

IN THE MONTGOMERY COUNTY, OHIO, COURT OF COMMON PLEAS
CIVIL DIVISION

LARRY C. JAMES, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	Case No. 2017 CV 00839
	:	
v.	:	
	:	
DAVID HOFFMAN, <i>et al.</i> ,	:	Judge Timothy N. O'Connell
	:	
Defendants.	:	

**AFFIDAVIT OF
RONALD LEVANT**

In Support Of

**PLAINTIFFS' CONSOLIDATED MEMORANDUM IN OPPOSITION TO
DEFENDANTS' MOTIONS TO DISMISS FOR LACK OF PERSONAL JURISDICTION
AND FORUM NON CONVENIENS**

IN THE MONTGOMERY COUNTY, OHIO, COURT OF COMMON PLEAS
CIVIL DIVISION

LARRY C. JAMES, et. al.,	:	CASE NO: 2017 CV 00839
	:	
Plaintiffs,	:	Judge Timothy N. O'Connell
	:	
vs.	:	
	:	
DAVID HOFFMAN, et. al.,	:	
	:	
Defendants	:	
	:	

AFFIDAVIT OF RONALD LEVANT

State of Ohio)
) ss:
County of Summit)

1. I, Ronald Levant, having been first duly cautioned and sworn, state the following based upon personal knowledge:
2. I was President of the American Psychological Association (APA) in 2005, the year that the Psychological Ethics and National Security (PENS) Task Force was convened and worked to produce its "Report on Psychological Ethics and National Security." As a Presidential task force, the PENS Task Force was comprised of ten subject matter experts chosen from over 100 nominations by interested groups and individuals. The APA Board of Directors approved the report by email vote on or about July 1, 2005, following review of the completed PENS report by the APA Ethics Committee and its determination that the 12 guidelines contained within the report were appropriate interpretations and applications of the APA Ethical Principles of Psychologists and Code of Conduct (2002). My tenure on the Board concluded at the end of 2006.
3. I was first contacted regarding the independent review by a letter from Nadine Kaslow in December 2014. I received this letter through the mail at my home in Copley, Ohio. The letter asked that I cooperate in the review by providing information regarding the post-9/11 involvement of psychologists in detainee interrogations, the APA Ethics Code, and related APA ethics pronouncements including the PENS Task Force. Subsequently, I was contacted via email (which I collected at my home) from David Hoffman of the law firm Sidley Austin LLP requesting that I be interviewed, and that I allow access to my computer and paper files for any information relevant to the review.
4. Prior to the interview, an individual working on the independent review, whose name I do not recall, came to my home and spent several hours in my home-office searching and

downloading files from my computer. This individual also removed paper files from my office and took them away with him. The individual did not identify what files he downloaded from my computer.

5. On May 13, 2015, Mr. Hoffman, along with an associate, traveled to my home in Ohio and interviewed me in person. The associate typed on a laptop while I was speaking. The interview lasted the scheduled full four hours, after which time Mr. Hoffman asked to continue longer. I explained to him that because I had other obligations, I was unable to continue beyond the originally scheduled time frame.

6. At the time the independent review was completed, I was a member of the APA Council of Representatives, representing the Society for the Psychological Study of Men and Masculinity (APA Division 51). As a result, I received electronic access to the Report on July 8, 2015, along with the other members of Council; access to the accompanying exhibits was not provided until the following day. I accessed and read the Report online from my home.

7. The Report included inaccuracies and mischaracterizations of my role and actions concerning the selection of PENS Task Force members and the adoption of the PENS guidelines. For example, the Report states, "[I]t would have been clear to everyone involved in early 2005 that selecting six voting, DoD members would be a dominant voting bloc within the task force, and would send a very strong positive message to DoD about APA's support." (p.243) This statement ignores that customary practice when populating task forces at APA is to include a majority of subject matter experts (which is exactly why the DoD members were selected), thereby leaving the impression that the deck was being inappropriately stacked.

8. In addition, the Report portrays the emergency action I recommended for the Board's adoption of the PENS report as being unsupported by policy. It states, "These diverse opinions on the emergency action, however, illustrate that APA did not have a clear policy on what constituted an appropriate emergency action." (p. 317) Yet, the Report itself on page 313 acknowledges that APA *did* have a policy on emergency action, and it is this policy that we followed.

9. The Report stimulated considerable discussion among faculty and students at the University of Akron where I am a Professor of Psychology and a core faculty member in the Collaborative Program in Counseling Psychology. The mischaracterizations noted above led to difficulty for me at the University. For example, shortly after the Report was published on the APA and *New York Times* websites, a meeting was held for my advisees and the students working in my research lab, who were expressing considerable distress regarding the Report's characterization of me. They could not reconcile the Report's depiction of me in comparison to the respected faculty member they had experienced me to be in their program. As a faculty member and oft-times mentor for many of my students, it was extremely troubling to me that they were put in such a circumstance and that the trust and respect I had earned from them was now being questioned.

10. Early in the Fall semester, the co-director of the training program called a department of psychology town hall meeting for the purpose of discussing the Report. The meeting lasted approximately two hours, during which students in the program expressed concern about the characterization of me in the Report. In particular, many students expressed the concern that, given I was a prominent faculty member in their academic program, the Report's characterization of me could have a negative impact on the value of their degrees and, hence, on their future.

11. In addition to these two meetings, discussions in the psychology department about the Report and the its negative characterization of me continued for weeks, if not months.

FURTHER AFFIANT SAYETH NOT.


Ronald Levant

Sworn and subscribed to before a notary public in the State of Ohio, this 1st day
of May 2017.



LASHARRA MARTIN
Notary Public State of Ohio
My Comm. Expires May 13, 2018


Notary Public