

**RESPONDENTS'
OPPOSITION EXHIBIT 14**

HOFFMAN AND SIDLEY AUSTIN'S KEY CONCLUSIONS DEMONSTRABLY FALSE (./)

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THE OMISSION OF KEY DOCUMENTS AND FACTS DISTORTS THE TRUTH

Despite eight months of research and more than \$4.1 million in fees, David Hoffman and Sidley Austin's report omits the key Department of Defense (DoD) documents that governed military interrogations in the period leading up to the Presidential Task Force on Psychological Ethics and National Security (PENS) report. Only that omission enables him to make the false claims at the core of his major conclusion: that DoD guidelines did not prohibit abusive interrogation techniques and that we wanted the PENS guidelines to be similarly “loose.” In fact, the local DoD procedures – some of which we helped to draft – were very restrictive. Moreover, the PENS report clearly states that psychologists are bound by those policies as well as by the relevant international treaties.

In the face of the evidence David Hoffman and Sidley Austin had in their possession but omitted each of their major conclusions collapses. As our responses (see links on releases page) demonstrate, those omissions are part of a deliberate pattern of factual distortions and unsupported inferences that pervade the entire document.

HOFFMAN'S KEY CONCLUSIONS DEMONSTRABLY FALSE (./)

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RESPONSES TO DAVID HOFFMAN'S REPORT (CLICK TITLE TO ACCESS):

Letter from 14 former Ethics Chairs
(resources/Letter%20to%20APA%20Board.Final.080218.docx.pdf) to the
APA Board stating how "egregiously" Hoffman "either misunderstood or
intentionally mischaracterized the ethics program, its handling of
individual cases, and its adjudication procedures." Many of whom
Hoffman interviewed concerning each of the major conclusions of the
Report 8/3/18

An Open Letter: Update on the Litigation
(resources/release%20Feb.%202022.pdf) 2/24/18

An Open Letter: Update on the Litigation
(resources/Update%20on%20Litigation.pdf) 1/10/18

Release regarding filing of the Complaint
(resources/release%20%20Feb%202016.pdf) 2/16/17

Letter from former Ethics Chairs
(resources/October%202016%20%20Letter%20from%20Former%20Chairs
%20of%20Ethics%20Committee.pdf) 10/24/2016

Reply to Soldz and Reisner
(resources/RESPONSE%20TO%20STEPHEN%20SOLDZ.pdf) 8/2/2016

Open Letter to the Board, Council, Staff and Members from Past
Presidents of APA
(resources/OPEN%20LETTER%20FROM%20PAST%20PRESIDENTS.pdf)
6/12/2016

Division 42: Resolution Regarding the Conduct of the Board
(resources/Cover%20Letter%20and%20Resolution%20From%20the%20Di
vision%2042%20Board%20of%20Directors%20final.pdf) 6/8/2016

Our Third Response: Why is the APA so Committed to Re-engaging the Author of a False Report to Review His Own Work?

(resources/THIRDRESPONSETODAVIDHOFFMAN521.pdf) 5/21/2016

Second Letter from the Former Ethics Chairs

(resources/APA%20Second%20Letter%20Ethics%20Chairs.pdf) 5/15/2016

APA Response to Former Ethics Chairs

(http://psychcoalition.org/uploads/3/4/9/5/34959080/responsefromapaboardtopastethicscmtechairs04.02.16.pdf) 4/2/2016

Reply to the Critics

(resources/Reply%20to%20Critics%20March%202011.pdf)3/11/2016

Open Letter to the Membership

(resources/Open%20Letter%20to%20APA%20Membership%20.pdf)2/29/2016

Fact Sheet for Council

(resources/Fact%20Sheet%20Regarding%20Independent%20Review%20and%20Hoffman%20Report%20for%20Council%20Members%20February%202016.pdf)2/18/2016

Letter from the Former Ethics Chairs

(resources/letter%20from%20former%20Ethics%20Committee%20chairs%202-16-16.pdf) 2/16/2016

Division 19: Task Force Response

(resources/TF19%20Response%20to%20the%20Hoffman%20Report.pdf) 11/2015

Division 13: A Call for Broader Engagement and Action

(resources/Division%2013.pdf) 11/20/2015

Our Second Response: Hoffman's Key Conclusion False: The Omission of Key Documents and Facts Distorts the Truth

(resources/RESPONSETODAVIDHOFFMAN1026.pdf) 10/26/2015

Our Request for Mr. Hoffman's Supporting Notes and Documents

(resources/Press%20release%20-%20Copy.pdf) 8/2015

Our First Response (resources/FINAL%20release%20.pdf) 7/31/2015

HOFFMAN'S KEY CONCLUSIONS DEMONSTRABLY FALSE (./)

