

The Hoffman Report And the American Psychological Association:

Meeting the Challenge of Change

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If I value transparency, it is a good idea for me to practice it, so in the interest of transparency and self-disclosure of my perspective (or potential bias), it is important that readers know up front that I resigned from APA in 2008 over changes APA had been making in its approach to ethics. The Hoffman Report discusses these changes. I wrote that "I respectfully disagree with these changes; I am skeptical that they will work as intended; and I believe that they may lead to far-reaching unintended consequences." Both my letter of resignation online at <http://ks pope.com/apa/index.php> and my articles and chapters (Pope, 2011a, 2011b, 2014; Pope & Gutheil, 2009) present my beliefs along with the evidence and reasoning that in my opinion support them.

In 2014, the American Psychological Association (APA) made a monumental move toward more transparency. The organization took a courageous step unthinkable at any time in its 121 year history: It opened up to a former federal prosecutor, giving him access to all documents and personnel. APA hired David Hoffman and his colleagues at Sidley Austin LLP to conduct "thorough" and "definitive" investigation to document "what happened and why" (Hoffman et al., 2015, p. 1).

The Hoffman Report—online at <http://www.apa.org/independent-review/APA-FINAL-Report-7.2.15.pdf>—set off an ethical earthquake. The investigation uncovered emails and other documents containing linguistic tricks that mislead and manipulate, logical fallacies in ethical reasoning, biased ethical judgment, hypocrisy, and creative cheating that this book's five chapters focusing on critical thinking in ethics prepare us to recognize and avoid. These uncovered documents confront us with the challenge of

change. The challenge brings questions. What changes, if any, need to occur in ourselves as individuals, in APA as an organization, and in the larger professional community? What internal and external forces, if any, will block, weaken, delay, or divert needed change? How, if at all, can we respond effectively to forces that resist needed change? How do we assess whether apparent change is real and meaningful?

None of these questions comes with a simple answer we will all agree with. All come wrapped in complex puzzles of practicality, politics, and fundamental values. None of the questions allows us easy escape. How we answer them—or fail to answer them—will determine whether we bring about needed change. This article takes a look at the questions and challenges that the Hoffman Report has brought to our doorstep.

What Does the Hoffman Report Have To Do With Each of Us As An Individual APA Leader, Member, or Outsider?

What does the Report have to do with us? Our shared human tendency when scandal explodes is to blame bad apples: "It's their fault! Maybe we made some well-intentioned mistakes, which we regret, but if you're looking for the real cause of this mess, it's them, not us."). Bad apples come in three varieties: personnel, policies, and procedures. We toss the bad apples, find shiny new replacements, and think we've fixed the problem. Countless organizations make personnel moves (transfers, terminations, retirements that are forced or induced by hefty payments, and so on), vote to amend or replace policies, and create committees to cancel some procedures and issue new guidelines, finding only later that they've achieved little beyond good public relations and the illusion of needed change.

Or we can head into discrediting mode: "We chose the person we believed best suited to give us the definitive account of what happened, but he delivered a flawed report that is nowhere near definitive. He uncovered some damaging facts but we must bear in mind that he's not a psychologist. He did the best he could without understanding our profession, our organization, our history, our culture, or the way we do things. He made questionable assumptions and got some key things wrong. After all, it's just one outsider's opinion."

Answering the question "What does this have to do with us" requires us to move beyond our human tendency to deny, discredit, or dismiss what we do not want to know or be known. We may find that harder than usual in this case. The Hoffman Report documents years of improper behavior. But it also documents that for years APA as an organization and some APA defenders denied, discredited, or dismissed revelations of this improper

behavior as they appeared in newspapers, professional journals, books, reports from human rights organizations, and other media. Changing habitual behavior that has settled into a familiar routine is rarely easy for any of us.

Moving beyond our shared tendency to shield ourselves from unwanted information and personal responsibility allows each of us to learn what the report has to do with us as an individual. If we can summon the courage and resolve to look without squinting or flinching away, the Hoffman Report can serve as an ethical mirror. When we take the time to read it in its entirety and deep detail, the report teaches us something about ourselves and helps us take a personal ethics inventory. When we take time to read the detailed report, we begin to see the complex relationship between what we did or failed to do and the events that the report documents. When we take time to read the report, it points the way to effective change, in ourselves and in our profession. If we set it aside unread or settle for second-hand summaries, we turn the ethics mirror to the wall and imagine a more personally flattering picture.

What Could Each of Us Have Done Differently?

Reading the Hoffman Report prepares us to struggle with one of its fundamental challenges: Answering the questions: What could I have done differently as an APA leader, member, or outsider? How does my answer to that question help me decide what to do from this point forward? No matter what our position or circumstance, each of us can think of things we might have done, or done better. Only the delusional can gaze into the Report's mirror and see ethical perfection. Only those needing an ethics ophthalmologist will notice merely a handful of things they could and should have done or done differently over the days, weeks, months, and years covered in the Hoffman Report.

