

Dear Colleagues:

Over the past weeks I have remained relatively silent regarding my role in some of the events chronicled in the Hoffman report, apart from a statement posted on my web site and an interview with a reporter from *Science* magazine. I have seen e-mail on some listserves that I subscribe to but I have no access to the Council's online deliberations. I did not even have access to the Hoffman report until I obtained it through the *N. Y. Times*. I have no intention of granting any press interviews, but I think it is important to share some personal reflections on mistakes I made with those of you in APA governance.

My Regrets and Apologies

One of my former supervisors was fond of saying, "Through the retrospectoscope, everyone has 20-20 hindsight." Mistakes were made, and I own responsibility for several of them. Only by reflecting on past errors, can we move forward without being doomed to repeat them.

My greatest personal regret (and character flaw well-known to my acquaintances) is a penchant for withering sarcasm and an aggressive style of debate. While these traits have served me well at times in my career, I have come to deeply recognize now how this style had the effect of stifling some voices and thoughtlessly causing distress to others. I very much regret having had that effect and offer my sincere apology. I have reached out to some individuals to do so personally.

A second significant regret is placing too much trust in several APA staff members to share complete information with the Board. Admittedly, APA is a complex membership organization with significant real estate holdings, and a large scholarly publishing business. As members, we must as a matter of course place significant trust in and receive guidance from a knowledgeable staff. We must find a new balance to trust, but verify.

In retrospect, APA should not have accepted invitations to consult at an organizational level with security agencies until we had a clear picture of the nature and extent of the issues. The voices opposing the report were more valid than I appreciated in 2005-2007. Memos that I saw for the first time in the Hoffman materials revealed deliberate decisions by executive staff at APA not to share significant information on their government contacts with the Board. I felt truly stunned and betrayed by some of the new information I learned.

Having more voices and diversity of backgrounds and perspectives on the PENS task force would have led to a better result. I very much regret not having sought to expand the size of the committee to include more voices from members without government connections. I apologize for not doing so.

Declaring an emergency to adopt the PENS report was also a significant error on the part of the Board, including me. I should have resisted the pressure of APA executive office

staff, particularly the public affairs personnel, who wanted the report out quickly to address embarrassing news stories criticizing APA for not acting earlier. Had we waited 6 weeks to have a full Council debate in August, 2005 flaws in the PENS report would have become evident more quickly.

Although I did voice support for subsequent clarifications of human rights actions by APA, I now see that I should have more vigorously pressed for issuance of a casebook or detailed commentary on psychologists' roles in national security contexts. I apologize for not doing so.

Perhaps more importantly for the future, I also deeply regret not having demanded more transparency and less of an internal-protective stance by the APA leadership (including me) in the name of protecting APA. Mr. Hoffman's report is accurate in that respect: APA staff, not the elected leadership, frequently controlled the data and the dialogue and, with regard to PENS, deliberately misled us. At the very least a damaging lack of candor prevailed.

I expect that many of you will want more data to understand what went wrong and be able to evaluate the Hoffman report more critically. For those of you who want such data, I provide considerable detail from my personal perspective in the following pages. Others may wish to look directly at the final summary.

My Background

I joined APA as a graduate student in 1970 and became a full member in 1972. My first involvement came through the sections of Division 12 (clinical psychology) that ultimately became Divisions 53 and 54 (child/adolescent and pediatric psychology). I also became heavily involved in child advocacy and edited a book on the topic of children's rights, donating all the royalties to APA Division 9 (SPSSI). After writing a commentary on how the APA's ethics code ignored the needs of children, I became one of the youngest psychologists to serve as a member of APA's ethics committee. While serving on that committee I met Dr. Patricia Keith-Spiegel and we began a writing collaboration of nearly four decades, including a comprehensive ethics textbook for psychologists. I founded a peer-reviewed journal (*Ethics & Behavior*) focused on scholarship related to professional and scientific ethics, and have edited it for 26 years.