HOME (./) RELEASES (RELEASES.PHP) REFERENCES (REFERENCES.PHP) KEY LINKS (OTHER-
KEY-DOCUMENTS.PHP) OHIO LITIGATION (OHIO-LITIGATION.PHP) DC LITIGATION (DC-
LITIGATION.PHP) MASSACHUSETTS LITIGATION (MASSACHUSETTS-LITIGATION.PHP)
ARBITRATION (ARBITRATION.PHP) CONTACT (CONTACT.PHP)

LINKS TO KEY DOCUMENTS REFERRED TO IN OUR SECOND RESPONSE:

1. Levin, OLC Memo, December 30, 2004.
(<https://www.aclu.org/files/torturefoia/released/082409/olcremand/2004olc96.pdf>)
2. Levin Memo, reminding the General Counsel of DoD that the Yoo OLC workgroup memo supporting enhanced interrogation techniques within the DoD had been withdrawn in December of 2003, and appending testimony of the Associate Deputy Attorney before the House of Representatives, February 4, 2005. (<resources/aclu-ii-020405.pdf>)
3. Office of Professional Responsibility report, stating DoD stated they did not need to replace the Yoo OLC memo, after testimony of Patrick Philbin, the Associate Deputy Attorney General, July 14, 2004 (<http://nsarchive.gwu.edu/news/20100312/OPRFinalReport090729.pdf>).
4. Senate Armed Services Committee Report stating General Abizaid ordered that the Army Field Manual (34-52) applied to all interrogations in Iraq and Afghanistan, May 6, 2004 (http://www.armed-services.senate.gov/imo/media/doc/Detainee-Report-Final_April-22-2009.pdf); also stated in the Church report, March of 2005 (Executive Summary released; subsequently redacted document released (https://www.aclu.org/sites/default/files/images/torture/asset_upload_file625_26068.pdf)).

5. CNN news article stating that sleep and sensory deprivation and keeping prisoners in stressful positions had been banned in Iraq and was under review in Afghanistan, May 18, 2004. (<https://www.cnn.com/2004/WORLD/meast/05/14/iraq.abuse/>)
6. (<https://www.gpo.gov/fdsys/pkg/CHRG-109shrg28578/html/CHRG-109shrg28578.htm>) Testimony of Admiral Church before the Committee on Armed Services and Subcommittee on Personnel of the Committee on Armed Services, United States Senate, March 10, 2005 (<https://www.gpo.gov/fdsys/pkg/CHRG-109shrg28578/html/CHRG-109shrg28578.htm>).
7. New York Times article reporting on the new limits of the Army Field Manual (for which Colonel Banks was a consultant), April 28, 2005 (https://www.nytimes.com/2005/04/28/politics/in-new-manual-army-limits-tactics-in-interrogation.html?_r=0).
8. Formica Report listing techniques prohibited in Iraq on May 13, 2004 (<http://www.pegc.us/archive/DoD/docs/FormicaReport.pdf>).
9. MNF-I policy governing interrogations, January 27, 2005; PORTIONS OF THIS DOCUMENT ARE STILL CLASSIFIED (<https://wikileaks.org/detaineepolicies/doc/US-DoD-MNFI-Interrogation-Policy-2005-01-27.html>).
10. Afghanistan Order prohibiting specific techniques including sleep deprivation, verbal abuse or any form of intentional humiliation, May 16, 2004 (http://www1.umn.edu/humanrts/OathBetrayed/DOD_2209-2212.pdf).
11. Guantanamo Camp Delta SOP, March 2004 (http://www1.umn.edu/humanrts/OathBetrayed/sop_2004.pdf).
12. A Review of the FBI's Involvement In and Observations of Detainee Interrogations in Guantanamo Bay, Afghanistan, and Iraq, May 2008 (<https://oig.justice.gov/special/s0805/final.pdf>); revised October 2009.
13. BSCT SOP Colonel Dunivin drafted, March 28, 2005 (http://humanrights.ucdavis.edu/projects/the-guantanamo-testimonials-project/testimonies/testimonies-of-standard-operating-procedures/bsct_sop_2005.pdf).
14. October 2002, Monitor (<resources/Reference%2014.pdf>).
15. Woolf Letter, July 2015. (resources/opposition_memo_docs/1-Woolf%20letter%20July%2018%202015.pdf)
16. Transcript of Arrigo audiotope made after returning from PENS, June 2005. ([resources/opposition_memo_docs/2-Arrigo%20audiotaped%20interview%20\(6-26-2005\).pdf](resources/opposition_memo_docs/2-Arrigo%20audiotaped%20interview%20(6-26-2005).pdf))

