

Dear Fellow Council members,

Please pardon my delay in responding. I wanted to slow down, calm myself and allow time to gather my thoughts and respond with clear and cogent thought rather than a tirade of rage. My first thought after reading the Hoffman report was to just resign from APA and retire to my home in New Orleans. But then, as I watched and read many of the same e-mails you did, it was clear that it was best for me to join with my fellow Council members and do my part to help transition our profession and our Association to a much better place. The thought occurred to me that we can't all just run away and ask others to make the profession of psychology better—it is our duty; not the duty of others.

There are so many points of rebuttal I need to share with you but that would take more pages than time and space would allow. So, I will focus on a few examples where I think Mr. Hoffman mischaracterized what actually happened, misrepresented the data, and the misinterpreted the intent of my colleagues as well as myself.

The primary point of disagreement I have with the Hoffman report is his assertion that military psychologists tortured detainees and that military and DOD psychologists colluded with APA to use the PENS Task Force as the vehicle to shape APA policy to legitimize torture. The later point is one or more of three things. 1) It is an intentional lie. 2) Mr. Hoffman's assertions and conclusions are a clear and intentional misrepresentation of the facts. 3) Mr. Hoffman used the reports as a tool to serve as an attack on Bush era policy.

As he stated in the report he is neither a psychologist nor a military officer. Clearly his lack of understanding of the military culture, rules, policies, character and

integrity are evident. The report is a clear defamatory insult to our military. If Mr. Hoffman had the slightest understanding of the military officer code and history he would be mindful of the officer creed - an officer will not lie, cheat or steal, nor tolerate those who do. Because Mr. Hoffman did not understand this creed, it was easier for him to attack very fine military officers such as Colonel Debra Dunivin and Colonel Morgan Banks. These are two of the finest military psychologists I have ever known and I would trust my life in their hands.

Moreover, the process was flawed because Dr. Kaslow, Dr. McDaniel and the APA Board of Directors held a jury trial and convicted these brilliant and decent military psychologists as well as others, in the public court called the Council of Representatives without any chance for them to defend themselves against this libel. Within 24 hours of the Hoffman report being released to Council, their trial was over, and every person mentioned in that report was tried and convicted by Council. Dr. Kaslow, you released the report without having an immediate mechanism in place to hear the voices of these men and women who have given their lives to our profession. And, sadly most of members appear to have gotten on board the “they’re guilty” band wagon without reviewing any of the facts. I just don’t know how anyone who has ever known Debra Dunivin, Steve Behnke, Russ Newman, Ron Levant or Gerry Koocher could believe that any of them would collude to torture another human being—I don’t believe it because I know what happened and what did not happen.

From the COR comments I have read over the past week, clearly, many council members do not understand that the CIA and the Department of Defense are not the same organizations. Many of you continue to lump CIA psychologists together with

military psychologists as though they worked for the Army Surgeon General - - - they did not. Well, why is this fact very significant? It is significant because you need to be mindful of the fact that **no military psychologist** has been found guilty of anything related to the mistreatment of detainees!!!! I should also point out that no military psychologist during the global war on terrorism has had his or her license suspended or revoked over this. From observing the rankor, furor and attack on military psychologists, a bystander could have gathered that 250 military psychologists have been found guilty of some diabolical ethical violation in Iraq, Cuba or Afghnastan. There has been none! Major John Leso's APA ethics investigation lasted 7 years, the process reviewed over 2,000 pages of declassified documents and it was one of APA's costliest ethics investigations since the beginning of the American Psychological Association's Ethics Office.

The result was that Dr. John Leso's life was destroyed by misrepresentations, innuendoes, maybes, perhaps, would haves, could haves, would have known, and should have known type statements. As a reminder to COR members – we are supposed to be an organization of scientists who use scientific principles to base our conclusions upon. We do not and should not exclude information because it does not support our findings.

This leads me to my next point. On page 520 of the Hoffman report, he attempts to illustrate how Dr. Behnke colluded with the DOD to allegedly white wash the ethics investigation filed against me in 2007 or early 2008 at APA. I spent five and a half hours with Mr. Hoffman and I explained to him in detail that there was never collusion or a white wash. I provided him with the fact that my accusers could not produce a patient,

a prisoner, an official federal document or any staff who worked with or for me to show that I have done anything wrong what so ever! The APA complaint was dismissed without merit. Mr. Hoffman chose to ignore these facts and paint the picture that Dr. Behnke was dirty – this is truly Shameful.

