



Dear Friends,

A reporter called the Foundation in March asking for a response to recent research showing that young children are less prone to false memories than are adults. She seemed concerned that the research in some way “undid” many notions that have appeared in the newsletter about the reliability of children’s testimony. That is not the case.

Reyna and Brainerd^[1] first observed that false memories increase with children’s development, and since then about 30 papers have followed by other researchers—part of the flood of scholarly information about false memories and memory development. Research has shown that meaning-based memories are primarily responsible for false memories in adults. Children develop the ability to extract meaning from experience very slowly and thus are less likely to develop false memories.

Young children can be accurate reporters of events, even traumatic events—if they are properly interviewed. The young children whose testimony has been written about in this newsletter, however, were subjected to aggressive and suggestive interviews by therapists or police officers, especially during the late 1980s and early 1990s, during the wave of day-care cases following in the wake of McMartin.

Between 1984 and 1995, there were approximately 185 adults who were charged with ritual sexual abuse. Over one hundred of those were convicted, mainly on the testimony of young children. Most, but not all, have now been released.

We received a reminder of this dreadful period when a young adult contacted the Foundation to tell us about the Glendale Montessori School case in Stuart, Florida. (See page 3.) She told us about being a student in the school and about the experience of a therapist using hypnosis to try to find “memories” of her abuse by James Toward, the headmaster of the school. That is quite aggressive interviewing! The caller said that she was concerned that the world had forgotten about the Glendale case and that Toward, in her

opinion, had been wrongly imprisoned for nineteen years.

Thanks to Goggle we were able to find enough information about this case to question Toward’s conviction. When we learned that the therapist who interviewed the first child to bring charges against Toward was Alan Tesson, M.D., we became convinced that the case should be completely reexamined. Readers of this newsletter may recall that in 1996 Dr. Tesson settled a case for \$650,000 with former patient Sue Tinker who sued him for malpractice, including the induction of false memories of abuse and satanic rituals.^[2] In this issue, we provide a few excerpts from an interview Dr. Tesson had with the first Glendale Montessori school child. Dr. Tesson was trying to help the child remember being abused. We think that , in effect, the child was abused during the interview.

Several readers contacted the Foundation after the last newsletter to express their distress at the Nebraska jury award of \$1.75 million to the daughter of Gordon Vella for the sexual abuse she claimed she had suffered as a child. A critical witness for that trial was Daniel Brown, Ph.D. who testified about dissociative amnesia. On December 14, 2007, Judge Richard G. Knopf of the United States District Court for Nebraska vacated that judgment in response to a motion brought by the daughter’s own attorney. (See page 11.)

After the trial, Gordon Vella appealed the judgment. The appeal accused Brown of misrepresentation. It stated: “newly discovered evidence establishes that Dr. Daniel Brown, either intentionally or through reckless indifference

In this issue...

<i>Glendale Montessori case</i>	3
<i>Hershel Walker</i>	8
<i>Legal Corner</i>	11
<i>From Our Readers</i>	13
<i>Bulletin Board</i>	17

The next newsletter will be sent in July.

to the truth, misrepresented the existence of an error rate relating to the hypothesis of dissociative amnesia, misrepresented the findings of numerous published articles as being supportive of dissociative amnesia theory, misrepresented the level of acceptance among the relevant scientific community for the dissociative amnesia hypothesis, and even allowed misrepresentations concerning his qualifications to testify as an expert witness.” Declarations written by R. Christopher Barden, Ph.D., J.D., Richard J. McNally, Ph.D., and Harrison Pope, Jr., M.D., M.P.H. were submitted with the Motion.

Although Brown wrote an affidavit defending his testimony, it was the plaintiff’s attorney who then asked to have the judgment vacated. Brown’s name is likely familiar to newsletter readers because he has testified in so many FMS-related cases. Readers may recall that NH Superior Court Judge Tina Nadeau wrote devastating comments about Brown’s testimony in the Bourgelais case.^[3] Daniel Brown is a prolific purveyor of misinformation about memory and repression and false memories—dragging the memory wars on and on.

The media also continue to help keep the memory wars alive by influencing the cultural climate in ways to make recovered memories and multiple personalities acceptable. New books promoting recovered memories and multiple personalities keep on coming. The most recent is a memoir from famed football star Herschel Walker called *Breaking Free: My Life with Dissociative Identity Disorder*. (See page 9) Jerry Mungadze, Ph.D., founder of the Mungadze Trauma Programs wrote the Foreword to the book. Mungadze’s name may seem familiar to some readers for his connection to memories of satanic ritual abuse and aggressive memory excavation. According to newspaper reports,^[4] Herschel Walker and his book will be featured on “60 Minutes” on April 13, 2008.

It may be that Herschel Walker has a slightly different take on MPD from what is usually found. He has explained his approach: “People have to shift themselves and their personalities in so many different areas to be successful. You don’t want Herschel Walker the football player, babysitting your kids. Those are two different people.” Those are his alters. About his childhood trauma he said: “When I was a kid I had a speech impediment and I used to get teased all the time. I didn’t love myself and I didn’t know how to love myself.”^[4]

We suspect that publishers Simon & Schuster did no more fact checking about Dr. Mungadze or multiple personality disorder and its controversial diagnosis than most other publishers had done for the numerous recent memoirs exposed as untrue. For example, Margaret Jones’ memoir claiming that she had been brought up as half Native American in a foster home, when, in reality, she had a priv-

ileged upbringing was withdrawn in March. Or Misha Defonseca’s memoir about being a Holocaust Jewish orphan at 4 who wandered alone through the forests which has also recently been exposed as false. Or Binjamin Wilkomirski’s memoir about recovering memories of being a child Holocaust survivor when, in fact, he spent the war safe in Switzerland. Or so many other books that have been exposed as frauds in some way or another. Why don’t publishers do a better routing job of fact checking to verify an author’s incredible accounts? Does it matter? Yes, it does, especially when the book is about a medical diagnosis such as multiple personality disorder that has caused such unnecessary pain and havoc in the lives of so many people. For editors, the fascination of working with a famous football hero or Holocaust survivor and the dreams of press tours, *60 Minutes* and big sales must surely cloud judgment.

As we have for so many years now, sixteen to be exact, we thank you for your support and urge you to pick up pen and paper if something in the media needs correction.

Pamela

1. Brainerd, C.J. & Reyna, V.R. (2005). *The Science of False Memory*. Oxford University Press.
2. See *Tinker v. Tesson*, in the Circuit Court of the 19th Judicial Circuit, in and for Martin County, Florida, Case No. 95-444-CA. *FMSF Newsletter*, 6(2).
3. See *NH v. Bourgelais*, No. 02-S-2834, Rockingham, NH Sup. Ct. April 4, 2005, *FMSF Newsletter*, 14(3).
4. Strickland, C. (2008, March 15). Herschel Walker reveals he suffers from multiple personality disorder. *Atlanta Journal-Constitution*. Retrieved on March 26, 2008 from <http://www.startribune.com/sports/vikings/16686526.html>.

“The problem with the brain is that it is not a very discriminating processor. It has no spam folder for imaginary or coerced memories. Movie plots, unsubstantiated rumors and images from dreams are stored in our brain alongside memories of our 10th-birthday party, first kiss and high school graduation.” (p. 48)

Lambert, K. & Lilienfeld, S.O. (2007, October/November). BrainStains. *Scientific American Mind*, 18(5), 46-53.

Amnesia: Fiction vs. Real Life

“Like the future, amnesia has become a crowded literary terrain. Rare in life, amnesia abounds in contemporary literature and in the most stylish contemporary movies.”

