



Dear Friends,

How attitudes about recovered memories have changed since the Foundation began! In the last newsletter, we mentioned that Elizabeth Loftus was to receive a prestigious award from the American Psychological Society. This month we reprint the text of the award and of Dr. Loftus's acceptance, not only because we are very proud of her and our Scientific Advisory Board, but also because these texts document how much attitudes have changed. (p. 2) The award to Dr. Loftus specifically mentions her work with recovered memories.

"As a result of her pioneering scientific work as well as her activity within the legal system, society is gradually coming to realize that such memories, compelling though they may seem when related by a witness, are often a product of recent reconstructive memory processes rather than of past objective reality."

Until recently, most professionals and organizations, however sympathetic they may have been to the FMS issue in private, kept a neutral stance in public. It is significant that Loftus was honored in great part *because* of her work with recovered memories.

The Supreme Court of Wisconsin also exemplifies how attitudes are changing. In Johnson v Rogers Memorial Hospital, the Court took an important step in June in the direction of holding accountable those who have harmed families and destroyed reputations. In the past, if parents did not have access to therapy records, the case did not go forward. The Wisconsin Supreme Court, however, stated that lack of therapy records is not sufficient to dismiss a third-party case. The Court determined that in Wisconsin families may continue the legal process to gather more information.

Without doubt, many problems related to recovered memories remain. But to the extent that problems involve the scientific understanding of memory, the tools for correcting the problems are all around us, and public attitudes about recovered memory are now open to change. The FMS Foundation set out to educate the public and professionals about the nature of memory. The job isn't finished, obvi-

ously, but problems caused by misinformation about memory are diminishing rapidly.

To the extent that the problems affecting families are part of larger social problems, however, change is far more complex. To say, for example, that therapy should be safe and effective and grounded in science should hardly get an argument. But to implement that simple concept requires deep changes in professional and political attitudes and systems. The problems that result because there is no system in place to ensure safe and effective therapy involve many more people than those who are a part of FMSF. To think that the FMSF alone can bring about broader changes is not realistic. We can but play a part.

The fact that in June in Colorado, two therapists were held criminally responsible for bad conduct in a professional setting and were sentenced to sixteen years in jail, is highly significant in terms of the broader changes needed. The issue did not involve memory. It did involve untested, non-scientific, dangerous therapy. Cornell Watkins and Julie Ponder, about whom we wrote last month in connection with the death of Candace Newmaker, will spend sixteen years in prison. In Colorado, a bill has already been signed into law to prevent the use of the type of "Rebirthing/Attachment Therapy" used by Watkins and Ponder. But such a law is a bandage. As fast as one dangerous therapy is outlawed, another will probably appear. What is needed is a broader coalition of forces willing to work to make the changes needed so that *all* therapy is safe and effective.

Pamela

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The next issue will be combined September/October

FMSF Financial Update

We have received the audit report for the fiscal year March 1, 2000 through February 28, 2001 as provided by Goldenberg Rosenthal, LLP, the CPA firm that audits the books and financial statements of the Foundation. The fiscal results showed that for every dollar spent by the Foundation, 70 cents went for program services, 27 cents for administrative and general expenses, and 3 cents for fund raising. There was a loss due to the issuance of unauthorized checks, but the situation that permitted the occurrence has been corrected.

The Foundation spent \$367,716 in this fiscal year just ended, approximately \$50,000 less than in the previous fiscal year and \$200,000 less than in the fiscal year ending 2/28/99. We will continue to reduce expenses as the problems that brought about the formation of the FMS Foundation continue to recede and as our website expands to provide information previously disseminated by FMSF staff.



Membership

The Foundation has made a change in its method of handling membership. Beginning in January 2001, all memberships are now for the calendar year and the Foundation has been sending membership renewals that reflect an amount prorated through December 31, 2001. There are several reasons for this change in procedure. Perhaps the most important is that we expect that it will aid our ongoing efforts to simplify administrative tasks.

The change has been going smoothly and we thank you for your help and patience. If you have any question about your membership, please do not hesitate to contact the Foundation.



Survey Update

Thank you to all who returned the FMSF 2001 Survey Update. A second mailing has been sent to active members from whom we did not receive a reply. If you forgot, it is not too late. The deadline is August 31.

We need your input. No other group can provide the information that FMSF families have.



special thanks

We extend a very special "Thank you" to all of the people who help prepare the FMSF Newsletter. *Editorial Support:* Toby Feld, Allen Feld, Janet Fetkewicz, Howard Fishman, Peter Freyd. *Columnists:* August Piper, Jr. and Members of the FMSF Scientific Advisory Board. *Letters and information:* Our Readers.

Elizabeth Loftus Receives Award

William James award 2001 from
American Psychological Society (APS)

"Elizabeth Loftus is an example of the rare scientist who is instrumental both in advancing a scientific discipline and in using that discipline to make critical contributions to society."

"Beginning in the mid-1970's, following acclaimed basic research on the workings of semantic memory, she waded into relatively uncharted waters, investigating the critical issues of how and under what circumstances complex memories change, often quite dramatically, over time. Her innovative yet highly rigorous research on this topic brought her renewed praise in the scientific community. At the same time however, she realized the fundamental applications of her and related findings to the legal system, particularly in understanding the circumstances under which a sincere eyewitness may have misidentified an innocent defendant. It is not hyperbole to say that in response to her ingenious laboratory work and her ubiquitous public presence, both the quality of basic memory research and the fairness of the criminal justice system have advanced substantially."

"Over the past 15 years, Dr. Loftus's attention has turned to a related but considerably more controversial issue, that of the validity of "recovered memories" of childhood abuse. As a result of her pioneering scientific work as well as her activity within the legal system, society is gradually coming to realize that such memories, compelling though they may seem when related by a witness, are often a product of recent reconstructive memory processes rather than of past objective reality. In bringing to light these facts of memory, Dr. Loftus has joined the ranks of other scientists, past and present, who have had the courage, inspiration, and inner strength to weather the widespread scorn and oppression that unfortunately but inevitably accompanies clear and compelling scientific data that have the effrontery to fly in the face of dearly held beliefs."



"We tend to think of memory as a camera, or a tape recorder, where the past can be filed intact and called up at will. But memory is none of these things. Memory is a storyteller, and like all storytellers it imposes form on the raw mass of experience. It creates shape and meaning by emphasizing some things and leaving others out. It finds connections between events, suggests cause and effect, makes each of us the central figure in an epic toward darkness or light."