I have had the honor of serving in many roles within APA, including a decade as treasurer and three years in the presidential cycle. I count among my proudest achievements getting the Council to approve a resolution opposed to corporal punishment in public schools and casting the deciding vote on the Board of Directors to keep the 2006 convention in New Orleans, after the devastation caused by hurricane Katrina caused many to call for relocation. Along the way, I participated in the drafting of every version of the APA ethics code since 1976 and have written, taught, researched, and lectured extensively on these topics. My interest in doing the "right thing" and respecting others probably began with experiencing religious prejudice as a child and my quest to become an Eagle Scout. To this day I strongly advocate for

human rights, highly prize my personal integrity, and do not lie. I have never supported mistreatment of human beings. This background is important in understanding my behavior while serving on the Board of Directors in 2005-2007.

The Context

In the winter of 2004-2005 America had become keenly aware of abuses perpetrated in the name of the War on Terror. We saw photos of detainees mistreated in cages at Guantanamo and at Abu Ghraib. We saw a vigorous defense of “enhanced interrogation” by the Bush administration and press accounts of involvement by medical and psychological professionals. In the midst of these circumstances, several APA staff members came to the Board of Directors with word of contact from Pentagon and security service personnel about psychological aspects of interrogation. We also heard from many of our APA members on active duty in the military and from Division 19 (military psychology) that they felt caught in a bind. We were told that some of these psychologists feared being asked to participate in activities that would inflict psychological and physical harm or might constitute torture. Such actions would violate our ethics code, mar their reputations, and ruin their future careers. Some of these members begged the APA Ethics Committee and Board to help clarify how our ethics code applied when faced with orders that might be ethically unacceptable. They believed that a strong, clear stand by APA might provide a basis for declining to participate in questionable acts when ordered by superiors to do so. Some of these psychologists had already acted as internal dissenters and “whistle blowers” within their chains of command and believed a clear stand by APA would both enhance their credibility and protect them from retribution. Much of this information came to the Board of Directors in executive sessions. We were cautioned about the sensitivity of the information, and told repeatedly by legal counsel that we owed APA a “duty of care” to not discuss such content in any detail outside of executive sessions.

The PENS Task Force

In this context, the Board approved funding for what came to be known as the PENS task force. The formation and implementation of this group are well described in the Hoffman report. At the same time, the conclusions asserted in the Hoffman report vary in many respects from my own experience of reality. Drs. Anton, Behnke, Levant, and I were charged with recommending the composition of the group to the Board of Directors. Any of you who have participated in the selection of such groups in APA governance will know the process well. We were given a fixed budget, allocated a number of slots, and set about choosing a group capable of bringing expertise and diversity. A call for nominees went out, and we received well over 100 nominees from all sectors of psychology.

The process of choosing is represented by my comments to the selection panel in various e-mail messages as documented in the Hoffman report. For example, at first I objected to including Dr. Morgan Banks because he was not an APA member, and I felt strongly that efforts to interpret the ethics code should come from those voluntarily under its authority.

After voicing this opinion, I received calls from several APA member military colleagues explaining Dr. Banks's role in *training them to resist torture as part of the SERE program*. I became convinced that his experience would be valuable to the task force and changed my mind, ranking him as a top choice and even offering to pay his dues out of my own pocket if that was necessary to get him to join APA. I own responsibility for those decisions, but absolutely reject Hoffman's conclusion that this represented some sort of nefarious manipulation. I got new data, I changed my opinion, and I advocated for my perspective in an effort to recruit knowledgeable people.

At the actual PENS task force meeting, I was a non-voting liaison from the Board of Directors and was able to attend only the first 3-4 hours of the meeting on the first day. Thus, I did not even attend three-quarters of the PENS meeting and did not contribute to the writing of the report.

During the early portion of the first day several members of the task force sought to expand the mission of the group to conduct a wide ranging investigation and to link the work of the group to international law. The Hoffman report accurately portrays my position on those issues. I had a strong task orientation and understood that the group had been funded and authorized for only a single in-person, three-day meeting. Apart from funding, I also understood that APA was not set up to conduct a wide ranging investigation and could not subpoena or likely gain access to classified materials needed to answer questions meaningfully. I was accurately quoted as saying that we would probably need to wait 50 years (for military declassification) to figure out what was really going on. When interviewing me Hoffman commented, "Well, you didn't try to get the information did you?" He interpreted my comment as somehow driven by government interests, as opposed to getting the assigned task done and the reality that APA had no ability to investigate broadly.

