

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  
ELIZABETH SWENSON**

**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** :  
 :

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**AFFIDAVIT OF ELIZABETH SWENSON**

State of Ohio )  
 ) ss:  
County of CUYAHOGA )

1. I, Elizabeth Swenson, having been first duly cautioned and sworn, state the following based upon personal knowledge:

2. I am a resident of and a licensed psychologist in Ohio, and a Professor in the Department of Psychology at John Carroll University (JCU) in University Heights, Ohio. I was first contacted regarding the Hoffman Independent Review on December 12, 2014, by letter from Dr. Nadine Kaslow. Attached to Dr. Kaslow's letter was a letter from Mr. David Hoffman of the law firm Sidney Austin LLP addressed to members of the former Ethics Code Task Force. Dr. Kaslow's letter stated that the "sole objective" of the investigation was to ascertain the truth about allegations made by James Risen regarding the post-9/11 role of psychologists in the Global War on Terror. My understanding was that the purpose of the review was to ascertain facts regarding the post-9/11 involvement of psychologists in detainee interrogations, the American Psychological Association (APA) Ethics Code, and related APA ethics pronouncements including the Psychological Ethics and National Security (PENS) Task Force.

3. I was interviewed by a Sidley Austin attorney by telephone on April 24, 2015 while in my office at JCU. At the end of that interview, I was surprised to be asked about my involvement in the Michael Gelles ethics case, which had not been mentioned in any of the communications from Dr. Kaslow or Mr. Hoffman. I was subsequently interviewed by telephone on May 4, 2015, regarding my involvement in the Gelles case. I was at my home-office in Ohio for each of these interviews.



4. I first read the Report on or about July 10, 2015 by accessing the Report online from the *New York Times* website. I obtained access to and read the Report in my home-office in Ohio. I was subsequently contacted by the Ohio Psychological Association (OPA) representative to the APA Council of Representatives, informing me that the Report could be accessed through the APA website. The OPA Council representative expressed considerable surprise when I informed him that the Report was already available on the *New York Times* website.
5. The Report cast Dr. Stephen Behnke in a highly negative light and characterized his behavior as unethical. I discussed the Report with colleagues at JCU, and I had discussions with other psychologists in Ohio regarding how the Report characterized Dr. Behnke. Also, during my conversation with the OPA representative, I informed him that the Report was inconsistent with my knowledge of Dr. Behnke, with whom I had worked.
6. At the time of the publication of the Report, I was Chair of the OPA Ethics Committee. There was considerable discussion among ethics committee members and the OPA members generally about the Report. In certain of these discussions, it was noted that the Report named individuals well known to the Ohio psychology community, including Dr. Behnke. The OPA Council representative communicated on numerous occasions with OPA members, including me, regarding the Hoffman Report. I also discussed with colleagues in Ohio the extensive media coverage received by the Report, and the fact that Dr. Behnke had been fired from APA as a result of the Report.
7. The Report names me as a witness and discusses me in relation to the Ethics Code Task Force and the Mike Gelles case that came before the APA Ethics Committee in 2002. I participated in the Gelles case as a member of the APA Ethics Committee. I was one of two Ethics Committee members assigned the role of "reader," which meant that I and another Committee member each prepared a summary and an independent recommendation to the Committee. In this role, I thoroughly and independently reviewed all case-related materials.
8. The Report contains inaccurate statements characterizing the Ethics Office handling of disciplinary cases. It states that ethics disciplinary cases were handled in "an improper fashion," in order "to protect these psychologists from censure." (Report, p. 10) To the best of my knowledge, these statements are false.
9. Additionally, it had been my impression during my two interviews that the Sidley Austin interviewers had an agenda to characterize the APA Ethics Office as exercising undue influence over the Ethics Code Task Force and the Ethics Committee deliberations regarding Dr. Gelles. In my experience, the Gelles case was handled properly and given thoughtful consideration by the entire APA Ethics Committee. I informed the Sidley Austin interviewers that at no point was I motivated to protect Dr. Gelles from censure, nor did I receive any pressure from the APA Ethics Office or other Ethics Committee members to protect Dr. Gelles from censure.

FURTHER AFFIANT SAYETH NOT.

*Elizabeth Swenson*  
Elizabeth Swenson

Subm and subscribed to before a notary public in the State of Ohio. this 30<sup>th</sup> day  
of APRIL 2017. (3 PAGES TOTAL).



*Edward Mullin*, ATTORNEY  
Notary Public  
NO EXPIRATION DATE.  
147.03 ORC

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