

**Immediate Actions Required in Wake of Hoffman Report**  
Recommendations to APA Council of Representatives and Board of Directors  
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The Hoffman Report provides extensive and compelling evidence of gross malfeasance by American Psychological Association (APA) staff and members of governance, notably the Board of Directors, in support of the Bush administration's post-9/11 torture program. The Council of Representatives must take immediate action, including approval of the recommendations detailed in Section II, in order to move APA forward in the wake of this unprecedented ethics crisis.

Actions in the coming weeks, especially during the Convention, are a one-shot opportunity to change course. All proceedings should be guided by transparency and inclusiveness of all voices, member or not. In this spirit, APA should set aside a time at the 2015 APA Convention in August for an open-ended Town Hall Meeting where the membership is given an opportunity to fully discuss the Hoffman Report revelations and necessary response, however long it takes.

**I. Five Categories of Gross Malfeasance**

The Hoffman Report documents gross malfeasance committed by APA staff and members of governance, including but not limited to:

- 1) **APA staff and Board colluded with DOD, CIA and other government entities.** APA leadership aligned APA ethics and policy with the government's aims, in consultation with the government and at the behest of the government. This is a violation of APA's duty of independence from third party influences, particularly direct government influence, as a non-profit, non-governmental, and membership-based organization.
- 2) **APA staff and Board promoted a separate agenda from Council and membership.** APA leadership secretly worked to execute its own agenda to align APA policies with DOD policy, which frequently opposed the expressed will of the membership and Council. This is a breach of their fiduciary duty to administer the complex functions of APA while facilitating the will of the Council and the membership without prejudice.
- 3) **APA staff and Board subverted Council and membership when they passed policy that did not align with DOD policy.** APA leadership secretly worked to undermine the will of the membership and Council by ensuring that policy that was passed would not in actuality interfere with existing DOD policy. Examples of this conduct include empowering select Council members who shared their collusive agenda, arranging for speakers representing their agenda at Council meetings, writing these individuals' speeches and statements, and manipulating procedures to thwart the policy measures that would oppose their agenda.
- 4) **APA staff and Board deceived Council and membership and led a false public relations campaign to portray collusion as human rights protection.** APA leadership offered deceptive representations of the aims of APA policy to Council. Council believed it was passing policy to put ethical restrictions on psychologists' participation in national security operations, when in fact all such policy was "pre-cleared" with the DOD to

ensure that it did no such thing. APA also conducted a false media campaign to the public representing that APA's policies were strongly anti-torture and detainee abuse and in favor of human rights, when this was not the case.

- 5) **APA staff and Board acted in support of an unethical and unlawful program of torture.** APA leadership worked to ensure that APA ethics would put no limitations on psychologists involved in CIA and DOD interrogations programs that, by this point, a) were widely known to have reached the level of torture or cruel, inhuman and degrading treatment, and b) were widely known to have involved psychologists in the design, supervision and implementation of these abuses. Some of the psychologists implicated in "enhances techniques" had collaborated directly with APA staff on numerous occasions.

## **II. Recommendations**

In our July 2, 2015 comments to the Board, we laid out a framework – *Contrition, Accountability, Transparency, Inclusiveness, and Genuine Change* – that should guide APA's responses to the ethics crisis. To that framework we add *Policy Review, Development, and Reform*.

### **Public Contrition**

1. Apologize to all those harmed, including detainees, the profession, Congress, the public, and APA critics, including those who resigned from the association over this issue.
2. Apologize to and publicly commend Jean Maria Arrigo for her actions as a whistleblower and activist.
3. Submit an op-ed to the New York Times expressing contrition.

### **Individual Accountability**

4. Investigate the following staff and officials for gross malfeasance, as documented in the Hoffman Report: **Barry Anton, Nathalie Gilfoyle, Larry James, Gerald Koocher, and Ron Levant.**
  - a. Acting CEO should investigate the actions of the staff member (Nathalie Gilfoyle) and undertake appropriate action.
  - b. Council should establish a committee to investigate the actions of the members of governance and decide upon sanctions, including removal from governance, where warranted by the evidence.
5. Initiate further investigation by the acting CEO and the Council committee into documented malfeasance on the part of additional staff and governance officials to determine if such malfeasance warrants further action.
6. Under a renewed ethics process, bring ethics charges where appropriate against all those implicated, including those who have already been fired, resigned or retired.
7. Publicly recommend state ethics charges where appropriate.
8. Remove APA awards, standing, and honors from all individuals party to the collusion.

