item titled “Psychologist Participation at US Detention Centers” for consideration a year later at the August 2007 COR meeting: “a moratorium on the participation in any form, of psychologists at detention centers where the rule of law (international and domestic) has been called into question by the executive branch of the US government.” Altman introduced “substitute motion #1” to accompany his main motion, which requested that COR adopt a resolution to put a moratorium on psychologists’ involvement in U.S. detention centers. The motion was referred to the BoD, and six Boards and Committees (See Hoffman, 2015, p. 396).

Throughout the Fall of 2006, Behnke discussed this with Banks at the DoD and Banks did not like the sixth statement which called for a moratorium of psychologists participating in interrogations or “be[ing]” on sites that do not operate consistent with the Geneva Convention. The Ethics Committee met in October to consider the moratorium proposal (Moratorium Resolution). Moorehead-Slaughter was there as past chair and/or relating to PENS TF and Robin Deutsch was current Ethics Committee Chair. Hoffman states “Banks and Behnke worked together to ensure that the Ethics Committee did not take any positions that undermined the policies adopted by the military” (Hoffman, 2015, p. 402).

Behnke asked Banks to help draft a letter from the Ethics Committee to Altman. Banks warned Behnke that Altman was essentially arguing that soldiers should disobey legal orders, and that this would be “dangerous ground that he, and potentially APA, are treading” (Hoffman, 2015, p. 403). Hoffman (2015) notes that when they interviewed Nancy Sherman, the Chair of Ethics at the United States Naval Academy, she commented that all military personnel have a duty to abide by their moral conscience and to “never accept an order [they] believed to be immoral.” In fact, according to Hoffman, Sherman stated that soldiers had a moral obligation to “question orders, right up the chain of command, and disobey orders if [they] must, if they think an order involves immorality” (p. 403).

At this point Mike Gelles was chosen to be the sender of the letter, composed by Behnke (Hoffman, 2015, p. 404), from the ethics committee to Neil Altman and others working on the Moratorium Resolution. Moorehead-Slaughter was chosen as the person to distribute it to people working on the Moratorium Resolution. Hoffman indicates Behnke most likely wrote this letter (Hoffman, p. 404). Before the Gelles letter was distributed, Moorehead-Slaughter was asked to describe Gelles in such a way as to make the letter more acceptable. Farberman said, “How about Olivia attaching a short cover memo to Mike’s letter that gives the ‘facts’ of Mike’s intervention at GTMO—to put this letter and his knowledge of the issue in context, etc.” In the end, the letter that went out was written by Behnke, with Banks’ participation and approval, signed by Gelles, and distributed with an introduction by Moorehead-Slaughter.

According to Hoffman, Behnke then worked with Larry James to oppose the Moratorium Resolution by drafting a letter for James to sign. Behnke then drafted a letter for Moorehead-Slaughter to sign and distribute which she sent on April 26, 2007 to Altman without any changes.

The DSJ supported the Moratorium Resolution, but members were willing to work with Behnke when he came up with the idea of a substitute motion. Hoffman states, “because the DSJ wanted to propose several amendments to the substitute motion, they put together a subgroup consisting of Corann Okorodudu, Judy Van Hoorn, Neil Altman, Linda Woolf, and Bernice Lott to do so” (Hoffman, p. 419). Unbeknownst to the committee, while they were working on the substitute motion, Behnke also worked behind the scenes to garner support in opposition to the Moratorium Resolution. Hoffman states there were secret plans to “co-opt” the committee and encourage the committee to work with members of Division 19 (Hoffman, p. 372).

This co-opting was handled via Moorehead-Slaughter. Behnke “drafted an email for Moorehead-Slaughter to send to Van Hoorn and Okorodudu, which Moorehead-Slaughter sent verbatim on June 24” (Hoffman, p. 408); this email raised the concern that the

membership of the committee would be suspect and divisive if they didn't reach out to Div19 for collaboration. While it may have been a good idea to include Div19 who would have a stake in the outcome, it was also seen by Hoffman as a manipulation of this committee by Behnke.

Van Hoorn then reached out to Division 19 as Behnke advised. Hoffman (2015) describes how Behnke and Moorehead-Slaughter finessed the Moratorium Resolution into being, taking out any reference to their edits, and making it seem to the public that it was a Div48 resolution alone, and not a resolution formed in collaboration with Div19. Moorehead-Slaughter apparently did not object to this subterfuge. At the 2006 COR meeting, then Army Surgeon General Kevin (See Kiley, 2005) spoke on behalf of the DoD, Reisner spoke as a critic of psychologists' involvement in interrogations, and Moorehead-Slaughter finished the meeting/session by supporting the PENS TF position with talking points drafted by Behnke.

Soldz discussed this time period with the MITF as well, and stated he learned from Woolf and Van Hoorn that at the COR meeting in 2006, there were questions regarding whether the resolution would mean that psychologists could be sued by patients for hospitalizing them, given that there was not a clear definition of CIDTP (Cruel, Inhumane, or Degrading Treatment or Punishment). Soldz was informed that during the lunch break, some people wrote a definition of CIDTP consistent with the U.S. Constitutional protections against "cruel and unusual punishment." But he said this was a problem because US jurisprudence defines cruel and unusual punishment as behavior that "shocks the conscience," and this was problematic given what might shock the public's conscience could have changed in response to 9/11. According to Soldz, when he wrote an email protesting this definition, Behnke told him to write to Woolf and van Hoorn.

2007 Reaffirmation of the 2006 APA Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CIDTP).

We include this section to track the resolutions regarding torture that led to the 2015 final resolution. These sections also demonstrate tension between Div35 members and those who called for the annulment of the PENS Report.

The 2007 Reaffirmation Resolution (APA, 2007a) went beyond the 2006 resolution in banning participation in specific interrogation techniques. The Coalition saw it as containing major loopholes that were entered into the text on the night before the vote, such as only prohibiting certain techniques if they reach the standard of causing "significant" or "lasting" harm even when these techniques violate the U. N. Convention Against Torture (see Coalition, 2007 for further details). Arrigo states that this reaffirmation was also irrelevant because it wasn't "operational" or enforceable.

In a September 1, 2007 article in *Counterpunch*, Linda Woolf also described multiple concerns about the 2007 resolution, including:

As noted above, prisoners can still be subjected to “harsh interrogation techniques” as discussed by Attorney General Alberto Gonzalez and defined as torture by the International Red Cross and the United Nations, and psychologists can still participate in the operations of these settings but not in these specific interrogations. Unfortunately, psychologists’ presence at such sites provides tacit support for these “harsh” techniques, legal under the Military Commissions Act of 2006. Although reporting is mandated when psychologists witness the use of abusive techniques, this reporting to superior officers is meaningless as the techniques have been approved and are considered legal.

Ultimately, the 2007 Resolution maintains the status quo and prisoners will continue to experience torture and other cruel, inhuman, or degrading treatment both as a function of perpetrator behavior and as a function of context. It is indeed a sad day for psychologists, a sadder day for human rights, and a day of despair for detainees (Woolf, 2007).

The Coalition agreed and wrote: “As the 2007 resolution was riddled with loopholes, we continued pressure, resulting in the strengthening of that resolution in 2008.” During the COR meeting of the 2007 convention, the moratorium amendment to substitute motion #3 was rejected by a three to-one margin before the substitute motion itself was considered and passed almost unanimously (this refers to the 2007 Reaffirmation described below, APA, 2008a).

*Linda Woolf is a member of Div35 and on the newly formed APA Ethics Commission as of February 2016. In this instance, she agreed with the Coalition members and did not support the 2007 **substitute** resolution. She later wrote, in the Div35 Winter 2015 newsletter, about the Moratorium Resolution that “sadly” it was not supported by COR.*

NOTE: 2007, Before and After in the News

As a side note, we wish to enter at this point in the report narrative a brief summary of key information that was available before and after 2007. Some of this information indicates what Div35 members could have known and includes information that reveals that abusive treatment of prisoners had not stopped.

In 2003 and 2004, many articles were published regarding allegations of psychological and physical coercion “tantamount to torture” including a Nov. 30, 2004 article in the NY Times. Hoffman describes this article and others as prompting the PENS TF (p. 17). In

March of 2005, an FBI memo criticizing GTMO methods was released by the Justice Department dismissing intelligence obtained by military as “suspect at best” (3/22/05). Jane Mayer’s New Yorker article, “The Experiment”, came out in the July 11th issue of 2005. Mark Benjamin’s article on Reverse Engineering, “The CIA’s Torture Teachers” was published in Salon (Benjamin, 2007) on 6/21/07, around the time of the events in this section. There were multiple additional news articles, the Red Cross Report (2007), the Amnesty International Report (2004; 2007), and the Senate Intelligence Committee was at this time doing its own investigation resulting in its Report on Detainee Treatment (SSCI, 2008). Multiple sources provide confirmation of abusive detention and interrogation operations that were still occurring after the PENS Report was released.

Shortly after 2007, there were continued indications that abuse was still taking place. Amnesty International documented that nearly 80% of GTMO detainees were kept in long-term isolation in cells often subjected to extreme cold through air conditioning turned on high and lights on 24 hours a day (Amnesty International, 2007). The Department of Justice’s (DOJ’s) Office of Professional Regulations Report (2009) indicates that the Office of Legal Counsel (OLC) did not permanently outlaw “Enhanced” Interrogation Techniques (EITs) like “dietary manipulation” or “isolation up to 30 days.” Soldz & Reisner (2016) report that in fact, one month before PENS, there was the Bradbury Memo which concluded that the use of the following EITs, as proposed by the CIA, would be lawful: (1) dietary manipulation; (2) nudity; (3) attention grasp; (4) walling; (5) facial hold; (6) facial slap or insult slap; (7) abdominal slap; (8) cramped confinement; (9) wall standing; (10) stress positions; (11) water dousing; (12) sleep deprivation (more than 48 hours); and (13) the waterboard. (OPR Report, 2009, pp. 133-134). As Soldz & Reisner (2016) write, the April 2006 OLC memo “states that the abusive techniques contained in Appendix M of the 2006 Army Field Manual (FM 2-22.3) are legal” and “potentially provides legal immunity even for the abuse of U.S. citizens overseas.” They write that “various human rights organizations have condemned Appendix M, including Amnesty International (2009), which described it as likely ‘sanctioning cruelty.’” A NY Times article (Alexander, 2010) quotes an officer who describes The Army Field Manual as not explicitly prohibiting stress positions, putting detainees into close confinement or environmental manipulation (other than hypothermia and “heat injury”) opening a window of opportunity for abuse. The Center for Constitutional Rights reported, “The conditions in these camps are harshly punitive and violate international and U.S. legal standards for the humane treatment of persons deprived of their liberty” (2009). In 2009-2010 reports of abuse in the Black Jail in Afghanistan came from the BBC (Andersson, 2010a; 2010b; 2010c), the Washington Post (Partlow & Tate, 2009), and the NY Times (Rubin, 2009).

There continued to be policies in place, via Appendix M of the 2006 Army Field Manual, that “ensured that cruelty was sanctioned,” in the words of Amnesty International, and that allowed abuses that violate international and US legal standards. Moreover, there

were articles available in prominent places with regard to torture and “enhanced interrogations” at this crucial year for APA, 2007, as well as after when the EC35 was called upon again in 2011-2012 to assist the Coalition and DSJ.

2007 Letters Regarding Larry James’ Participation in “Enhanced Interrogations”

In this section we discuss Larry James’ involvement as a preface to discussing Melba Vasquez’ letter supporting Larry James. Melba Vasquez, past-president of Div35, solicited select members of Div35 as well as others to support James whom she believed was being wrongly accused by dissidents.

According to Stephen Soldz, one of the dissidents, APA had been asking the Coalition to name names or stop throwing around accusations about psychologists participating in torture. Those who had recently formed the Coalition, wrote an open letter to President Sharon Brehm on June 6, 2007 (see Appendix G):

It is now indisputable that psychologists and psychology were directly and officially responsible for the development and migration of abusive interrogation techniques, techniques which the International Committee of the Red Cross has labeled "tantamount to torture." Reports of psychologists' (along with other health professionals') participation in abusive interrogations surfaced more than two years ago.

In this letter they asked for APA to officially endorse the Moratorium Resolution (noted above), and for a neutral third party investigation of this involvement. Over 40 members signed the letter, including some in Div35: Rhoda Unger, Bernice Lott, Linda Woolf, Faye Crosby, M. Brinton Lykes, Barbara Gutek, Maram Hallak and possibly others. The contact names on the letter were the dissidents Steven Reisner, Stephen Soldz, and Brad Olson. This letter also pointed to Larry James as well as other psychologists Banks, Lefever, and Shumate. Banks was one of the military psychologists in charge of the BSCTs at the time reported abuses were occurring at GTMO. See Appendix F for fuller information on Col. Larry James’ knowledge of and actions relative to “enhanced interrogations” at both GTMO and Abu Ghraib. We highlight the section of the letter on James here in this MITF report as background to discussing the strong support for James that came from some members of Div35.

Colonel Larry James, a second PENS member, "was the Chief Psychologist for the Joint Intelligence Group at GTMO, Cuba" (PENS Task Force member biographies) starting in January 2003. Col. Larry James has often been cited by Gerald Koocher, Stephen Behnke, and others, as the one who 'cleaned up' Guantánamo and Abu Ghraib. The OIG report, however, makes it clear that

Guantánamo BSCTs played an essential role in transforming SERE techniques into standard operating interrogation procedure; that the Commander of Guantánamo detainee operations requested official approval for the use of these torture techniques in October, 2002; and that permission was granted by Defense Secretary Rumsfeld in December 2002. Additionally, as stated in his PENS biography, in 2003 James "was the Chief Psychologist for the Joint Intelligence Group at GTMO, Cuba." In 2004, James was Director, Behavioral Science Unit, Joint Interrogation and Debriefing Center at Abu Ghraib. It should be noted that that in 2004, according to many sources, Gen. Geoffrey Miller, Guantánamo Commander, too, went from Guantánamo to Iraq, and brought the SERE techniques with him. James was the commander of the BSCTs at the time the FBI and other law enforcement agents were reporting that severe abuses were occurring at Guantánamo. The FBI and other Criminal Investigative Task Force agents reporting these abuses referred to them as "SERE" and "counter-resistance" tactics in documents obtained by the ACLU under the Freedom of Information Act. (See Appendix G for full letter).

It is important to note that nothing about Larry James' race was noted in this letter and several of the individuals we interviewed stated that at this point, they didn't know his race. Yet in response to this letter, Melba Vasquez wrote an open letter to Larry James on July 7, 2007 (Appendix H) in defense of James:

We are aware that you are a person of color who has taken a unique leadership role among psychologists in the military. We perceive you to be a hero in your work at Abu Ghraib to develop training and to implement systems to prevent further acts of abuse. We are proud of your application of psychological research, materials and principles in doing so.

Vasquez also gathered people to support what she saw as a racist attack against James (personal communication, Melba Vasquez, January, 2016). This letter was originally signed by Div35 members Laura Brown, Rosie Phillips Bingham, Asuncion Miteria Austria, Lenore Walker, Martha Banks, Dianne S. Salter, Beverly Green, and Sandra Shullman. After the open letter was sent, Vasquez gathered additional signatures, including names of persons recognized as Div35 leaders: Jean Lau Chin, Katherine Nordal, Nadine Kaslow, Natalie Porter, and Susan McDaniel (see email in Appendix H).

Joan Chrisler discussed the Vasquez letter and stated that the DSJ members in APA called it the "Division 35 letter;" she stated she resented this because she was Div35 President at the time and wasn't asked about it, and the letter didn't come out of EC35: "That letter did a lot of damage to us." When interviewed, Maureen McHugh, also a past president of Div35, recalled that Vasquez did not circulate the letter broadly; McHugh was not approached to sign, but she believed that this was because the signatures were

from “pretty high level people.” Later, McHugh was “horrified” when people referred to the letter as the “Division 35 letter;” McHugh clarified that she was most horrified that Vasquez had asked most if not all of the senior people in Div35 to sign it without bringing it out into the open for all Div35 members to consider.

We also spoke to some of the Div35 members who signed this letter. Rosie Bingham, who was on the Retreat Planning Committee for the Mid-Winter 2016 Executive Committee meeting when asked about the letter, stated she didn’t remember signing it.

When interviewed, Laura Brown said she was aware of the letter but not particularly interested in it at the time; she added, “If Melba asks me to sign something I usually do.”

Natalie Porter initially said in an email (1/12/16) that she believed she signed it because she trusted Melba. Later she clarified and said that she didn’t want to “dump it all on Melba” and recalled that there were documents that accompanied the letter that indicated James hadn’t been at GTMO when the alleged torture was occurring. Porter told us that James himself had said something very compelling that she couldn’t remember. Porter also stated that people whom she trusted “did their homework;” although she had read the letter by Olson, Reisner, and Soldz, she determined there was “overreach” on their part in their naming of James, as if he was “responsible for everything.” (It may be important to note here that the letter to Brehm by Olson, Reisner, and Soldz discussed three individuals in depth and not only Larry James.)

Members of the MITF do not have access to accompanying documents to which Porter referred. According to available documents to the MITF, James asserted he wasn’t even at GTMO or Abu Ghraib during the times when the abuse was supposed to have occurred. Other documentation strongly suggests otherwise (see Appendix F for a timeline of James’ involvement). Even today, Morgan Banks is still insistent that the DoD’s policies did not authorize abuse/torture by the time of the PENS TF. However, see Soldz & Reisner (2016) for documentation of all the abuses that continued to occur during and after the PENS TF. The Appendix M of the Army Field Manual was still in effect during and after the PENS TF and was condemned by human rights groups.