Wolff, T. "War and Memory," *New York Times* Op-Ed,
April 28, 2001

Acceptance Speech APS William James Fellow Award Elizabeth Loftus

June 14, 2001

Receiving this honor, the William James Fellow Award for scientific achievement, could not have come at a more meaningful or ironic time in my life. It has made me think about the purpose of awards: what we give them for, what qualities of the recipient or of his or her work we admire. And it has made me think about the purpose of science, that ideally dispassionate, empirical investigation of a particular set of questions.

For more than a decade, as I'm sure many of you know, I have been pursued by the enemies I created by virtue of my research on memory and my efforts to discredit recovered-memory therapy, which has done so much harm to individuals and families. The public thinks this epidemic is over. But many families have never recovered, and many promulgators and victims of the recovered-memory movement remain angry and vengeful. For so many years, I have tried to understand their position, sympathize with the emotionally disturbed young women whom I regard as victims of misguided or misinformed therapists, and find common ground.

Now I realize that for these people, there may be little in the way of common ground. I am their enemy—scientific evidence is their enemy—and I will not be able to persuade them otherwise, not with all the good data and good intentions in the world. This was a terribly difficult realization for me. The research findings for which I am being honored now generated a level of hostility and opposition I could never have foreseen. People wrote threatening letters, warning me that my reputation and even my safety were in jeopardy if I continued along these lines. At some universities, armed guards were provided to accompany me during speeches. People misinterpreted my writings and put words in my mouth that I had never spoken. People filed ethical

complaints and threatened lawsuits of organizations that invited me to speak. People spread defamatory falsehoods in writings, in newspapers, on the Internet.

As I stand here, the happy recipient of an award that honors me for my research, I continue to be the target of efforts to censor my ideas. I am gagged at the moment and may not give you any details. But to me, that itself is the problem. Who, after all, benefits from my silence? Who benefits from keeping such investigations in the dark? My inquisitors. The only people who operate in the dark are thieves, assassins, and cowards. Those of us who value the first amendment and open scientific inquiry must bring these efforts to suppress freedom of speech into the light, and tonight I vow to you that when my own situation is resolved, that is precisely what I'm going to do.

In this we can learn from the recent experience of Scott Lilienfeld. Scott wrote a paper on the collision between politics and science that followed in the wake of the Rind et al. affair. The article was accepted for publication, but, mysteriously, later rejected, unless Scott gutted it of all political relevance. Psychological scientists – many of whom are members of APS—launched a campaign to insure publication of Scott's article. They told the story to the Chronicle of Higher Education and to Science. They wrote letters, individually and collectively, arguing for the preservation of peer review and the importance of keeping politics out of the publication process. "Organizational officials" grumbled about how inappropriate it was to go public, to argue by e-mail, to air an internal conflict to the media. They wanted everyone to shut up and let the appeals process take its course. Was that so Scott's paper could have been quietly suppressed? The scientists did not shut up, and Scott's paper will be published this year, along with commentary and debate, just as it should be.

I am honored to receive this award. I accept it on behalf of the ideals and goals of science that we all hold so dear, and which we must now redouble our efforts to defend.

The FMS Climate in the Early 90s: A True Story

I was feeling a bit grumpy anyway, because during the talk I'd just given to a professional audience of psychologists and psychiatrists in San Francisco, I was hissed and booed. *That* was a first. Now all I wanted to do was get back home.....

"And what do you do?" my seatmate asked politely.

"I teach at the University of Washington," Purposely vague.

"What do you teach?"

"Psychology."

"Are you a clinician?" she asked turning in her seat to

regard me with greater interest. "What kind of therapy do you do?"

"I don't do therapy," I said. "I study memory."

"Memory," she repeated softly. "What kind of memory?"

"I study memory storage and retrieval processes," I said, trying to use neutral language to describe my work.

"What's your name?" she asked suddenly.

I told her. How could I lie about my name? She looked at me, her eyes narrowed. "Oh no," she said. "You're that *woman!* You're that *woman!*" And—I know this will be hard to believe—she started swatting me over the head with her newspaper.

The Myth of Repressed Memory
Loftus and Ketcham, p.211

The Netherlands

Two very technical fathers who are members of the Working Party FMS in the Netherlands have designed a web-site for their group. Members of the FMSF who speak Dutch may find it helpful. It can be accessed at:

www.werkgroepwfh.nl

The Ombudsman Report, described in the FMSF Newsletter, Vol. 9 (3) May/June '00, received a follow-up. The Department of Health has ordered a commission to inform them about the status quo on scientific knowledge of recovered memories.

New Zealand

COSA New Zealand, the Christchurch-based group, has opened a web site. FMSF readers may be interested in checking out the newsletters posted there for news about events in that country. It can be accessed at:

www.geocities.com/newcosanz/

A Loss

Jerry Barr passed away on Monday April 9th in LDS Hospital in Salt Lake City, surrounded by his loving family. He is already greatly missed.

Newsletter readers know all too well the excruciating moment when they discovered that a loved offspring had accused them of the unspeakable horror of child abuse. Imagine the nightmare of turning the television on to the national news and learning there for the first time that you had been accused! That is exactly what happened to Helen and Jerry Barr when their daughter, the comedienne Roseanne, announced her claim of recovered memories.

Roseanne's allegations were made just a few months after the former Miss America, Marilyn vanDerber had made a similar announcement. That year, 1991, was marked by a wave of public accusations and lawsuits being

brought against parents by offspring who had come to believe they had recovered "memories" of childhood abuse. Roseanne's belief was so strong that she said that there were only two answers to the question of whether or not a person had been abused: "Yes" and "I don't remember."

The accusation estranged Roseanne from her entire family. Helen and Jerry quietly set out to do all that they could to educate others about the FMS phenomenon. Many newsletter readers will remember Helen and Jerry from past conferences or from the outstanding *60 Minutes* segment on April 17, 1994.

Roseanne eventually tried to reconcile with her father, to show how you can heal from bad things, but it was not to be. Jerry felt that Roseanne would need to apologize first.

