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To: COR@LISTS.APA.ORG

Subject: [COR] Statement regarding the Independent Review

Reply-To: Barry Anton <barryanton@GMAIL.COM>

Dear Council Colleagues:

Since my vote to support the Independent Review in November 2014, I have voluntarily recused myself from any deliberations regarding the Independent Review. While my involvement occurred a decade ago, I recused because of my lengthy involvement in senior levels of APA governance, which included my role as non-voting liaison to the PENS task force. As was true for many of you, reading Mr. Hoffman's report pieced together the emails, conversations, and meeting minutes into a picture that was profoundly disturbing. I was shocked and dismayed. It is difficult to reconcile our institutional failure to protect human rights given our role as healers, even amidst the anxiety that was the zeitgeist post 9/11. I was also saddened, humiliated and terribly disappointed to learn of the events that unfolded leading up to and subsequent to the PENS task force. Mr. Hoffman and his team deserve great credit for the painstaking work that they put into this project. But it is a story that can only anger and disappoint members of this association who have, for so many years, put their trust and hope in the governance and staff.

The report points out numerous instances where leadership of the association made mistakes, where participants in the process deceived and manipulated others, where private interests and personal agendas were pursued at the expense of the association's best interests and the public's well-being, and where we – collectively—failed to live up to our values. Psychologists should not participate in any process in which human rights are denied, individuals degraded, and their psychological vulnerabilities turned against them. We cannot participate in any process that colludes with the idea that there are worthy and unworthy human beings, lest we contribute to a process that allows the dehumanization of individuals into inferior groups.

We can't undo what happened ten years ago, but what we can do is reflect, listen, understand and change as an institution and as individuals. We need to comprehend why we failed to live up to our own principles, learn from our experiences, and correct our course. We failed to listen to disparate voices sooner in the process. Many people feel let down, if not betrayed, and we should now listen—with respect—to one another as we reset our course and redefine our mission. As we learn, we can become a better association.

Background and History

I have been rightfully asked to explain my role with the PENS task force and its aftermath. I want to take this opportunity to respond. While Mr. Hoffman's report cites some information regarding my involvement, there is additional information that was not included in his report that may help to clarify my involvement and the dynamics of the situation that accompanied it.

For those who are new to COR, or who don't know me well, I want to provide some context. For the last 18 years, with the exception of 2013 when I campaigned for president-elect, I have been

involved in elected APA governance. Before that, I was on the executive board of the Washington State Psychological Association from the late 1980's until the mid 1990's. Like many of you, I had the opportunity to attend the State Leadership Conference (SLC). My role there was as a Federal Advocacy Coordinator from my home state of Washington. Those of you who have attended SLC know it is an inspiring conference. I was energized to advocate for my profession on a national, as well as local level. I attended my first SLC during a yearlong sabbatical in the Washington State Legislature, advocating for mental health parity and other mental health related issues. I was excited to work with and learn from colleagues I met at SLC who hailed from other states and divisions. In 1997, I was encouraged to run for the Washington state COR seat, as Ruth Paige, our representative, was finishing her second, and final, three-year term.

For the next five years I threw myself into COR work, especially with the caucuses (there were six then). In 2000, I was elected to BPA, where I had my first experience working closely with APA staff. Geoff Reid and Ron Palomares staffed BPA. To say I learned a lot during those three years on BPA and simultaneously on COR would be an understatement. I learned to trust staff to provide background information, perspective and support and to be essential partners in implementation of plans and policies that APA was developing. When Geoff left APA he contracted with APA to make sure that mental health is meaningfully included in the WHO ICD revisions that affect all practitioners and consumers. My colleagues on COR and BPA were inspiring and encouraged me to get further involved in governance by running for Member-at-Large on the Board of Directors. My three-year term began in 2003 and ended in 2005. I was not on the board or COR in 2006, but was elected Recording Secretary in 2007 and served in that capacity for two terms, ending in 2012. We accomplished much during those years, including the National Conference on Undergraduate Education in Psychology, hosted by my university, numerous amicus briefs to the Supreme Court, diversity initiatives including creating the multicultural guidelines and EMPA financial support, and numerous other activities.

Each year, after the election of new Board of Directors' members, the president surveys Board members about their preferences for liaison assignments. All of the directorates, boards and committees, Accreditation, Ethics, the Alliance, the Federation, and other groups have a Board liaison. Most task forces and workgroups also have a Board liaison. In my second year, 2004, President Diane Halpern assigned me as liaison to the Education Directorate, Ethics Committee, Committee on Accreditation, Board Budget & Finance Subcommittee, and the Federation of Behavioral, Psychological & Cognitive Sciences. A board or committee liaison attends and observes portions of meetings and has no vote. The liaison then communicates a summary of the meeting back to the Board of Directors. The liaison can speak only when recognized by the chair. There are a lot of moving parts that Board members track.

As I recall, The Committee on Accreditation, Ethics, Finance and the Federation met separately from the Consolidated meetings. My wife wistfully noted that I was away from home over 100 nights that year. I learned that was the norm for most Board members. The reason I share this with you now, is that as a result of my being liaison to the Ethics Committee in 2004 and again in 2005, I was asked to liaise to the PENS task force.