17. Banks email to Hoffman. (resources/opposition_memo_docs/3-Banks%20email%20to%20Hoffman%20(6-1-2015).pdf)
18. Kaslow emails. (resources/opposition_memo_docs/4-Kaslow%20emails%20to%20Behnke%20re-%20staff%20drafting.pdf)
19. Woolf emails to Rubenstein. (resources/opposition_memo_docs/6-Woolf%20and%20Rubenstein%20correspondance%20re-%20_coercion_%20(6-12-2015).pdf)
20. Raben email imaging of staff hard drives (resources/opposition_memo_docs/7-Raben%20email%20re-LDiscovery%20(2-5-2015).pdf).
21. Behnke repayment of funds. (resources/opposition_memo_docs/8-Behnke%20repayment%20of%20funds.pdf)
22. Behnke outreach. (resources/opposition_memo_docs/9-Behnke%20correspondence%20showing%20broad%20ourtreach.pdf)
23. Banks to Hoffman on regulations (resources/opposition_memo_docs/10-Banks%20email%20to%20Hoffman%20re-regulations%20(3-1-2015).pdf).
24. Honaker email payments. (resources/11-Honaker%20email%20to%20Trepto%20re-%20DoD%20funded%20workshpos%20(10-4-2013).pdf)
25. Woolf emails Behnke. (resources/opposition_memo_docs/12-Woolf%20emails%20to%20Behnke%20re%20his%20work.pdf)
26. Behnke email to Hoffman ethics code. (resources/opposition_memo_docs/13-Behnke%20email%20to%20Hoffman%20re-Ethics%20code%20revision%20(4-21-2015).pdf)
27. Transcript 2007 Council debate (resources/14-Transcript%20of%202007%20Council%20debate%20full%20transcript.pdf).
28. Woolf email to Behnke Council debate. (resources/opposition_memo_docs/15-Wolf%20email%20to%20Behnke%20re-Council%20debate%20(12-19-2006).pdf)
29. August 2005 Council Minutes
(resources/underlying_governance_documents/1)%20August%20Council%20Meeting%20minutes%20with%20the%202011%20motions.pdf).
30. 2005 Council Membership Roster
(resources/underlying_governance_documents/2)%202005%20Council%20of%20Representatives%20Roster.pdf).

31. Council New Business Form with Signatures

(resources/underlying_governance_documents/3)%20%20Council%20New%20Business%20Form%20with%20signatures.pdf).

32. 2006 APA Council Membership Roster

(resources/underlying_governance_documents/4)%202006%20Council%20of%20Representatives%20Roster.pdf).

33. 2007 Board of Education Affairs (BEA) and 2007 Board of Professional Affairs Rosters

(resources/underlying_governance_documents/5)%202007%20BEA%20Roster%20and%20BPAA%20Roster.pdf).

34. 2007 Council of Representatives Roster

(resources/underlying_governance_documents/6)%202007%20Council%20of%20Representatives%20Roster.pdf).

35. 2008 Committee for the Advancement of Professional Practice Roster

(resources/underlying_governance_documents/8)%20%202008%20CAPP%20Roster.pdf).

36. 2008 Council of Representatives Roster

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37. 2008 BEA Roster

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38. 2009 Council of Representatives Roster

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39. 2010 Council of Representatives Roster

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42. 2013 Annual Ethics Committee Report

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43. 2014 Annual Ethics Committee Report

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44. 2014 Memo from Committee on Legal Issues to Policy and Planning Board

(resources/COLI%20MEMO%20MILSTEIN%20OPINION.pdf).

45. Binder Distributed at PENS Task Force

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46. Reisner email to Kaslow

(resources/underlying_governance_documents/17)%20Reisner%20February%2028th%20Email%20to%20Kaslow.pdf).

47. Board Response to Division 19 regarding recusal criteria

(resources/underlying_governance_documents/19)%20APA%20Board%201%202022%202016%20Response%20Letter%20to%20Division%2019.pdf).

48. Raben emails to Council

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49. Kaslow email to Behnke/Garrison

(resources/underlying_governance_documents/14)%20Kaslow%20Email%20to%20Behnke_%20Garrison.pdf).

50. January/February emails to Kaslow

(resources/underlying_governance_documents/15)%202014%2023%20January%20February%20Emails%20to%20Kaslow.pdf).

51. Goldsmith timeline materials.

(resources/Terror%20Presidency%20and%20SASC%20Goldsmith%20timelines%20of%20policies%20(1).pdf)

52. Hoffman Builds Trust with the Critics (resources/Sidley%20Austin_%20White-Collar%20Defense--build%20their%20trust.PDF).

53. Soldz Interview.

(resources/Sidley%20Partner%20Rattles%20Psychology%20Field%20With%20Torture%20Report.pdf)

54. Hoffman FT Screenshot (resources/Hoffman%20FT%20screen%20shot.pdf).

55. Retraction Request September 2017. (resources/Retraction%20requests_Redacted.pdf)

56. Hoffman Interview, BNA. (resources/BNA.pdf)

57. APA Board Letter Regarding Expenses in Defending the Lawsuit August 2018

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