According to an article in the National Enquirer (May 1, 2001), he told a friend, "My only wish is that Roseanne would come to her senses and apologize. I'd take her back in a minute. There's nothing I want more than to see my daughter and grandchildren before I die." That, too, was not to be.

All of Jerry's family except Roseanne gathered for his funeral.

The Seven Sins of Memory: How the Mind Forgets and Remembers

Daniel L. Schacter
Houghton Mifflin, 2001

Newsletter readers eager to improve their understanding of memory will find this book written for the general public of great interest. Schacter, Chairman of the Psychology Department at Harvard, explains memory processes through memory errors that he calls the Seven Sins. These are:
Sins of Omission:

Transience—the weakening or loss of memory over time.

Absentmindedness—the breakdown between attention and memory, i.e. attention is not focused on what

we need to remember.

Blocking—the attempt to find a word but failing.

Sins of Commission

Misattribution—the assigning of a memory to the wrong source.

Suggestibility—the implanting of memories as a result of leading questions, comments, etc.

Bias—the influence of current knowledge and beliefs on how we remember.

Persistence—the remembering of disturbing information that we would prefer to forget.

The Truth and Hype of Hypnosis

Michael R. Nash

Scientific American July 2001, pp. 47-55

This readily understandable article summarizes current scientific understanding of what hypnosis is and isn't and describes specific situations in which hypnosis can be of benefit. It includes a list of popular beliefs contrasted with the facts. For example: "If you think hypnosis can help people to 'relive' the past..., The Reality is Age-regressed adults behave like adults playacting as children;" "If you think hypnotized people can remember more accurately..., The Reality is Hypnosis may actually muddle the distinction between memory and fantasy and may artificially inflate confidence." Among resources listed is a video of an actual hypnosis session that can be viewed at:

www.sciam.com/2001/0701issue/0701nashbox1.html

When I was younger I could remember anything, whether it had happened or not; but my faculties are decaying now and soon I shall be so I cannot remember any of the the things that never happened. It is sad to go to pieces like this but we all have to do it.

Mark Twain
Wit & Wisecracks (1961)

Make My Memory: How Advertising Can Change Our Memories of the Past

Braun, K.A., Ellis, R., & Loftus, E. F.
To Appear in: *Psychology and Marketing*

Elizabeth Loftus, collaborator Dr. Kathy Braun, and student assistant Rhiannon Ellis wondered if the use of nostalgic autobiographical advertisements could cause people to believe that they had those same experiences as the children in the ads. Subjects were shown a fake advertisement describing a trip to Disneyland and shaking hands with Bugs Bunny. Even though this could not possibly have happened because Bugs Bunny is a Warner Bros. cartoon, about 16 percent of the subjects later said that they remembered or knew that the event had actually happened to them.

Commenting on the study, Jacquie Pickrell, a graduate student who replicated and extended the experiment said: "The frightening thing about this study is that it suggests how easily a false memory can be created. It's not only people who go to a therapist who might implant a false memory or those who witness an accident and whose memory can be distorted who can have a false memory. Memory is very vulnerable and malleable. People are not always aware of the choices they make. This study shows the power of subtle association changes on memory."

www.Quackwatch.com

Quackwatch is a web-site that newsletter readers may wish to check out. The entire site is operated by Stephen Barrett, M.D., a retired psychiatrist from Allentown, PA. Of particular interest is the page: "Mental Help: Procedures to Avoid."

Barrett is the coauthor with William T. Jarvis of the 1993 book *The Health Robbers: A Close Look at quackery in America*. Jarvis is the president of the National Council Against Health Fraud. (www.ncahf.org)

Everyday Irrationality: How Pseudo-scientists, Lunatics, and the Rest of us Systematically Fail to Think Rationally

Robyn Dawes, Westview Press, 2001

Excerpts from *Everyday Irrationality* appeared in Sept/Oct and Nov/Dec 2000 newsletters. Dawes, a member of the FMSF Scientific Advisory Board, shows how to recognize thinking that is not merely confused or wrong, but is actually irrational. The book is a mixture of entertaining stories with rigorous explanations of logic and probability. Dawes is the author of *House of Cards*, an important critical analysis of clinical psychology.

□
"Recovered Memories:
Fact or Fiction"
Simpson, Paul

Physician, May/June 2001 pp. 14-19

This article will be of particular interest to those families who are working to educate people within the religious communities about the problems of FMS. The journal *Physician* is a publication of Focus on the Family for doctors. To our knowledge, this is the first time that Focus on the Family has published so openly about the problem of false memories.

□
Comments on Logerquist Decision
Arizona State Law Journal, Spring, 2001,
33 Ariz.St.L.J.40

"On April 19, 2000 the Arizona Supreme Court decided *Logerquist v. McVey*,^[1] upholding the use of the "general acceptance" standard to determine the admissibility of expert scientific testimony and rejecting the "scientific soundness" standard now used by the majority of jurisdictions. This is the third case in which the court has chosen to adhere to the 1923 test enunciated by *Frye v. United States*,^[2] despite the Supreme Court's 1993 decision in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*^[3] Other state

supreme courts have reached the same result.^[4] Given the resounding importance of the issue for litigants nationwide, the *Journal* invited comments from authors of the leading treatises on scientific evidence and from authors of evidence treatises cited by the *Logerquist* court."

1. P.3d 111 (Ariz.2000).
2. 293 F.1013 (D.C. Cir. 1923).
3. 509 U.S. 579 (1993).
4. See, e.g., *Kuhn v. Sandoz Pharmaceuticals Corp.*, 14 Fed 1170 (Kan. 2000) (relying on *Logerquist*).

All the articles in the *Arizona State Law Journal* were critical of the decision. The following excerpt is an example:

"Embracing the Darkness:
Logerquist v. McVey and the Doctrine
of Ignorance of Science is an Excuse"
Faigman, D. L

"For now, however, *Logerquist* appears to be mainly an aberration... Nonetheless, the error of *Logerquist* is worthy of consideration and study."

"I admit that I have been harsh in my criticism of the Arizona Supreme Court. The tenor of my criticism stems from my belief that the court does not simply err in its understanding of the scientific method. Instead, the opinion manifests an almost willful desire to remain in the dark ages on this subject. The court admits that 'most judges, like most jurors, have little or no technical training and are not known for expertise in science.' With this statement no one would disagree. But to fail to change this state of affairs is unforgivable. The law, by its nature, is inextricably linked with other disciplines. It relies, for example, on history, philosophy and ethics to fulfill its designated role. Would a state supreme court ever readily admit ignorance of these subjects? It is unlikely that one would try. Science and technology permeate every inch of modern society and, consequently, virtually every case before the law. Courts simply no longer have the luxury of ignoring science. The only question is how long it will take for them to fulfill this responsibility."