Issues Cited in Mr. Hoffman's Report

I would like to address the main areas that Mr. Hoffman mentions about me in his report and provide additional context: These issues are:

- 1. The PENS Task Force Selection Committee**
- 2. Appointment of observers**
- 3. The Board declaring emergency action**
- 4. Proposing a glossary of terms**

The Selection Committee

Mr. Hoffman noted that I was on the selection committee for PENS, serving as the non-voting Board liaison. The PENS selection committee consisted of the president, Ron Levant, president-elect, Gerry Koocher, Steven Behnke, Director of the Ethics Office, and me. For all task forces, the President selects task force members. I was the most junior member of the selection committee and – as Mr. Hoffman observed – was involved “substantially less than the others.” I was not aware of the back channel communications that occurred among the staff, and it never occurred to me that members of the task force might actually be chosen for the specific purpose of drafting language that protected psychologists working for the military. It has unsettled and troubled me deeply to read Mr. Hoffman’s report describing the corruption of the process. I had no reason to doubt the integrity of those in charge of that process, and I remember being pleased that over 100 people wanted to participate in this important endeavor.

The process by which members of the PENS Task Force were selected was clearly flawed. Not more actively participating in the selection process and having little knowledge of the nominees’ backgrounds was a mistake on my part. This staff driven selection process was common practice at APA, but clearly should not have been. When the task force nominees were presented to the board, too much trust was placed in the staff recommendations. Rather than developing a mechanism to select task force members without any personal or private interests in the outcome, the leadership unwittingly turned the selection process over to precisely those individuals who wanted a particular result for personal reasons. Because conflicts of interest were so pervasive, the work of the task force was defective from the very start. As we know now, given the makeup of the task force, nothing coming out of it could possibly have been seen as independent.

A core failure in the process was not recognizing the depth of the conflict of interest and not enforcing basic conflict of interest rules to ensure independence and legitimacy. I fully believe the task force membership would have been different had we received better legal advice at the time. The process would have been more transparent, and the work product would not have been so terribly tainted.

I am sad that it seems important for me to say that I abhor the idea and practice of torture, and that I never colluded with anyone to create loopholes that would allow psychologists to participate in abusive treatment of detainees. That should go without saying, but I feel that I must say it.

Observer Selection: Russ Newman

Questions have been raised about my role in recommending that Russ Newman be invited as an observer. It is true that I made this suggestion based on staff recommendation. It seemed only logical that the Executive Director of the Practice Directorate be an observer, as he was both an attorney and a psychologist. Mr. Hoffman suggests in his report that there might have been some coordinated effort to have Russ Newman involved, either as a task force member or as an observer. If that's true, I have no knowledge of that.

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.

Regarding the issue of observers per se, Gerry Koocher reported to Mr. Hoffman, "In thinking about the PENS task force, I would encourage us to be open and even to invite observers (e.g., FBI and CIA psychologists). Why? The presence of such people can only improve the outcome. They may or may not chime in with perspectives hypothetical situations, etc. However, I have no doubt that they will hear thoughtful, well reasoned, constructive efforts on how to guide our colleagues in difficult situations."

Emergency Action

Mr. Hoffman noted that I had a "concern" about the board declaring an emergency to adopt the PENS report as policy. In fact, I was strongly opposed to this emergency process. I believed then, and always have, that the COR is the ultimate decision maker creating APA policy. However, there was significant internal pressure by staff to have the board release the PENS report quickly because other associations had provided guidance to their members, and APA had not, as Mr. Hoffman noted. All of the PENS task force members, the entire board, I, and ultimately COR, voted for adoption of the PENS report. Although I can only speak for myself, it's my strong belief that no one on the Board of Directors who voted for the PENS report believed that he or she was voting for enhanced interrogations or torture. To my knowledge, not one board member realized or believed there were any loopholes that would allow military psychologists to participate in interrogations involving torture. The guise of acceptability was the result of the conspiracy to water down language and leave loopholes unclosed. Had we waited less than two months for the COR meeting to review the PENS report, we would have had Council input that may have uncovered the flaws in the report that were not apparent to any of us on the board.

-In addition, PENS task force members were repeatedly told that this was a "first step" in an ongoing effort to clarify and guide psychologists. A casebook was to be the next step in this effort. Over the years following the PENS report, I asked staff several times about the progress of casebook and was offered various responses and excuses for the delay as chronicled by Mr. Hoffman. I had absolutely no reason not to believe the explanations for the delay that I received.

Creating a Glossary of Term

I urged the PENS task force to include a glossary that defined torture with as much precision as possible because I was concerned that conceptual descriptions of torture would be so broad as to be unhelpful, and that concrete discussion of specific methods was necessary for the ethics opinion to be useful. As noted by Mr. Hoffman, my request to create a glossary was met with significant resistance from the representatives of the DoD. Creating a glossary would have, in my judgment, established more clearly what interrogation practices were torture, and what were not. Such a glossary would have also assisted those who had to determine whether individual psychologists who participated or engaged in specific practices had in fact gone over the line.