In essence, Mr Hoffman adjudicated the ethics complaint against me on his own and assumed that I was guilty. Mr. Hoffman, in a very reckless manner disregarded all of the other data to support the fact that the ethics complaint was indeed without merit.

There's more to support my position. After some misguided and evil people from Ohio filed the APA complaint against me, they next targeted me in Louisiana and filed a complaint in early 2008. The Louisiana Board of Psychology reviewed the case and threw it out. These people attempted to destroy and malign my character by filing a 2nd complaint against me- - - it was thrown out. They next filed a lawsuit against the Louisiana Board of Psychology. Their purpose was to get a judge to order the board to investigate me even though these people could not produce any detainees or patients, a witness or documents that I had harmed anyone. The court upheld the Louisiana Psychology Board's decision. They next filed an appeal with the Louisiana Appeals court. The three judge court ruled in favor of the Licensing board. The judges asserted that "there is no evidence that anyone has been aggrieved." (See attached Louisiana Court of Appeals ruling)

By the time the Louisiana Appeals court had rendered its decision I had retired from the Army and moved to Ohio and became licensed there. These unethical people wrote letters to my University Provost, President and members of the University Board of Trustees saying that I was guilty of torture. In addition, they filed a

complaint against me in Ohio. After it was thrown out, they filed a 2nd complaint in Ohio and it was thrown out. As they did in Louisiana, they appealed the decision in an Ohio civil court and the judge upheld the Ohio licensing board's decision. **This equals 9 times that these heartless and disaffected individuals have sought to destroy me and end my career without any clear facts that I had harmed anyone.**

Now, one can see how Mr. Hoffman discarded these facts from the report with the result causing the reader to get misled by the report into believing that Dr. Behnke's objectivity and judgment were somehow impaired. The APA ethics complaint against me was without merit, frivolous and I made this clear to Mr. Hoffman. He simply ignored the facts that he found contrary to his preconceived conclusions.

Further, Dr. Kaslow, by not redacting my name and mentioning that I had an ethics case filed against me at APA was a violation of the state laws that govern psychology licensing boards in all fifty states. Those of you who have served on a state Psychology Licensing Board are cognizant of the fact that when an ethics complaint is filed, and is without merit, the complaint is thrown out and neither the accused psychologist nor anyone else will ever know. The file is closed, sealed and becomes confidential. I was never contacted by the APA Ethics office and informed that a complaint was filed against me. Dr. Kaslow, by allowing Mr. Hoffman to release this information you violated my confidentiality and you owe me and my family a public apology. The bylaws that govern the APA Ethics Committee and office clearly state that (rule 3.1, Requirement of Confidentiality) ***"All information concerning complaints against members shall be confidential."***

Given what I have shared with you above, there are two parts of the Board of Director's recommendations that I do not support.

First, a ban on military psychologists serving in the National Security venue or at any detention facility overseas. Why? Based on what I have shared above this recommendation is not supported by the data. I will say again, no military psychologist has engaged in any conduct or behavior that justifies this action. Neither has any lost his or her license, nor had their license suspended in the global war on terrorism. Thus, this begs the question of why the ban?

If we're really about public safety, do no harm, morality or ethics then I suggest that Dr. Kaslow and the Board of Directors move forward either a resolution or recommendation to bar psychologists from practicing in Texas, New York, New Jersey and California. These are the states just by the large number of psychologists employed in these states, have had the most psychologists censured or had their licenses suspended by the state board. To target only the military psychologists engaged in national security (i.e., our Nation's security), indicates that political, not ethical, considerations are driving your actions.

In addition, how does the anti military recommendation of barring psychologists from National Security apply to Police, FBI, Federal Marshall, and Homeland Defense psychologists who are supporting the domestic national security investigations? I can assure you that there are police psychologists from across the nation who are involved with interrogations that may support domestic national security efforts. Do we exclude or include them in this ban?

Second, I am unclear about the recommendation of an “Ethics Commission.” What is the the purpose of such a comission? Is the purpose to retrospectively go back to re-do another 7 year investigation of Major John Leso? Is your intent to merely accuse anyone whose practice location differs from where you would be willing to practice? Prior to me supporting such a recommendation I would like to see a very specific purpose defined for this ethics commission to avoid a “witch hunt” targeted at military and Department of Defense Psychologists.

Colleagues, I apologize for the length of my e-mail and rebuttal. I will specifically address other issues and concerns related to the Hoffman report, and take all necessary actions to protect my interests and those of psychology as we move closer to convention.

Larry C. James