“Unlike amnesiacs in life, whose fugues of pathological forgetfulness are likely to be caused by strokes, brain tumors, alcoholism, malnutrition, severe trauma to the head, and degenerative diseases like Alzheimer’s, literary and cinematic amnesiacs have usually suffered psychological traumas, to be revealed in flashbacks;”

Oates, J.C. (2007, July 19). Lest we forget. *The New York Review of Books*, 54(12), 47-50.

IN MEMORIAM

Donald P. Spence, Ph.D., a long time member of the FMSF Scientific and Professional Advisory Board, died on September 25, 2007 after a short illness at the age of 81. A graduate of Harvard University, Dr. Spence received his Ph.D. in clinical psychology from Columbia University in 1955. He served in the U.S. Army from 1944 to 1946 in Europe. From 1954 to 1974, he conducted research and taught at the Research Center for Mental Health of New York University. In 1974, he became professor of psychiatry at the Robert Wood Johnson Medical School at the University of Medicine and Dentistry of New Jersey.

Dr. Spence's work ranged from studies of subliminal effects to dream interpretation and the role language plays in psychotherapy. He was the author of more than 100 articles and received many honors and awards, including the Lifetime Achievement Award for the Theoretical and Philosophical Division of the American Psychological Association in 2004.

To FMSF readers, Don is probably best known for his 1982 landmark book *Narrative Truth and Historical Truth: Meaning and Interpretation in Psychoanalysis*, Don brought fresh insights into the pitfalls of psychotherapy. "If narrative truth is confused with historical truth, then the very coherence of an account may lead us to believe that we are making contact with an actual happening."

He wrote: "The model of the patient as unbiased reporter and the analyst as unbiased listener suggests a kind of naive realism that is hard to imagine, harder to practice, and runs counter to everything we have learned about the way we come to understand the world."

Dr. Spence is greatly missed.



Glendale Montessori School Case Resurfaces

State of Florida vs. James H. Toward.
Case No.: 88-926 CF. Circuit Court of
19th Judicial Circuit in and for Martin
County, Florida

"Headmaster's evil lives on in 20-year-old abuse case," blazed the page 1 headline of the *Palm Beach Post* [1] on March 1, 2008. The article was about the satanic ritual abuse at the Glendale Montessori School in Stuart, Florida that began in 1987. The article did not call what happened a panic, however. No mention of the bizarre accusations, such as crucifixes inserted into children's anuses, appeared in the article. Rather the reporter vilified James Toward, the former headmaster of the school who has been in prison for the past 19 years with no end in sight. The reporter also described both the suffering and accomplishments of the former students at the school who were ages 3 to 5 at the time of the alleged abuse. Indeed, the article was very similar to the many articles that helped flame public opinion at the time of the trial.

If readers' only source of news about this tragic case were the *Palm Beach Post*, they would have no idea that the Glendale case was just one of the approximately hundred day care cases that followed in the wake of McMartin and its vast publicity. Readers would have no idea that virtually every step in the process of "discovering" the alleged abuse of the Glendale children has been completely discredited in the past two decades. Readers would have no reason to doubt the guilt of Mr. Toward, who is one of the last dozen or so people still incarcerated as a result of the day care hysteria that swept the country between 1984 and 1995 in which 185 adults were charged with ritual abuse. [2]

In 1989, James Toward and his office Manager Brenda Williams were arrested for abusing children at the school. Williams received a 10-year sentence and after serving her time was

released. Toward agreed to an Alford plea^[3] and received a 27-year sentence. Toward was supposed to be released in 1999, but in 1998 Florida passed the Jimmy Ryce Involuntary Civil Commitment for Sexually Violent Predators' Treatment and Care Act. Effective on January 1, 1999, the law allows the state to confine prisoners for as long as they are deemed a danger to society. The law was applied retroactively to James Toward.

Contrary to the impression given in the article in the *Palm Beach Post*, there are a number of reasons for serious doubt about the guilt of Mr. Toward who is now 77-years-old.

1. Retracting Student:

In February 2008, a former student at the Glendale Montessori School contacted the Foundation. She explained that when she was 9-years-old, she had been sent to a therapist who used hypnosis to try to uncover her "memories" of being abused at Glendale when she was two, three and four. The caller remembered a discussion of satanic ritual abuse between her therapist and his partner. She told us that because her family did not file charges and did not want her to testify, the psychologist felt they were negligent and tried to get her mother to sign release papers. Because her mother was suspicious, she refused to sign anything, and she took our caller to another therapist who was outside the Glendale community. This therapist said that the family should lead a normal life. If anything had happened, it would be revealed naturally.

The former Glendale student said that after a lot of investigation, she is now certain that Toward had been wrongly convicted. She feels that the groups concerned with the wrongly accused have overlooked the Glendale case, and she wants to find a way to free James Toward.^[4]

Evidence of the beliefs that were circulating in the community (and thus the reason for using hypnosis on the

former student), can be seen in the following quote that appeared in a 1992 article of the *Palm Beach Post*.

“Therapists say many victims [of Glendale Montessori] have blocked any memory of what happened to them at Glendale, possibly because they were told terrible things would happen if they remembered.”^[5]

2. Hearsay evidence was used:

At a pretrial hearing, Judge Dwight Geiger made the decision to allow hearsay evidence. That meant that the jury in the trial would hear parents and therapists tell what the children had said to them as opposed to the children themselves telling their stories. Richard Lubin, the attorney for James Toward, stated that the children told different stories when he interviewed them than what parents and therapists reported they said.

Allowing hearsay evidence is not uncommon in cases involving children, but it always raises reliability issues. The person reporting could have a faulty memory and forget key material. There is the very serious danger that the meaning intended by the child was misinterpreted by the person reporting. There is the serious danger that the person reporting misjudged or misunderstood what he or she heard or saw. And there is always the serious danger that a person reporting will lie. In cases in which a community is inflamed by belief in abuse, as was the case in Stuart, Florida, the very serious danger is that adults who are reporting the children’s statements will inadvertently interpret what the child said to fit with their own preconceived beliefs in and fears about satanic ritual abuse.

3. Anatomically correct dolls were used in eliciting accusations:

Anatomically correct dolls were used to diagnose abuse. Therapist Jeanne Ralicki testified on March 8, 1988, that by the child’s use of lifelike dolls to show what happened, one 4-year-old boy told her that Mr. Toward had intercourse and oral sex with him.

One of the many problems with the use of anatomical dolls is that their use has not been standardized in any form as valid evidence of past abuse. In 1989, there was no normative data with which to compare the use of the dolls with abused and non abused children. Research in subsequent years has shown that nonabused and abused children can play with the dolls in the same way.

It is always possible that therapists used the dolls in suggestive ways. In the absence of a video of a child using the dolls with the therapist, any diagnosis made with their use is not valid. Respected researchers Stephen Ceci and Maggie Bruck,^[6] noting the massive evidence for potential misuse of dolls, concluded:

“[T]here is no available scientific evidence that supports the clinical or forensic diagnosis of abuse made primarily on the basis of a very young child’s interaction with anatomical dolls.” (184)

4. Intensive interviewing:

Jeanne Ralicki, a social worker, was a member of the state-funded Child Protection Team that interviewed the children. She later went into private practice and continued to treat children from Glendale Montessori, one even a decade later in 1999. On Tuesday March 8, 1988 Ralicki testified that one of the children, a 4-year-old boy, told her that the acting director of the school had intercourse and oral sex with him. She also said that he told her this after more than 20 therapy sessions.^[7] What happened during the 20 sessions? Was the child repeatedly asked about abuse? A tremendous amount has been learned about suggestive interviewing since the Glendale trial.

When Ralicki was challenged about the reliability of what the child had said, she testified that the child’s story was much too detailed to be fabricated. Ralicki is not correct. Research has shown that children may elaborate.

The *only* way to know the truth or falsity is with external corroboration.