Later, I argued against an attempt to cite "international law" in interpreting the APA ethics code, noting that it was an ambiguous, contradictory, toothless set of treaties many of which the U.S. has never adopted. Hoffman concluded that, "Koocher is very pro-American." Members of the task force serving in the military also noted that they are bound by United States law (including ratified treaties), but Hoffman chose to bypass that point. The group went forward focused on the APA ethics code.

Another concern raised in the Hoffman report involved observers at the PENS task force meeting. In early discussions, I advocated in writing that I thought the meetings should be open to the public. Some of the task force members said that they would not participate if members of the press were present. My understanding at the end was that any interested APA members would be welcome, and that the executive office with advice from legal counsel would take care of vetting. I also cannot comment on observers who attended and participated, as I was gone after the group broke for lunch on the first day. Likewise, I cannot comment on any back channel communications between executive office staff and others about the content of the report, as I was privy only to the materials shared with the task force or Board of Directors. During the five+ hours I spent with Mr. Hoffman, he showed me

evidence of select back-channel communications. I was not copied on those messages and had no knowledge of them. Interested readers should review those documents in the report for themselves.

The Rush to Act

Once a draft report of the task force was achieved by unanimous consensus (without any vote by the Board liaisons), it was sent to the APA ethics committee for review. The APA By-laws charge the ethics committee with sole authority to interpret our code, so this step was essential. The Board of Directors was encouraged to act speedily. Pressure came chiefly from APA's public relations staff who wanted something they could show as an organizational response to criticism of inaction. Some of the Board's debate occurred in executive session. It included executive staff of APA, but was clearly categorized by legal counsel as not for outside discussion. I recall this debate quite well, as I was attending an international psychological meeting in Europe and voted online. I recall with some irony that the stated goal was to get the report in the news cycle as soon as possible after the 4th of July (2005).

The APA Board of Directors had previously declared emergencies to act between Council meetings for an assortment of reasons. Once in the 1980s they actually revised the ethics code in haste without public comment to delete the ethical ban on some types of advertising in response to litigation threats by the Federal Trade Commission. These factual details are accurately reported in the Hoffman document; however, government concerns were not presented to the Board as rationales for urgent action. That pressure for the Board to act quickly came from the executive and public affairs staff.

Events of 2006

When I became President in 2006, I authored a presidential column for the February *APA Monitor* titled: "Speaking against Torture." I cited the PENS document and advanced a strong argument against torture, while also criticizing "opportunistic commentators masquerading as scholars." That criticism was particularly aimed at a few medical ethicists (psychiatrists and non-psychiatric physicians) who claimed that APA was turning a blind eye to psychologists involved in torture. They continually called on APA to conduct a wide ranging investigation, while ignoring the fact that the American Medical and American Psychiatric Associations were not undertaking such actions. I called on them to bring their evidence forward to the APA ethics committee and repeated it many times during my presidency. As I describe in the following section, I was completely unaware of actual reports or complaints to the APA ethics committee at the time.

As the August convention approached, many proposals to take more explicit stands on torture or to object to the PENS report came onto the Council agenda, and I wanted to get answers for Council to many questions they had about actual military practices and policies in force at the time. I reached out to military psychologist colleagues in quest of a knowledgeable

spokesperson, and was advised that Maj. General Kevin Kiley, an ob-gyn physician and Surgeon General of the Army, would be willing to speak and answer questions from the Council. Dr. Morehead-Slaughter was invited as chair of the PENS task force. Dr. Steven Reisner, a vocal critic of APA policy at the time, was also invited to address the Council. I invited Dr. Reisner to sit next to Gen. Kiley at lunch so that he might have the opportunity to ask additional questions, if he wished. The Hoffman report suggests that this set of events was somehow orchestrated by the military. It was not. I own full responsibility for all invitations and seating suggestions in an effort to get information in front of the APA Council.