Struggling with this challenge is hard, often painful work. It takes time—not a sprint and perhaps not so much a marathon as a continuing daily run. And aren't we all tempted to cheat, sleep in, or go easy on ourselves? We all know how to put denial, discrediting, and dismissing to work when searching for our own ethical disconnects, flaws, weaknesses, and violations. Politicians master this art of pseudo-self-examination.

We can use the Hoffman Report to hold ourselves personally accountable for all the things we might have done, or done differently. This puts us in a better position to join with others in our diverse communities from our small informal groups and networks to large national and international professional organizations to bring about needed meaningful change in our profession in all its diversity.

What Do We Want Our Ethics and Our Ethics Enforcement to Be?

The Hoffman Report challenges us to decide what kind of ethics each of us believes in and whether we are willing to be held accountable. A fundamental question is: Do we want professional ethics or guild ethics. Professional ethics protect the values that its members affirm as greater than self-interest and protect the public against misuse of professional power, expertise, and practice. Guild ethics place the interests of the guild and its members above the public interest, edge away from actual enforcement and accountability, and draw on skilled public relation to resemble professional ethics.

The Hoffman Report documents that for over 15 years, APA had turned its ethics policies and enforcement procedures toward protecting its members from public accountability. In the words of the report, APA "prioritized the protection of psychologists—even those who might have engaged in unethical behavior—above the protection of the public" (p. 63). The Association made this switch to "a highly permissive APA ethics policy based on strategy and PR, not ethics analysis" (p. 16) well before the detainee controversy, all the way back to the 1990s. The Report provides accounts of extraordinary interventions to undermine the process of adjudicating ethics complaints and protect high-profile or well-connected members dating back to the mid-1990s. Depriving people who file formal complaints of a fair hearing and a just resolution can serve guild interests but it can also encourage members and nonmembers alike to believe that voicing ethical questions or concerns that might reflect badly on individual members or damage the organization's interests "will at best come to nothing" (Pope, 2015, p. 144).

The strategy of offering protection to psychologists, "even those who might have engaged in unethical behavior," instead of professional ethics and accountability, was designed to keep members from leaving APA and to attract new members:

- APA leaders had decided in the 1990s...that APA's ethics policies and practices had been too aggressive against psychologists, and that a more protective and less antagonistic ethics program was appropriate. They wanted...much less emphasis on strict rules and robust enforcement of disciplinary complaints... [A new ethics director] was hired specifically to pursue an ethics program that was more "educative," and he fulfilled these goals. During his tenure [2000-2015], APA disciplinary adjudications plummeted, and the focus shifted to "supporting" psychologists, not getting them in trouble—a

strategy consistent with the ultimate mission of growing psychology. (Hoffman et al., 2015, p. 307-308)

APA had turned away from its responsibility to protect the public. The Hoffman Report quotes the APA's Ethics Director's statement that the role of APA Ethics "is not protection of the public and that protection of the public is a function for state licensing boards" (p. 475). APA embraced this model of ethics and modeled it for students, trainees, its members, state psychological associations, and the national and international community for 15 years.

APA's initial move away from protecting the public sparked great controversy with publication of the 1992 ethics code. As Carolyn Payton, who had served on both the APA Policy and Planning Board and the Public Policy Committee, wrote in 1994 in *Professional Psychology: Research and Practice*:

- All previous codes seemed to have been formulated from a perspective of protecting consumers. The new code appears to be driven by a need to protect psychologists.... It reads as though the final draft was edited by lawyers in the employment of the APA. (p. 317)

She critiqued the "many instances of exceptions to the rule" that protect members against enforcement of the ethical standards:

- The forcefulness of the proscriptions on harassment, e.g., is diminished in the Other Harassment standard, Standard 1.12, which brings up the qualifier "knowingly" (APA, 1992, p. 1601), as in psychologists do not knowingly engage in harassment. Try using the argument of ignorance with the Internal Revenue Service to explain your failure to withhold appropriate taxes for the housekeeper or baby-sitter. (p. 320)

She wrote that "removal of the many instances of exceptions to the rule would make the code more enforceable and more reflective of our discipline, which at one time was dedicated to the promotion of human welfare" (p. 320).

APA's new ethics, based on "First, do no harm to psychologists," created a public relations problem. How could the Association explain to the public that protecting the public from the harm that can result from unethical assessment, therapy, counseling, forensic practice, research, publication, teaching, and so on, was not its concern, that the function of APA ethics "is not protection of the public and that protection of the public is a function for state licensing boards"? The answer had the simplicity of Orwell's double-speak: war is peace, ignorance is strength, freedom is slavery--"To

advance its PR strategy, APA issued numerous misleading statements that hid its true motives, in an attempt to explain and justify its ethics policy" (Hoffman et al., 2015, p. 15).