Although the Coalition did *not* state that James was directly involved with abusive interrogations at GTMO while there between 2003 and 2004, they did state in their letter to Brehm that James left GTMO claiming to have “fixed” all such abuses, when clearly he had not. Moreover, the BSCT he had been in charge of when there continued with abusive interrogations. (See the previous section above for news confirmation of this.)

The BSCTs were accused of abuses a couple of months after James left GTMO. And in 2004 there were Red Cross reports of the “Frequent Flyer” program where one inmate was made to switch cells 128 times in 14 days thus making this tantamount to sleep

deprivation (Lewis, 2004). The torture of one inmate, Mohamedou Ould Slahi, was so disturbing that Lt. Col. Stuart Couch resigned his position as prosecutor at GTMO because of that. The torture of Slahi began only weeks after James left. Slahi writes:

By January 2003, military interrogators were agitating to make Slahi their second “Special Project,” drawing up an interrogation plan that mirrored Qahtani’s. Declassified documents show that Slahi’s “special interrogation” began when he was transferred to an isolation cell near the end of May (Slahi, 2013).

The Center for Torture Accountability (n.d.) stated that Col. Larry James was brought in from Washington to head up psychology operations for detainees at GTMO in 2003, at the same time when the people in charge of running these prisons were incorporating “enhanced interrogation” techniques into previously standard and non-abusive interrogation procedures.

Again, see Appendix F for a timeline of James’ involvement taken from multiple sources, as well as from James’ own 2008 book, *Fixing Hell*.

After the June Coalition letter to Brehm, but before the response from Vasquez in support of James, Behnke arranged for James to speak at the 2007 COR meeting, and, according to Hoffman, drafted a speech for him. Hoffman states the presentation by James was “notable” by many interviewed and in the speech, people remembered he said, “People will die” if psychologists were not permitted to work in such detention settings (Hoffman, p. 425 and Democracy Now, 2010). Hoffman noted that those interviewed thought that the asking of Manne to step down was not normal procedure, but no one he interviewed confirmed that as Div19 Council representative she was asked to step down specifically in order to enable James to speak at the meeting. Hoffman agreed, however, with the interpretation of those he interviewed who believed this was the reason that Manne was asked to step down.

Thus Vasquez’s letter was part of an overarching effort to support James the summer of 2007. When asked if the Vasquez letter played a part in supporting PENS and obstructing the dissidents, Soldz said, “tremendously” and “they were able to use this to influence people on Council that we were bullies.” James was saying at the time that the Red Cross were America-hating hippies and lied in their report. With Vasquez’s support, people believed James when he claimed to “fix hell.”

According to Hoffman, in 2007 Behnke was working behind the scenes to get the Moratorium Resolution out of play and did so by bringing in a number of groups to create a substitute resolution. Also, at every step along the way he was consulting with Morgan Banks of the DoD for approval. At the August 2007 COR meeting when the Moratorium Resolution was defeated, Behnke arranged for James to give a speech. Behnke and

Brehm agreed James was well respected at COR. According to Soldz, part of his respect among Council members came from the support he had from prominent Div35 members and people of color who appeared convinced that the attack on him had racist overtones. Thus, the Vasquez letter and some Div35 leaders' support of it may have played a part in James' arguments against the Moratorium Resolution.

Why were members of Div35 not concerned with James' potential support of torture or "enhanced interrogations?" Why were they more likely to take the word of a colleague who said he was "helping" or that he was "fixing" hell, rather than the multiple reports that were arising in the news? At the very least, the Amnesty International Report was out before the exchange of letters in June of 2007. See Timeline of News in Appendices A & C for others.

2007 San Francisco APA Convention Division 35 EC35 Meeting

This section marks the beginning of Div35 Executive Committee's involvement in the controversies over PENS. Below we look at 2007, 2011-12, and 2015-16 as important moments in which the division could have joined the protesters' efforts but failed to do so for a variety of reasons.

Disagreements About EC35 Response to PENS Report and Moratorium Resolution

Joan Chrisler was President of Div35 at the August 2007 EC35 meeting in San Francisco. At the time, she did not know much about PENS TF, but remembers that Rhoda Unger and perhaps Bernice Lott (acting as representatives of SPSSI while also longstanding Div35 members), asked that Div35 take a stand against the PENS Report, saying that the PENS TF process was inappropriate and its conclusions were incorrect. Chrisler recalls that Laura Brown was a Div35 Council Representative at the time, and took a strong stand on the other side. Brown's position, as Chrisler recalls it, was that if you took a strong stand you were going against military psychologists, and that it wasn't fair to turn against our colleagues -- that our colleagues have to make a living, and that psychologists in those military situations could do a lot of good.

Brown, looking back at this time, described her position as wanting psychologists to be on site at GTMO "so we can blow whistles and prevent things." As she recalled at the time she was not concerned when Mitchell and Jessen were named because she knew they weren't APA members, which meant there was nothing APA could do about it (Mitchell resigned from APA in 2006, Hoffman, p. 504). Brown did not and still does not agree with "a moratorium," she reported to us, because she thinks that "educating interrogators" using "psychological science" is the best course of action at GTMO (but

not the Black Sites); she related that her stance was that we as psychologists had research that could put psychologists in an educative role.

According to several people interviewed, Brown was very persuasive at that meeting; Chrisler believed that Brown was such a strong voice and so very well respected that EC35 members were swayed by what she said. This resulted in many being unwilling to take a stand at all. McHugh also recalled this meeting, and stated that she was “confused” because she respected Brown so much, but their views differed. As McHugh recalled, there was no vote by EC35; they just did not offer support for the Moratorium Resolution as a division.

In support of this, Chrisler stated that, “Most of the EC was blindsided and confused so were unable to take a stand.” Chrisler also recalls that Unger told her there was a whisper campaign against her, calling her a racist, after which she felt marginalized by Div35. It was a few days after that EC35 meeting that the APA Mini-Convention on Ethics and Interrogation took place (August 19, 2007). This was the mini-convention in which Jean Maria Arrigo gave her talk that exposed the conflicts of interest in the PENS TF and other information about abusive interrogations was shared. Chrisler stated she was horrified by what she heard there and embarrassed that Div35 wasn’t on the right side of the issue by failing to take a stand.

“Bullying” by Dissidents

Brown also explained that hers and others’ resistance to the dissidents was in part a result of the dissidents’ behavior, tone, race, and gender; she described the dissidents as White men who exhibited “extreme bullying behavior by anyone who disagreed with them.”

Brown named Olson, Eidelson, Reisner, and Tejerian specifically, and said that, “if you didn’t agree with what they said, they viciously personally attacked you.” When asked how, she stated that one time on the DSJ listserv, Olson accused her of not believing in social justice. She also didn’t agree with the strategy of the protesters and didn’t find them “credible” given their bullying style.

When interviewed, Brad Olson disagreed that there was bullying or vicious personal attacks on the listserv, or at face-to-face meetings of the DSJ, but also stated he could understand how others might perceive what occurred as bullying. Soldz said that there may have been examples of strong language, but that those on the other side of the arguments were quick to call strong language “bullying” and describe themselves as victims. One example Olson gave was when someone whom he called a “Troll” (a person on a listserv that sows discord and not one of the primary dissidents) used the phrase “like putting lipstick on pigs.” This was interpreted as calling the women in opposition to the dissidents “pigs.” Another example Olson gave was Brown’s citing of “slander as

similar to murder” according to Judaism. Soldz reported he perceived this as comparing the dissidents to murderers. As Brown wrote:

Since various folks on this list have been instrumental in sending the open letter to Sharon Brehm, I believe it's worthwhile to read what Larry James, a colleague accused of misconduct in that letter, has to say for himself. I'm passing this along; it came to me via Melba Vasquez, a member of the APA BoD, as well as of the executive committees of two divisions (35 and 56) that are members of DSJ. I want to note that making accusations about someone by name may itself raise questions of ethics. While some here may scoff at comparing participation (knowing or otherwise) in interrogations with slander, each in their own way violates our values. Jewish ethics (which inform my thinking) say that slander is the equivalent of murder; thus in Jewish communities we work against "lashon harah", literally "evil tongue", but usually translated as gossip, because of its potential for damage. I believe that no strategy which creates human collateral damage is one which ultimately supports social justice. (6/20/07 post by Laura Brown to DSJ social justice discussion forum APA listserv).

Another example of something that Brown perceived got her “trashed on the listserv” was when she was “echoing Jessica Henderson-Daniel whose Dad was in the air force” and that “what we were doing would penalize men in the air force and their family members as well.”

Laura Brown also noted that at the time, she felt that the dissidents were hypocritical, “ignoring the fate of the men of color in the U.S. prison system who were subjected to similar things they were protesting.” Brown also said that she felt the dissidents’ stance towards military psychologists and their families was characterized by, “We don’t care about their families. We don’t care about them. We don’t care what happens to them.” We could not find this kind of statement when searching the DSJ discussion listserv archives, and when asked about it, Brad Olson stated that Tejerian had been accused of saying that, but that Tejerian never made such a statement.

Laura Brown’s Concerns Regarding the Moratorium Resolution

Laura Brown’s concerns regarding the Moratorium Resolution and the response to the PENS TF Report were addressed in our interview with Jean Maria Arrigo. With regard to Mitchell and Jessen not being APA members, Dr. Brown may not have known the whole story. During 2003 when there was some of the “enhanced interrogations” that included waterboarding, Mitchell was an APA member (he resigned in 2006). She may also not have known that they both continued to be associated with APA. They gave APA Continuing Education courses, according to Arrigo, up until 2006. Further, as the emails presented in “All the President’s Psychologists” demonstrate (Soldz, Raymond, &

Reisner, 2015), several APA staff were on a first name basis with Mitchell and Jessen, and the 2005 article by Jane Mayer (titled “The Experiment”), read by several APA staff, had Mitchell recommending that detainees be treated like dogs -- a reference to Seligman’s learned helplessness experiments (Mayer, 2005).

Arrigo addressed the claim that it was a good thing to have psychologists present at interrogations; that it contributed to the prevention of torture. She had archived an interview with an army commander of an interrogation unit in the First Gulf War (Intelligence Ethics Collection, Hoover Institution Archives) who stated that having psychologists there for SERE training actually enabled interrogators to go further than they would have (Anonymous et al., 2008, June 29). This same view was also articulated by experts in the award-winning documentary film “Doctors of the Dark Side” (Kerman & Davis, 2011). Dr. Brown would not have likely had that specific information at that time and so was probably repeating APA’s and James’ rationales.

When asked about whether military families would be hurt if psychologists’ participation in interrogations was to be stopped, Arrigo argued that the military constantly reassigns people and those in the military would not lose their jobs, although perhaps career opportunities for independent contractors would be much more vulnerable. In addition, there were only a small number of BSCTs, probably less than 20 at any one time.

With regard to the accusation that Div35 was not concerned with the prison system, Arrigo argued that the PENS TF was called on to set policy for military psychologists in national security detention settings, not domestic prison settings. The institutions are completely different in that if you are a moral dissident in the military you can be court-martialed and sent to prison. It’s very rare that a prison psychologist would also be credentialed as a prison guard or warden. Prison psychologists can leave at any time and can’t be put in prison for stating moral objections. Arrigo added that we have also never heard the commander-in-chief say people in prison should be tortured. Finally, she noted that whether or not Div35 should take on social justice activism regarding prisoners’ treatment is a matter that could be taken up by Div35, that work on one social justice issue does not preclude work on another. New attention to an issue does not necessarily represent hypocrisy but an entry into the specifics of a new institutional and cultural domain.

When the issue of the dissidents’ alleged ignoring of abuses in prison was raised with Soldz, he commented that this was at best only partially true. Many dissidents were acutely aware of horrific prison abuse. However, national security torture was terrifying because it was the first time the government explicitly authorized and claimed legal sanction for torture. Thus, were national security abuse to go unchallenged, it would legitimate other forms of abuse in other settings.

Further, dissidents had extended discussions about their primary focus on national security torture. They were aware that their opponents were trying to rally forensic and prison psychologists against the dissidents by suggesting that the dissidents would come after them next. Reluctantly, the dissidents decided that to speak out too strongly about domestic prison abuses at that point would give ammunition to these opponents.

In recent years several dissidents have been active in efforts to reform domestic prisons and criminal justice settings. For example, they have spoken out forcefully against solitary confinement and police violence. Soldz told us that if others among their critics had forcefully taken up domestic prison abuses, the dissidents would have loudly applauded and joined the efforts.

In summary, we have attempted to describe the EC35 meeting at which the Moratorium Resolution was discussed, which was held after the strong support of Div35 leaders for Larry James in June and July of 2007 via Vazquez's letter, but before the Mini-Convention. It appears that Laura Brown and Jessica Henderson-Daniel were persuasive voices at this EC35 meeting. The issue of whether or not to support the Moratorium Resolution did not come to a vote. Instead, the issue seemed to have been dropped. The issues raised by Vazquez, Brown, and Henderson-Daniel about military families and the abuses in the prison system appear to be arguments that likely persuaded the EC35 members not to support the resolution.

2007 Mini-Convention on Ethics and Interrogation at APA Convention San Francisco, August

We include this description of the 2007 Mini-Convention to document what information was available to all in Div35 via Arrigo's speech, and how Moorehead-Slaughter responded to the information Arrigo provided.

APA BoD funded a Mini-Convention on Ethics and Interrogations in response to the request from the DSJ, Behnke's wish to give the PENS Report a venue for both sides of the issue to be aired, and, according to Arrigo, APA's concern for "damage control". There was a total of nine two-hour sessions at this Mini-Convention, and the majority of people on the program were affiliated with the DSJ. *Democracy Now* filmed several sessions, including a Town Hall meeting. It should be noted that the Mini-Convention took place before the final day of the COR meeting when the 2007 Moratorium Resolution was to be voted on; Arrigo states that Brad Olson had to work very hard to get her on the Mini-Convention program, and APA scheduled her in a session that largely overlapped another session in which she presented.

Arrigo's eleven-minute presentation concluded with a two-minute recorded statement from David DeBatto, an Iraq war veteran and retired U.S. Army Counterintelligence Special Agent (Democracy Now, 2007). According to Arrigo, DeBatto had been a counterintelligence operative, someone who had been "chasing down terrorists" for the government.

Before speaking with DeBatto, Arrigo stated that she had consulted moral philosopher Charles Young, with regard to the confidentiality agreement at the PENS TF meeting. Arrigo told us that Young explained to her, that a promise is not binding when the promisor has been deceived into making the promise. That is, the lack of disclosure of the Newman-Dunivin conflict of interest was the kind of deception that invalidated the promise of confidentiality.

Arrigo then asked DeBatto to help her make sense of the PENS TF meeting. From the bios of the official list of PENS TF participants, Arrigo's list of unofficial PENS TF participants (so-called "observers"), and APA Science Policy News information about participants, DeBatto inferred that the PENS TF was a typical counterintelligence "social legitimization process for a decision made at a higher level." Stunned by this interpretation, Arrigo consulted with a former counterintelligence officer and whistleblower she had known for years, military historian Lawrence Rockwood. He gave the same interpretation as DeBatto, emphasizing that everyone invited to the meeting would have undergone a thorough background check.

At the Mini-Convention, Arrigo discussed the conflicts of interest within the PENS TF process and the observers in the room who reported to other government agencies according to DeBatto and Rockwood. Except for a few introductory sentences, most of Arrigo's presentation there was broadcast on *Democracy Now* (2007).

During the Mini-Convention panel that Moorehead-Slaughter chaired, Arrigo remembers Moorehead-Slaughter "looking daggers at (her)." After, *Democracy Now* reported on Arrigo's 2007 presentation. Gerald Koocher had reported to Amy Goodman that Arrigo had told PENS TF members that she had had a troubled upbringing and that her father had committed suicide (which Koocher stated to this MITF that two other members of the TF heard) (Koocher, 2016). Arrigo, however, noted that she made no such statements about her father and her father was alive at the time of the PENS Task Force.

Olivia Moorehead-Slaughter's Letter in Response to Mini-Convention Accusations

On Sept 5, 2007, Moorehead-Slaughter wrote a letter to APA President Sharon Brehm that objected to what was said and/or implied by Arrigo at the Mini-Convention and reported on *Democracy Now*. Moorehead-Slaughter stated in this letter (Appendix I) that

Arrigo's presentation was a "gross distortion" of what happened in the PENS TF process.

In describing her participation in various APA committees, Moorehead-Slaughter said that she served with no compensation, adding that "APA activities have never been counted toward my professional advancement" and that any implication that she was rewarded for her positions or service was an "insult" to her "integrity." According to a response to her letter by the Coalition, this statement wrongly insinuated that Arrigo made this accusation of Moorehead-Slaughter.

Moorehead-Slaughter's letter went on to argue against Arrigo's statement, as the Hoffman Report later confirmed, that members of the PENS TF and other people in the room during PENS TF meetings were "covertly providing information to the military or had significant conflicts of interest that would predetermine a position." Moorehead-Slaughter also argued that the biographies of all members were made open to the public so there were no hidden conflicts of interest. This is not completely accurate. Although Division 48 had posted the biographies of the PENS TF members on their web site in May of 2005 before the TF met, after the TF produced its report and after the APA Board released the PENS Report, they did not list the members of the PENS TF on the report or elsewhere "due to sensitivities of some members" (Hoffman, p. 245). It may be that APA didn't realize that someone in Div48 had already posted the names. And according to the Coalition, who were members of Div48, they also did not know the names had been posted there. According to Arrigo, APA had still not publicly named members of the PENS TF, observers present in the PENS TF meetings, or their military connections, until the Hoffman Report came out. To support the accusation that APA did not make the names public as Moorehead-Slaughter insisted they did, see the Sept. 19, 2007 letter by the Coalition that describes their attempts to obtain those names (Appendix I).