The Pro and Con statement for the implementation of the petition

COR has on its upcoming meeting agenda the “Template for By Law Amendment Ballots,” which addresses the creation of a standard protocol for Pro and Con statements. We discussed this item at the February COR meeting, and it will come before you next week as an Action item, if we have time to discuss it. In short, the current By laws require that Pro and Con statements accompany by laws amendments unless 2/3 of COR consider them unnecessary. As mentioned in the Hoffman Report, By laws that go out with a Pro and Con statement are usually defeated. In 2012, APA president Suzanne Bennett Johnson collected data to definitively show that if a pro and con statement was included on a By laws amendment ballot, the amendment almost always failed.

Following the successful 2008 petition submission, a petition resolution implementation task force was convened and made recommendations for the membership to vote on. While the 2008 petition was technically not a By law, the entire board approved including a pro and con statement at the behest of Steve Behnke, who argued that, “Given the extensive debate and discussion this issue has received over the past three years, it would seem virtually untenable not to have pro/con statements regarding a new proposal.” As Mr. Hoffman noted, “Anton informed senior APA staff that he had been hearing concerns from Council regarding the Board’s instruction that the ballot be accompanied by pro and con statements. Anton explained that a Council member ‘noted that it has been raised many times at COR that items sent with pro/con statements usually fail. He (Anton) noted that it may seem ‘disingenuous’ of APA to want to include such statements with the petition.”

The Hoffman report suggested that I was colluding with Steve Behnke in somehow orchestrating the defeat of the implementation plan. This is patently false. In actuality, I wanted the implementation plan to pass. I wanted the membership to approve the implementation plan. I was trying to inform APA staff that there were serious concerns raised about the attachment of pro and con statements that would invariably lead to defeat.

There was no collusion of any sort in finding someone to write the con statement. Being Recording Secretary required me to find someone to write the con statement. I felt very fortunate to find anyone willing to take on the task over a holiday weekend, with a very short turn around time.

Only after reading Mr. Hoffman’s report did I learn that staff actually shaped and edited the con statement. Mr. Hoffman’s depiction of my role in this activity is incomplete and inaccurate. The

report minimized the concern I raised about the impact of including a con statement on the outcome on the adoption of the policy.

Summarizing:

This has been a devastating experience for our profession, our members, and for anyone involved, no matter how unintentional or insubstantial their involvement. I accept responsibility for my actions and regret being unaware of the flawed process and that I did not know more about what was happening behind the scenes as this unfolded. Like my colleagues, I am distraught and dismayed by what the Hoffman Report recounts. I also feel sad and frustrated that my recusal since November has meant that I could not help my Board and Council colleagues as they struggled with the consequences that we are now only beginning to understand. The Hoffman report highlights errors, inadvertent and purposeful, that undermined a seemingly well-meaning attempt at clarifying psychologists' roles in the abusive treatment of detainees.

I want to make it clear that I abhor the idea of torture and would never support efforts to allow inhumane treatment for anyone. I categorically deny that I was colluding with APA staff to permit loopholes in APA policies and resolutions that would permit psychologists to participate in any form of torture.

The Hoffman report creates an opportunity for each and every one of us to become more transparent and more accountable to our members as we go forward. This is an opportunity to recognize the responsibilities we assume whenever and wherever we are elected to serve.

Some colleagues have demanded my resignation in an effort to find someone to blame without anything other than the Hoffman report or the media to fuel their frustration and anger.

If this is the will of COR, I will respect your wishes. However, I feel I would be shirking my duty as elected president to resign in the midst of a crisis and just walk away. I have been scrupulously assessing my own actions and inactions as honestly as I can. I question how I could have been so blind to what was happening. Nonetheless, I take full responsibility for any errors in judgment, for my misplaced trust, and for my lack of keener vigilance. I am always open to discussing with you additional details that may not be apparent in the report or in this message, and to continue listening to your concerns, convictions, opinions and feelings, especially if you are among those who have spent a decade advocating for reform. I intend to put my full energy into moving our association forward, emphasizing human rights and dignity and the fact that APA is, after all, a charitable, educational and scientific organization that is meant to be working for the greater good. There is much to be proud of and much more to do, and I want to be a part of that progress.

As Mr. Hoffman has reported, there are people who have behaved in ways that have degraded and embarrassed our profession. As an APA member for more than four decades: as a professor, practicing clinician, and advocate for our profession, I've always worked what is best for psychology and those we serve and will continue to do so. During my 18 years in governance, I have tried to do my best as a leader and to serve the association and my fellow psychologists.

In the light of the evidence of the Independent Review I wish I had done things very differently. I can understand that you may be angry and disappointed. While I can't change the past, I can work with you to set a course for a healthier association in the future.

As we reflect on what went wrong, we can harness our energy, our knowledge of human behavior, and our collective expertise to begin the healing process. We can do this by carefully considering the organizational changes that are necessary and carefully implementing them with appropriate input from diverse points of view.

Sincerely,

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July 31, 2015

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