By FMSF Staff

Wisconsin Supreme Court Says Parents Can Sue Daughter's Therapists

Johnson v Rogers Memorial Hospital, Review of A Decision of the Court of Appeals, 2000 WI App 166, Reported at: 238 Wis. 2d 227, 616 N.W.2d 903 (Published)

(See www.courts.state.wi.us for a copy of the decision)

On June 19, 2001, the Wisconsin Supreme Court reversed an Appeals Court¹ decision and found that Karen and Charles Johnson had the right to sue their accusing daughter's therapists and hospital.

In the appeal decision that was reversed, the Court had noted that the "Johnsons' claims presented a significant collateral burden on confidentiality within the therapist-patient relationship." That court stated that it believed that medical records were necessary to resolve the Johnsons' claims in a fair way, and that because the Johnsons did not have access to these records, their claims could not be fairly resolved.

In its reversal, however, the Supreme Court noted that "In sum, in view of the current state of the record, we conclude that the Johnsons have presented claims upon which relief may be granted. The record is insufficient for us to determine whether public policy considerations bar the Johnsons' claims." The Court said that the Johnsons' lawsuit had not progressed far enough for a court to determine whether it would impinge on the patient's right to confidentiality. The Johnson case will be returned to Circuit Court in order to gather more information.

The significance of this case to FMSF families in Wisconsin is that they will now get a chance to ask some questions before a case can be dismissed. By asking questions, parents can find out who their child talked to, what credentials the child's therapists possess or even if they are licensed.

Charles and Karen Johnson are the parents of an adult daughter who was treated in Rogers Memorial Hospital in 1991. The parents contracted with the hospital to pay for their daughter's care. While in the hospital, the daughter confronted her father with allegations that he had sexually abused her as a child. Later, in a meeting with a therapist, the daughter confronted her mother with accusations of physical abuse and of supporting the sexual abuse.

The Johnsons denied the allegations and brought a third-party medical malpractice claim against the psychotherapists for falsely implanting the memory of abuse. They also sued the hospital for failing to provide appropriate treatment for their daughter. The trial court dismissed

the complaints and the Johnsons appealed.

Oral arguments for the Johnsons were given by William Smoler and Gregory P. Seibold.

Oral arguments for defendant Rogers Memorial Hospital were made by Lori Gendelman; for defendant Kay Phillips by David E. McFarlane; and for defendants Hollowell and Reisenauer by Mario D. Mendoza.

1. Johnson v Rogers Memorial Hospital No. 98-0445, Wisc Ct. Appeals dist 4, July 13, 2000 (2000 Wisc. App. LEXIS 642). See *FMSF Newsletters* 2000 9(5) and 2001 10(1).

For a recent discussion of third-party suits see: Appelbaum, P.S. "Third-party suits against therapists in recovered-memory cases" *Psychiatric Services*, 52 (1), January 2001, p. 27, 28.



New York's Highest Court Allows Experts on Eyewitness Testimony

People v. Lee No. 57 Court of Appeals of New York, 2001 NY LEXIS 1061, May 8, 2001, Decided

The New York Court of Appeals, the state's highest court, joined the federal courts and a handful of other states in enabling judges to allow expert witnesses to testify about why eyewitnesses can be unreliable.

Until recently, most courts did not allow such testimony claiming that it intruded on the sphere of the jury.

Concern about eyewitness testimony has increased significantly because of the fact that of the 86 people on death row who have recently been exonerated by DNA evidence, eyewitness testimony played a role in 46 of the convictions and was the entire prosecution case in 33 of them.

Laurence Marshall, the legal director of the Center on Wrongful Convictions at Northwestern University Law School said, "Juries think the most important factor in assessing witness credibility is the witness's level of certainty. But we now know that the amount of certainty is a function of witness personality, not their credibility."

H. Scott Wallace of the National Legal Aid and Defender Association noted that "this ruling is immensely important in confirming the major prong of the fallibility of the system."

Rovella, D.E., "Eyewitness testimony faces increasing criticism: New York high court Oks experts' challenges to truth of perception." *National Law Journal*, May 18, 2001.



"The fact that we can remember something—even have vivid and detailed memories for it—carries no guarantee that we remember it accurately."

American Scientist, Vol. 88 Jan-Feb, 2000, p. 88.
Review of *The Science of Self-Report: Implications for Research and Practice* by Rebecca Sloan Slotnick

UPDATES of cases:

Wenatchee: Meredith Town has filed a claim seeking damages in excess of \$10 million from Chelan County. Former Wenatchee police officer Bob Perez is one of the people named in the claim, in which Town said that his civil rights were violated. Because his 1994 conviction was vacated, he alleges that he was illegally held in jail for six years.^[1]

Pastor Roby Roberson has settled a civil rights lawsuit with Chelan County. The lawsuit claimed that officials failed to protect him from harm while he was incarcerated in the regional jail. The jail no longer places people accused of sex crimes in the general inmate population.^[2]

1. Gilstrap, K. "Another sex-case claim files," *Wenatchee World*, June 21, 2001.

2. Maher, S., "County Settles Roberson Litigation," *Wenatchee World*, May 17, 2001.

Bennett Braun, M.D. has amended the lawsuit filed more than a year ago in Illinois^[1] against the insurance company, risk managers and former defense attorneys in the case he says was settled against his wishes. (*Burgess v Braun*)^[2] He has now also named the American Psychiatric Association and groups that administer the APA's liability insurance program under which he was insured.

Braun claims that his career was destroyed because the APA and its insurance programs take actions that protect their own interests and not those they represent in lawsuits. He believes that the \$10.75 million settlement in 1997, made against his will, brought about the loss of his practice, damage to his reputation and great economic damage. His license to practice medicine was suspended for two years and he was expelled from the Illinois Psychiatric Society and the APA. A hearing is scheduled for October.

Grinfeld, M. J., "Lawsuit Raises questions About APA Liability Insurance Program," *Psychiatric Times* XIV (1) January 2001.