Another child who reported in the spring of 1989 that Mr. Toward kept containers of blood at his home and that he splattered the blood over the children, had been in therapy with Dr. Allen Tesson since August 1987.^[8] What happened in the therapy sessions between 1987 and 1989? Was the child repeatedly questioned?

Dr. Alan Tesson testified that a 6-year-old boy told him that children had been forced to dance naked, were locked in an attic, threatened with snakes, spat upon by Toward and abused after swimming. Tesson showed 50 drawings that the child had made in therapy during 1987 and 1988.^[7] What happened in all of those therapy sessions? Being asked the same questions over and over until the answer the adult wants is given is highly suggestive interviewing.

5. Child Sex Abuse Accommodation Syndrome:

Roland Summit^[9] testified that he supported the conclusions of the therapists who examined one of the children who was filing suit. Roland Summit is the author of “The Child Sexual Abuse Accommodation Syndrome” which asserts that there are five reactions children who have been sexually abused can exhibit: (1) secrecy, (2) helplessness, (3) entrapment and accommodation, (4) delayed, unconvincing disclosure, and (5) retraction. Science fails to support Summit’s claims. We now know that children with documented abuse do not exhibit denials, tentative disclosures or retractions. Summit’s support of the therapists’ diagnoses was unwarranted.^[10]

6. Bizarre beliefs of therapists who interviewed the children:

The former student who contacted the Foundation explained that she learned about the FMSF as she was doing research about the Glendale case. The doctor who interviewed the first Glendale child to make an accusa-

tion was psychiatrist Alan Tesson, M.D. (He was not the former student's therapist.) In a Foundation newsletter the former student found an article about Tesson's settling a lawsuit with Sue Tinker for \$650,000.^[11] Tinker claimed, among other things, that Tesson implanted false memories of satanic ritual abuse. During the course of the Tinker v Tesson trial, Tinker's attorney Don Russo showed that Dr. Tesson frequently consulted with self-proclaimed experts in satanic ritual abuse (e.g., Cory Hammond and Catherine Gould) on the subject of SRA mind control. ^[12] Indeed Russo portrayed Tesson as having been obsessed with satanic ritual abuse ever

Between 1984 and 1995, there were approximately 185 adults, about half of them women, who were charged with ritual sexual abuse. 113 of those were convicted, mainly on words of young children. [*]

Below is a list of some of the better known of the scores of day care cases.

- 1982 Kern county child abuse case
- 1983 McMartin preschool trial in California
- 1984 Fells Acres Day Care Center
- 1985 Wee Care Nursery School in New Jersey in April
- 1987 Cleveland child abuse scandal in England
- 1989 Glendale Montessori sexual abuse case in Stuart, Florida
- 1989 Little Rascals Day Care Center scandal in Edenton, North Carolina
- 1990 All charges dropped in McMartin preschool trial
- 1991 Christchurch Civic Creche
- 1992 Martensville Scandal, Martensville, Saskatchewan, Canada
- 1994 start of Wenatchee Sex Rings case

* Nathan, D. (1995). *Satan's Silence*.

New York: Basic Books.

See <http://members.shaw.ca/imaginarycrimes/othercases.htm>, web site of reporter Lorna Manning.

since his work with the Glendale students. To those familiar with the history of ritual abuse accusations, these names raise immediate skepticism about any case with which they — or people who have worked with them — are connected.

Jeanne Ralicki, another of the therapists who interviewed the children also holds extreme views. She lists as her specialties treatment for Dissociative Disorders, Trauma and PTSD, and Past Life Regression. She notes that the first two have been specialties since 1974.^[13] Believing that a therapist can actually “regress” a patient and find a past life must be considered bizarre in the face of the scientific evidence showing that the process of “regression” is really the process of imagination.

7. The highly charged climate of the interviews, community and trial contaminated the evidence:

Richard Lubin, the attorney for James Toward filed a motion in 1989 requesting that Chief Circuit Judge Dwight Geiger be replaced because he appeared to be prejudiced against the defendant. Lubin charged that the judge allowed himself to be influenced by a letter-writing campaign that the prosecutor had orchestrated. The judge refused to excuse himself.

Parents who believed their children had been abused formed a group and it is highly likely that accusations were shared.

The first child to bring charges was a boy we call “Tom” who had been a patient of Dr. Tesson. Tom's mother was Dr. Tesson's secretary. There is evidence of close friendships between families of accusers and some therapists.

Some of the children's therapy sessions overlapped. Therapist Jeanne Ralicki testified that on one occasion one child in her waiting room asked another “Do you remember going to Mr. T.'s house?” Ralicki said that she changed the subject, but what else may

have been exchanged among the children?

Although the trial was eventually moved to another community because of all the publicity, newspaper reports from the time indicate that it was highly likely that there was a great deal of communication between the families claiming their children had been abused and even between the children themselves.

8. Lack of physical evidence:

The questions not asked about the accusations are many. For example, if a 4-year-old had been raped, why did the parents not notice the effects and complain immediately? If children had crucifixes inserted in their anuses, why didn't the parents notice the tearing that would have necessarily occurred? If children had been taken to Mexico, without permission, why didn't the parents report that their children were missing to the police?

There was a lack of any physical evidence for the children's claims. The children said videos were made, but none were found. There was no attic in the house in which a child said that he had been kept.

In the frenzy of the time, no one seemed to notice the complete lack of physical evidence.

9. Evidence of suggestive interviews:

Following are some excerpts from and comments about an interview of “Tom” by Dr. Alan Tesson recorded on August 28, 1987. The interview took place in the child's home with the mother present. The child is 4 years 10 months old. The alleged abuse was supposed to have started in December 1986, so the child was being asked to remember incidents from the previous 7 months. (“Mr. T.” refers to Mr. Toward, the children's name for him.)

The interview is a textbook example of suggestive interviewing. It presents problems of credibility from beginning to end. Some of the prob-

lems are as follows:

a) This was not the first interview between Dr. Tesson and Tom.

Q. Okay. What I want to do today, Tom, is I want to talk a little bit like remember we talked before in here about some things? (page 4 line 9 & 10)

How many times have they met? What did they talk about? All interviews should be recorded. Unless that is done, it is impossible to know what a child might remember and what might have been suggested.

b) Tom did not want to be interviewed. He wanted to have something to eat and to play games. Dr. Tesson prodded him on throughout the interview. One problem with this approach is that Tom might say anything to get out of what he saw as an unpleasant situation.

(page 14 line 9 start)

Q. You're doing real well, okay.

We'll try to – I know it's hard for you.

A. The next time.

Q. Well, I think we really need to do it today.

A. Why?

Q. Well, it's important. What –

A. I told you one time.

Q. I know, but you need to tell me again, okay.

A. Today can it be the last time?

Q. If you tell me everything, then it can be the last time.

A. This is everything. That was everything.

(page 16 line 10 start)

Q. I need you to sit there, okay, just for a little while. Tell me before – you told me –

A. Then we're going to play a game, right? Then we're going to leave and eat my fruit rollup.

(page 17 line 21 start)

Q. Okay. Let me – you told me on one of the visits that you got sent to the office and something happened.

A. Yeah, I told you – I told you – I told you three days.

Q. Well, I know you told me before, but it's important that you tell me again, okay

A. Why?

Q. Just one more time.

A. Okay.

Q And you don't have –

A. I can't tell you anymore.

Q. Just tell me once and tell me what happened again, okay.

A. That is what happened. That's everything that happened.

Q. Well, I know you told me. You went to the office, and what happened at the office?

A. Nothing.

Q. That's not what you told me before.

A. But really nothing happened.

Q. Well, what –

A. What –

Q. Let's do this, and then we go – then we'll have some juice, okay.

A. Then we'll play our game, please.

Q. No, we need to do this now before the game, okay.

A. Maybe after I eat my fruit rollup, then we'll play our game.

Q. No, we need to talk now, okay, and finish.

A. Then I will eat my fruit rollup?

c) Dr. Tesson exerted pressure on Tom. For example, he suggested that Tom might be afraid of the things they were going to talk about.