But what are our true motives—yours and mine? What do each of us see when we look in the mirror? What are our own personal ethics? To what extent are they public relations, more appearance than practice? How much time do we spend searching for ways to strengthen them and eliminate gaps, flaws, and contradictions? How rigorous are we in holding ourselves accountable to these ethics? What would we do if we knew we could get away with it and no one would find out?

When we struggle with these highly personal questions, we put ourselves in a better position to join with others to think through how to use the Hoffman Report to strengthen the ethical culture and practices of psychologists and our diverse groups, networks, and organizations.

What Do We Do To Discover or Screen Out What Happens?

Reading the Hoffman report provides each of us with an opportunity to take look at how we personally respond to critical information and criticism. The Report documents the ways that "based on strategic goals, APA intentionally decided not to make inquiries....thus effectively hiding its head in the sand" and "remained deliberately ignorant" (p. 11). This very human process of protecting ourselves from what we don't want to see or hear rings a familiar bell throughout history. When scandals or atrocities, especially those involving human rights, rattle a business, organization, or country, shocked looks of innocence spring to face after face, accompanied by the refrain: "I saw nothing! I knew nothing! We never suspected!"

But what about both the documented information and criticism published year after year in newspapers, professional journals, books, reports published by human rights organizations, and other sources? Critical information that ran contrary to APA's strategic goals met with vigorous denial, discounting, and discrediting. The Hoffman report describes how those who defended the PENS ethics policy and APA's actions dismissed the criticism as "baseless" and the critics' statements "as false and defamatory." They made claims about the critics' "political and financial motivation" (p. 2).

The Hoffman Report challenges each of us to consider our personal strategies to avoid finding out what we don't want to know. How do we screen out or distract ourselves from troubling information? How do we snuggle into the warm, protective blanket of denial? How do we discount, discredit, and dismiss the bearers of bad news? The hard work of looking deep into the mirror to answer these questions prepares us to

communicate more clearly, openly, and honestly within our own groups, networks, and organizations, especially with those who express different views. It readies us to work with a wider array to create real and lasting change.

Where Do We Go From Here?

The Hoffman Report challenges us do some critical thinking about:

- What each of us might have done or what might we have done better
- What our own ethics are and whether we are willing to hold ourselves accountable through a realistic method of enforcement
- What we do to deny, discredit, or dismiss what we don't want to see or believe

When complicity with torture, violations of human rights, misleading the public, and other vital matters are at stake, organizations must address not only personnel, policies, and procedures but also the powerful incentives from inside and outside the organization, sources of institutional resistance to change, conflicting ethical and political values within the organization, and issues of institutional character and culture that allowed the problems to flourish for years, protected by APA's denials.

Organizations facing ethical scandals often publicly commit to admirable values such as accountability, transparency, openness to criticism, strict enforcement of ethical standards, and so on. These institutional commitments so often meet the same fate as our own individual promises to a program of personal change. We make a firm New Year's resolution to lead a healthier life. We pour time, energy, and sometimes money into making sure the change happens. We buy jogging shoes and a cookbook of healthy meals. We take out a gym membership. We discuss endlessly what approaches yield the best results. We commit to eating only healthy foods and to getting up five days a week at 5 a.m. for an hour of stretching, aerobics, and resistance exercises. But one, two, and three months later, the commitment to change that had taken such fierce hold of us and promised such wanted, needed, and carefully planned improvement has loosened or lost its grip.

Decades of research and case studies in organizational and individual psychology show that major change is hard to achieve and maintain over the long haul. Distractions grab attention and drain our will. Old habits return. Temptations hit at unguarded moments. Memories of the need for change fade. Imaginary change starts to look like the real thing. We find that the more things change, the more they remain the same.

How can we hope to tell if what we are doing is creating meaningful change? Pseudo-change often appears *only* in public statements, pledges of improvement, personnel turnover, the formation of committees, new organizational charts, and discussions. Meaningful change is often reflected in measurable progress. We can look to see if all our discussions, statements, and activities are creating meaningful, measurable progress.

For example, the Hoffman Report documents a wide range of improper behaviors involving conflicts of interest, improper handling of ethics complaints to protect psychologists, issuing misleading statements that hid true motives, to name but a few, as well as activities related to torture and violations of human rights. Now that the Hoffman Report has awakened our profession, if none of the diverse improper behaviors violates any ethical standard in the APA Ethics Code, that may tell us something. If any of the diverse improper behaviors violates any standard in APA's code, and neither the APA Ethics Committee, nor any state psychological association or state psychology licensing board that has adopted APA's ethics code as enforceable, takes action *sua sponte* (on its own initiative) or in response to a formal complaint, that may tell us something. These and other measurable signs of meaningful change (e.g., whether APA and its elected officers representing the membership publish formal corrections or retractions of factually incorrect statements appearing in journals or press releases that denied, discounted, or dismissed reports of improper behavior, just as researchers fulfill their ethical responsibility to correct the formal record) can hold a mirror up to both our own individual and our psychological community's ability and willingness to meet the challenge of change.

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