In this same letter to APA President Sharon Brehm, Moorehead-Slaughter countered Arrigo's assertion that "no task force member was permitted to speak about the PENS Report" by suggesting this assertion could not be true as evidenced by the fact that Arrigo had spoken quite a bit about the PENS TF since the time of the PENS TF meetings. However, Arrigo did not speak until a year later after she had sought out ethical advice about the confidentiality agreement that had been created around PENS. In the letter, Moorehead-Slaughter then complimented other committee members, including Gelles and James, about whom she writes: "The work of Dr. Larry James in implementing procedures to prevent further abuses at Abu Ghraib has been described in a recent book by a former APA president." She also disagreed that there were "significant conflicts of interest" and she argued that many of the members of the PENS TF have taken actions to fight against detainee abuse. She then quoted Arrigo's comments to her after the PENS TF meeting and indicated that Arrigo's comments showed that she actually had supported the process. These are the comments that Hoffman describes as an "unfair" representation of Arrigo's point of view (Hoffman, p. 26) and that are also addressed in the Coalition

letter of Sept. 19, 2007. The Hoffman Report reveals that neither at the time of the PENS TF nor later when interviewed by Hoffman, did Dr. Arrigo understand the extent of the collusion by Morgan Banks (the DoD officer in close contact with Behnke throughout the process.)

The Moorehead-Slaughter letter of Sept. 5, 2007 clearly shows that she was aware of the Conflicts of Interest that Arrigo named, and that she was made aware in 2007 if not earlier, that “abuses were observed during the time when at least three PENS TF members were a part of the implicated chains of command” (see Coalition letter, 9/17/07). Her statement in her Sept. 5 letter that there had been no abuses since 2003, was flatly contradicted by several news reports and evidence given to her in the 9/17/07 Coalition letter. She herself knew of the Independent Red Cross Report (IRCR) of 2004.

Hoffman states that the vast majority of Moorehead-Slaughter’s personal letters and emails to PENS TF members were written by Behnke and passed along to others as her own. The Sept. 5th letter may have also been written by Behnke.

In summary, Olivia Moorehead-Slaughter seemed to disregard dissent or actively contradict the statements made by Arrigo at the 2007 convention. Arrigo believes that Moorehead-Slaughter was speaking for Behnke. Her staunch defense of the process, her minimizing the severe conflicts of interest of the TF members as “not significant,” even though at least 3 were in the chain of command at GTMO, and her dismissal of reports by the NY Times, the Red Cross, and the Coalition, contradict an excuse of not knowing, which is her current stance.

2008 Referendum

We include this section on the 2008 Referendum in order to document the process towards the PENS annulment that over time Div35 either ignored or obstructed.

Dan Albers was the driving force/initiator behind a 2008 APA member-passed Referendum (petition resolution) affirming as APA policy that psychologists may not work in sites operating outside of or in violation of international law or the Constitution – such as GTMO, Bagram, or the CIA black-site prisons – unless they work directly for the detainees or are treating U.S. service members. We include this here as part of the overall narrative, even though Div35 did not have an active role in the referendum effort. It is interesting to note that according to Arrigo, at the time, those behind the resolution didn’t realize at the time that passing the resolution wasn’t enough. The resolution had to be accepted by the Ethics Committee and entered into the Ethics Code and those steps were not taken. The 23B motion that was passed by Council in 2015 was in part a continuation of this effort, but the same enforceability issues remain.

Hoffman (2015) notes, however, that James saw the wording of this referendum as a coup. James wrote to a group of military psychologists: “The real victory is that no part of the recommendations will be apart [sic] of concil’s [sic] report or APA policy. It will only say that psychologists can’t work in unlawfull [sic] detention facilities” (p. 448).

Summer 2009

This section is included as a way of tracking what was going on in the division around the times at which COR was considering various resolutions.

The Summer 2009 issue of the newsletter, *The Feminist Psychologist*, reported that according to Div35 Council Representatives Laura Brown and Asuncion Miteria (Siony) Austria, APA’s Council accepted the report by a group implementing the petition resolution that was passed in 2008. They reported to Div35 that COR accepted several other documents germane to the concerns of Div35 including the final report of the joint Division 19 (Military) and Division 44 (LGBT) Task force on sexual orientation and military service. (SPW is the name of the society that is Div35.) They also wrote that they represented Div35 by supporting Melba Vasquez’ APA Presidential campaign. They wrote, “Your SPW reps serve in the leadership of the Women’s Caucus (WC) at Council: Laura Brown serving as chair, Siony Austria serving as Member at large. The WC has two charges: promoting women in Governance, and promoting women’s issues on the council agenda. The focus that year, they informed the EC and Div35 members, through the newsletters, had been on governance and the “pipeline” of women into the highest levels of APA leadership. As such, WC had been promoting the APA presidential campaign of SPW past president Melba Vasquez and donated \$1,000 to her campaign.”

The Winter 2010 newsletter reported the minutes from the above meeting stating: Vasquez “shared ways she intends to integrate women’s issues and concerns into her presidency. She also discussed the need to use our social psychological research to examine, prevent, and educate people about the current backlash against ethnic minorities. She is also interested in finding ways to share the psychological literature with community and to brand APA in a positive way.” The minutes state: “Melba thanked SPW for our endorsement and asked us to encourage fellow APA members to vote in the election. Laura Brown requested that EC35 members contribute funds to support Melba’s candidacy.”

In this newsletter we see the word “pipeline” used, a word that we pick up on in our analysis later. We’re aware that Div35 sees as part of its mission placing women in the leadership pipeline. This mission is also something we address in our analysis and recommendations.

2011 Executive Committee Meeting (through 2012 Midwinter Meeting in San Antonio)

This section marks an important moment for potential change in the division, a lost opportunity.

The Coalition initiated the PENS Annulment Petition (Petition) and invited all APA Divisions to sign on to it. The letter from Roy Eidelson to Div35 (along with the petition) is found in Appendix J. Several divisions signed on to the Petition but most did not. There was heated debate in Div35 at the 2011 August division meeting regarding the wording in the Petition. Although many members agreed with the Petition in general, there were some who argued about the wording and whether or not members had enough information to know whether the information connected to the Petition was true.

Those we interviewed seemed to agree that there was considerable tension at both meetings. Interviewees often did not differentiate between the 2011 August EC35 meeting and the 2012 Midwinter EC35 meeting in their memories. Thus, in interviewees' quotes shown below, it may be unclear which of the two meetings each interviewee is referring to. However, based on emails sent to us by Stephanie Shields and Roy Eidelson, most of the discussion regarding the decision not to support the Petition seems to have taken place at the 2012 Midwinter meeting.

Several individuals interviewed recall that Joan Chrisler (a Past President of the DSJ and Div35, as well as a Council Representative at the time) stated that failing to sign on to the Petition would be viewed as a sign of lack of support for the DSJ. Chrisler confirmed this in her interview.

On the other side of the issue, Jean Lau Chin (also a Council Representative at the time), made arguments against the specific wording of the Petition. While Chin did not respond to the MITF's invitation for an interview, Chrisler's description of events is consistent with many other interviewees on both sides of the issues and consistent with Shields' description of the meeting that appeared in an email she sent to the Extended EC (which she provided to the MITF).

Chrisler stated that one of her concerns was that Div35 did not take "an appropriate stand in 2007" and she wanted Div35 to make up for that error in 2011; she recalled, however, that many who objected to the Petition thought the Petition's wording was too "strident" and "strong." Her interpretation of Chin's perspective was that Chin wanted to protect APA and, at the time, APA was stating that the Red Cross report was false (Note: there were two Red Cross Reports, one from 2004 on GTMO that had been discussed in the

news, and another more secret 2007 report on CIA torture that was not leaked to the public until 2009).

As Chrisler recalled, she noted that Rakhshanda Saleem who was new to Div35, was on her “side of the argument” and that Maureen McHugh also supported signing the petition. McHugh recalls Laura Brown standing up at an EC meeting in 2007 (according to Joan Chrisler) and saying “we needed to support our psychologists in the military and many people made their living that way and that many of them were people of color.” McHugh said in her interview that the implication was that if you didn’t support the military you were racist; she stated, “I remember being surprised about that. I didn’t think this was an issue of race.”

Chrisler stated during her interview that no one supported torture per se, that many had read the New York Times reports about torture, and yet many remained focused on the “tone” of the Petition -- in her opinion, there was something about the tone that some felt was “unladylike.” She also recalled that Natalie Porter tried to be a “peacemaker,”

Consensus was not reached at this Div35 meeting, and the discussion was moved to the APA Communities website. Chrisler recalled that then President, Stephanie Shields was trying to be a neutral chair and came up with a standard feminist process for Div35 to respond to requests from outside organizations.

Natalie Porter’s memories of the meeting match Chrisler’s to the extent that Porter recalled the general feeling in the EC35 meeting, where people appeared to agree with Petition but were unsure about the wording. Porter stated that members “wanted to support the strength of the message without wading into waters of what was accurate or not,” but that there was still moral outrage about torture. Porter recalled that when the decision was made to write a separate document, those advocating this course of action didn’t think it would weaken the Petition, and thought it would support the outcome they wanted.

Chrisler stated that there were several concerns voiced. She had the impression that EC35 didn’t want to be associated with PsySR (“those people”) because they were too radical, too critical of APA, and not “nice;” she recalled that some didn’t like the Petition language, calling it “too strong” and making assertions that they couldn’t “verify” what was in it. (She may have been conflating PsySR and the Coalition so it is important to acknowledge here that the petition was spearheaded by the Coalition and signed by PsySR.) According to Chrisler, there was also a desire to support the Petition (stopping torture) without supporting what the dissidents at the time were implying about certain individuals at the time.

Susan Basow wrote in an email to the MITF that at the 2011 meeting she was “surprised at the diversity of viewpoints by people whose views (she) respected.” She recalls in particular Joan Chrisler’s arguments to support the statement and Laura Brown’s arguments about problematic wording; she recalled that everyone was against supporting torture in any form, but the debate was over how best to communicate that. Basow said that creating a separate statement seemed like a compromise, even though Chrisler pointed out to the group that a separate statement would be viewed as non-supportive. Basow also stated that Chrisler “was proven right;” while Basow praised Stephanie Shields for her attempt to make sure people’s voices were heard, arguments were presented, and procedures were followed, Basow believes that Div35 “got caught up in being civil and moderate and (in its) own ‘uniqueness.’”

Minutes from the Div35 Midwinter meeting in January of 2012 also support information obtained from general interviews, where they indicate that Chrisler discussed “issues” that “have been circulating on listservs,” and that it was clarified at the meeting that Council Representatives vote with both their conscience in COR meetings *and* in ways that are consistent with the goals and mission of Div35. The minutes state:

Div35 has been asked to join with these divisions and sign this petition for annulment of the PENS Report; inaction makes an implicit statement and does not reflect our solidarity with the social justice divisions. Council Representative Jean Lau Chin summarized the contrasting view that in order for military psychologists to remain employed by the government, they must follow military and legal mandates...She added that COR actions taken since the PENS Report demonstrate that APA, in fact, does not condone torture. When the Extended EC discussed the PENS Report in 2005, a majority of Extended EC members present voted to recommend that the report be accepted by the Board of APA. Some felt that the process used at that time on the volatile and divisive issue had not sufficiently allowed for wide and open discussion and feminist process. The minutes reflect that some members “did not feel that they had enough information to be able to decide on whether or not to endorse the petition.”

Note that this statement calls for a “recall” rather than an “annulment.” Roy Eidelson explained that annulment would mean that PENS was never valid and preferred that term even if APA bylaws may have only supported “recalls” and not “annulments.”

The minutes also state that EC35 decided to develop its own statement, and Past-Presidents Thema Bryant-Davis and Natalie Porter agreed to do the work to develop the statement; the minutes further show that Chrisler suggested that the separate statement at least include the following: “We stand with the Psychologists for Social Responsibility (PsySR) and Divisions of Social Justice in supporting the reconsideration and recall of the PENS TF Report.” But this was not included.

The minutes also reflect that Shields noted that Div35 doesn't have an established process in terms of how they take a position when requested to do so by a member or outside group, but that the process by which they would seek feedback from members had to be quick because COR was meeting two weeks after the 2012 Mid-Winter meeting

An email from Stephanie Shields to the Extended EC members dated Jan. 22, 2012 asked members to review the Petition documents and post comments by Feb. 15, 2012. In a later email on Feb 10th, Shields informed members about the process that EC35 had used at the Midwinter meeting to develop Div35's own statement (and that doing so was unanimously approved by the EC35), and once again asked Extended EC members to log into the APA communities web site to post comments by Feb. 15, 2012.

In the Feb. 10th email, Shields reported to the Extended EC, "At the Executive Committee meeting we had a lengthy and detailed discussion which ultimately led to a strong majority opinion that SPW's commitment to social justice compels us to speak to the issue, and that the PsySR's statement was not the vehicle for us to use. To make a long story short, those voting (private ballot) unanimously agreed that Past-President Thema Bryant-Davis and Apportionment Committee chair (and SPW past-president) Natalie Porter should draft a brief position statement that would then be put to a poll by the extended-Executive Committee."

Shields also noted in her call for a vote that those who came to this decision were guided by a desire to honor feminist process and follow the SPW by-laws.

The Div35 statement that Thema Bryant-Davis and Natalie Porter drafted is as follows but does not overtly address psychologists' involvement in abusive interrogations:

In light of discussions regarding APA's position on psychologists' involvement in situations with potential for human rights violation, the Society for the Psychology of Women (Div35) affirms our position on human rights which prioritizes the safety, justice, and well-being of all people. The Society for the Psychology of Women condemns the use of torture under all circumstances, recognizing torture as violation of both human rights and professional ethics. Given that the PENS Report does not provide a clear statement against the use of torture as a human rights violation, SPW stands with other APA Divisions of Social Justice in requesting its recall and reconsideration. We call for APA to state unequivocally that torture is a violation of both human rights and psychologists' professional ethics.

While discussing this meeting, one interviewee who wishes to remain anonymous recalled that EC35 meetings were "humongous and intimidating," and that the words

“feminist process” was evoked unpredictably. We will return to this observation in the analysis and recommendations section.

The statement was sent to APA when completed, including then APA President Melba Vasquez. Shields did not send the statement to the coalition. Eidelson, who had last written to Shields before the Mid-winter meeting, wrote to Shields on April 18. He asked about supporting the petition one more time and asked to see the statement he had heard about. It was at this time that Shields finally let him know that Div35 was not signing the petition. When asked why not, she wrote, “We have a large and diverse membership with a range of opinions on the issue. Our statement is one that we in SPW have endorsed collectively.”

It must also be noted that during this 2011-2012 period, Vasquez gave a 2011 statement in an open letter, as then APA President, to the Coalition for an Ethical Psychology, stating that “... it has been falsely asserted that [the American Psychological Association] colluded with the Bush administration in the harmful detention and interrogation practices of the ‘War on Terror.’ She has yet to publicly refute this statement.

In summary, this was clearly a difficult time for Div35, but themes emerge that are echoed in earlier and later meetings. While no one could specifically point to the wording of the petition that was problematic or couldn’t be verified, some had impressions of why the wording was problematic and why Div35 did not want to support the annulment petition. Similar to what happened in 2007, the same arguments were made that military personnel would lose jobs and that there was an implication that to not support the military was racist. There was also some objection to Petition language that one interviewee believed had to do with the wording being “unladylike” or “strident.” Another person thought that what was problematic about the Petition was that it blamed APA. Given that Div35’s final statement actually said that Div35 supported a “recall” of the PENS Report, it seems likely that the problematic points in the Petition and the facts that couldn’t be verified had to do with the criticism of the PENS process and by extension, APA.

2012-2013 Member-Initiated Task Force associated with Division 48 (Woolf, 2012 MITF)

This section is included because although the intentions of the first MITF Task Force may have been genuinely positive, the Coalition reported to us that the work of the Division 48 MITF taskforce undermined their efforts. We also include this description of the first MITF because this set precedent for Member-Initiated Task Forces in APA and because some members of this first MITF are members of Div35.

In 2011, members of Div48 (Society for the Study of Peace, Conflict, and Violence – Peace Psychology) were working together to discuss the possibility of a petition to annul PENS. According to Soldz, there were numerous emails back and forth amongst members, particularly with Linda Woolf and Kathleen Dockett. A majority of the ad hoc Div48 committee agreed to annulment, and a majority of the Div48 Executive Committee subsequently concurred. After a number of delays due to disagreements about alternative actions, an annulment petition was eventually pursued through the Coalition.

A separate task force had been formed by Linda Woolf and others: (William Strickland, Kathleen Dockett, and Julie Levitt; Laura Brown who was on it originally but for personal reasons may not have been able to attend the meetings). According to Woolf, she and others had hoped for a non-adversarial collaborative approach, between the two groups (Woolf personal correspondence 2016). Unfortunately the efforts of the two groups did not lead to a unified approach to removing PENS as APA policy. The dialogue became polarized when Dr. Woolf's group attempted to work within APA, focusing on rescinding rather than annulment of PENS, believing that was the best path. However, the Coalition saw the futility of compromising on language influenced by Behnke and instead worked to promote a clear annulment of PENS that would not allow for loopholes.