(page 4 line 15 start)

Q. Are there a lot of things to talk about? Are you worried? Are you afraid? You're not afraid?

A. Because I'm strong.

Q. Because you're strong, okay. Well maybe –

A. Whoever's strong is not afraid right?

Q. It's okay to be afraid. Sometimes things are scary. It's okay to be afraid, but you have got people to protect you. You've got your mommy and daddy, and I'm here too. I'm here to help you and protect you, okay. I want you to sit up by your mommy though, okay.

(page 9 line 12 start)

Q. Let me ask you again about – so you were at Mr. T's house, and then what did he say to you? What did he-

A. I don't know. I don't know.

Q. Well it's okay. Looks like you're really afraid. Is it scary to talk? Okay.

And I know –

In the above example, Dr. Tesson indicates

that he thinks that if Tom says he doesn't know, then he is afraid. We already saw above that Tom wants to be strong. The message is that a strong person will give an answer.

d) Dr. Tesson will not accept Tom's responses that he does not know or does not remember.

(page 16 line 22 start)

Q. Tell me what happened. You told me something happened – you told me before something happened in his office, right?

A. I can't tell you that because I can't remember.

Q. Well, it's really important, and you need to tell me. Okay.

A. If it was every day, I would tell you every day.

Q. Okay. But tell me what happened again. Can you tell me.

A. If you can every day.

Q. Okay. Tell me again what happened in his office, okay.

A. He sent me to it and he –

Q. Just like what happened, just tell me just what happened, no more and no less.

A. (unintelligible.)

Q. Sit, sit.

A. Happened

Q. Okay. Tell me what happened.

You told me you got sent to the office Okay. And what happened then?

A. I don't know.

e) Tom likely knows he has to answer something if he is ever to get his fruit roll and time to play. Many of his answers are absurd. That so many people could have overlooked the absurdity of the stories is an indication of the "panic" of the community.

(page 7 line 15 start) When asked how he got to Mr. T's house:

Q. Did he just say – what did he say to get you in the car? Where did he tell where you were going?

A. Just throw me in the back.

(page 8 line 9 start)

Q. ... Okay. Well, tell me a little bit about what happened at his house.

Tell me –

A. I don't know any.

Q. Well, his – I'd really like you to try to remember as much as you can, okay.

A. I really can't remember.
 Q. Tell me some more then. What happened once you got to his house?
 A. He throw me in his house.
 Q. He what?
 A. He throw me in his house.
 Q. He threw you in his house?
 A. In the window
 Q. In the window.
 A. He opened the window and came outside and throwed me in.
 Q. What room? What was in the room that you went into?
 A. Guns and everything.
 (page 15 line 23 start)
 Q... Did he ever try to give you any presents or candy?
 A. Presents and candy, but I didn't take it. I throwed them out the window, and somebody else caught it, and now it's theirs.

f) Dr. Tesson asks Tom about guns. It's apparently something they had spoken about in previous sessions. Not only does Tom's story change within this session, we will compare it with changes from an excerpt of Tom's deposition two years later.

(page 6 line 19 start)
 Q. At Montessori, okay. And tell me what – tell me what happened with Mr. T.
 A. He showed me his guns, and if I ever told, he told me he would kill me with them.
 Q. He would kill you? Tell me a little bit about this. Where did [he] have these guns?
 A. In his closet at home.
 (page 9 line 1 start)
 Q. Guns and everything. Was it like – which room of the house was it?
 A. What's my dad – my dad has.
 Q. Your dad has guns?
 A. To kill rattle snakes, cobra snakes, and the other bad snake. What was the other bad snake again?
 (page 10 line 13 start)
 Q. Okay. What do you remember about the guns? Was there one gun or many guns?
 A. Just three guns.
 Q. Three?
 A. That's what my dad has.
 Q. What did they look like?
 A. All pistols.

Q. Pistols.
 A. My dad has.
 Q. Okay. Do you remember like the color?
 A. – he thought he was going to go inside and get his pistol ready to kill that snake.

Tom appears to be telling Tesson about an incident with his father's guns. Tesson ignores the reference to Tom's dad. Dr. Tesson is only interested in Mr. T's guns. Tom continues and the story becomes absurd.

Q. I see. Were you afraid when you saw the guns? No.
 A. I'm strong.
 Q. What did he say? Why did he –
 A. – and I went to the policeman and I gave it to the policemen.
 Q. I see.
 A. Every single one of them.
 Q. What did he do with the guns? Did he –
 A. I don't know. I don't know.

Was there ever a police report from Tom as he states? Dr. Tesson ignores the reference to the police. A little while later Tom tells Dr. Tesson that the guns are some place else in Mr. T's house

(page 22 line 6 start)
 Q. Same day. And then you saw the gun at the house? Was that the same day?
 A. Hanging up right there on the doorway.
 Q. You got what?
 A. Hanging up – the guns were hanging up right on the doorway.
 Q. I didn't hear you. I'm sorry.
 A. Guns were hanging up right on the doorway.

In the August 1987 interview, the guns were not shot. In fact, no guns were even found in the home of James Toward, but that did not stop interviewers from pursuing the outlandish claims.

Tom was interviewed in October 1987 by two police officers. This interview also indicates that there had been previous interviews with the officers. How many? What happened? This interview is even more preposterous than the August interview with Tesson. The transcript of the interview

could be used as a “how not to interview children” model. The police used leading questions, coercion, peer pressure, guilt-evocation, bribing, pleading, entrapment, threatening and making Tom feel that he might be the only one in the whole school who does not have the guts to disclose the sex abuse. Ironically, one of the officers later received a commendation for her “good” work in this case.

By January 26, 1989, over a year later, when Tom was deposed, all the stories had grown more absurd. The story about the guns had grown also:

“He had a gun at the door and then – then, then, when he walked out he had the gun and then he shooted it at the house and then the house caught on fire and then he ran away.”

By 1989, Tom was saying that the guns were shot and set the house on fire and it burned down. No bullets were found in the door. No guns were found. The house did not burn down.

The story about the guns just grew and grew—as did so many other incidents, including bizarre claims of abuse. The stories were the consequence of interviewers asking the same questions over and over until they got the answers they expected—aggressive and suggestive interviews.

According to sociologist Mary de Young who has been studying ritual abuse cases for more than a decade, “the [Glendale] case grew from an allegation of a single child to complaints of ritual abuse and descriptions of filmed orgies, the forced consumption of blood and feces, and rapes with crucifixes and knives.”^[14] De Young notes that press coverage at the time reflected the panic. If the March 1, 2008 article in the *Palm Beach Post* can be taken as an indicator, then press attitudes in Martin County Florida appear unchanged, despite 20 years of research advances in children's memories and the problems of interviewing children in an unbiased way.

James Toward remains in prison.

1. Taylor, J. (2008, March 1). Headmaster's evil lives on in 20-year-old abuse case. *Palm Beach Post*. Retrieved on March 3, 2008 from http://www.palmbeachpost.com/treasurecoast/content/tcoast/epaper/2008/03/01/c1a_mcto-ward_0301.html.

2. See <http://members.shaw.ca/imaginarycrimes/othercases.htm>, web site of reporter Lorna Manning. See also deYoung, M. (1997). Satanic ritual abuse in day care: An analysis of 12 American cases." *Child Abuse Review*, 6(2), 84-93.

3. In an Alford Plea the defendant does not admit guilt but does agree that there is sufficient evidence with which the prosecution might convince a judge or jury of his guilt.