Prior to the APA convention in 2006 the executive staff hired a team of highly compensated crisis management consultants. Sharon Brehm (President-elect) and I were brought to New Orleans early to participate in confidential briefings and role playing exercises on how to address a range of questions that might come up at the Council or public meetings. Sharon and I were repeatedly told by the public affairs and legal staff that we had a fiduciary obligation for the organization's well-being to "stick to the script." This meant not expressing any personal reservations, repeating APA's opposition to torture, asserting that we were doing all that could be done, and stating that any data showing APA members' involvement in torture would be acted on by the ethics committee in a timely manner. I do not believe that the Council was informed of this coaching, and the costs were embedded in the "consultants" budget line. We followed the recommendations of the APA executive staff in good faith.

In my initial response to reading the Hoffman report, I described agreeing to visit the medical and detention facilities at Guantanamo Bay, Cuba in November, 2006. I was accompanied by the leaders of other professional associations (e.g., Dr. Pedro Ruiz, American Psychiatric Association; Dr. Joseph Paris, Society of Correctional Physicians; and Rebecca Patton, American Nursing Association) as well as medical ethicists and three other APA member psychologists (Drs. Steve Behnke, Robert Frank, and Eric Zillmer). The Hoffman report makes much of a belief that this visit was solely a publicity opportunity and that the APA participants were somehow willing dupes. This was certainly not my experience or understanding.

Hoffman cites a PowerPoint presentation I prepared using photographs provided by the military and describing in objective behavioral terms the facts provided in the on-site briefing. Despite being told that the material was used for professional presentations including at APA's convention in 2007, with full and clear narrative that the material was provided by the military, the Hoffman report concludes that it could be deemed "uncritical and highly positive" to the military, implying yet another level of collusion or extreme naïveté. The narrative and conclusions reached in the Hoffman report regarding these visits demonstrates a worrisome trend throughout the report to draw unfounded conclusions, possibly based on personal opinions of the authors. The Hoffman report fails to report any public statements favorable to the government resulted. One positive outcome of the visit was a joint statement against torture with Dr. Pedro Ruiz, President of the American Psychiatric Association, who had been on the Guantanamo trip, and the first joint meeting in history of the boards of directors of the APA and American Psychiatric Association (in 2006).

Who Knew What About Ethics Complaints

Many members of the Board of Directors (including me) asked the Ethics Office whether complaints had been received and were being investigated. Ethics committee rules prohibited disclosure of case details to the Board, except in cases involving expulsion or an appeal. We were repeatedly told in executive sessions that “actionable reports” had not been received or that “initial complaints” were being investigated. Between 2005 and 2007, the Board of Directors received no formal reports on any such cases. Such statements naturally led me and others on the Board assume that no investigations were in the works. Until Mr. Hoffman showed me ethics case files and time lines while interviewing me, I had absolutely no knowledge of any such complaints. Although I can speak only for myself, I feel quite confident that my colleagues on the Board of Directors from 2005-2007 were equally unaware of case processing in the ethics office. At the end of 2007, when my term as past-president ended, I quietly stepped away from APA governance with many feelings of frustration and burn-out.

In Summary

The lengthy Hoffmann report has usefully uncovered a number of deeply troubling problems in APA’s responses to reports of psychologists’ involvement in abusive treatment of detainees. Authorizing an independent report represents a first step in self-correction. We can and will learn from the past to avoid such mistakes in the future.

At the same time, several of the inferences and conclusions of Mr. Hoffman are, in my experience, demonstrably incorrect. I can speak definitely about my experiences and motives, whereas Mr. Hoffman paints an incomplete and biased portrait. I assume full responsibility for my actions and apologize for my errors. I have agonized over whether APA might have been more effective in changing Federal policy, had we taken a more forceful stance sooner. However, I have never supported torture; never colluded with government officials to support so-called enhanced interrogations; never made statements that I knew to be false; and never intentionally waived from trying to fulfill my fiduciary obligations to APA.

I foresee a positive future for APA resulting from a reassertion of authority and vigorous debate by a diverse Council of Representatives.

Thank you for reading and thank you for considering all of the evidence about this shameful and painful episode in APA history.

Gerry Koocher
July 26, 2015