While the TF described its work as “complementary,” members of the Coalition saw the formation of MITF as an attempt to deflect attention away from, and diminish support for, the Petition that was circulating and gaining increasing interest. For instance, The MITF appeared to find merit in portions of the PENS TF Report, stating that the “PENS Report offers unique contributions to APA policy” that needed to be integrated into a “unified, comprehensive APA policy.” Coalition members saw the TF move to integrate PENS-related policies as problematic because such integrations would validate PENS, and would not change the policies followed by military psychologists.

The Coalition publically described the 2012 MITF as an anti-annulment movement that benefitted from its perceived connection to Div48 although no official connection was clearly stated. The Coalition argued that annulment and repudiation of PENS was the most decisive and clear rejection of that hastily established policy. Rescinding PENS via the 2012 MITF proposal, they argued, would be inadequate because the language of that proposal diluted the language of the 2007 resolution that provided an absolute prohibition of direct or indirect participation in interrogations, and it also diluted the language of the 2008 Member Initiated Referendum which also prohibited psychologists from working in national security settings where international and U.S. human rights protections were not honored. They argued that the language of the 2012 MITF proposal effectively reduced the prohibition to matters of personal choice (Coalition Responds to New APA Policy Proposal 2013). They believed the MITF proposal would “delay the much needed deliberations and possible reform.” However, Woolf and others continued on their preferred path in their own attempt to achieve

elimination of the PENS policy (Woolf personal correspondence, 2016). As Hoffman later confirmed, this kind of polarity in Division 48 was fueled by continued undermining of clarity by Behnke and his supporters.

IV. 2015 HOFFMAN REPORT AND EVENTS THAT FOLLOWED

The events in this section and the sections that follow clearly relate to Div35 and need no further explanation.

The Hoffman Report was released in July 2, 2015. In anticipation of the EC35 Meeting in Toronto that would take place at the beginning of the APA Annual Convention August 6-10, 2015, then Div35 President Maureen McHugh began drafting a response to Hoffman from Div35, consulting with EC35 members over the EC35-only listserv; she asked that EC35 members read the Hoffman Report so that there could be discussion of it both via listserv and at the upcoming 2015 meeting.

Preparation of a Division Statement in Response to the Hoffman Report

Past President McHugh reported in interview and follow-up email to the MITF, that when she was still president, she had received multiple correspondences from Div35 members saying that Div35 needed to write a response to the Hoffman Report and that the EC35 listserv wasn't the right place to hold the discussion. Then President-elect Garrett-Akinsanya agreed that there should be a space open to members too for discussion. Given it would be difficult to begin an entirely new listserv, McHugh worked with Keith Cooke who suggested she open the Women of Color (WOC) leaders' listserv in order to work with EC35 members to develop a response. Individuals started making suggestions for the response and sending documents and drafts from other divisions via the listserv, which she used to work on the response using statements from other divisions and PsySr. McHugh then posted a draft on the listserv for feedback and discussion, reported that people responded to it, and that she then made changes based on feedback. There was discussion about the opening statement and the use of the word "valid" or "unbiased." After several suggestions, someone suggested "fair" and an unofficial vote on the word "fair" was supported by consensus. McHugh notes that Moorehead-Slaughter was among those who voted to use the word "fair" to describe the Hoffman Report. McHugh told us that very late in the process then President-elect Garrett-Akinsanya suggested a series of wording changes that changed the entire meaning of the document, including the wording around fair and in the end expressed anger to McHugh that her changes had not been incorporated. McHugh noted that Garrett-Akinsanya indicated to her that she had not subscribed to the WOC listserv and so had not followed the comments of the members and so didn't realize that the statement was collaborative. According to McHugh, McHugh put the discussion of the statement on the EC35 Toronto agenda, but there was no discussion of it there. That may have been because the discussion about the Moorehead-Slaughter presidency took up the majority of time at the meeting.

To summarize the response statement to the Hoffman Report, Div35:

1. Accepts the Hoffman report as "thorough and fair"

2. Is “ashamed that [as] a “the result of APA’s failure of leadership, and our own, may have contributed to the torture of those held in detention by the U.S. government.”
3. Condemns the ethical violations of APA leaders, staff and members involved and demands public accountability from all those involved in order to regain public trust.
4. Acknowledges our failure in 2007 to join with other groups opposing the composition and process of PENS TF.
5. Regrets not taking an early principled stand demanding APA uphold international standards (e.g., Geneva convention, UN Convention against Torture) to enforce ethical policy.
6. Acknowledges and apologizes for issuing a separate statement in 2012 that appeared to contradict PsySR and DSJ’s statement affirming safety, justice and well-being of all people.
7. Pledges to contribute to bringing members and psychologists into a process of serious redemptive self-reflection in order to take necessary steps to build a more conscious, compassionate organization.
8. Stands with other concerned psychologists committed to reforming APA to ensure transparent and democratic process and to do all we can to reduce the possibility that such events will ever occur in the future.
9. Affirmed that as feminists and a social justice division, we confirm the importance of human dignity and well being and of addressing human rights violations.

(See Appendix K for full statement).

Division 35 Executive Committee (EC35) Meeting in Toronto

Before the Toronto EC35 meeting, which occurred Thursday night at the APA Annual Convention, Olivia Moorehead-Slaughter had told McHugh that she wanted to address the group. Moorehead-Slaughter was President-elect of Div35 and was named in the Hoffman Report. As such, people on the listserv wanted to hear from her. She had planned on attending the meeting but a family issue kept her in Boston and, although expensive and logistically complicated, according to McHugh, she arranged to have Moorehead-Slaughter on speakerphone to address the EC35. She read a prepared statement over speakerphone (see Appendix L).

In terms of her background in Div35, Moorehead-Slaughter had been elected unopposed in the spring of 2015 as Div35 President-elect. Previously, she had served as co-chair of the Hyde graduate student research award in August 2010, first joining the EC35 in 2010 during Thema Bryant-Davis’ presidency. She was then also appointed in Summer 2013 to a special task/position on the National Multicultural Summit Legacy Fund committee.

She continued co-chairing the Hyde award committee through Spring 2015, and the NMCS Legacy fund as well, when she was announced to be running for President-elect and was later congratulated for being elected President-elect for 2015-16 in the Summer 2015 newsletter.

McHugh created space on the agenda for Moorehead-Slaughter to address EC35, and for EC35 members to ask Moorehead-Slaughter questions about her involvement relative to information in the Hoffman Report; her statement is captured in the minutes of the meeting, published in the Div35 newsletter, *The Feminist Psychologist (TFP)* published online (Winter, 2015; see also McHugh's Past President report in the Fall 2015 issue of *TFP*) and in Appendix K and M.

During the speakerphone conversation, Div35 members asked Moorehead-Slaughter questions about her involvement, and her accountability for such involvement. At the end of the phone call, Moorehead-Slaughter stated she “*will respectfully accept the EC's decision* about that [e.g., whether Div35 could move forward effectively given her role as PENS TF chair in light of the Hoffman Report findings] and she thinks it has to ultimately be about what's best for Div35” (see *TFP*, Winter 2015, p. 58).

After Moorehead-Slaughter's phone call ended, there was a lengthy discussion facilitated by McHugh around two issues: (a) the response from Div35 regarding the Hoffman Report, and (b) decisions around Moorehead-Slaughter as the incoming President-elect. McHugh posed the question of which item to discuss first, and it was determined that Moorehead-Slaughter as President-elect should be discussed first; this discussion revolved around whether Div35 could and should ask her to resign, which took up the remainder of the meeting.

From our perspective, Div35 members on both sides expressed a variety of opinions in tones ranging from reasonable argumentation to impassioned (some extremely angry) outbursts. Those representing the opinion that Moorehead-Slaughter should not be asked to resign expressed a number of views summarized in the minutes of the meeting in Appendix M. A sample of such views include: (a) some felt that they themselves might have acted the same way had they been placed in her position relative to the PENS TF process and its aftermath, (b) that one should not pass judgment on a person if one hasn't read the entire Hoffman report, (c) that Moorehead-Slaughter was being made a scapegoat as often happens to members of minority groups, and (d) that she was duped and misled, and thus had less accountability for that reason (*TFP*, Winter, 2016, p. 59). Two members recalled an individual asking whether EC35 was “throwing a sister under the bus.”

Those who believed that Moorehead-Slaughter should resign expressed a number of views summarized in the minutes of the meeting in Appendix M. A sample of such views include: (a) she had many opportunities to stop supporting the PENS TF process since its

report had been released yet she failed to do so, (b) that Div35 needs to attend to the racism towards the people of color who have been targeted in the war on terror but she would have a conflict of interest in leading the division in this case, (c) she would have a further conflict of interest during Div35 efforts to contribute to policy changes in APA after Hoffman, and (d) that her answers to questions during the phone call at this meeting did not demonstrate taking personal accountability for her part in the PENS TF process and beyond. Others also spoke of Div35 history with regard to supporting the PENS TF process and not supporting the Dissidents, and that Moorehead-Slaughter could not be expected to easily lead Div35 in reversing course given her own involvement.

It should be noted here that members on both sides of the issue reaffirmed that Div35 does not and has never supported torture. Members on both sides of the issue began to talk about reparations, e.g., making donations to the families of those who suffered abuse in interrogations.

Multiple additional viewpoints were also summarized in the Div35 meeting minutes as key themes that emerged from a qualitative analysis of the notes taken by the secretary: (a) voting approach/role of the EC35 regarding removal of an elected official, (b) concern about the meeting's process and whether it was feminist process, (c) concern regarding Moorhead-Slaughter's ability to be an effective leader post-Hoffman, (d) discussion of what is best for Div35 in terms of credibility and/or loss of membership, (e) concern relating to Div35's stance vis a vis the DSJ; (f) concerns relating to Div35's overall position and perspectives on torture, and (g) comments on supporting Moorehead-Slaughter and not scapegoating her.

As the meeting drew to a close, McHugh asked the room if there should be a vote. Those who were familiar with the by-laws said there was no by-laws language permitting removal of an officer. The idea of taking a vote of "no confidence" was discussed. McHugh's Past President Report published in the Fall of 2015 (Appendix M), stated:

Most did not want a vote of no confidence per se but wanted to express their concerns about Olivia's leadership. A motion was made for attendees to vote anonymously on the following: 'I have serious concerns about Olivia assuming leadership of Division 35 at this time.' Then President Maureen McHugh asked attendees if this should be a vote by only the EC or elected EC or all attendees. While there was not a consensus, the majority of the group supported the decision to have all attendees vote with the anonymous ballot. EC members wrote their votes on pieces of paper turned in to and counted by the secretary, Monique Clinton Sherrod, and by Susan Basow in the meeting hall. This anonymous vote resulted in 30/41 indicating yes, they had serious concerns, 5/41 indicated no serious concerns, and 6/41 abstained. On Friday, August 7, Maureen conveyed the results of this ballot to Olivia by phone.

At the same meeting, McHugh also presented a draft of a Div35 response to the Hoffman Report to those present, and stated that she would also electronically post the draft on the EC35 listserv for comments after the meeting (see Appendix K for final version of this document). This concluded the meeting and Dr. Garrett-Akinsanya became President of Div35, with McHugh as Past President, and Olivia Moorehead-Slaughter as President-elect.

(Div35 and Other Listservs)

To help in the understanding of events that followed, a summary of listservs is presented here.

- Email List for Elected Members of EC35 (we had no access to this)
- EC35 Listserv (Listserv of the Div35 Extended EC)
- WOC Listserv which was originally a listserv for Women of Color in Div35 but was opened up to all members to create a Town Hall type discussion format to address Hoffman
- Town Hall Listserv which was Garrett-Akinsanya initiated on October 26, 2015 to replace the WOC Listserv and to call for greater membership participation in the discussion
- POWR-L a listserv independent of Div35 that has served for many years as a listserv for any feminist psychologist (whether belonging to Association for Women in Psychology, APA's Div35, or neither).

Events That Led to the Formation of the Division 35 Member-Initiated Task Force and in Response to Internal Division Protests

Letters For/Against Moorehead-Slaughter Resignation or Removal as Div35 President-Elect

In the month that followed the 2015 APA convention, several members wrote strong letters to the Div35 listserv arguing that Moorehead-Slaughter should resign. There were two main foci of the emails: (a) whether Moorehead-Slaughter should resign, and (b) whether the EC35 meeting (the 2015 meeting in Toronto) that resulted in the vote was led via “feminist process,” loosely defined as insuring all voices were heard.

The events unfolded as follows: Maureen McHugh posted a report of the EC35 meeting in Toronto (see also *TFP* Newsletter, Fall 2015). Next, BraVada Garrett-Akinsanya (President of Div35 at that time), responded to McHugh's statement saying “In order to create a dialogue comprised of balance perspectives, with each of the authors’

permission, I will be forwarding a series of letters regarding Dr. Moorehead-Slaughter that I have been receiving for the last two weeks” (Garrett-Akinsanya post to EC35 listserv, August 31, 2015). Garrett-Akinsanya then posted a series of letters supporting Moorehead-Slaughter and criticizing McHugh’s approach to chairing the EC35 meeting in Toronto. Despite the stated goal to add balance to the conversation, the letters that Garrett-Akinsanya posted on 8/31/15 were all supportive of Moorehead-Slaughter remaining as incoming President-elect and none were opposed. (These supportive letters were written by Melba Vasquez, Julii Green and Wendy Peters of Div35 Section 6, Wendi Williams (Div35 President of Section 1), and Karen Wyche).

Dr. Garrett-Akinsanya distributed these letters in several separate e-mails each with PDF attachments of the letters on official letterhead. As can be seen on the listservs, people had strong reactions to this event. In response, many more people posted statements themselves or sent letters directly to Garrett-Akinsanya. In email exchanges on the Div35 listserv and POWR-L, in response to protests related to transparency and balance (i.e., making available letters from multiple perspectives and not just those supportive of Moorehead-Slaughter), Garrett-Akinsanya made statements suggesting that other documents sent directly to her would be posted to our webpage. She stated that others who disagreed with her and other supporters of Moorehead-Slaughter’s remaining in office should submit their own documents in “letter form” to her for posting. But Garrett-Akinsanya never made these letters public by posting them on the web site as promised, and thus the membership remained uninformed.

At this point the voting members of EC35 had met with Moorehead-Slaughter. The statement from Moorehead-Slaughter about remaining in her position was posted by Keith Cooke on the Women of Color (WOC) listserv on 9/2/15.

In a letter dated 9/2/15 and posted on 9/3/15, Garrett-Akinsanya described her process in determining next steps. Garrett-Akinsanya stated that she discussed the situation with APA counsel and held a meeting with only the voting EC35 members and Moorehead-Slaughter “to openly discuss our group’s concerns, our leadership options and forward progress.” Garrett-Akinsanya reported that Moorehead-Slaughter told the group she intended to remain as Div35 President-elect. The voting EC35 members then discussed how to “develop a transparent, open and explicit strategic process that integrates and legitimizes *divergent opinions* in an effort to find solutions and create change.” Garrett-Akinsanya stated that there was a need to “pay great attention to those who have expressed legitimate concerns about Dr. Moorehead-Slaughter, APA and our Division” and said that “Dr. Maureen McHugh’s letter and Dr. Sharon Lamb’s letters were both instrumental in determining how we may proceed in identifying and addressing our members’ key concerns.” Two members, Garrett-Akinsanya wrote, had agreed to perform a content analysis of the feedback from the August 2015 EC35 meeting so that there might be a “data-driven process.” Garrett-Akinsanya also made the decision to

schedule a series of webinars on social justice topics and to include discussion of the Hoffman Report, and she ended her letter by stating that the Voting EC35 agreed it would be helpful to meet with APA attorneys to explore creating a by-law change that supported a “feminist conflict mediation process” and a way to address issues like the one before them without creating “legal exposure in the future.”

Div35 Listserv Communications

Approximately 10 days later, on Saturday, Sept. 12, Lamb revised her original letter and submitted it on letterhead to the EC35 and WOC listservs, as that appeared to be the new process for submitting statements at the time. Several other letters, advocating for Moorehead-Slaughter to step down as President-elect or be removed by the EC35, were posted on the EC35 and WOC listservs. The authors were Cheryl Travis, Kelli Vaughn-Johnson, Jeanne Marecek, Mindy Erchull, Sarah E. Ullman, and Laura Ball. Emily Keener wrote a letter asking Moorehead-Slaughter for greater accountability. She sent this letter directly to Garrett-Akinsanya and also to Moorehead-Slaughter with the request that the letter be made public in the same way Garrett-Akinsanya had made public letters she had received in support of Moorehead-Slaughter’s presidency. This did not happen. Later, after the first “lunch counter conversation,” Keener posted this same letter to the listservs.

During this time period, there were also repeated requests from members in informal letters and on the non-EC35 listserv, POWR-L, requesting that documents and letters on both sides of the Moorehead-Slaughter issue be made available to the general membership; however, in spite of the desire for transparency that she expressed in her Sept. 2, 2015 letter, this never happened. Documents submitted to the Div35 President were never made public on the listservs or website, including a group of letters sent by many Past Presidents of Div35, despite the promise of openness.

This situation resulted in an emotional debate on the listserv, and many emails on all sides of the issue were sent. Exchanges included requests for more information, accountability, and transparency about Moorehead-Slaughter, debates about varying definitions of feminist process, and questions about what types of statements, questions, and probes are considered “disrespectful” and “racist” within an open Div35 listserv format.