4. See http://www.freetoward.org/?page_id=6 (Help Free James Toward!).

5. Taylor, J. (1992), May 24). More abuse victims found. *Palm Beach Post* 1A.

6. Ceci, S.J. & Bruck, M. (1995). Jeopardy in the Courtroom. page 184. See also: DeLoache, J. S. (2006). Mindful of symbols New Research Adds to the Evidence for Caution in Use of Anatomical Dolls with Young Children *Scientific American Mind*, 17(1), 71-75.

"The victims of abuse are often very young children, who are quite difficult to interview. Consequently, many professionals -- including police officers, social workers and mental health professionals - - employ anatomically detailed dolls, assuming that a young child will have an easier time describing what happened using a doll. Notice that this assumption entails the further assumption that a young child will be able to think of this object as both a doll and a representation of himself or herself."

"In several independent studies,... investigators have asked preschool children to report what they remember about a checkup with their pediatrician, which either had or had not included a genital check. Anatomically detailed dolls were sometimes used to question the children, sometimes not. In general, the children's reports were more accurate when they were questioned without a doll, and they were more likely to falsely report genital touching when a doll was used."

"Based on my research, I suspected that very young children might not be able to relate their own body to a doll. In a series of studies in my lab...[a researcher] placed a sticker somewhere on a child -- on a shoulder or foot, for example -- and asked the child to place a smaller version of the sticker in the same place on a doll. Children between three and three and a half usually placed the sticker correctly, but those younger than three were correct

less than half the time. The fact that these very young children cannot relate their own body to the doll's in this extremely simple situation that does not have memory demands or emotional involvement supports the general case against the use of anatomically detailed dolls in forensic situations with young children. (Because of many demonstrations akin to this one, the use of dolls with children younger than five is viewed less favorably than in the past and has been outlawed in some states.)"

7. Hughes, S. (1988, March 9). Therapist recounts boy's story of sexual abuse. *Miami Herald*, 1B.

8. Orr, R. (1989, June 13). Parents describe changes in kids at abuse hearing. *Miami Herald*, 1B

9. Summit, R.C. (1983). The child sexual abuse accommodation syndrome. *Child Abuse & Neglect*, 7, 177-193.

10. London, K, Bruck, M., Ceci, S.J. & Shuman, D.W. (2005). Disclosure of child sexual abuse: What does the research tell us about the ways that children tell? *Psychology, Public Policy, and Law*, 11(1), 194-226.

11. Staff (1997, February 1). Psychiatrist settles with former patient for \$650,000, *Tinker v. Tesson*, in the Circuit Court of the 19th Judicial Circuit, in and for Martin County, Florida, Case No. 95-444-CA. *FMSF Newsletter*, 6(2).

12. Cory Hammond, Ph.D. is famous for his "Greenbaum" speech given at a seminar for therapists. In the speech Hammond told the group that a satanic cult had been introduced to the United States by Nazi scientists who devised a mind-control system to induce cult members to commit murder, ritual sacrifices and child abuse. The Fourth Annual Eastern Regional Conference on Abuse and Multiple Personality, Thursday June 25, 1992, at the Radisson Plaza Hotel, Mark Center, Alexandria, Virginia. Sponsored by the Center for Abuse Recovery & Empowerment, The Psychiatric Institute of Washington, D.C. See *FMSF Newsletters* 13(5), Sept/Oct 1995 and 14 (5), Sept/Oct 1996 for a detailed description of the speech by Dr. Hammond.

13. See: http://therapists.psychologytoday.com/healthology/prof_detail.php?profid=43452&zipcode=34997&zipdist=20&br=healthology&fo=mentalhealth.

14. De Young, M. (2004) The Day Care Ritual Abuse Moral Panic. Jefferson, NC: McFarland & Co. (page 95).



"Creditors have better memories than debtors."

Benjamin Franklin

Herschel Walker's Multiple Personalities Where Did He Get Them?

Football legend Herschel Walker claims that he has spent his life battling the effects of multiple personality disorder. The Heisman Trophy winner and Dallas Cowboys running back has written a book titled *Breaking Free: My Life with Dissociative Identity Disorder* that is scheduled for release on April 14, 2008, according to Amazon.com, or August, 2008, according to a press release from publisher Simon & Schuster. Jerry Mungadze, Ph.D., founder of the Mungadze Trauma Programs in Bedford, Texas, wrote the Foreword to Walker's book.

Walker's family and friends were surprised about the multiple personality news according to several articles. [1]

Walker's father, Willis Walker Sr., stated: "I know him better than anybody 'cause I raised him. This is my first knowing about that. I don't know nothing about that disorder business."

Herschel's half brother Kirk Dent noted: "I don't know anything about that. Herschel doesn't really talk to me about personal things."

Vince Dooley, Walker's former Georgia coach said: "That's all news to me. All I know is whatever personality he had when he had the football was the one I liked."

One of Walker's Georgia teammates Frank Ros told the *Atlanta Journal-Constitution*: "I'm probably one of his closest friends and that's news to me. I knew he was working on a book but I just thought it was about football. He does 100 things at once and always has projects going on, but that blows me away."

"I'm in total shock. He's a good friend of mine, and I never anticipated something like this," said Jim Jeffcoat, former Cowboys defensive end.

Kevis Butler, another former teammate replied: "This is all news to me. .

. I never saw him do anything I thought bordered on being weird or strange. He was to himself a lot. I hope he's healthy, and if he needs some help, I hope he gets it. I just saw him recently, and he seemed to be doing great."

Former teammate Tim Crowe told reporters: "I heard his book was going to be about his journey from high school to Georgia to the pros to his life now. I never heard anything about multiple personalities. He's always been the same person to me."

Until the book is published, one can only hypothesize about how Herschel Walker came to realize that he has been struggling with multiple personalities his whole life. Since the Foreword of the book is written by Jerry Mungadze, Ph.D., however, it seems likely that Walker participated in the Mungadze Trauma Program.

Mungadze's name has appeared in the *FMSF Newsletter* several times over the years. Jerry Mungadze, Ph.D., a native of Zimbabwe, offers Christian treatment for victims of trauma. He received his Ph.D. in Counselor Education at the University of North Texas, Denton, Texas in 1990. His Trauma 1 classes at Dallas Baptist University are reputedly very popular. Influenced by Bennett Braun, M.D. and the International Society for the Study of Multiple Personality and Dissociation, Mungadze appears to believe in excavating memories and satanic ritual abuse.

Evidence for this appeared in a 1996 article by Evan Harrington who attended the 1995 meeting of the Society for the Investigation,

Treatment and Prevention of Ritual and Cult Abuse.^[2] Harrington wrote that the program title was "Cult and Ritual Abuse, Mind Control, and Dissociation: A Multidisciplinary Dialogue," but, he noted, the title was misleading "because there were no skeptics or critics among the speakers and, . . . any dissension from the audience was strongly discouraged — it was essentially a monologue."

Harrington described Mungadze's participation in the meeting as follows:

"Catherine Gould gave an advanced workshop in which she described the mechanics of cult mind-control, extensively utilizing the mind-as-computer model. At one point she puzzled over the idea of cult members catching AIDS. She said that no one can figure out why the offenders are not 'dropping like flies, because we know they don't practice safe cult sex.' With all the blood, cannibalism, and unprotected sex, they ought to be catching a lot of sexually transmitted diseases. Therapist Jerry Mungadze offered a unique explanation. He suggested that mind-control programming boosts the immune system, making the victim resistant to the HIV virus, and that is why children in day care satanic-ritual abuse cases do not have elevated levels of sexually transmitted diseases."