9. Reopen ethics cases that were closed as a part of the conspiracy and recommend state board investigations for those who are no longer APA members.

### **Institutional Accountability**

10. Appoint a blue ribbon panel (Panel 1) to conduct a thorough and independent institutional review evaluating the processes, structures, procedure, and culture that allowed collusion.
  - a. Among other lines of inquiry, the panel should:
    - i. Review and recommend changes in processes, structures and procedures to prevent this kind of power manipulation from happening again
    - ii. Review APA's ties to military, intelligence agencies and government
    - iii. Investigate the potential for corruption in the directorates, in particular the ethics office, the ethics committee and the science directorate
    - iv. Investigate the APA voting processes and investigate the opaque entity that counts our votes, Intelliscan
  - b. The panel should further address:
    - i. Power of staff and how it oversteps its institutional bounds
    - ii. Progressive minimization of the oversight role and authority of Council and how to restore its authority and responsibility
    - iii. Manner in which staff managed to impede the will of Council and prevent similar interference from happening again (e.g., 1.02, statute of limitations)
    - iv. Possibility of developing an internal review office responsible directly to governance and not under the CEO
11. Commit to financial review and auditing of DOD, CIA, and other government money, awards, fellowships, and quid pro quos.
12. Review current, pending, and prospective staff and governance for conflicts of interests.

### **Policy Review, Development, and Reform**

13. Review all policies regarding APA and national security, including the approval of operational psychology as a subspecialty.
14. Prohibit psychologists from conducting, supervising, being in the presence of, or otherwise assisting, any individual national security interrogation, and prohibit psychologists from advising on conditions of confinement insofar as these might facilitate such an interrogation.
15. Appoint a blue ribbon panel (Panel 2) to review the ethics of psychologists' participation in areas of national security and operational psychology (aside from direct participation in interrogations and detention operations) and conduct a thoroughgoing independent ethical review of the role psychologists have played in national security operations.
  - a. Appoint Jean Maria Arrigo to the panel, along with internationally recognized medical ethicists and human rights advocates.

16. Designate a committee of ethicists to redesign APA ethics policy and procedures, in light of the Hoffman Report's revelations regarding their permissiveness of interrogation abuses and the influence of APA Insurance Trust (APAIT).
17. Lift any statute of limitation on ethics charges relating to torture and cruel, inhuman, or degrading treatment and ensure a policy of automatic ethics committee investigation when such allegations arise in the context of national security operations, detention or interrogation activities. Develop guidelines for undertaking such investigations.
18. For non-Members, recommend full investigation from the state boards in national security sites and provide guidelines and technical assistance for such investigations.

### **Institutional Transparency**

19. Commit to making all deliberations and actions transparent and easily accessible to members and the public.
20. Report to Council, in plain language: salaries and perks of staff; lobbying on behalf of APA, including aims and payments made; APA liaisons to government and government committees and how such individuals are chosen; other information Council, the membership, or the public wants to know or should be informed of.
21. Publish the Hoffman Report as an APA book and publish the Executive Summary in the American Psychologist and the Monitor.
22. Deposit the entire record of the Hoffman investigation, including all exchanges with Hoffman and contracts, all interviews and documents into the APA PENS Debate Collection at the archive of the University of Colorado at Boulder.

### **Public Transparency and Accountability**

23. Refer the Hoffman Report and any subsequent APA findings to the FBI and cooperate fully in any ensuing investigation.
24. Refer the Hoffman Report to the appropriate Congressional committees, per Senator Feinstein's request, including: Senate Intelligence Committee, Senate Armed Services Committee, Senate Judiciary Committee, Senate Committee Health and Human Services, and their House of Representatives counterparts.
25. Call for a congressional investigation into the role of health professionals and health professional organizations in support of the torture program (CIA and DOD) and invite the other health professional organizations to join in the call.

### **Inclusiveness**

26. Commit to developing processes to include views and representatives of diverse stakeholders in discussions of APA ethics reform, including the broader psychological community and those who opposed APA collusion; the broader medical ethics community; human rights advocates; Congress; and the general public.