At the peak of the tension on the listservs, other mechanisms for more productive debate were also discussed. Some individuals proposed waiting until the upcoming midwinter EC35 meeting in January of 2016 in New Orleans to discuss the issue face-to-face. Some worried that all Div35 members, not just the EC35 members or those with the personal funds to travel to the New Orleans meeting, needed to be part of the conversation.

Div35 “Lunch Counter Conversations”

The lunch counter conversations, described in the Sept. 2, 2015, letter by Garrett-Akinsanya, began and were held through webinar/conference calls. These were part of Garrett-Akinsanya’s efforts, along with the Town Hall listserv, to bring Div35 members who were not on the EC35 into dialogue about Hoffman and as part of her presidential agenda to include open discussions about race. Once begun, these conversations were controlled, in our perception, by selectively choosing people to lead the discussions who supported her position. The invited speakers were, as some perceived, APA insiders presenting only one side of an issue (this was especially true for the second conversation). Although, anyone who attended was permitted space to speak, the specific lunch counter conversation that was meant to be a discussion of Hoffman was co-led by Moorehead-Slaughter and Garrett-Akinsanya. The conversation amongst division members often centered on racism and feminist processes without connecting those issues directly to the crisis of the Hoffman Report and impending presidency of Moorehead-Slaughter. As some Div35 members became frustrated with this mode of communication and the efforts to control the conversation, posts to the listserv on topics related to abuse of power, the Hoffman Report, conflict of interest, and Moorehead-Slaughter occurred more frequently.

Div35 Listserv “Tone” and Calls for Strict Moderation

Over the month of December 2015, President Garrett-Akinsanya, perhaps speaking on behalf of the Voting EC, decided that the listserv needed greater moderation. Much discussion ensued regarding “respectful” disagreement and “censorship.” People made claims of censorship when their emails weren’t showing up on the listserv, and even a past president was removed from the EC35 listserv after posting comments critical of the current leadership which were construed as racist by some on the basis that a Black President was receiving more criticism than any prior White president of Div35. Criticism was construed by some as a form of disrespect. After it was made clear that the poster who was removed from the listserv was indeed a past president, she was added back to the EC listserv. All past-presidents have a right to be on this listserv. Over time, it was revealed that rather than using the term “moderation” to mean watching the emails for violations of APA listserv rules, the President was being sent the emails to read and manually approve each individual email for posting. Sharon Lamb accused Garrett-Akinsanya of censorship and Garrett-Akinsanya invited Lamb into a conversation with Keith Cooke, the APA staff person who is in charge of listserv communication. As it was revealed in this conversation, the mechanism President Garrett-Akinsanya was using to moderate the listserv was a difficult, older one, and it became clear that Garrett-Akinsanya had thought she was permitting almost all of the emails to be posted when actually she wasn’t approving most of them. Thus the problems in her understanding the antiquated system may have exacerbated critics’ attributions of “censorship.” After this

conversation, she then dropped the listserv monitoring mechanism.

Formation of the Div35 MITF

Around mid-December, after the Toronto meeting, those who had been emailing about Dr. Moorehead-Slaughter's continued service, or about what appeared to them as listserv censorship, and the lack of discussion about next steps after Hoffman -- began discussing other courses of action. After reading Hoffman and learning of the MITF formed by Div48 members in 2012, Dr. Sharon Lamb and Dr. Sarah E. Ullman communicated with and invited others to join with them in creating an MITF to examine Div35's participation in the PENS process and aftermath. The Div35 response to Hoffman was a "pledge to contribute to the process of bringing our members and the large and diverse community of psychologists together to engage in serious and redemptive self-reflection and to take the necessary steps to (re)build a more conscious and compassionate organization." To that end they gathered feedback about this idea through a growing email list of members who were concerned about Div35, and they shared with these members their thoughts regarding a Task Force. They announced the TF on Dec. 23 (see Appendix N). In announcing this TF on several listservs, a number of supporters contacted them willing to either serve on the TF or lend support in a variety of ways. The TF met online and divided tasks.

Continued Abuse of Power before Midwinter Meeting

The Task Force was announced on Dec. 23, 2015. Shortly after, there was controversy regarding op-ed pieces that Div35 members had written for the Fall newsletter. Sharon Lamb and Rakhshanda Saleem (2015) had written an article called "Global Racism of Division 35." Sarah E. Ullman wrote an article entitled, "Why such silence in Division 35 and how can we move forward?" And Kelli Vaughn-Johnson (2015) wrote an article entitled, "Open call: Transparency in accountability database: Division 35 discussion, President-elect debate, and the Hoffman Independent Review report." Vaughn-Johnson was concerned that the Division President had never followed through in publishing or posting all the letters, pro and con, regarding Moorehead-Slaughter's presidency. As a historian, this was very important to her. These three articles were published online December 21, 2016, and appeared in a print version of the newsletter sent to all members mid-January (except Ullman's piece which was omitted erroneously from the print version). See Appendix O. These three articles are presumed to be the start of a rumor that we have evidence of at least one Div35 leader, Jean Lau Chin, spreading. This is the rumor that there was an NAACP complaint filed against APA because of the letters. The MITF investigated this rumor and received an email from current APA President Susan McDaniel stating that there was no NAACP complaint received.

In January of 2016, the two newsletter editors, Emily Keener and Clare Mehta, received a hostile and what they called “intimidating” letter from APA attorney Jesse Raben regarding their choice to publish these three articles, incorrectly stating that they were not following the bylaws in doing so. Raben stated that all future issues of the newsletter would require EC35 approval before publication. Given the hostile nature of the letter and the continued efforts at what seemed to them like censorship, the editors resigned from their positions and hired a lawyer to defend their actions in a response letter to APA. These articles appear in Appendix P.

The acts of the newsletter editors seem directly related to the Div35 response to Hoffman: The Society for Psychology of Women pledges to contribute to the process of bringing our members and the large and diverse community of psychologists together to engage in serious and redemptive self-reflection and to take the necessary steps to (re)build a more conscious and compassionate organization.

Although not responding to a request to be interviewed, President-elect Olivia Moorehead-Slaughter, may have expressed tacit approval for this MITF endeavor in her 2015 Letter to Div35 (See Appendix L for all of Moorehead-Slaughter’s statements):

My individual accountability is certainly necessary, but it is not sufficient. Division 35 will not fully heal without a thorough examination of its own actions and inactions over the past decade. It will take courage to face these past decisions with honesty and to withstand the convenience of displacement. I am willing to accept responsibility for my decisions and hope that Div35 will be willing to do the same.

Division 35 Executive Committee Meeting Mid-Winter 2016 (New Orleans)

Around this time, President Garrett-Akinsanya asked Lamb to be prepared to update the EC35 regarding the MITF report and to assist in the preparation of the mid-winter meeting by being on a planning committee led by Sharon Jenkins. Garrett-Akinsanya consulted Lamb as co-chair of the MITF in regard to how much time should be devoted to Hoffman, who should lead the discussion, and what kinds of accountability should be discussed. Lamb, in conversation with Garrett-Akinsanya, first approved the leaders she was hiring but later expressed doubt in a personal phone call and later again, in the planning meetings, stated that it was not the best choice to bring in “insiders” from APA to lead us in discussion. Lamb discovered that both of the contracted leaders, Rosie Bingham and Patricia Arredondo, had signed the Vasquez letter in support of Colonel Larry James in 2007, and she brought this up as a “conflict of interest” in their leading the discussion on Hoffman. The rest of the committee appeared to understand “conflict of interest” to mean “bias” and one person pointed out that Lamb also had biases. Lamb reported to the MITF throughout the process and their suggestions informed her

participation in the planning. Once it was clear that she was not comfortable with the decisions of the committee, she left the committee after attending 3 of the 5 meetings.

In preparation for the mid-winter meeting, President Garrett-Akinsanya also brought together individuals (called the Committee on Technology) to write new guidelines of netiquette for the listservs. Attempts to discuss earlier drafts were met with hostile requests to wait for the final version. What appeared to be the final version (a version approved by the Committee on Technology) was presented with very short notice (three days before the mid-winter meeting) to the EC35 for an expected vote at the EC35 mid-winter meeting, with no possibility for discussion by membership. Those supporting the MITF saw the suggested changes as part of a move to censor disagreement and to label disagreement “disrespectful.” The members at the meeting voted 26 to 11, with 2 abstentions, to support changes regarding these rules.

Also at the mid-winter meeting, President-elect Olivia Moorehead-Slaughter presented a statement about her accountability and her intention not to resign. This statement wrongly claimed that she was now working with Arrigo on a “joint project.” Arrigo was contacted and immediately wrote to Dr. Moorehead-Slaughter to correct her misunderstanding. She had asked if Moorehead-Slaughter would contribute testimony to a project that examined people who had been duped by institutions and powerful people within them. Essentially she was asking her to help fill in the historical record with information regarding mechanisms underlying the PENS debacle in the APA PENS Debate Collection, but not co-lead a “joint” project as Moorehead-Slaughter wrote.

The Hoffman discussion at the Mid-Winter meeting brought forth strong feelings about Div35, Moorehead-Slaughter’s participation, and torture. At the same time there were equally strong calls for harmony, moving on, and forgiveness. There was no resolution to the issues regarding Hoffman and only a sharing of what each small group breakout discussion table had considered.

V. ANALYSIS

Div35 as a whole needs to look at accountability at five different time periods in its recent history:

- a) Immediately after the 9/11 national emergency, when Div35 failed to support efforts of the PEPT (Psychological Effects of Efforts to Prevent Terrorism) TF. Div35 members Unger and Lott attempted to gain Div35 support and were not successful in their attempts;
- b) During the time that both torture and abusive interrogations were increasingly being covered in the press (where psychologists' involvement in these actions came to light, resulting in the formation of the PENS TF and its aftermath) and Div35 as a whole failed to address these issues in an effective way;
- c) During the time when the 2006 Moratorium Resolution banning psychologists' participation in cruel and inhuman treatment was circulating (which is also a time when Melba Vasquez collected support for Larry James in a widely circulated letter and also implied that the Dissidents were racist;
- d) The 2011 meeting in which EC35 did not support the Petition and wrote its own statement instead; and
- e) The 2015-16 meetings when EC35 deliberated about how to handle the dilemma of Olivia Moorehead-Slaughter as Div35 President-elect.

Below are 10 analytical points with potential solutions/recommendations. A full set of recommendations appears at the end of the Accountability section that follows this section.

A. Not coming in early enough: the PEPT TF Process

As noted in earlier sections, two Div35 members and Past Presidents, Lott and Unger, were members of the PEPT TF, the task force that preceded the PENS TF. The PEPT TF issued a report as a result of their research and deliberations that dealt with the psychological effects on U.S. citizens as a result of the "War on Terror" post-9/11. In 2004, APA members at high levels (staff, COR, and BoD) acted to block the report from becoming an official APA document, and some of the authors then went on to seek outside publishing venues (resulting in the 2006 book entitled "*Collateral Damage*"). There is no evidence that Div35 membership or members of EC35 made any effort to have the report accepted by APA; it appears that Div35 remained silent throughout this period and missed an opportunity to take a measured and informed response to the effects of the "War on Terror."

Once "*Collateral Damage*" was published in 2006, both Lott and Unger stated that the existence of the book created even more pressure on Stephen Behnke (APA Ethics

Director at the time) to somehow address the increasing press coverage of torture and “enhanced interrogation” activities in which documented assertions of psychologist involvement was becoming the norm. Both Lott and Unger believed the release of the book, in conjunction with increased press coverage, led to APA holding the Mini-Convention to address the issues.

Within the time frame of the APA 2007 Annual Convention in San Francisco, the Mini-Convention was also convened that dealt with many of the issues raised by the PEPT TF report and the book that followed. Unger had gone to the EC35 meeting prior to the Mini-Convention and requested that Div35 support this effort publicly, and perhaps also donate convention hours to the topic. Unger reported that another Div35 member, Laura Brown, was influential in arguing that the dissidents’ position was anti-military and that Div35 should not support such efforts. Thus, even when advocated for by two Div35 Past Presidents, EC35 chose not to lend any official or unofficial support to these efforts.

Solution(s)

As Div35 members, Lott and Unger should be applauded for their work on the PEPT TF and their efforts to obtain Div35 support for the PEPT TF Report. However, given the events noted above, feminists within Div35 failed to recognize or act upon the seriousness of torture-related problems (both globally and more locally within the APA proper), even after such problems were brought to Div35’s attention by two Past Presidents, while simultaneously the media was saturated with torture-related coverage.

B. A Lack of Feminist Analysis on Militarism and Imperialism

From roughly 2002 to the present, evidence of activities such as waterboarding and other “enhanced interrogation” efforts have increasingly come to light in press coverage, books, government reports, and other documents. As the evidence is clear: the US government engaged in torture and psychologists were involved in some of these actions (See Appendix B). As the evidence emerged, Div35 did not take a formal or informal stand *on its own* that clearly condemned such actions and that banned psychologist involvement. Instead, Div35 did not take a stand at important junctures and actively worked against APA’s taking an important stand against torture. Even when, in 2012, a process for taking stands was developed, Div35 did not take a stand to support annulment of the PENS Report but chose the language of “rescinding” in a separate statement. Rescind meant that it would no longer be policy, whereas annulment meant it was never legitimate in the first place. This stance was perceived as non-supportive and weak by those who put forth the petition.

Feminists from the global south like Chandra Mohanty (2003a; 2003b), Gayatri Spivak (1988), and Arundhati Roy (2014) have critiqued Western feminists for their failure to

conduct a feminist power analysis that incorporates a critique of imperialism and colonialism. They have pointed out that to Western feminists people of color from the Global South (e.g., countries within the Arabian Peninsula, Persian territories, North and South Africa, parts of Asia and Central and South America) are invisible, despite the devastating impact on their lives by Western policies of dominance. These critics also have shown that Western feminists' neglect the role of state-sanctioned violence against communities of color in the Global South, and thus miss the opportunity to connect this violence to state-violence against other communities of color in the U.S. Unfortunately, such failures in feminist power analyses unwittingly lend support to U.S. imperialistic and militaristic aggressions disguised as feminist or other "social justice" causes.

Failing to conduct this kind of feminist power analysis resulted in some members of Div35 accepting explanations about interrogations that they received from those affiliated with the DoD, other government agencies, and APA. They failed to be on high alert and therefore failed in due diligence.

Solution(s):

A clear and principled anti-war and anti-imperialist feminist power analysis could have guided feminists within Div35 towards clearly stating opposition to the "War on Terror" and avoiding lending support to U.S. militarism. We call upon Div35 to unequivocally carry out this analysis now.

C. Problem of Personal Power of High Level Division Members

One issue that became apparent to us in our feminist analysis of events is the personal power of certain high level Div35 leaders. Those women who have provided leadership, service, and scholarship to Div35 seem to be uncritically trusted to be on the right side of social justice issues. It is clear that Melba Vasquez had that kind of authority, so much so that almost all the people we interviewed who had signed the Larry James support letter reported that they had signed it because they trusted Vasquez, Laura Brown summarizing it thus: "I would have signed anything Melba [Vasquez] put in front of me." Certainly everyone has a personal responsibility to make their own decisions and consider all sides of any issue, but practically speaking, everyone counts on people they trust to provide them with an accurate and informed reading of the issues. As Melba Vasquez said to Sharon Lamb and Rakhshanda Saleem at the 2016 EC35 Mid-winter Meeting, her decision was based on limited information in a context in which people of color had been fighting a long and hard battle against racism and sexism in APA. She stated, "You have to understand the visuals. Here was a woman and an African American man" who were being condemned. And, as Laura Brown pointed out in her interview, the three individuals doing the condemning were white men. Unfortunately, treating individuals from a marginalized group with a liberal "protectiveness" could have led to not wanting

to investigate them or their actions within positions of power and explore alternative interpretations of their actions; but it is also a way to “other” them. While it appears supportive, it can be demeaning and detrimental to establishing equality.

Solution(s):

In institutions, that are historically racist and sexist, it may be difficult for women and people of color to give women and people of color a thorough vetting before assuming their innocence (or assuming that they are being targeted) and coming to their aid, for certainly sexism and racism could play a part in reactions against them. Therefore, despite being members of societally vulnerable groups, those with professional, personal, and charismatic power need to be more careful and thorough before bringing others to their side of an issue, understanding that loyalty to them (or fear of their disapproval) might coopt individuals’ choices. Moreover, given certain leaders in APA have come to represent certain divisions, they need to either state directly in their public messaging that they are acting alone *and not representing Div35*, or they need to consult Div35’s membership. Also, power shifts more easily when there are not long-term, deeply embedded relationships.

In matters that engage national security, it is important to understand the role of White and non-White Division35 leaders in their direct or indirect support for U.S. militarism or military personnel. This is especially important because this support stands in contrast to feminist critiques of militarism and military, which are based on a social justice analysis (particularly focusing on racial and gender justice) that sees U.S. militarism as a global extension of White supremacist and racist systems. Division35 needs to understand feminist critiques of militaristic violence, including sexual violence and violence targeting communities of color globally. It is important to understand how, in the APA case, anti-Muslim racism (which was used in the “war on terror”) can impact others who may experience racism in other contexts. For example, people in “protected classes” can be deliberately chosen for leadership roles with the intention of thwarting public criticism of US racist policies against global people of color. When they go along with these “opportunities” they are being used against each other people of color in a racial or racist hierarchy. Furthermore, it is important to note complicity with these practices. That is, for a diverse range of personal reasons and political persuasions, people from marginalized communities have historically taken positions along with their White counterparts that are not consistent with social or racial justice.