Additional evidence for Mungadze's beliefs can be found in "Safety Tips for Ritual Abuse Survivors" on the web site of Ellen Lacter, a well-known proponent of satanic ritual abuse beliefs.^[3] Lacter writes:

"Some hospitals, such as Millwood Hospital, in Arlington Texas (817-261-3121) understand ritual abuse (The Mungadze Association recently transferred it's [sic] hospital program to Millwood Hospital from Cedars Hospital, where they were previously housed) (accepts Medicare and Medicaid). Survivors can get short-term in-patient treatment, for up to one or two months. If it is unsafe to return to their original community, the survivor may choose to remain in

Texas near the hospital and to attend out-patient therapy with therapists trained at the hospital."

Mungadze's own website explains some of his beliefs about Christian Treatment of Trauma Recovery: ^[4]

"We believe that traumatic memories are stored in the sensory motor part of the brain in the temporal lobe, where the limbic system is located. The limbic system houses the parts that process information such as the Amygdala, Hippocampus, Thalamus, Hypothalamus, and all related structures."

"The problems that trauma patients have with memory, flashbacks, sensory overload (commonly referred to as body memories), are all anchored in the temporal lobe. It is the belief in Neurotherapy that these parts of the brain are to be targeted for treatment in order to help alleviate the traumatic responses that make most trauma patients miserable."

"Dr Mungadze uses picture collages as a tool to help clients express things they could not express otherwise. As outlined in B Vander [sic] Kolk's work (1995), the facts we know about the limbic system and all the research on PTSD, all serves to confirm what Dr Mungadze has been disclosing and using since the early 1990's."

1. Towers, C. (2008, January 18). Football legend claims multiple personalities. *Atlanta Journal-Constitution*, A1.

Towers, C. (2008, January 19). No one saw this coming: Family, teammates never knew Walker to behave strangely. *Atlanta Journal-Constitution*, D4.

Staff (2008, January 19). Disorder's credibility a controversial matter. *Atlanta Journal-Constitution*, D4.

2. Harrington, E. (1996, September). Conspiracy Theories and Paranoia: Notes from a Mind-Control Conference'. *CSIOP, Skeptical Inquirer*, September 1996

(<http://www.csiop.org/si/9609/conspiracy.html>)

3. Survivors, by Ellen P. Lacter, Ph.D. Updated 7-19-2005. Safety Tips for Ritual Abuse.

<http://truthbeknown2000.tripod.com/Truthbeknown2000/id10.html>

4. Mungadze Trauma Programs can be found at <http://www.mungadze.net/>

"Why do some memoir authors play fast and loose with the truth? It's no big mystery. The genre is booming. It thrives on first-person accounts of abuse, addiction and other adversity. Fiction may not be stranger than truth, but it can be more interesting."

Editorial (2008, March 6).
The fabulists. *USA Today*. p. 10A.

Danger of Inducing False Memories

Rubin, D.C. & Berntsen, D. (2007). People believe it is plausible to have forgotten memories of childhood sexual abuse. *Psychonomic Bulletin & Review*, 14 (4), 776-778.

In 2006, Kathy Pezdek and colleagues [1] demonstrated that the “perception of the plausibility of events increases the likelihood of imagination inducing false memories of those events.” They stated, however, “childhood sexual abuse is a relatively implausible event for most children,” thus implying that it is not likely that a person would develop false memories of childhood sexual abuse if a therapist asked them to imagine suspected abuse.

In a follow up of the Pezdek work, Rubin and Berntsen used a Gallup survey of a representative sample of 495 Danes and asked them how plausible it would be for a person with longstanding emotional problems and a need for psychotherapy to be a victim of childhood sexual abuse – even though the person could not remember the abuse. The results showed that 18% considered it implausible or very implausible, but that 67% considered it plausible or very plausible. Rubin and Berntsen note: “Thus it is not the plausibility of childhood sexual abuse that is striking, but the belief that many people have that it can be completely forgotten and at the same time cause severe emotional problems.”

Rubin and Berntsen reach a conclusion that is substantially different from that of Pezdek. They conclude: “there is substantial danger of inducing false memories of childhood sexual abuse through imagination in psychotherapy.”

1. Pezdek, K., Blandon-Gitlin, I., & Gabbay, P. (2006). Imagination and memory: Does imagining events lead to false autobiographical memories? *Psychonomic Bulletin & Review*, 13, 764-769.



Posing as Memories

Schlosser, A.E. (2006). Learning through virtual product experience: The role of imagery on true versus false memories. *Journal of Consumer Research*, 33, 377-383.

Increasingly, students and the general public have opportunities to learn through the use of “virtual reality,” a computer-simulated environment that can be either real or imagined. Past research has shown that imagery-evoking tools can enhance learning.

Researcher Ann Schlosser let half of 179 undergraduate students learn to use a digital camera by using a computer site that featured simple text and static pictures, a traditional way to learn. She let the other half of the students learn through a computer simulation site. In the interactive site, subjects could roll a cursor over the camera and click on its image to make changes and get more information

When Schlosser later tested the students, she found that the virtual experiences did indeed improve the students’ memories of the camera’s functions. But what that learning experience also did was increase false positives, that is, more people who learned in the virtual experience way believed that the camera could do things that it could not do. She wrote: “Although object interactivity may improve memory of associations compared to static pictures and text, it may lead to the creation of vivid internally-generated recollections that pose as memories.”

Schlosser also learned that even though students in virtual experience remembered more, they were no better than the other group when they had to recognize the actual items in real life. Schlosser notes: “The benefits of learning via virtual experience may come with costs: the ease of generating mental images may create later confusion regarding whether a retrieved mental image was perceived or imagined.”



Ryan Ferguson Case Update

State vs. Ferguson No 165368-01,
Boone County, MO Circuit Court

On March 3, 2008 attorneys for Ryan Ferguson filed an Amended Rule 29.15 Motion to Vacate Judgment and Sentence.

Ryan Ferguson was 19 when he was convicted of murder of a reporter for the *Columbia Daily Tribune*. The 2006 conviction was based solely on the evidence of his friend Charles (Chuck) Erickson's memory based on a dream. There was no physical evidence presented to connect Ryan to the crime. Indeed, videos now available on the web show that Chuck recovered his “memories” in the context of highly suggestive police interrogations.[1]

The March appeal states that Ryan was denied his rights to a fair trial because the State did not disclose information and evidence in its possession for the defense. Specifically, the State failed to disclose law enforcement interviews with a person who claimed to have additional information about the murder. Ryan was effectively barred by the state from investigating a plausible suspect for his defense.

The appeal also claims that the State failed to disclose to the defense that witness Shawna Ornt saw pictures of Ryan Ferguson and Charles Erickson in the *Columbia Daily Tribune* and she told the prosecutor, Kevin Crane, that it was not Ryan Ferguson and Charles Erickson that she saw in the parking lot of the Columbia Tribune where the murder occurred on Nov 1, 2001. The non-disclosed evidence was in the possession or control of the state, tended to negate Ryan’s guilt, and was material to the case.

1. See "Have you ever had a cop in your face?" at: <http://youtube.com>. See also *FMSF Newsletter* 15(4), July/August 2006.



Daniel Brown, Ph.D., Accused of Misrepresentation: Nebraska Jury Award of \$1.75 Million Vacated in Vella Case

Doe v Vella, U.S. Dist. Ct. D. Neb., No. 8:04-cv-00269

On December 14, 2007, Judge Richard G. Knopf of the United States District Court for Nebraska vacated the May 2007 eight-person jury award of \$1.75 million in damages to 33-year-old Jane Doe for the sexual abuse she claimed she had suffered as a child from her father Gordon Vella. ^[1] The decision was in response to a Motion to Vacate Judgment and Verdict and to Dismiss with Prejudice brought by the plaintiff. Court papers suggest that the lawsuit was vacated because of questions raised about the credibility of a key witness.

The time line is as follows: During the trial, psychologist Daniel Brown, Ph.D. served as an expert witness for the plaintiff and his testimony about the medical phenomenon of repressed and recovered memories was, apparently, critical in the jury finding Vella guilty.