1. Case No. 99 L 06876).

2. See FMSF Newsletter Vol 6 (11) Dec '97.

Rebirthing Therapy: The Money Trail

Jaye D. Bartha

Connell Watkins and Julie Ponder, the psychotherapists convicted of reckless child abuse resulting in the death of Candace Newmaker, were each given a minimum sentence of 16 years in a state prison on June 18, 2001. (See FMSF Newsletter 10(3) May/June 2001.)

Candace's adoptive mother Jeane Newmaker, a pediatric nurse from Raleigh, North Carolina, paid \$7,000 to Connell Watkins and Associates for a "Two Week Intensive" (Rebirthing, a form of Attachment Therapy) in Evergreen, Colorado. Watkins, an unregistered and unlicensed psychotherapist, designed a program to help adopted and foster-children "bond" with their new parents.

According to the *Glasgow Herald*, four other children have died in the last few years during Attachment Therapy sessions: Viktor Matthey, age seven, in New Jersey in 1999; David Polreis, age two, in Colorado in 1997; Lucas Ciabrone, age seven, in Florida in 1997; and Crystal Ann Tibbets, age three, in Utah in 1995.^[1]

I was able to attend most of the Watkins and Ponder trial. The news reports of Candace's torture and death as shown on the video of the last therapy session were not exaggerated. Given the real danger of this unscientific therapy, I wondered if insurance or other third parties would reimburse expenses. Public documents and court testimony from the Watkins trial, unfortunately, provided little information.

A flyer describing "Watkins' Two-Week Intensive Payment Policy" states: "Due to the small nature of our agency, we do require payment in full the first day of the intensive. We have to pay our independent contractors that will be members of your treatment team and cannot afford to wait for insurance payments or payments from

state agencies."^[2]

Connell Watkins had gained considerable status in North Carolina as an "expert" in rebirthing therapy. Families with foster or adopted children were being referred to Watkins and several made the 1,700 mile trip across country for help. Mike Kernodle, a North Carolina Department of Juvenile Justice intake-counselor at a children's home, testified that "foster kids" are partly funded by a "private parenting group" which he did not specify.

At the Watkins/Ponder sentencing hearing, Roxanne Bradley testified for the defense that her adopted daughter had been successfully treated by Connell Watkins in January 2000. Bradley testified that she took her adopted daughter to more than 8 psychiatrists and psychotherapists before reaching Connell Watkins. She said that Kaiser, her insurer, initially provided one year of "talk therapy" which the mother found ineffective but Kaiser refused to fund long-term attachment therapy.

What source did Jeane Newmaker use to get \$7,000 dollars to rebirth her adoptive daughter? Are state agencies paying for foster and adoptive children to be subjected to unscientific and unregulated psychotherapies? Who runs the "private parenting group" in North Carolina? Are insurance companies paying for rebirthing therapy like they did for repressed memory therapy? What will be the long-term cost to patients and their families this time?

1. Reed, C. "The cuddles that kill..." *Glasgow Herald*, June 21, 2001.

2. *The Two Week Intensive: Therapy for Families*, by Connell Watkins & Associates at 28753 Meadow Dr., Evergreen, CO 80439. 303-674-6860. [no date].

Since by definition "attachment" involves two people, there's something odd about the way reactive attachment disorder is identified as an illness of only one of them—the one who's not paying the bills.

Caldwell, C. : "Death by Therapy"
Weekly Standard, May 28, 2001.

What Parents Can and Can't Do

Allen Feld

It seems fair to say that virtually all falsely accused parents would like a retraction. They know that they did not commit the horrendous crimes of which they are accused; they wish that the accusing offspring would recognize the truth; they believe that family reintegration is desirable and trust that it is possible.

Past Newsletters have included letters from parents who are in contact with an offspring who doesn't want to talk about the false accusations. Some families inform us that they have reached a point where a retraction, although desirable, is not necessary for their happiness. Many others long for a retraction regardless of how strong their desire for family reunification may be. Some parents adamantly state that neither family reunification nor a relationship with the accusing offspring is possible without a retraction. Perhaps a retraction is evidence to them that the accuser's mental health is improving.

Most parents report unwavering support and a disbelief of the accusations from their other children, key family members and friends. Yet, to have those important supporters hear the news of the retraction may be another indication that their support was not misplaced. For some, a retraction may be a form of public vindication.

Parents concede, at least intellectually, their inability to control the situation or to create the circumstances that might lead to a retraction. Yet for many, their self-definition of the parental role may dwarf the awareness of their limited influence in these unique circumstances.

Even when parents may realize that they are unable to get a wanted retraction, they still ask the following question: *What can we do to get a retraction or help our daughter (son) retract?* Many parents believe that

there are particular actions or specific paths that may lead to a retraction. I don't believe that anyone knows what steps will assure retractions in a significant number of cases. Nor do I believe that a course of action that seemed helpful in a particular family should be assumed to be equally helpful with other families. Such an effort may be justified, but those who follow a dictum such as "We have nothing to lose" should be mindful that the effort includes risk.

Readers may recall newsletter articles or letters from retractors and families about efforts made to "keep the door open" by sending cards, notes, e-mail, gifts, etc. The accusing person came to understand that the parents would welcome them back and forgive. Many believe that some families have been able to create a climate conducive to retracting or returning.

But there is an opposite result of such efforts in other families—returned unopened letters, gifts and cards. Some families have reported that they received notes demanding a stop to their letters and cards and, at times, even threats of legal action. Again, what I see is that efforts that seemed to have had a positive impact in some families seemed, at least in the short term, to have made matters more difficult in others.

Some families have wanted to take action by having the FMS Foundation intervene by sending certain articles to accusers. This well-intentioned aim embraces the idea that the persons reading the articles will discover the folly of their thinking and that they will value the articles in the same way as the person sending them. Early in the Foundation's existence, however, the decision was made not to send unsolicited material in this way. Unsolicited mail to accusers is inappropriate and commonly fraught with negative outcomes. We had observed that when families sent such material on their own, it often resulted in

greater hostility and alienation.

What I believe is common across the retracting experiences is that the person who retracts is the one who makes a change. Without some significant change in thinking by the accuser, a retraction seems inconceivable to me. Typically the parents' main role in the retraction process is being open to a return and finding ways to communicate this willingness to their offspring.