Those within Div35 who have been leaders within APA or Div35, and either (a) took action that *directly supported* the PENS TF process (before, during, and after), or (b) failed to take action such that their passivity bolstered PENS’ viability, should concretely and publicly take responsibility for those actions or inactions. Taking responsibility may include a personal accounting of actions they took or failed to take. It may include a post-

hoc analysis of what they could have done differently to affect a different outcome. It could also include an analysis of how Div35 or APA structures contributed to their failings and lead them to a principled confrontation of policies and procedures activities that have contributed to compromises and conflicts of interest.

We also believe that more frequent turnover on the EC35 is needed, including term limits for positions and reappointment limitations, and that there need to be restrictions in place to prevent “division shopping” for new leadership positions and conflict of interest statements. The “old girl” network that has developed has crowded out “new girls” and reproduced problematic structures that have always undergirded “old boy” networks. We suggest that Div35 reassess its priorities, and re-prioritize the mission of “advancing feminist psychology” over mostly “advancing women psychologists.”

D. Invoking Racism and Using the Language of Racism and Sisterhood to Unite Feminists in Solidarity and Condemn Outsiders

Solidarity with regard to sisterhood and anti-racism efforts has been important and is not to be underestimated in the advancement of women and women of color in APA. But the specter of sisterhood or racism can be called upon without sufficient analysis in order to stir up instant solidarity. That is what happened with the 2007 letter in support of James and the current support of Moorehead-Slaughter remaining in office. Calls of racism cannot be used to block any criticism of a person of color and Div35 has a special obligation to use such language ethically to unite feminists as well as to lead APA in evaluating their diversity policies.

Some Div35 women of color and their white allies have framed calls for Moorehead-Slaughter’s resignation as racist. One argument that has been made on a public listserv is that Moorehead-Slaughter is being condemned more than or instead of the white men who had more direct involvement with PENS TF. While true with respect to APA more broadly, this argument ignores the fact that no white men named in Hoffman hold a position of power within Div35. It also ignores the fact that it would be difficult/impossible for Div35 to contribute to the efforts of others to reform APA including “condemning” others named in the Hoffman Report while ignoring Moorehead-Slaughter’s role as PENS TF chair and with her as President-elect of the Division. Perhaps for some, there appears to be difficulty separating out long held grievances regarding experiences of racism by some women of color within Div35 from the roles some individuals played in the PENS TF and its aftermath. The reasons could be varied. For instance, it may be that because of racism in Div35, there is a feeling that these events cannot or should not be separated or maybe it helps to censor critiques of abuse or neglect of power in which Division 35 played a role.

Solution(s)

Div35 now is in a unique and powerful position to explore and evaluate how APA supports, advances, and uses some people of color and women who have aspirations to rise in APA governance (see next section). Div35 should hold workshops for Div35 elected leaders and the EC in feminist analysis, with education that shows feminism as more than simply “supporting women” and “promoting women in leadership.” With such training, they could be well primed as social justice activists within the entire organization and most importantly, able to understand how to work within the system and when to step outside of it. That is, they would be able to represent women and minorities, and fight against social injustices rather than supporting alliances or the status quo in order to advance women or keep their own positions. Relatedly, when others have complaints, criticism, or a different analysis than one’s own, especially around critiques of power critical to a feminist perspective/framework? It is important to view the issue from multiple perspectives and to not only assume that bias may be at play. Even if racism could be involved, it is important to consider additional aspects of the situation, along with race, as more than one factor is likely to be contributing the problem or conflict.

E. Uncritical Solidarity and “Cheerful” Diversity

We note here again the use of people of color as not only supporters of the views of white men, but as shields for white men’s views, proposals, and acts. We believe that people of color have been used, in some cases knowingly (for communal and/or self-serving reasons) and in other cases unwittingly, and we write this understanding that this has been true for white women and other historically marginalized groups as well. This limited form of inclusion does not challenge power structures but rather contributes to a neoliberal and corporatized version of feel-good diversity, one that is cheerful non-threatening appearance of diversity that ultimately serves maintaining existing structures of power including structures of white supremacy and privilege. As Zoe Samudzi (2016) states, “diversity signifies the inclusion of communities on the margins in ways that do not decenter dominance, but actually insulate it. The inclusion of marginalized identities and experiences without decentering dominant narratives is an understanding of diversity that leaves oppressive structures intact, and in fact, insulates them from criticism.”

Although we do not know with certainty, we see an example of this in Moorehead-Slaughter’s role on PENS TF as chair, when she chose to send out, under her own signature, Behnke’s letters to the PENS TF, the state boards, and to COR. Also we speculate that another example is Larry James’ last-minute efforts to present Banks’ and Behnke’s positions to COR. These are two possible examples of such roles filled by people of color that appear to represent views that may have been written by someone behind the scenes with ties to the military.

Giving voice and prominence to people of color can be seen as a way of giving people of color power, or a path towards power, which given the overrepresentation of White (especially men) in power positions, is sorely needed. Who could argue against that? But in this case, it appears to be for political maneuvering, where people of color are given a complicit role in maintaining oppressive racist structures, despite adding to an appearance of “diversity.” It signals to critics to be more careful in their criticism and to take race into consideration before providing criticism or speaking against a person of color. This roadblock against critique makes it easier for an organization to endorse policies against other groups, in this case Muslims, that are dehumanizing and racist. It may be that people of color understand these dynamics from years of experience with racism, difficulties in advancement, and difficulties gaining access to positions of power and realize that sometimes advancement comes at the cost of not threatening the status quo and through complicity. White women have experienced similar dynamics trying to gain access to power in organizations controlled by men. Thus a critical analysis of these dynamics and skill at undermining or dismantling them while still coming to power would be an important discussion for Div35.

Moreover, Div35 espouses an interest in “intersectionality” but appears to use the term in a way Crenshaw (1991) and other founding mothers may not have intended. Crenshaw wrote that one important use of the term “intersectionality” was to examine intragroup oppressions and marginalizations that identity politics do not allow. The differences *within* groups based on identity, privilege, and oppression are thus important differences. That is, we, as members of Div35 (and APA generally) need to be mindful of the differences within groups of people when advancing others to power.

Solution(s):

We do not deny that racism is an issue within APA, but also want to shine light on our belief that it was racism in the form of tokenism that, in part, influenced the appointment of Dr. Moorehead-Slaughter as Chair of the PENS Task Force. We also want to underscore our belief that all people involved with the PENS task force, who remained defenders of the TF Report, even after the dissenters spoke out, must not remain in positions of power within APA and Division 35.

Div35 needs to address the racism of the past while also addressing our part in the Post-PENS process. We recommend an honest accounting of any practices that were or seemed racist, holding accountable former leaders or members in Div35 in the kind of practice advocated today as “calling in” (as opposed to “calling out”). White women in Div35 need to examine their contributions to the marginalization of women of color’s voices and concerns and work towards changing structures to support participation, voice, and power.

At the same time, practices within Div35 cannot silence people of color who do not fall in line with absolute solidarity along racial lines, especially when intersectional issues require solidarity from underrepresented racial groups against power unfairly enacted in Div35 or in APA. Similarly, simply dismissing the views of others because they are perceived or labeled as racist shouldn't be used to end discussion, especially when it is relevant to the powerful structures of oppression. Racism may need to be part of the discussion, but should not stop a discussion of power and abuse and other feminist analysis from occurring. Women of color and section leaders could review their own guidelines and practices with regard to both the appeal as well as the problems of speaking in one voice.

Div35, including the women of color within it, ought to consider the Westernized feminism it promotes, which supported militarism and those engaged in policies of racist brutalities on behalf of the U.S. military. Div35 is urged to provide trainings alone or with other groups collaboratively on how Western feminism including anti-racist feminism may exclude Brown and Black people globally.

F. Uncritical Solidarity for Moorehead-Slaughter's Presidency

In our analysis, Moorehead-Slaughter has not gone far enough in her statements of accountability. She has said that she "made mistakes" and apologized *if* anyone has been harmed; that is, she has made global statements of accountability without apologizing directly to dissidents whose work she obstructed, without pointing a finger at any of the powerful men who manipulated her, without self-reflecting on her own motivations (which she continues to maintain were entirely pure and devoid of self-interest), and without describing in any detail what exactly she is accountable for. Although Hoffman and other evidence suggests she was selected to chair the PENS TF, at least in part, due to her race and that she was likely manipulated or complicit (as were others) by those more directly involved into taking the actions she did, she does not discuss why she was willing to ignore the irregular procedures of the PENS TF or why she seemed to be willing to go along with what was asked of her (see Appendix Q).

Appendix Q more fully documents Moorehead-Slaughter's actions, and we provide a few examples. At the 2007 Mini-Convention at APA, Moorehead-Slaughter could have reached out to those who were raising concerns about the PENS TF in particular and "enhanced" or abusive interrogations in general. For example, she could have spoken to Arrigo, a former member of the PENS TF and presenter at the Mini-Convention. Moorehead-Slaughter could have asked for evidence of malfeasance from Arrigo and come to her own conclusions as a result, but Moorehead-Slaughter failed to do so. Arrigo stated to us, "She [Moorehead-Slaughter] should confront [Morgan] Banks and APA and

not keep apologizing but stand up to those people. Otherwise it doesn't count. She didn't stand up to them then and she doesn't stand up to them now."

In short, Moorehead-Slaughter defended the PENS TF process and resulting PENS Report at all later stages, including her 2012 publication right up to the release of the Hoffman Report. In response to these failures of feminist analysis and social justice practice, Moorehead-Slaughter unpersuasively responded saying that she "couldn't have known what she didn't know." If she did not know what was really going on, then she engaged in what Hoffman refers to as "willful blindness" (p. 67).

Willful blindness may apply to several leaders in Div35. Willful blindness is also known as "conscious avoidance" and includes "closing one's eyes to the high probability a fact exists." It is commonly used in courts when there is weak evidence that a criminal knew a fact so that the prosecution can ask the jury to consider whether even if the defendant did not know the fact, was this willful blindness (National Association of Criminal Defense Lawyers, 2016).

In our view, the seemingly unshaken support of many in EC35 for Moorehead-Slaughter's Division presidency is very problematic. There appear to be multiple reasons for which Moorehead-Slaughter is being protected, including race (see Section E earlier). Friendship is another likely reason, given Moorehead-Slaughter's work on committees within Div35, her co-authorship with Vasquez, and her assistance provided to Henderson-Daniel in campaigns for president. Some Div35 leaders consistently defend Moorehead-Slaughter. For example, some have dismissed the problem with emails stating that it is normal for staff to write emails sent out by others/volunteers without a discussion about what these emails contained or any other details. Also, as discussed above, there is an argument that we should not ask for Moorehead-Slaughter to resign because others named in the Hoffman Report have not been asked to resign. These other people are not Div35 leaders and while we agree that Div35 may also want to ask for others to resign, it will be hard to do so with Moorehead-Slaughter as President.

If Moorehead-Slaughter were not now set on remaining in a high status leadership position with Div35, which may allow her to continue her trajectory to other prominent positions in APA, the support around her would be commendable, especially to the extent that support may help her to process the last ten years and reach greater self-understanding and accountability. But at this point, it is unclear why she has decided to remain in this position and the idea that she is using the position to move forward in APA or to avoid accountability cannot be rejected.

Moorehead-Slaughter, in her position as PENS TF Chair and co-author with Behnke, had more information available to her than the dissidents did had she been interested in that information. Right before the PENS Task Force (after reading a report of two detainees

dying because of interrogations), she asked the simple question to the members of the PENS TF on the PENS listserv whether she was being naïve. Thereafter, to our knowledge, she has not in any email or other correspondence published in the Hoffman Report or elsewhere, publicly questioned the PENS TF Report and what it was supporting. While she may have been “duped” as others were, she is clearly a competent and knowledgeable woman who could have pursued alternative sources of information in order to come to her own conclusions---especially in the decade following her role on the PENS TF.

Solution(s):

We ask that Moorehead-Slaughter not be allowed to use Div35 in such a way as to avoid accountability or promote herself further in APA at this time. As others have done in Div35, we call for Moorehead-Slaughter to resign. Although Div35 bylaws do not contain specific language for removal of an officer, there are other mechanisms in the bylaws that were not explored, for example that EC35 can call for a membership vote on any issue of importance.

G. Privileging “Feminist” Process over the Substantive Issues Debated through Feminist Process

In 2011 and 2015 the idea of consensus appeared to be confused or conflated with Feminist Process. The longstanding idea of “voice” and “coming to voice” that privileges individual views and choices, a feminist view that has long gone out of favor in sociology, anthropology, educational theory, and philosophy, has come to represent feminism in Div35. Rather than seeing feminist process as a set of varying ideals and an acknowledgement that it can mean different things to different people in different contexts, it is presented as rules that all implicitly understand, and these rules invoked when leadership wants to ignore the bylaws. “Feminist process” seems, in Div35, to mostly mean “inclusivity” of “all voices” and “consensus building.” This is, however, a simplistic and inconsistently applied view of what feminism is and ignores the power relations and institutions that create, prevent, or support voice and the intersecting identities that make room for or crowd out different voices at different times.

No matter the kind of feminism that is endorsed, the phrase “feminist process” has been used strategically by some to manipulate others on the EC35. The bylaws appear to be evoked or ignored depending on whichever is more convenient. Consensus building gives the impression that Div35 speaks in one voice. This has meant at times that some are silenced for the good of finding consensus or when some prominent member makes a rousing speech against another person in the room. It ignores the fact that when there is a strong APA insider arguing one side of an argument, the voices or consensus may reflect personal or group loyalty and trust, as well as a desire for hierarchical climb within APA,

rather than principles and ethics. For example, rather than allowing disagreement about the PENS TF aftermath and working on how to move forward, we have been asked to focus on a fact we can all agree upon---that torture is bad. However, we argue that stating we are against torture is a pretty low bar to meet. Because the division is consensus-driven, it can move forward in its anti-torture stance, but cannot ask for structural reforms or reparations from APA or from those named in the Hoffman report because we cannot come to consensus about whether that is the best or needed course of actions. As a result, according to our analysis, there is group harmony (nobody likes torture), but very little social justice that addresses structural challenges or dismantling structures that resulted in support for state violence of torture in any form for any reason. Thus, in the end, making room for all voices does not serve feminism, even if it is a “feminist process.”

Solution(s):

The lesson learned is that when there are two or more sides, and this can be anticipated, persuasive speeches by powerful individuals should not be the process by which Div35 comes to decisions about the course of action. While Shields and colleagues developed a document in 2012, “Process for determining the SPW’s public position on social and professional issues,” this process does not have the safeguards against privileging voices of power or encouraging differing opinions. We ask that this process be revised to include these safeguards and integrated into the bylaws. The Division should not be asked to follow two sets of rules---the enforceable bylaws and the invisible feminist process. The Association for Women in Psychology as well as other feminist organizations has incorporated aspects of feminist process into their formal bylaws/regulations. Until “Feminist Process” can clearly be defined in the bylaws, we urge the division to continue to use APA’s and its own bylaws that outline democratic participation.

H. EC35 working without membership consultation

Members of EC35 were not consulted about Vasquez’s letter in support of Larry James although primarily her Div35 friends and colleagues signed it. Also, in the Fall of 2015, the discussion about Moorehead-Slaughter resigning was never held publicly, but only with EC35 elected members.

Solution(s):

Recognized leaders of Div35 should be mindful of their connection after leaving their positions and acting under other capacities especially with regards to implicating or exerting undue influence on Div35. It is possible that the by-laws could explicate this.

On and off there have been communication mechanisms to reach all the members of Div35 but there is agreement among those interviewed that they haven’t been put to use

since that EC 2012 meeting controversy regarding whether to support annulment. Div35 needs to have a way of alerting members about important controversies, providing all sides of the arguments to them, giving them an opportunity to voice their concerns and ask questions, and creating easy mechanisms for participation.

I. Disclosure of Wrong Doing (Whistleblowing)

Martin (2009, 2013) documents many steps that organizations take in response to disclosure of wrongdoing, whether those disclosures come from internal or external sources. These responses are: protect the power hierarchy (at all costs); active cover-up (includes secrecy, lying, denial, and obfuscation); make demands that official channels be used (demand for only internal review to delay and tie up resources or investigation, insisting on official processes as the only way to deal with issues, taking an inordinate amount of time to determine such processes, citing internal governing documents as blocking techniques, among others); de-valuing those who disclosed the problem (includes name-calling, denigration, de-legitimizing, blaming, and stigmatizing); re-interpreting of facts (controlling the agenda and narrative, minimizing, reframing, blocking of information flow, criticizing methods and results of investigation, and so on); intimidation (implicit or explicit threats of bullying, lawsuits, financial loss, personal attacks, character assassination, exclusion, ostracizing and isolation); incentives to stop the process (pleas to rejoin the fold and all will be forgiven, rewards for backing down, calls for reasonableness and respect for the organization, attempts to manipulate emotions and beliefs for higher common goals or good of the group, and so on) and using the language of accidents and mistakes (Pope 2011a).

We believe these strategies were used post-PENS when the dissidents were attempting to bring to light psychologists' participation in torture and in "enhanced interrogations." We believe that since August of 2015, Div35 is currently using these strategies to undermine and silence those who would disagree with the elected EC35.

