



March 6, 2014

By Express Mail

Amy Goodman and Juan González
Democracy Now!
207 W. 25th St., Floor 11
New York, NY 10001

Democracy Now! Productions, Inc.
c/o William H. Schapp, Esq.
143 West 4th Street
New York, NY 10012-1055

Re: *False and defamatory statements regarding Dr. Tim Pastoor*

Dear Ms. Goodman and Mr. González:

I write regarding false and defamatory statements that you initially broadcast on the February 21, 2014 *Democracy Now!* program and which you continue to make available to a worldwide audience in video, audio, and written form on the internet. During your program, Professor Tyrone Hayes claimed that Dr. Tim Pastoor — a respected scientist at Syngenta — threatened to have him lynched and threatened to “send some of his good ol’ boys to show [Hayes] what it’s like to be gay,” and further threatened Hayes’ wife and daughter with sexual violence. See *False and Defamatory Excerpts (Ex. A)*.

Hayes’ outlandish accusations are absolutely and unequivocally false. Dr. Pastoor never threatened Hayes or his family with lynching, violence, rape, or otherwise. Dr. Pastoor is the Principal Scientist for Syngenta Crop Protection, oversees toxicological research projects and product development, and is a frequent lecturer on toxicology and risk assessment subjects. He has over 30 years of international experience in fundamental toxicity testing, mode of action research, and human health risk assessment. He is a Diplomate of the American College of Toxicology and a member of the Society of Toxicology. Dr. Pastoor is also a deacon in the Presbyterian Church and a husband and father of two sons. In short, Dr. Pastoor has a formidable professional and personal reputation to maintain and there is no reason why Dr. Pastoor would risk his reputation by making criminal threats of lynching and rape. Nor did he.

In broadcasting Hayes’ false accusations, you abdicated your responsibility as journalists and recklessly disregarded the truth, relying blindly on a demonstrably unreliable source and ignoring numerous facts that refute Hayes’ bizarre accusations. A little more than a week before you interviewed him, *The New Yorker* published an article about Hayes. You read that article before interviewing Hayes, as evidenced by the fact that you cited it repeatedly during the interview. While we take issue with the article in a number of respects, *The New Yorker* raised serious concerns about Hayes’ credibility and possible paranoia which show that Hayes is not a reliable source.

During the interview, you yourself recognized the seriousness of Hayes' far-fetched accusations, acknowledging that "[y]ou could bring criminal charges if you're being threatened and stalked in this way." But Hayes provided no explanation as to why he did not bring criminal charges against Dr. Pastoor. Instead, Hayes claimed that he went to his vice chancellor, his dean, and legal counsel at the University of California - Berkeley, and none of them took action.

There are a number of glaring red flags in Hayes' story. **First**, his allegations were missing entirely from the article in *The New Yorker* which you referenced in your interview. This means either that, in describing how Syngenta was allegedly out to get him, Hayes simply neglected to tell *The New Yorker* that Dr. Pastoor had threatened him and his family with lynching and rape, or that the magazine did not find that story credible. **Second**, Hayes never reported the alleged threats to the police, and he refused to explain why. **Third**, Hayes' claim — that a vice chancellor, dean, and attorney at Berkeley were informed that a professor was being threatened with lynching and rape, and chose to do nothing — simply does not pass the sniff test. Either Hayes did **not** report the alleged threats of lynching and rape to the vice chancellor, dean, and legal counsel at Berkeley — in which case, he was lying during his *Democracy Now!* interview, or Hayes did make the report and the vice chancellor, dean, and legal counsel at Berkeley found Hayes' story not to be credible. **Fourth**, although Hayes told *The New Yorker* that he started carrying an audio recorder, he has produced no recordings of any threats by Dr. Pastoor, or anyone else for that matter.

You ignored a host of facts showing that Hayes is not credible. You refused to ask Hayes a single follow-up question regarding the red flags in his threat story. You chose not to contact Dr. Pastoor or to otherwise pressure test the veracity of Hayes' outrageous accusations before broadcasting them via radio, television, and the internet. If you had contacted Dr. Pastoor, he would have told you the truth — that he never threatened Hayes or his family with physical violence or otherwise. You have wrongly and severely damaged a respected scientist's reputation, causing him to be branded a vile, racist criminal. Hayes' false accusations of threatening lynching and sexual violence are defamatory *per se*. You are responsible for disseminating and perpetuating those false and defamatory statements to a worldwide audience.

On behalf of Dr. Pastoor, I hereby demand that you promptly remove the false and defamatory statements shown on Exhibit A from all versions of your interview with Hayes, including video, audio, and written transcripts, whether available on your website or third-party websites such as YouTube. You must also publish a retraction and a public apology to Dr. Pastoor on your website, and read that retraction and apology via television and radio, during *Democracy Now!*'s next broadcast. Failure to take these steps will be viewed by Dr. Pastoor as additional evidence of malice.

I hope that you will treat these issues with the seriousness required of a responsible journalistic enterprise. Dr. Pastoor reserves all rights and remedies against you and all individuals involved in the publication or perpetuation of defamatory statements about him and will take all appropriate steps to protect his good name.

Until these issues are resolved, you are directed to preserve — and not to destroy, conceal, or alter — any paper or electronically stored information or data relating directly or indirectly to these issues, Dr. Pastoor and/or Syngenta. Failure to preserve these records may result in court sanction.

If this correspondence is in any way unclear, please contact me immediately.

Sincerely,



Alan Nadel

Lead Counsel Litigation North America

Exhibit A

False and Defamatory Excerpts

And then that escalated to the company actually—Tim Pastoor, in particular, and others from the company—coming to presentations that—or lectures that I was giving, to make handouts or to stand up and refute the data, and eventually even led to things like threats of violence. Tim Pastoor, for example, before I would give a talk, would literally threaten, whisper in my ear that he could have me lynched, or he would—quote, said he would “send some of his good ol’ boys to show me what it’s like to be gay,” or at one point he threatened my wife and my daughter with sexual violence. He would whisper things like, “Your wife’s at home alone right now. How do you know I haven’t sent somebody there to take care of her? Isn’t your daughter there?” So, eventually, it really slipped into some, you know, pretty scary tactics.

...

I knew Tim Pastoor. I knew Sherry Ford. I knew many of the individuals who would follow me around. I knew who they were. I knew they had access to my email. You know, so, for me, I knew that these things were happening. This guy would directly come up and make lewd comments to me and threatening comments to me.