What the accusing offspring wishes in way of a relationship with the family is at his or her discretion. A person must have some desire to again be part of the family. Parents are only a part of a climate that may support a person's decision to retract. Recognizing both their opportunities and their limitations in dealing with their falsely accusing adult offspring will serve parents well.

Allen Feld is Director of Continuing Education for the FMS Foundation. He has retired from the faculty of the School of Social Work at Marywood University in Pennsylvania.



"How does one measure the agony of being accused of sexually assaulting one's child, especially when that accusation is made by the child herself and conveyed to her parents? Such accusations go to their very being as parents. They cannot be certain what will come of the accusations. Will they be conveyed to other people? . . . [The parents] felt branded as sex offenders and lived in dread of further disclosures. It is very difficult to put a price upon such damages."

Judge Thomas H. Barland
June 7, 2001 Wisconsin Circuit Court
Sawyer v Midelfort 96CV381
Memorandum Decision Deciding Post
Verdict Motions

Truth is stranger than Fiction, but it is because Fiction is obliged to stick to possibilities; Truth isn't.

Mark Twain, *Wit & Wisecracks* (1961)

A Few Concerns About Applying the Research by Anderson and Green

August Piper, Jr. M.D.

University of Oregon investigators have supposedly discovered "an unambiguous model for exploring memory repression": this from the respected journal *Nature*. On March 15, the journal published a study by Michael Anderson and Collin Green (1), which shows, according to an accompanying commentary (2), that people can powerfully inhibit recall of unwanted memories.

Anderson and Green's participants first learned a list of pairs of unrelated words (paired associates). The participants were then given one of the words from a previously learned pair, and were asked either 1) to say aloud the associated word, or 2) to avoid thinking about it. The investigators found, on later testing, that avoided words were recalled more poorly than unavoided ones. Martin Conway, the *Nature* commentator, claims "Anderson and Green have shown [in the laboratory] that if a memory . . . associated with something familiar (here a word) is actively avoided every time that familiar object is seen, then the memory becomes repressed and the avoided item is later difficult to remember" (2, p. 319).

As is often the case with research, the difficulties lie not so much with the science as with the uses to which people put that science. Here, in Conway's comments about repression, there lurks a potential misapplication of Anderson and Green's science, a misapplication important to anticipate and forestall. My concerns are four:

A. Conway is correct in saying that Anderson and Green's work lends support to Freud's original definition of repression. However, his discussion is potentially misleading. It fails to discourage the reader from assuming that because the Oregon experiments sup-

port the way "repression" was used in the nineteenth century, the experiments must therefore also support the kind of "repression" endorsed by today's repressed-memory theorists and practitioners. But Conway's discussion does not mention that, over the past two decades, "repression" has come to be used in a way quite different from the way Freud originally used the term (3,4,5). He also does not mention that today's heated controversy about "repressed" or "recovered" memories, so familiar to readers of this newsletter, has little to do with the way Freud used the term.

Critical distinctions exist between the way "repression" was originally used, and the way the word is used today. For Freud, and the Oregon investigators, repression involved a deliberate, controllable, targeted, and consciously-initiated inhibition: indeed, Anderson and Green even entitled their paper "Suppressing unwanted memories by executive control." But today's repressed-memory theorists and practitioners unquestionably do not believe that repression operates through this kind of deliberate, willed process. Rather, for these modern proponents, repression functions like a circuit breaker—operating *immediately, automatically, and without conscious intent* (3,4,6-9). Furthermore, it supposedly operates by a wholesale uncontrolled sweeping of whole blocks of memories into a kind of "deep freeze." These proponents believe this process causes adults traumatized as children to recall nothing of years or even decades of their lives (3-5,7, 9).

It should be clear, then, that this concept—so-called "robust" repression (3,5)—that is endorsed by today's proponents bears next to no resemblance to the original nineteenth-century concept. Therefore, no matter how much Anderson and Green's work may support Freud's original concept, it must in no sense be read as providing support for today's repressed-memory

theories or practices.

B. Conway suggests that the Oregon investigators' results may explain how repression operates in children who have been victims of maltreatment. This suggestion seems seriously flawed. Are three-year-olds, say, likely to initiate the kind of willed and deliberate repression envisioned by Anderson and Green? Are young children likely to have the conceptual, cognitive, and attentional abilities needed to "adapt their patterns of thought [by using] executive control processes"? (1, p. 368). McGinn says it well:

Children are supposed by Freud to be particularly adroit at this operation of repression. But why can they achieve easily what I am unable to bring about as an adult? Am I not usually more in control of my mental life than a mere child? I have forgotten much that I once knew, but I have to report that I don't know of a single desire or memory I have ever repressed, in Freud's sense. [Nor is there] evidence, either from manifest gaps in my memory or from the testimony of other people, than any such motivated forgetting has occurred in me (9, p. 22).

C. Anderson and Green are quite clear that the process they call suppression "pushes unwanted memories out of consciousness" (1, p. 368). But if we consider suppression to be an active, intentional process, what should we call the passive unintentional one?

These two investigators seem to believe it should be called repression. They write, "Inhibition may be sustained without any intention of avoiding the unwanted memory. . . [providing] a viable model for repression" (1, p. 368). Suppose, however, that all such unintentional processes were, in fact, considered signs of repression. All forgetting would then have to be considered to result from repression—surely not a position anyone would wish to endorse or defend.

D. Conway alludes to two major pillars of present-day repressed-memory theories and therapies: first, that amnesia regularly occurs after childhood trauma, usually sexual abuse; and second, that the amnesia results from the trauma: the amnesia supposedly functions to keep painful memories out of awareness.

But these pillars rest on shaky ground indeed. Pope and others have convincingly argued that as of 2000, no properly-designed studies had ever demonstrated evidence for post-traumatic repression (also known as dissociative or psychogenic amnesia) (10, 11,12). As of June 2001, I am unaware that any studies refuting this argument have since been published.

Moreover, the unmodified and unelaborated term "sexual abuse" fails to precisely specify the nature of the victim's mistreatment. The expression, without further specification, is therefore meaningless from a scientific standpoint. In addition, the term's vagueness is compounded by its prejudicial qualities. The reader who encounters "sexual abuse" tends to assume that it denotes some violent, aggressive act—such as intercourse with a struggling child—highly likely to cause significant and immediate pain.