On September 26, 2007, Vella's new attorneys Allen Tate and Krista Kester filed a Motion for Relief from Judgment pursuant to the Federal Rules of Civil Procedure 60(b)(3) and 60(b)(6). The motion claimed that "newly discovered evidence establishes that Dr. Daniel Brown, either intentionally or through reckless indifference to the truth, misrepresented the existence of an error rate relating to the hypothesis of dissociative amnesia, misrepresented the findings of numerous published articles as being supportive of dissociative amnesia theory, misrepresented the level of acceptance among the relevant scientific community for the dissociative amnesia hypothesis, and even allowed misrep-

resentations concerning his qualifications to testify as an expert witness."^[2] Declarations written by R.

Christopher Barden, Ph.D., J.D., Richard J. McNally, Ph.D., and Harrison Pope, Jr., M.D., M.P.H. were submitted with the Motion.

On October 29, 2007, the plaintiff filed a Brief in Opposition to the Motion for Relief. An affidavit by Daniel Brown defending his testimony was filed on the same date. Vella's attorneys began the process of preparing a reply. Before the filing deadline, however, the Plaintiff filed its own Motion to Vacate Judgment and Verdict and to Dismiss with Prejudice on November 30, 2007. On December 3, 2007, after considering the implication of Plaintiff's filing, Vella filed a withdrawal of his Rule 60(b)(3) and 60(b)(6) motion on the condition that the Court grant the Plaintiff's motion to vacate the judgment and verdict. The Court of Appeals remanded the case to the District Court on December 14, 2007, and on that same date, the District Court entered its order to grant the vacating of the judgment and dismissing the cause of action with prejudice.

Attorney for the plaintiff was Herb Friedman of Lincoln, Nebraska. Attorneys for Gordon Vella were Allen Tate and Krista Kester of Lincoln, Nebraska.

Comments about the Vella case:

"Expert witness testimony might have torpedoed \$1.7M award." January 17, 2008.

"Psychologist says he didn't cause \$1.75 million reversal." February 16, 2008.

Which headline from the Lincoln, Nebraska *Journal Star* is correct? Although Daniel Brown denied that the reversal in the Vella case was a consequence of the Barden, McNally and Pope critiques of his testimony, the timing and the fact that the order to vacate came at the request of the plain-

tiff's attorney, who was the one who hired Brown, indicate otherwise.

Brown was understandably taken aback at the critiques. In his affidavit he commented:

"It is my personal belief that these three individuals [Barden, McNally, Pope] represent a brand of 'scientific fundamentalism,' systematically and relentlessly attempting to shape the representation of evidence and to discredit anyone who dares to oppose their version of 'science.'" (p. 1)

If by "scientific fundamentalism" Brown means strong adherence to the set of beliefs of science as it is commonly understood within the relevant scientific community of academic researchers, he is correct about Barden, McNally, and Pope. Indeed, they are relentless in their efforts to ensure that the recovered memory debate be grounded in science and not pseudoscience. Brown is wrong, however, if he views their work as an effort to discredit any particular persons. Rather, they attempt to show that almost all of the research that has been presented by proponents of the belief in repressed and recovered memories fails to meet scientific criteria to show that the phenomenon even exists.

This is not the first time that Brown's testimony or writings have come under criticism. Indeed, the FMSF Newsletter has many times discussed his arguments for the existence of repression (or "dissociative amnesia"), and the reasons why those arguments fail to fulfill the criteria to show that it exists. For example, in the early 90s, Pope and colleagues set out the criteria necessary to show that repression exists: There must be evidence that the abuse actually happened; there must be evidence that the person actually had continuous dissociative amnesia/repressed memory and that the forgetting was not an example of ordinary forgetting, malingering, or for secondary gain; and there must be evidence that there was not a medical or

biological factor to explain the forgetting. Early retrospective studies offered by proponents as evidence of the existence of repression and recovery of memories failed to demonstrate that any abuse had actually taken place. A new generation of prospective studies documented the abuse but failed to show that subjects had continuous amnesia for the event. To date, the phenomenon of repression and memory recovery has not yet been scientifically demonstrated to exist.

That does not deny that many people have had the subjective experience of recovering memories. It is not surprising because people interpret their experiences within the framework of the culture in which they live, and the notion of “repressed memories” is ubiquitous in our culture—in books, movies and television. Ordinary memory processes, however, can easily explain most people’s subjective experiences. A recent study shows how unreliable such subjective experiences can be. In 2006, Simona Ghetti and colleagues [3] studied self-reported amnesia in a population of people known through the legal system to have been abused. The researchers found that if child sexual abuse was forgotten in childhood, the memory was also likely to be recovered in childhood, rather than later on in adulthood. And they found no evidence of adult recovery of [child sexual abuse] memories. They concluded: “The differences between subjective and objective memory underscore the risks of using subjective measures to assess lost memory of abuse.” (p. 1011)

Arguments about the scientific status of recovered memories are particularly important in legal cases because the results determine whether testimony on the subject will be allowed in court. Since Daubert v. Merrill-Dow Pharmaceuticals, Inc., [4] there are three legal criteria that scientific evidence is generally expected to meet if it is to be admitted in court:

The falsifiability, or refutability, or testability of the theory; Whether the theory has been subjected to peer review and publication; and The general acceptance of the theory.

In his testimony, Brown created the impression that only a “vocal minority” of people in the relevant scientific community questioned the validity of repressed and recovered memory.(p. 63) In his affidavit, however, he wrote: “I also noted that the debate over memory had become highly charged and politicized and that each side attempted to put its own spin on research findings.” The ongoing bitter controversy about repressed and recovered memories is sufficient evidence to show that there is not a general acceptance of the theory of repression within the relevant scientific community.

Some comments in Brown’s affidavit reveal the crux of the problem with his perspective on science and the admissibility of scientific evidence in courts He wrote:

“The problem with Pope’s ‘scientifically sound test’ is that it sets up an unreasonable standard of science. A fundamental difference between Pope’s view of dissociative amnesia and my own is that each of us adheres to a different standard of science. Pope’s standard of ‘science’ may best be characterized as the *definitive study standard*. Pope believes that it is possible to design a single definitive study that could address all four of the previously-mentioned criteria. In my opinion, this is an impossible standard of science that doesn’t exist for any diagnosis in the DSM.” (p. 40)

“The alternate standard of science is the *accumulation of knowledge, or multimethod, standard*. According to the accumulation of knowledge standard, scientific knowledge for a given diagnosis is more likely to attain incremental validity when multiple methods of testing are used to test multiple perspectives on the same phenomenon, with varying samples of subjects across different testing sites,

by a variety of researchers (who do not all share the same bias).” (p. 40)

Brown does not seem to appreciate that his method allows for no possible way to refute error—any claim will eventually pass a test if you look at enough tests. Perhaps an analogy can help. Many people believe that there are extra-terrestrials. They claim that there is visual evidence in photos, that there is audio evidence, that there are traces left by terrestrials in people’s bodies, and that there are examples of people who have recovered memories of extra-terrestrials. Proceeding in this manner, however, provides no way to show that extra-terrestrials do not exist. Perhaps 10% of cases are invalid. Perhaps 100% of cases are invalid. Are there extra-terrestrials? We cannot say until we have one in evidence.

Do people repress and recover memories as a response to child sexual abuse? Diagnosing “repression” in a patient is not a standardized process. It depends on the report of a patient and the evaluation of the therapist. Both of those can be influenced by the beliefs of the individuals involved, adding to the uncertainty. There is no way to know how many false positive diagnoses there might be under the circumstances (i.e. that there is a diagnosis of “repression” when, in fact, there is no repression). There is no way to show that “repression” does not exist. Are 10% of reports invalid? Are 100% invalid? We do not know. Therefore, it is necessary to show scientifically that repression and memory recovery in response to trauma does exist if it is to be allowed as evidence in Court. People have been looking for scientific evidence of repression for the past 70 years, but without success. There is, on the other hand, bountiful solid scientific evidence of human suggestibility and its effect on memory reports.