We are seeing examples of some of these strategies from power holders in our division because organizational power holders are likely to believe they are perfectly justified in their actions (Koppell, 2005; Martin, 2013). They tend to believe that those who have exposed wrongdoing and are now demanding accountability are disrespectful and disloyal, willfully failing to follow proper hierarchic channels, unintelligent or willfully ignorant of organizational "realities and procedures" (sometimes woefully "paranoid about nothing"), have character flaws, and are attacking "us" (framing the complaint as a personal attack to intimidate anyone who might support that "side") (Martin, 2013; Pope, 2011a)

Furthermore, executives or other power holders are likely to see themselves as (a) remarkably restrained in their actions, (b) that this is really a "threat management" issue

(for the good of the organization), and (c) that the current corporate “reality” is the truth and that all other views represent either imbalance on the part of others or are flat-out, deliberate lies. Furthermore, less obvious belief structures are linked to institutional conformity and groupthink (in-group vs. out-group) pressures, as well as maintenance of personal power networks and expectations of future organizational influence.

Solution(s):

Martin (2009, 2013) outlines these resistance strategies:

- **Expose** what happened (and continues to happen as a response to and result of exposure)
- **Validate** those willing to bring the wrong-doing to light (organize, group together, and support each other)
- **Interpret the wrong-doing as unjust** (keep the narrative on the facts of wrong-doing)
- **Mobilize and avoid official channels** as the “last word” (work for change both internally and externally as a coherent group)
- **Resist de-valuation, intimidation, and rewards** for altering course

We ask that Div35 develop a set of good practices regarding dealing with disagreements that keeps these issues in mind.

J. Friendship, niceness, and victimization

Many people on the EC35 speak of Div35 as their home and a place in APA where they have felt safe. In some ways this feeling of safety may have been created by having the same people stay on the EC35 for years and years, and invite people they know, such that familiarity breeds trust. In another way, there is now a group of sections that give women of diverse identities a home within a home and an opportunity for advancement. But the recent responses to dissenting voices indicate that there may be silencing of critique within the organization, an erasure of intragroup intersectionality. There appears to be no room for positions taken by some members, as a group, against problematic practices within APA. In the Fall of 2015 and at the mid-winter meeting in New Orleans in 2016 there were many appeals for women to be nicer, not point fingers, not blame, and take care of each other when they brought up dissent to Div35 continuing with business as usual post-Hoffman. This is especially problematic because only perspectives expressed with a certain emotional tone were privileged. It is also important to notice on this issue, prioritizing concern for the pain of those who called out on the issue of torture, is set against the lack of priority ascribed to the pain of those actually tortured and dehumanized. Those who spoke on behalf of the tortured, who were not present, were marginalized whereas those who spoke on behalf of their friends and acquaintances who were hurt by accusations were given voice. Indeed, when anyone, even those people who

were critical of the role of Div35 in not speaking up for the victims of torture and not standing up for feminist ideals got choked up or were teary-eyed, those who disagreed with the individual would still approach her to comfort her. In this way, calls for niceness represented a feminist ethic to go to the injured, victimized, and marginalized. But this was problematic because those who expressed themselves in stereotypical masculine attitudes or speech patterns were not heard within this context whereas those who spoke haltingly with tears in their eyes were. In most contexts both patterns of expression work against women being heard---often referred to as a “double bind.” Interestingly, in this context, the communal, expressive (feminine) forms of expression were valued, respected, or attended to, whereas the agentic, instrumental (masculine) were not. This also speaks to a lack of feminist analysis of the reenactment of the gender dynamics within a division with a stated objective of feminist ideology.

The emphasis on the language of positivity and moving on, looking to future, love, sisterhood - without any accountability - is a reminder of the notion of "Cruel Optimism" by Lauren Berlant (2011). She talks about the price (and who pays a price) of habitual ways of thinking that focus on not dwelling on memories and the past and moving on. This is often in the service of those who benefit from such optimism. Notions of niceness and pacification dictated to those whose lives are often affected by constant violence reflect a form of cruel optimism and pathology. They may sound nice on the surface but are aimed at silencing the oppressed, calling on them to stop being agitated, and labeling their protest as negative or violent while not focusing on the violence of conditions.

Solution(s):

A feminist analysis of these concepts and ways of relating during conflict, the welcoming of conflict and providing space for it to exist in Div35, should be a future goal. During times of great conflict, any attempts at silencing or moderating, however positively worded, should be considered highly suspicious. A division-wide understanding should be fostered that recognizes women's and other marginalized peoples' struggles have not always been nice (e.g. suffragettes, South African liberation struggle, 1970s women's movement). We are reminded of the Malvina Reynolds (1974) song, “It isn't Nice” whose lyrics state “There are nicer ways to do it. But the nice ways always fail.”

K. Conflicts of Interest within the Division

Conflict of Interest have rarely been examined within Div35. It is of interest to note that Vasquez and Moorehead-Slaughter are co-authors on an article on boundary issues and multiple relationships, this relationship left undisclosed in EC35 meetings when Vasquez stood to defend Moorehead-Slaughter's presidency. Moorehead-Slaughter was one of the managers of Henderson-Daniels' campaign for presidency. The assumption may be that these experiences of working together do not present conflicts of interest and this may be

true. However, Div35 has yet to explore what does constitute a conflict of interest in a tightknit group.

Another problem with Div35 that several people interviewed alluded to is that individuals appear to be using Div35 as a stepping stone to other higher positions within APA. This does not serve Div35 well if Div35 is to promote feminist psychology (rather than women, a distinction that must be made clear.) When APA insiders or those who hope to be in leadership roles for APA proper lead Div35, there are too many conflicts of interests. If Div35 is to be a place in which members are out against injustices, there needs to be the freedom to disagree with APA proper. If Div35 leaders are looking to advance their careers by obtaining leadership positions in APA, they might be unwilling to lead Div35 in disagreements with APA.

Solution(s):

By-law changes could assert that Presidents and members of the Voting EC35 should not hold multiple offices/positions in APA. There could be term limits on the EC35 and Extended EC, as well as limits on how many positions one person can have in a specified number of years. There could be formalized ways of sharing power, through collaboration with AWP, including a Member-at-Large on the Voting EC35, creating by-laws that define feminist process rather than use “feminist process” as a way of circumventing the by-laws, clarifying the mission in terms of social justice issues and the meaning and purpose of a feminist focus, and creating a committee to understand and create policy around conflicts of interest within Div35. We suggest here that one of the reasons that individuals in Div35 want to remain on the EC is not simply for reasons of advancement and power. It may be that given the lack of communication with and opportunities to broadly involve regular members, being on the EC is the only way to contribute to the division and to feel connected to this group. To this end, we recommend greater outreach and involvement of members. Finally we recommend a thorough analysis of the term “conflict of interest” and that in correcting its own problems of conflicts of interest, Div35 put forth a model for the rest of APA.

VI. SUMMARY OF RECOMMENDATIONS

To demonstrate responsibility and responsiveness, Div35 must refrain from common bureaucratic “power-over” responses designed to block accountability measures from being enacted. In this spirit, we offer the MITF Report and present the following steps to take:

Truth-Telling

- Support the MITF Report; making reasonable corrections of factual errors after the first draft.
- Accept the MITF Report as an official document of Div35.
- Keep open all its data banks (membership lists, listserv archives, EC35 meeting minutes, and so on) to any evidence collectors.
- Include all members in discussion of the MITF and Hoffman Reports.

Changes within the Division

- Take an active lead in the ethical reformation of APA post-Hoffman, incorporating the lessons learned in our own division, models of accountability from our leadership, and the support of new voices from our division who will bring feminism to bear on committees to help APA to move forward in the most ethical way possible, devoid of the conflicts of interest and no longer blind to the effects of APA decisions on global communities.
- Repair our position and image as a social justice division of APA by drafting a formal apology for our collective failures to resist APA collusion in “enhanced interrogation” abuses of people of color in GTMO, Abu Ghraib, and the CIA Black Sites.
- Study conflicts of interest (COI) and become competent in identifying COI situations that involve gains in professional reputation and career building. Enact COI by-laws in Div35 as a model for APA.
- Actions should be taken to reduce cultivation of Div35 “insiders.”
 - To this end, create changes in election and appointment to EC to increase transparency and prevent the same people being moved around to different committees effectively crowding out new opinions and new participation, to guard against division shopping, and to insure that those who are assuming leadership positions do not have current COIs having served recently or consecutively as leaders in other divisions.
 - There should be limits on service on the full EC and appointments to committees should always follow a call to the full membership with new members being chosen to serve over those who have already served.
 - Create space for members to learn more about those running for elected office within the Division. Future candidates should provide a list of other Division and APA positions held including an analysis of potential

conflicts of interests. Members should be given the opportunity to ask questions of candidates and should be encouraged to be more involved in the election process. Further, policies should be considered to avoid candidates running unopposed and efforts to reduce power pipelines (where a list and order of future leaders is informally selected/developed behind the scenes).

- Create an inclusive TF to better understand the history of racism in the division, the dynamics of racism, and intersectionality as it has affected Div35, and do this with the end of rebuilding cooperation and trust among all members.
- Find ways to safeguard against the cult of niceness and the suppression of dissension or angry voices. That is, create a culture where dissent is valued and space for disagreement is created.
- Develop a better communication system so that all members may feel encouraged to participate in important ethical discussions and provide at least one unmonitored or loosely monitored outlet for such communications.
- Devise safeguards against silencing voices of members when issues of race and ethnicity arise, such that a policy of “falling in line” or “solidarity” is not automatically assumed as necessary or effective with regard to overarching ethical goals; a member should not have to choose between section support, the support of powerful women in one’s section, and her own ethics.
- Create procedures and policies for the consideration of issues that safeguard against decisions based on friendship, admiration, and trust rather than consideration of facts and all sides of an issue.
- Create public speaking guidelines for former and current Div35 leaders to apply to future public speaking to guard against their voices being interpreted as the voice of Div35.
- Create educational opportunities around ethics, aimed at building activists unimpeded by calls for “niceness” and able to check their own self-interest against the interest of others.
- Create a series of Feminism workshops required of those who run for higher office in Div35, on feminism in the 21st century, intersectionality, and global feminism with a focus on teaching about imperialism and colonialism.
- Redefine and/or recommit to a definition of feminism that goes beyond “girl power,” advancing women leaders in the pipeline, and supporting women, no matter their positions.

Reparations to those Outside of the Division and Inside of the Division

- Make reparations to those whom we have harmed by our silence, ignorance, and complicity with power. This may be accomplished initially through a fund for

detainee survivors or the families of those who perished under interrogation abuse.

- Acknowledge how our failure to consider the evidence and how our silencing behaviors could have caused harm to the career trajectories and/or personal/professional lives of those dissidents who devoted thousands of hours to the work of exposing APA collusion with the torture program.
- A clear and principled anti-war, anti-imperialist, and anti-racist feminist power analysis should be developed to guide within Div35 from lending any support to U.S. militarism.
- In the name of feminism, transparency, and reflection, a detailed accounting from our past leaders would be helpful, not necessarily immediately, but in time when they feel ready to make themselves vulnerable with regard to direct action, obstruction of protests, or passivity.
- With regard to Conflicts of Interest, we have articulated why the current President-elect, Olivia Moorehead-Slaughter, should not continue in her current office. Our report and the Hoffman Report both document substantial involvement in obstructing the dissidents and collaboration with Behnke to delay votes, undermining membership, delaying the publication of the Casebook, and more. She continued to benefit from these acts up through her 2012 publication with Behnke supporting the PENS process, presentations on PENS in 2015, and through her election in Div35. EC35 should formally and publicly ask Dr. Moorehead-Slaughter to step down as President-elect, whether or not the by-laws or constitution can enforce this request.

In conclusion, we assert that when everyone is responsible, nobody is responsible. While APA staff members have been removed from office, most notably Behnke, to our knowledge there have been no APA members who served in leadership positions that have been asked for statements of accountability nor asked to make reparations.

Each Division seems to have been left on its own by APA to decide how to relate to those members and those Executive Committees directly involved in the PENS process and aftermath (including the current and continuing cover-up, denials, and downplaying of issues) or to those who took action that in the end supported abuses. In order to respond to the widespread manipulation, corruption, and conflicts of interest documented in the Hoffman Report, we strongly believe that APA members who were directly or even indirectly involved in these actions should not be contributing to the efforts to correct course. Nevertheless, APA and individual divisions continue to appoint and elect these individuals to prominent positions.

Div35, as a feminist organization, has a greater responsibility to pressure APA to hold its leaders more accountable for their role in PENS and post-PENS events. We cannot do that with good conscience until we examine our own division's role. And we cannot do

that when we support, at our helm, one of those leaders who is unlikely to be perceived as a credible critic of APA when asserting feminist principles of social justice.

We humbly submit this report to Div35, cognizant that it is incomplete given who we were able to interview, the limited time we had to work on it, the non-existent funding, and our own limitations as a group. We offer this report in hopes of not only moving forward but in changing business-as-usual in our division and in APA. The history of feminism shows many splits and coming together to support our shared values of inclusivity, justice, and care. May this report bring us back together, if not now, in the near future.

Finally, with regard to those who were tortured and abused because of our passivity, the focus must change to be on them. It takes moral courage to move out of the role of bystander. We must be alert to harmful trends, and ready to step out of our comfort and safety zones in order to take action to protect the welfare of others when psychologists inflict cruel, inhumane or degrading treatment (Pope, 2015) and we must be especially alert to people and populations who may be more vulnerable due to their race, ethnicity, income level, status, and religion. We would like to see APA move forward in making reparations to the victims and hope that Div35's leadership supports taking action towards this end.

* * *

"It is very tempting to take the side of the perpetrator. All the perpetrator asks is that the bystander do nothing. He appeals to the universal desire to see, hear and speak no evil.

The victim, on the contrary, asks the bystander to share the burden of pain.

The victim demands action, engagement and remembering."

--Judith Herman

"I picture 'calling in' as a practice of pulling folks back in who have strayed from us. It means extending to ourselves the reality that we will and do fuck up, we stray and there will always be a chance for us to return. Calling in as a practice of loving each other enough to allow each other to make mistakes; a practice of loving ourselves enough to

know that what we're trying to do here is a radical unlearning of everything we have been configured to believe is normal."

—Ngoc Loan Trân on blog blackgirldangerous.org

"It's a feminism that trades on themes of sisterhood and support —you-go-girl tweets and Instagram photos, cheery magazine editorials about dressing to please yourself."

--Andi Zeisler on the new feminism.

"It's a sad commentary on APA culture on how people fight to be a victim and how successful a strategy that has been in terms of avoiding the issues."

--Stephen Soldz

"Many of us do it each year with our New Year's resolutions. Staying with it over the long haul is the hard part. The Hoffman Report led APA to resolve to reset its "moral compass," to use the words of the APA president cited earlier, and to take initial steps. It faces the hard work of staying with it, of not lumping the Hoffman Report with over a decade's worth of prior investigative reports, books, and articles about APA, interrogations, and torture that it had denied, discounted, discredited, and dismissed; of not leaving its new policy on interrogations to languish with the 2008 interrogation policy and the various torture policies, with unanswered questions about the willingness to enforce them or whether they are enforceable; of changing the institutional culture, character, and dynamics that gave rise to this controversy. Trickett (2015), among others, has highlighted the tendency not only to identify the source of problems in their most peripheral aspects but also to overlook hidden barriers that prevent change."

--Kenneth Pope

"Indication of harm, not proof of harm, is our call to action."

--Mural painted by Be Sargent, Church St., Cambridge, MA, USA

"When morality comes up against profit, it is rarely that profit loses."

