

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Civil Division**

STEPHEN BEHNKE, <i>et. al.</i> ,	:	
	:	
Plaintiffs,	:	Case 2017 CA 005989 B
	:	
vs.	:	Judge Todd E. Edelman
	:	
DAVID HOFFMAN, <i>et. al.</i> ,	:	Initial Conference
	:	Dec. 1, 2017, 9:30 AM
Defendants	:	Courtroom 212
	:	

**AFFIDAVIT OF BARRY ANTON IN SUPPORT OF PLAINTIFFS’
REQUESTS FOR LIMITED DISCOVERY IN OPPOSITION TO DEFENDANTS’
MOTIONS TO COMPEL MANDATORY ARBITRATION**

State of Washington)
) ss:
County of Pierce)

1. I, Barry Anton, having been first duly cautioned and sworn, state the following based upon personal knowledge:
2. I was President-elect of the American Psychological Association (APA) when the Board of Directors hired Mr. David Hoffman and Sidley Austin LLP to conduct the Independent Review, and I was President during the majority of time the review was being conducted. The original sole purpose of the review was to carefully consider the allegations in James Risen's book, "Pay Any Price: Greed, Power and Endless War," which alleges that APA colluded with the Bush administration, the CIA and the U.S. military to support torture during the war on terror and to ascertain the truth and factual accuracy of those allegations.
3. There was no pending litigation threatened or other legislative threats of action related to these allegations.
4. Plaintiffs have neither asked me to disclose any information I obtained which could be considered privileged or confidential. I was recused from much of the deliberations surrounding the Report of the Independent Review, and all information contained in this affidavit is appropriately shared with the Court. I rotated off the Board of Directors (Board) at the end of 2016.

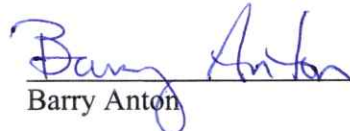
5. Following publication of the Report, the APA Division 19 (Society for Military Psychologists) and the psychologists named in the Report who are now plaintiffs in this lawsuit issued reports that, among other things, raised questions regarding specific Department of Defense (DoD) policies that may be relevant to the findings and conclusions of the *Independent Review*. The Board specifically considered how to handle this development on a March 2, 2016, conference call. A true and accurate copy of the approved minute from the Board's action on that conference call is attached as Exhibit A to this declaration. Those full Board minutes are official business records of the Association and publicly available here: <http://www.apa.org/about/governance/board/16-march-minutes.pdf>

6. The discussion by the Board focused on whether to hire someone to objectively review the Report and the information brought forward by Division 19 and those individuals named in the Report to determine what impact it might have on the findings and conclusions of the Report, or to rehire Mr. Hoffman to issue a supplement to the original Report.

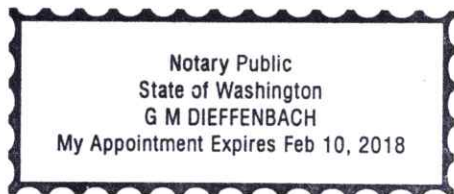
7. The Board received multiple requests from members, divisions, and the former ethics chairs, to hire a neutral third-party arbitrator to review the issues raised by the plaintiffs and others regarding the findings in the Report.

8. The Board discussed the matter at length and rejected the requests. The Board instead voted to rehire Mr. Hoffman (from which I recused myself).

I declare under penalty of perjury that the foregoing is true and correct.


Barry Anton

Sworn and subscribed to before a notary public in the State of Washington, this 18th
day of October 2017.



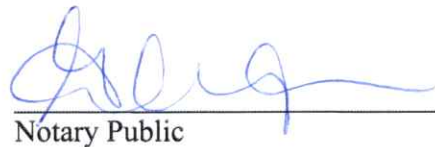

Notary Public

Exhibit A

**AMERICAN PSYCHOLOGICAL ASSOCIATION
OPEN SESSION**

BOARD OF DIRECTORS

March 2, 2016

CONFERENCE CALL APPROVED MINUTES

Board Members Present: Susan H. McDaniel, PhD, ABPP; Barry S. Anton, PhD, ABPP; Antonio E. Puente, PhD; Jennifer F. Kelly, PhD, ABPP; Bonnie Markham, PhD, PsyD; Cynthia D. Belar, PhD, ABPP; Linda F. Campbell, PhD; Helen L. Coons, PhD, ABPP; Christine M. Jehu, PhD; Richard M. McGraw, PhD; Diana L. Prescott, PhD; Sandra L. Shullman, PhD

Board Member Absent: Frank C. Worrell, PhD

Council Leadership Team Observers Absent: Douglas C. Haldeman, PhD; Jean Lau Chin, EdD

A. The Board, after lengthy discussions following Council's input, voted to re-engage David Hoffman and the law firm Sidley Austin on a very limited basis to examine certain matters brought to the Board's attention by Division 19 (Society for Military Psychology) and several psychologists mentioned in the *Independent Review* (Drs. Morgan Banks, Debra Dunivin, Larry James, and Russ Newman). The Division and these psychologists issued reports raising questions regarding specific Department of Defense (DoD) policies that may be relevant to the findings and conclusions of the *Independent Review* but do not appear to have been addressed. The Board determined that a supplemental review focused on the DoD policies cited in the reports best serves the Association and our members. Drs. Anton and Shullman recused themselves from voting on the item. Dr. Campbell abstained from voting on the item.