In fact, however, many events rightfully considered examples of sexual abuse are not physically painful; they should thus not be considered traumatic in the sense of inducing immediate distress. For example, in about a third of the cases in Williams' study (13), the child had been subjected to nothing more painful than touching and simple fondling. (It goes without saying, of course, that to say "nothing more painful than" is in no way to excuse or justify inappropriately touching children). As Finkelhor notes,

Much sexual abuse does not occur under conditions of danger, threat, and violence. [Rather,] many abusers, misusing their authority, or manipulating

moral standards, act with the child's trust. Sometimes the fact of having been abused is recognized only in retrospect as children learn more about appropriate conduct (14, p. 328).

The discussion above helps one understand the logic of one of Pope and colleagues' requirements for a scientifically sound study that purports to provide evidence for trauma-induced repression (10,11). These writers require any such study to demonstrate that the trauma experienced by the victim was too severe to simply be forgotten.

And finally, the discussion above helps one understand another criticism of repressed-memory theory: if repression keeps painful memories out of consciousness, then why would anyone need to repress the memory of a non-painful touch? To believe that a young child would repress the memory of such a contact requires a highly dubious assumption—namely, that the child would have internalized a sophisticated analysis of such a contact. In other words, in order to need to repress the memory, the child would have to be able to understand that the touch was an illicit sexual contact, and that society condemns those who initiate such contacts.

I hope these concerns help to forestall any misapplication of Anderson and Green's interesting work.

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August Piper Jr., M.D., is the author of *Hoax and Reality: The Bizarre World of Multiple Personality Disorder*. He is in private practice in Seattle and is a member of the FMSF Scientific Advisory Board.



Examples of Recovered Memory Proponent Beliefs

"If you still have a hard time believing a survivor even though you want to, look at your own history for signs that you yourself may have been abused and are in denial (an unconscious defense mechanism that enables us to block out of our memory events that are traumatic or unpleasant).

"People in denial about their own experience of sexual abuse often have the hardest time believing the disclosures of others."

Engel, B., *Partners in Recovery* 1991 Fawcett Columbine: New York, page 55

"Many will go through a period of mourning as they give up the fantasy that they had a "normal" childhood and that their parents loved and protected them."

Engel, B., *Partners in Recovery* 1991 Fawcett Columbine: New York, page 36

The Silence

One year after my dear husband's death, our accusing daughter, from whom we had not heard for 14 years, sent me a condolence card writing that she hoped I had found peace since my loss.

I debated about responding, but finally wrote a short note of appreciation and expressed hope that we might correspond occasionally. Seven months of silence have followed. But I still treasure that tiny expression of compassion.

A Mom

A Fiance's Help

Our daughter responded to a phone call her mother made to her in 1994, even though no attempt had been made to call her during the previous three and a half years. It was strictly God's timing, for our daughter said, "I tried calling you last week." It was as if we had spoken only yesterday! She did say in that conversation, "I feel as if I need to say 'I'm sorry'!"

She left her therapist when she realized her life was going no place. She had a relationship with her after terminating therapy, but realized that the therapist had more problems than she did.

Her future husband came into her life and upon hearing her story, said to her, "Your family is not like that! You have to go back to them." She and her fiancé visited. It was only 'social' but just so good to see her and begin the process of reentering.

She came home by herself several months later. She told us what she had been through—with tears. Her dad said, "Now you need to hear what we went through." She wept and said, "I'm so sorry."

She is again part of the family. Her three siblings have taken much longer

to find their relationship with her and that is still in progress.

A Mom and Dad

Reconciliation

My other two children and I (the accused) kept in touch with each other and they kept in touch with the accuser. Eventually my daughter began calling me. I did not mention the accusations and let her reunite with me in her own time. We finally began having family gatherings which she attended. We just did not mention the past and eventually she began doing things to let me know she knew the accusations had been false. For example she asked me if I wanted my granddaughter to spend the night with me... a way of letting me know she trusted me.

A Mom

Just in Time

My husband was diagnosed with cancer in November 1997. We were unaware that the sister-in-law who had remained in touch with our daughter had told her of her dad's illness.

In early January 1999 we received a phone call from our daughter expressing her concern over "Dad's" illness. Not a thing was mentioned of the family situation. After the call I asked my husband what he would say if she called again and asked to visit. He said he would reply: "When are you coming?" He had made peace and forgiven his daughter for her heinous accusations.

Two weeks later she called with a request to come to see him. She and the one of four brothers who had believed her spent one day at home. They talked briefly with their father, his physical condition did not warrant a longer conversation.

Five days after their visit Bob died. When informed of his death she indicated that she did not wish to come for the funeral, but the night before the burial she called and changed her mind. She became very upset, crying

like a baby, when no arrangements could be made to get her here in time. She later told me that she was so emotionally upset that she could not work for a week. Was this all a result of remorse or guilt?

The accusing daughter and son have remained in close contact with our family although my younger daughter is yet unable to forgive what they did to her dad. No mention of the accusations has ever been made by either of them. I think I have forgiven both, but I still feel resentment when either comes to visit and behaves as though nothing had ever happened to disrupt this family.

I am still in a dilemma: Do I try to initiate a dialogue with the possibility of reopening this conflict or do I remain quiet and hope that someday my daughter will retract and my son will realize and express his error in judgment? One of my daily prayers is that I live long enough to see my daughter come to her senses.

Thank you FMSF for making this terrible family crisis understood world wide, for helping those of us involved in this situation realize that we were not alone, and for all others areas in which your organization has assisted accused family members. I will continue to support you as long as I am able.

A Mom

Safe Not Sorry

I continue to be amazed at the number of families who have written that they have taken their returner daughters and sons back without a retraction of the false charges. Neither my wife nor I will ever associate with our daughters without a retraction. This is not for reasons of ego but of self-preservation.

It has been nine years now and the legal clock has tolled. Without a retraction, contact risks the possibility of renewed charges and the potential for lawsuits, criminal charges, etc. Unlikely? Well, I didn't think the orig-

inal charges were likely.

She's not seeing her therapist anymore. But what if she makes new mistakes or life goes wrong again and she needs reassurance that "it's not her fault" and she goes back. What if she gets mad at me and takes the grandchildren to her therapist? No thanks!