—Shirley Chisolm

References

- Alexander, M. (2010). *Torture's loopholes*. Retrieved from:
http://www.nytimes.com/2010/01/21/opinion/21alexander.html?_r=0
- American Psychological Association. (2002). Ethical principles of psychologists and code of conduct. *American Psychologist*, 57, 1060 –1073.
<http://dx.doi.org/10.1037/0003-066X.57.12.1060>
- American Psychological Association. (2005, July). *Report of the American Psychological Association Presidential Task Force on Psychological Ethics and National Security*. Washington, DC: Author.
- American Psychological Association. (2006). Resolution against torture and other cruel, inhuman, and degrading treatment or punishment. Retrieved from
<http://www.apa.org/about/policy/torture-2006.aspx>
- American Psychological Association. (2007a). 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." Retrieved from
<http://www.apa.org/about/policy/torture.aspx>
- American Psychological Association. (2007b). Statement of the American Psychological Association on psychology and interrogations submitted to the United States Senate select committee on intelligence. Retrieved from
<http://www.apa.org/ethics/programs/position/legislative/senate-select.aspx>
- American Psychological Association. (2007c). American Psychological Association resolution (draft): Moratorium on Psychologist Involvement in Interrogations at U.S. Detention Centers for Foreign Detainees Retrieved from
<http://www.apa.org/ethics/programs/position/reports/feb-2007-draft.pdf>
- American Psychological Association. (2008a). Amendment to the reaffirmation of the American Psychological Association position against torture. Retrieved from
<http://www.apa.org/about/policy/torture.aspx>
- American Psychological Association. (2008b). APA members approve petition resolution on detainee settings [Press release]. Retrieved from
<http://www.apa.org/news/press/releases/2008/09/detainee-petition.aspx>

- American Psychological Association (1992). Ethical principles of psychologists and code of conduct. *American Psychologist* 47, 1597–1611. doi: 10.1037/0003-066X.47.12.1597
- American Psychological Association. (2002). Ethical principles of psychologists and code of conduct. *American Psychologist*, 57, 1060–1073. doi: 10.1037/0003-066X.57.12.1060
- American Psychological Association. (2010). *Ethical principles of psychologists and code of conduct*. Washington, DC: Author. Retrieved from <http://www.apa.org/ethics/code/index.aspx>
- American Psychological Association. (2008). *Petition resolution*. Retrieved from: <http://www.apa.org/news/press/releases/2008/09/detainee-petition.aspx>
- American Psychological Association’s Presidential Task Force on Psychological Ethics and National Security: April 22, 2005 – June 26, 2006. Listserv retrieved from: http://s3.amazonaws.com/publica/assets/docs/pens_listserv.pdf
- Amnesty International (2004). *Continuing U.S. failure to uphold human rights*. Retrieved from <http://www.amnesty.nl/nieuwsportaal/pers/continuing-failure-uphold-human-rights>
- Amnesty International (2007). *United States of American Cruel and inhuman: Conditions of isolation for detainees at Guantanamo Bay Cuba*. Retrieved from: http://www.amnistia-internacional.pt/dmdocuments/guant_abril.pdf
- Amnesty International (2009). *The Army Field Manual: Sanctioning cruelty?* Retrieved from <http://www.amnesty.org.au/hrs/comments/20575/>
- Andersson, H. (2010a). *Afghans “abused at secret prison” at Bagram airbase*. Retrieved from http://news.bbc.co.uk/1/hi/world/south_asia/8621973.stm
- Andersson, H. (2010b). *Red Cross confirms “second jail” at Bagram, Afghanistan*. Retrieved from http://news.bbc.co.uk/1/hi/world/south_asia/8674179.stm
- Andersson, H. (2010c). *Prisoner at being held in the “black jail” Bagram*. Retrieved from http://news.bbc.co.uk/1/hi/world/south_asia/8674830.stm
- Behnke, S. H., & Moorehead-Slaughter, O. (2012). Ethics, human rights, and interrogations: The position of the American Psychological Association. In J. H. Laurence, M. D. Matthews, J. H. Laurence, M. D. Matthews (Eds.), *The Oxford*

- handbook of military psychology* (pp. 50-62). New York, NY, US: Oxford University Press.
- Benjamin, M. (2007). The CIA's torture teachers. *Salon. com*, 21. Retrieved from http://www.salon.com/2007/06/21/cia_sere/
- Berlant, L. (2011). *Cruel optimism*. Durham: Duke University Press.
- Burton, M., & Kagan, C. (2007). Psychologists and torture: More than a question of interrogation. *The Psychologist*, 20, 484–487. Retrieved from <https://thepsychologist.bps.org.uk/>
- Chase, S. (2007). Narrative inquiry: Multiple lenses, voices, approaches. In N. Denzin & Y. Lincoln (Eds.), *Collecting and interpreting qualitative materials* (3rd ed., pp. 57- 94). Thousand Oaks, CA: Sage Publications.
- Center for Constitutional Rights. (2009). *Current conditions of confinement at Guantanamo: Still in violation of the law*. Retrieved from http://ccrjustice.org/sites/default/files/assets/CCR_Report_Conditions_At_Guantanamo.pdf
- Center for Torture Accountability (n.d.). *Larry James*. Retrieved from http://tortureaccountability.org/larry_james
- Coalition for an Ethical Psychology. (2010). *A call for annulment of the APA PENS Report*. Retrieved from <http://ethicalpsychology.org/pens/>
- Coalition for an Ethical Psychology. (2013). *Coalition responds to new APA policy proposal on psychologists work in national security settings*. Retrieved from <http://www.ethicalpsychology.org/resources/coalition.php>
- Coalition for an Ethical Psychology. (2007). *Response regarding loopholes*. Retrieved from <http://www.ethicalpsychology.org/materials/Coalition-FAQ-12-07.pdf>
- Crenshaw, K. (1991). Mapping the margins: Intersectionality, identity politics, and violence against women of color. *Stanford Law Review*, 43, 1241-1299. doi: 10.2307/1229039
- Democracy Now (2007). *APA interrogation task force member Jean Maria Arrigo exposes group's ties to military* [Video]. Retrieved from http://www.democracynow.org/2007/8/20/apa_interrogation_task_force_member_dr

- Democracy Now, (2010). *Military psychologists face complaints with licensing* [Video]. Retrieved from http://www.democracynow.org/2010/7/8/military_psychologists_face_complaints_with_licensing
- Ewing, C. P., & Gelles, M. G. (2003). Ethical concerns in forensic consultation regarding national safety and security. *Journal of Threat Assessment*, 2, 95-107. doi: 10.1300/J177v02n03_05
- Frakt, D. (2009). *Closing argument at Guantanamo II: The torture of Mohammad Jawad, continued*. Retrieved from <http://www.pen.org/nonfiction/closing-argument-guantanamo-ii-torture-mohammad-jawad-continued>
- Godlee, F. (2009). Rules of conscience. *British Medical Journal (Overseas & Retired Doctors Edition)*, 338, preceding-1153. doi: <http://dx.doi.org/10.1136/bmj.b1972>
- Henwood, K. (2008). Qualitative research, reflexivity and living with risk: Valuing and practicing epistemic reflexivity and centering marginality. *Qualitative Research in Psychology*, 5, 45-55. doi: 10.1080/14780880701863575
- Hoffman, D. H., Carter, D. J., Lopez, C. R. V., Benzmilller, H. L., Guo, A. X., Latifi, S. Y., & Craig, D. C. (2015a). *Report to the Special Committee of the Board of Directors of the American Psychological Association: Independent review relating to APA Ethics Guidelines, national security interrogations, and torture*. Chicago, IL, USA: Sidley Austin LLP. Retrieved from <http://www.apa.org/independent-review/APA-FINAL-Report-7.2.15.pdf>
- Hoffman, D. H., Carter, D. J., Lopez, C. R. V., Benzmilller, H. L., Guo, A. X., Latifi, S. Y., & Craig, D. C. (2015b). *Report to the Special Committee of the Board of Directors of the American Psychological Association: Independent review relating to APA Ethics Guidelines, national security interrogations, and torture (revised)*. Chicago, IL, USA: Sidley Austin LLP. Retrieved from <http://www.apa.org/independent-review/revised-report.pdf>
- Holloway, J. (2004). Helping with post-conflict readjustment: Active duty and government-contracted psychologists work to repatriate American prisoners of war or detainees in hostile territory. *APA Monitor*, 35, 32. Retrieved from <http://www.apa.org/monitor/feb04/helping.aspx>
- Horton (2009). *The APA's Nuremberg defense*. Retrieved from <http://harpers.org/blog/2009/07/the-apas-nuremberg-defense/>

- Human Rights@Harvard Law. *Trudy Bond et al. v Larry James (Ohio, 2010)*.
<http://hrp.law.harvard.edu/areas-of-focus/counterterrorism-human-rights/professional-misconduct-complaint-larry-james/>
- International Committee of the Red Cross. (2010). *ICRC report on the detention of fourteen "high value" detainees in CIA custody*. Retrieved from
<http://www.nybooks.com/media/doc/2010/04/22/icrc-report.pdf>
- James, L. C. (2008). *Fixing hell: An army psychologist confronts Abu Ghraib*. New York, NY, USA: Grand Central Publishing/Hachette Book Group.
- Kaye, J. S. (2008). *Why torture made me leave the APA*. Retrieved from
http://www.alternet.org/story/78909/why_torture_made_me_leave_the_ap
- Kaye, J. (2009). *Former top Navy psychologist involved in pre-911 prisoner abuse case*.
<http://pubrecord.org/special-to-the-public-record/2722/former-psychologist-involved-pre-911/>
- Kerman, T. (Producer), and Davis, M. (Director). (2011). *Doctors of the dark side*. United States: MVD Entertainment Group
- Kiley, K. C. (2005). Office of the Army Surgeon General: Final Report Assessment of Detainee Medical Operations for Operation Enduring Freedom (OEF), Guantanamo (GTMO), and Operation Iraqi Freedom (OIF). Retrieved from
http://www.globalsecurity.org/jhtml/jframe.html#http://www.globalsecurity.org/military/library/report/2005/detmedopsrpt_13apr2005.pdf
- Kimmel, P. (2016). *Undermined: The story of the task force on the psychological effects of efforts to prevent terrorism*. Unpublished manuscript.
- Kimmel, P.R., & Stout, C.E. (Eds). (2006). *Collateral damage: The psychological consequences of America's war on terrorism*. Westport, CT: Praeger.
- Koocher, G. (Aug. 6, 2016). Personal Communication.
- Lamb, S., & Saleem, R. (2015, Winter). Global racism of division 35. *The Feminist Psychologist*, 42, 29-30.
- Levine, A. (2007, January/February). Collective unconscionable: How psychologists, the most liberal of professionals, abetted Bush's torture policy. *Washington Monthly*.

- Retrieved from
<http://www.washingtonmonthly.com/features/2007/0701.levine.html>
- Lewis, N. A. (2004, November 30). Red Cross finds detainee abuse in Guantanamo. *The New York Times*. Retrieved from www.nytimes.com/2004/11/30/politics/red-cross-finds-detainee-abuse-in-guantanamo.html?_r=1
- Martin, B. (2009). Corruption, outrage, and whistleblowing. In Ronald J. Burke and Cary L. Cooper (Eds.), *Research companion to corruption in organizations* (pp. 206-216). Cheltenham, UK: Edward Elgar Publishers.
- Martin, B. (2013). *Whistleblowing: A practical guide*. Sparsnas, Sweden: Irene Publishing.
- Mayer, J. (2008). *The dark side*. New York, NY: Doubleday.
- Mayer J. (2005, July 11). The experiment: The military trains people to withstand interrogation. Are those methods being misused at Guantánamo? *The New Yorker*. Retrieved from: <http://www.newyorker.com/magazine/2005/07/11/the-experiment-3>
- Mohanty, C. T. (2003a). *Feminism without Borders: Decolonizing Theory, Practicing Solidarity*. Durham: Duke University Press.
- Mohanty (2003b) “Under Western Eyes” Revisited: Feminist Solidarity through Anticapitalist Struggles. *Signs*, Vol. 28, No. 2.
- Moorehead-Slaughter, O. (2016, January). *President-elect Report to Division 35 Executive Committee*. New Orleans, LA.
- National Association of Criminal Defense Lawyers (2016). *Willful blindness*. Retrieved from <https://www.nacdl.org/criminaldefense.aspx?id=21211>
- Office of Professional Responsibility Report. (2009). Retrieved from https://www.aclu.org/files/pdfs/natsec/opr20100219/20090729_OPR_Final_Report_with_20100719_declassifications.pdf
- Partlow, J., & Tate, J. (2009, November 28). 2 Afghans allege abuse at U.S. site. *Washington Post*. Retrieved from <http://www.washingtonpost.com/wpdyn/content/article/2009/11/27/AR2009112703438.html>

- Pope, K. S. (2008). *Why I resigned from the American Psychological Association*. Retrieved from: <http://kspope.com/apa/index.php>
- Pope, K. S. (2015). Steps to strengthen ethics in organizations: Research findings, ethics placebos, and what works. *Journal of Trauma & Dissociation*, 16, 139-152. doi: 10.1080/15299732.2015.995021
- Pope, K. S., & Gutheil, T. G. (2009a). Contrasting ethical policies of physicians and psychologists concerning interrogation of detainees. *British Medical Journal*, 338, b1653. doi: <http://dx.doi.org/10.1136/bmj.b165>
- Pope, K. S., & Gutheil, T. G. (2009b). Psychologists abandon the Nuremberg ethic: Concerns for detainee interrogations. *International Journal of Law and Psychiatry*, 32, 161–166. doi: 10.1016/j.ijlp.2009.02.005
- Pope, K. S., & Gutheil, T. G. (2008). The American Psychological Association & detainee interrogations: Unanswered questions. *Psychiatric Times*, 25, 16-17. Retrieved from <http://www.psychiatrictimes.com/>
- Pope, K., & Vasquez, M. (2011). Ethics and critical thinking. In K. Pope & M. Vasquez, *Ethics in psychotherapy and counseling: A practical guide*, 4th ed. (pp. 16-33). Hoboken, NJ: John Wiley & Sons.
- Pope, K. S. (2011a). Psychologists and detainee interrogations: Key decisions, opportunities lost, and lessons learned. *Annual Review of Clinical Psychology*, 7, 459–481. doi: <http://dx.doi.org/10.1146/annurev-clinpsy-032210-104612>
- Pope, K. S. (2011b). Are the American Psychological Association's detainee interrogation policies ethical and effective? Key claims, documents, and results. *Zeitschrift für Psychologie/The Journal of Psychology*, 219, 150 –158. Retrieved from <http://bit.ly/APADetaineeInterrogationPolicies>
- Pope, K. (2016). The code not taken: The path from guild ethics to torture and our continuing choices. *Canadian Psychology*, 57, 51-59. doi: <http://dx.doi.org/10.1037/cap0000043>
- Reynolds, M. (1974). *The Malvina Reynolds Songbook*. Berkeley, CA: Schroder Music Co.
- Risen, J. (2014). *Pay any price: Greed, power, and endless war*. New York, NY: Houghton Mifflin Harcourt.

- Risen, J. (2015). Outside psychologists shielded U.S. torture program, report finds. Retrieved from: <http://www.nytimes.com/2015/07/11/us/psychologists-shielded-us-torture-program-report-finds.html>
- Roy, A. (2014). *Capitalism: A ghost story*. Chicago: Haymarket Books.
- Rubin, A. J. (2009). Afghans detail detention in “black jail” at U.S. base. *New York Times*. Retrieved from http://www.nytimes.com/2009/11/29/world/asia/29bagram.html?_r=3&pagewanted=print
- Samudzi, Z. (2016). *We need a decolonized, not a “diverse,” education*. Retrieved from <http://harlot.media/articles/1058/we-need-a-decolonized-not-a-diverse-education>
- Slahi, M. (2013). *The Guantánamo Memoirs of Mohamedou Ould Slahi: Part I Endless Interrogations*. Retrieved from: http://www.slate.com/articles/news_and_politics/foreigners/2013/04/mohamedou_ould_slahi_s_guantanamo_memoirs_part_1_the_endless_interrogations.html
- Soldz, S. (2009). Will the American Psychological Association renounce the Nuremberg defense? Retrieved from <http://www.counterpunch.org/2009/07/27/will-the-american-psychological-association-renounce-the-nuremberg-defense/>
- Soldz, S., Raymond, N., & Reisner, S. (2015). All the Presidents’ Psychologists: The American Psychological Association’s secret complicity with the White House and US Intelligence community in support of the CIA’s “Enhanced” interrogation program. Retrieved from: <http://ethicalpsychology.org/materials/All-the-President's-Psychologists-Key-Findings.pdf>
- Soldz, S. & Reisner, S. (2016). Attacks on Hoffman Report from military psychologists obfuscate detainee abuse: A rebuttal to Banks et al. and APA’s Division 19 Task Force. Retrieved from <http://www.counterpunch.org/2016/01/05/attacks-on-hoffman-report-from-military-psychologists-obfuscate-detainee-abuse/>
- Spivak, G. (1988). Can the subaltern speak? In C. Nelson, C. and L Grossberg, Eds., *Marxism and the interpretation of culture*. Basingstoke, Macmillan Education.

- Tolin, J., & Lohr, D. (2009, Oct. 08). Psychology researchers recommend ethical ban on torture by psychologists, *Psychology & Psychiatry Newsletter*. Retrieved from <http://phys.org/news/2009-10-psychology-ethical-torture-psychologists.html>
- Trần, Ngọc Loan (2013). Calling IN: A less disposable way of holding each other accountable. Retrieved from <http://www.blackgirldangerous.org/2013/12/calling-less-disposable-way-holding-accountable/>
- Triskel, N. (2009, May 14). Fortunately UK psychologists don't use the APA Code of Ethics. *British Medical Journal*. Retrieved from http://www.bmj.com/content/338/bmj.b1972/reply#bmj_el_213695
- Ullman, S.E. (2015, Winter). "Why such silence in Division 35 and how can we move forward?" *The Feminist Psychologist* [published online only].
- United States Senate Select Committee on Intelligence (SSCI). (2008). The Committee Study of the Central Intelligence Agency's Detention and Interrogation Program: A report compiled by the bipartisan (SSCI), 11/20/08).
- Vaughn-Johnson, K. (2015, Winter). Open call: Transparency in accountability database: Division 35 discussion, president-elect debate, and the Hoffman Independent Review report. *The Feminist Psychologist*, 42, 31-32.
- Welch, B. (2009). The American Psychological Association and torture: The day the tide turned. Retrieved from: http://www.huffingtonpost.com/bryant-welch/the-american-psychologica_b_242020.html
- Woolf, L. (2007). *A sad day for psychologists*. Retrieved from <http://www.counterpunch.org/2007/09/01/a-sad-day-for-psychologists/>
- Woolf, L. (2012). APA Member-Initiated Task Force to Reconcile Policies Related to Psychologists' Involvement in National Security Settings. Retrieved from: <http://faculty.webster.edu/woolfm/MemberInitiatedTaskForce/MissionStatement.html>
- Woolf, L. (2015, Winter). Contemporary conversations in Feminist Psychology: AWP, SWP, The Hoffman Report, and Torture. *The Feminist Psychologist*, 42, 24-26.
- Woolf, L. (2016). Personal communication to the MITF Task Force.