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Psychologists Falsely Accused of Colluding to Allow “Torture” File Defamation Lawsuit Against American Psychological Association, Attorneys

February 21, 2017 04:13 PM Eastern Standard Time

DAYTON, Ohio--(BUSINESS WIRE)--Five psychologists, falsely accused of colluding with the government and a prominent association regarding tactics used to interrogate terrorists, recently filed a defamation lawsuit against the American Psychological Association (APA), attorney David Hoffman and law firm Sidley Austin LLP. The plaintiffs include three retired military officers, Cols. (Ret.) Morgan Banks, Debra Dunivin and Larry James and two former employees of the APA, Drs. Stephen Behnke and Russ Newman. The lawsuit was filed in state court in Ohio by attorneys James E. Arnold, Bonny J. Forrest, and Louis J. Freeh, former director of the FBI.

The suit arises from an investigation conducted by Hoffman for the APA in the wake of allegations in *Pay Any Price: Greed, Power and Endless War*, a book by James Risen, a *New York Times* reporter. The book claims the APA colluded with the military and CIA during the Bush Administration to support torture.

Despite finding no evidence to support Risen's allegations, Hoffman's \$4.1-million report attacked the plaintiffs for allegedly colluding to block the APA from taking any effective steps to prevent military psychologists' involvement in abusive interrogations. Hoffman's allegations have been proven false by evidence that was in his possession. Neither Hoffman nor the APA have taken any significant steps to repair the damage done to the plaintiffs' livelihoods and reputations. The 12-count lawsuit seeks compensatory, consequential and punitive damages as well as litigation costs and fees.

"The complaint demonstrates that Hoffman's report was no more than a blatant attempt to scapegoat a few individuals so the APA could mollify its critics," said Forrest.

The damage to the plaintiffs was compounded by the APA board's response, as some board members knew that key facts on which Hoffman based his conclusions were false.

"The APA board abandoned any pretense of fairness by immediately firing Dr. Behnke, without giving him a chance to respond to Hoffman's gross mischaracterization of his actions and motives," said Freeh, attorney for Dr. Behnke.

Further information about the lawsuit may be found here: www.hoffmanreportapa.com and the complaint can be downloaded here: <http://www.hoffmanreportapa.com/resources/Complaint.pdf>.

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Defamation Suit against APA, David Hoffman, and Sidley Austin LLP Expands; Suit Brought by Louis J. Freeh of Freeh Sporkin & Sullivan, LLP (Counsel for Dr. Behnke) and Dr. Bonny J. Forrest (Counsel for the Other Plaintiffs)

July 30, 2018 08:00 AM Eastern Daylight Time

BOSTON--(BUSINESS WIRE)--A defamation lawsuit against the American Psychological Association; Sidley Austin LLP, a law firm with a Boston office; and David Hoffman, a Sidley partner, has expanded with the filing of a new complaint in the Suffolk County, Massachusetts, Superior Court by Louis J. Freeh of Sporkin & Sullivan, LLP (counsel for Dr. Behnke) and Dr. Bonny J. Forrest (counsel for the other plaintiffs).

The suit accompanies others filed previously in Ohio and the District of Columbia. In addition to providing new details about the involvement of Massachusetts residents, the complaint adds a new defendant: Dr. Stephen Soldz, a professor at the Boston Graduate School of Psychoanalysis.

The plaintiffs are three retired military psychologists (Cols. (Ret.) Morgan Banks, Debra Dunivin, and Larry James) and two former APA officials (Dr. Stephen Behnke and Dr. Russ Newman). The lawsuit arises from allegedly defamatory accusations against them in a report commissioned by the APA and written by Hoffman in 2015. The report allegedly falsely concluded that they had “colluded” to avoid constraining psychologists from participating in abusive interrogations of detainees in the aftermath of 9/11. As Hoffman told APA’s governing body, he set out in the report to “make [the] case” to support its conclusions.

According to the plaintiffs’ complaint, the evidence shows that:

When the Report was published, Hoffman and APA officials had in their possession documents and facts that proved his allegations to be false and that demonstrate those allegations were made with the knowledge they were false. Moreover, members of the APA Board who agreed to the Report’s publication had been directly involved in the events it described. They therefore knew Hoffman’s conclusions to be false or acted in reckless disregard of their truth.

As to Soldz’s role, the complaint says that his “years-long series of false and defamatory attacks against Plaintiffs has continued since the Report’s release despite his having been provided with evidence that the statements are false.”

The complaint also describes evidence suggesting that, to garner greater publicity for the report, both Soldz and Hoffman leaked an advance copy to James Risen of *The New York Times*.

Since the report was published, as the complaint sets forth, many of those directly involved in the events it described have provided affidavits and statements contradicting Hoffman’s allegations and testifying to his misrepresentation of his interviews with them. The APA Board acknowledged that the report contained “inaccuracies,” and the Board actually rehired Hoffman in 2016 to review his own work, despite the obvious conflict. The results of that review have never emerged.

The suit alleges that the effects of Hoffman's false accusations and the report's leak were even greater because he employed terms such as "joint venture" and "joint enterprise" ordinarily reserved for criminal RICO (Racketeer Influenced and Corrupt Organizations) and war-crimes prosecutions. He employed this loaded terminology despite telling APA officials privately that he found no evidence of criminal wrongdoing and despite knowing, but not reporting, that the FBI had found no criminal violations when Risen and others submitted to it much the same material he reviewed.

Louis J. Freeh, counsel for Dr. Behnke, said "The damage inflicted by this incomplete and deficient so-called 'investigation' was compounded when the report was leaked to *The New York Times* before those attacked had a fair chance to respond to its allegations against them."

The Massachusetts case number is 1884CV01968

The complaint and more information about the lawsuits can be found at www.hoffmanreportapa.com.

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