Sure we miss our daughters and grandchildren, but after nine years we have made a new life with our other children and we are not about to place our life or freedom in jeopardy for anyone unwilling to face reality and behave as a responsible adult.

Your returning child is still that — a child who is still unwilling to take adult responsibility for his/her actions. Still more interested in not accepting blame than on admitting mistakes and easing your pain. In addition, as long as they continue to act as self-centered children blaming others for things gone wrong in their lives, you continue to be at risk of new charges stemming from the "it's not my fault" syndrome.

Those of you who have accepted unrepentant returners better make sure you are never alone with either your children or grandchildren. You might also question the motive behind this return without explanation or apology. Could it be financial? You are now 5 to 15 years older and that much closer to the inheritance thing than when the charges were first made. Ask your child if you can set up a legal plan to live with them in case of debilitating illness, inability to live alone or widowhood. Their response may tell you a lot.

I hope and pray you are not disappointed. But as for us, we'd rather be safe than sorry!

A Dad



The Courage to Heal—Again

When one of our Minnesota group members was a patient at the Mayo clinic in Rochester a few months ago, she informed us that *The Courage to*

Heal was on the shelves of their Patient Education Center. My husband and I wrote immediately to the Clinic and pointed out 1) that the presence of this book on their shelves gave it credibility, 2) that the book recommends making important life decisions based upon retrieving "repressed memories," 3) that there are no valid scientific studies to support the recommendations in this book, 4) that the authors have no mental health professional credentials, and 5) that the book has harmed many families.

We received a prompt response thanking us for pointing out the problems and informing us that the book was removed.

Minnesota Member



NEEDED

Authors to write new books:

"The Courage to Learn:" — an expose of the horrors of Recovered Memory Therapy. Useful for parents, families, returners, recanters, colleges, psychotherapists, and the general public.

"The Courage to Understand:" — a book that endeavors to provide strategies for the reconciliation of adult children and their families, people who have been divided and devastated by the insanity of Recovered Memory therapy.

A Mom

Changed Opinion

In the May/June newsletter there was a question about why siblings who supported the accusers have returned. In my case, my other two returned after three years when the accuser started revealing how her parents were heavily into satanic rituals that she was just remembering—something to do with animal blood, etc.

Another reason for returning may have been when the accuser started

attacking almost every member of their family. The parents okay, but the entire clan? They weren't buying it!

And yet another reason is the media's expose of the FMS insanity. Friends and relatives have likely informed the siblings even if they hadn't heard or seen the information. Exposure to the facts can break the spell of misguided loyalty.

A Mom



No Hope

Our daughter suffered from a pancreas problem and had been completely alcohol free for 8 years when she had a relapse in 1989. At this same time she "discovered" she was gay and has been sharing her life with a very nice woman with whom she seems happy. Her father and I are very accepting of this and thankful she has found contentment in her new life. She knows we feel this way. I mention all this because I have always thought her difficulty in accepting her homosexuality probably played a big part in her repressed memories. I would be interested to know if there is any correlation between homosexuality and repressed memories.

I have sadly given up much hope of reconciling. She resists us completely. We have six children and eight grandchildren so in many ways we are blessed. But you really never get over the loss of a beloved child, especially in such a terrible way.

A Mom



A Wonderful Letter

One day eleven years ago, our daughter suddenly presented her vague "you did horrible things to me... stay away from me and my children" letter to us. She did withdraw totally and told our two grandchildren (aged nine and eleven) never to talk with us again. (This is after we had been with them from the time they were born and helped to raise them.) They were, of

course, greatly confused and hurt.

Their father, who was divorced, defied their mother for the benefit of the children and brought them over to visit us often and for all the traditional family holidays.

We made a policy of never berating nor talking against their mother and they never commented to us about the situation. It was as though we all understood the "taboo" so we just never talked about it. We never really knew how our grandchildren felt about the situation.

Then, a few months ago, out of the clear blue sky we received a letter from the granddaughter who was nine when all this started. She expressed her feelings, and since so many newsletter readers have grandchildren, we would like to share this with you.

Dear Grandma and Grandad,

I want to tell you two how much I appreciate and love you both. When I was younger, I remember spending the night at your house. I remember loving to be ornery to get a funny face from my grandma and a laugh from my grandad. Those were some of my best times.

I never expected things would end up the way they did with my mom. For years, I imagined us all being one big happy family again. For a long time I was confused. I was also very angry that such a loving bond could be broken so quickly. If it wasn't for Dad stepping in, I don't know how things would have ended up....Thank you two for keeping your arms open to him...Throughout the whole ordeal, I want to thank you for loving my brother and me. Nor, did you talk bad about my mother. I know you love her. Those actions mean more to me than words ever could...

I want you to know that you two mean so much to me and that I love you. I am extremely thankful two caring and loving people are part of my life.

Love



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www.StopBadTherapy.com

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Illinois-Wisconsin FMS Society

www.afma.asn.au

Australian False Memory Association.

www.bfms.org.uk

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www.geocities.com/retractor

This site is run by Laura Pasley (retractor)

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www.sirs.com/uptonbooks/index.htm
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Pat 219-489-9987

IOWA

Des Moines - 1st Sat. (MO) @11:30am

Lunch

Betty & Gayle 515-270-6976

KANSAS

Wichita - Meeting as called
Pat 785-738-4840

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Louisville- Last Sun. (MO) @ 2pm
Bob 502-367-1838

MAINE

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Carolyn 207-364-8891
Portland - 4th Sun. (MO)
Wally & Bobby 207-878-9812

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Andover - 2nd Sun. (MO) @ 1pm
Frank 978-263-9795

MICHIGAN

Grand Rapids Area - 1st Mon. (MO)
Bill & Marge 616-383-0382

Greater Detroit Area -

Nancy 248-642-8077

Ann Arbor

Martha 734-439-8119

MINNESOTA

Terry & Collette 507-642-3630
Dan & Joan 651-631-2247

MISSOURI

Kansas City - Meeting as called
Pat 785-738-4840

St. Louis Area - call for meeting time
Karen 314-432-8789

Springfield - 4th Sat. Apr, Jul, Oct
@12:30pm

Tom 417-753-4878

Roxie 417-781-2058

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Lee & Avone 406-443-3189

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Nancy 973-729-1433 (Northern)

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Deadline for the September/
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Meeting notices MUST be in writing
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