1. See *FMSF Newsletter 17 (1)*.

2. Tate, A.M. (1997, September 26). Motion for Relief from Judgment, *Doe v. Vella*,

3. Ghetti, S., Edelstein, R.S., Goodman, G.S., Cordon, I.M., Quas, J.A., Alexander, K.W., Redlich, A.D. & Jones, D.P.J. (2006). What can subjective forgetting tell us about memory for childhood trauma? *Memory & Cognition* 34(5), 10 11-1025.

4. Daubert v. Merrell Dow Pharmaceuticals, 509 U.S. 579 (1993).

Mabin, C. (2008, February 16). Psychologist says he didn't cause \$1.75 million reversal. *Lincoln Journal Star*. Retrieved on 2/18/08. Sipple, S. (2008, January 17). Expert witness testimony might have torpedoed \$1.7 M award. *Journalstar.com* Retrieved on 2/20/08 from <http://www.freerepublic.com/focus/f-news/1955209/posts>.

The declarations of Barden, McNally, Pope, and Brown are fascinating reading. These papers are public documents and any readers who would like to read them electronically should just sent an email message to mail@FMSFonline.org. Be sure to put FMSF in the header so that it does not disappear into a spam filter.



Learning About Psychoanalysis

“Psychoanalysis and its ideas about the unconscious mind have spread to every nook and cranny of the culture from Salinger to “South Park,” from Fellini to foreign policy. Yet if you want to learn about psychoanalysis at the nation’s top universities, one of the last places to look may be the psychology department.”

“A new report by the American Psychoanalytic Association [to appear June 2008] has found that while psychoanalysis—or what purports to be psychoanalysis—is alive and well in literature, film, history and just about every other subject in the humanities, psychology departments and textbooks treat it as ‘desiccated and dead,’ a historical artifact instead of ‘an ongoing movement and a living, evolving process.’”

Cohen, P. (2007, November 25).

Freud is widely taught at Universities, except in the psychology department. *New York Times*. Retrieved from http://www.nytimes.com/2007/11/25/weekinreview/25cohen.html?_r=2&oref=slogin&pagewanted=print on December 9, 2007.

F R O M O U R

R E A D E R S

The Memory Wars Revisited: Up Close and Personal

Melody Gavigan

*“My Dear Melody,
I know that flowers won't fix anything, but I don't know what else to do. I love you with all my heart. I know that you are afraid of a broken heart and I promise that I will never break it. You are everything to me and I can't imagine what I would do without you. Whenever you are ready I would love to talk with you, and listen as well. My love for you is indescribable and I never want to lose it.”*

“Lee” 2004

How blissfully unaware I was that I would be thrown headfirst into a personal nightmare sequel of “The ‘90s Memory Wars,” when, in the winter of 2006, my husband and I retired from Reno, Nevada, to the small rural town of Grass Valley, California. We came here for the weather, the intense natural beauty, the golf, and so many cultural and recreational and social opportunities for a retired couple like us.

I sit here now, alone with my elderly cocker spaniel in my little one bedroom cabin, across town from the large sprawling beautiful corner home we had leased when we first moved here. I'm still in shock over everything that has transpired in our lives over the last year. I miss my husband. I will always love him in a certain all-forgiving way. I had certainly planned on spending the rest of my life with this man. We were going to renew our vows that coming August in a church, as we had been married in a civil courthouse ceremony five years prior. But he is long gone from me now, mentally, physically, emotionally and legally. His mental decline since he started treatment for PTSD from the V.A. has been terrifying to me, and his subsequent physical decline even more so.

What does my lost marriage have to do with “Repressed Memory

Therapists” and “The Memory Wars of the ‘90s?” Everything. Just as my father lost touch with me and his granddaughter for three years due to Repressed Memory Therapy, I have now lost my husband to Repressed Memory Therapy — in the name of PTSD therapy for his short Vietnam service.

To understand what I'm talking about, I need to explain what happened to me in 1989. In November of that year I entered a women's rehab center in California for my depression and anxiety related to marital problems. My therapist was focused on recovering “repressed” memories from my childhood in order to explain my current angst.

My therapist recommended the book, *The Courage To Heal*, which said basically that if you think you might have been abused, you probably were. I racked my brain trying to remember abuse and ended up being hospitalized for six weeks. My therapist told me to “write my father a letter and tell him I would never see him again.” I was heavily medicated with Trilathon, Haldol, and Halcyon. Although the drugs made me act and walk and feel like a robot, I was sternly warned by medical personnel not to stop taking them. I hadn't needed any medications before I started that “therapy,” and I was more fragile when I left the treatment center than when I entered.

Over the next few years, I sought out regressive hypnosis, which only served to aggravate my constant state of cognitive dissonance. I knew on some level that I was making up the “memories” under hypnosis, as that was what was expected of me to “get well.” I also started a community group for incest survivors. For three years I didn't allow my father to see me, or his only granddaughter who was of preschool age.

I struggled constantly with not being sure if my “memories” of abuse

were true, so I decided to take a college class in psychology, hoping it would shed some light. I read a book about memory, and it explained how that we remember the really big things that happen to us. It was like scales fell from my eyes. I realized that I had been fooled. Duped. Conned. Bamboozled. Deceived. Misled. How utterly embarrassing! I called my father and asked him to forgive me, which he was only too happy to do.

I proudly made many television appearances with my father, who had served as a medic on the front lines of the Korean War and had been hospitalized three times for war injuries. I started *The Retractor Newsletter* and wrote the Foreword to *Victims of Memory* by Mark Pendergrast. I had biographical mentions and contributions about repressed memory theory in *Psychology Today*, *the San Francisco Examiner*, *Time*, *Suggestions of Abuse* by Michael Yapko; *The Myth of Repressed Memory* by Elizabeth Loftus, and *True Stories of False Memories* by Eleanor Goldstein & Kevin Farmer. I appeared in *Oprah* with Professor Richard Ofshe, *Fox Magazine TV*, and *CBS News* — all in the early 1990's.

After I realized that I had confabulated “memories” of abuse, I spoke with several therapists who actually thought that I really had been raped, and they tried hard to convince me that my confabulations were true. Unfortunately for their credibility, I now had a clear mind and knew the difference between my imagination and my real memories. Little did I know at the time that I was making enemies — that there were people who were upset with the work I was doing.

How did my husband fall into the hands of therapists who specialized in memory excavation nearly two decades after my experience? It all began with the purchase of a Harley Davidson motorcycle, at my suggestion. After he got it, he became part of

the Harley Davison culture. At first, I accompanied him to “HOG” meetings, which were “mainstream” and wholesome. When we attended a huge motorcycle event in Reno, I pointed out that there were motorcycle riders walking around wearing a patch for US Marines and a patch for Vietnam. He eagerly inquired about their club, which he was quick to join in Reno.

One of the first charity activities Lee's club helped to support was for a “Veterans' Stand-down.” Stand-downs are free community fairs for Veterans, started for homeless veterans to find badly needed resources such as health-care and housing. But there are not many homeless veterans in our community, because this is an expensive, historic, rural resort area near Lake Tahoe, populated mainly by wealthy folk who retired here from the San Francisco Bay area. At the stand-downs in our area, there are many classic cars, Rolls Royce's, expensive sports cars and expensive motorcycles.

(I am fully supportive of help to veterans. That is not an issue. The retired veterans here, however, are not poor. This area is too expensive for current military families or young Iraq war veterans or Afghanistan war veterans. At the same time, it can boast that it has the best resources and primary medical care nearby for Veterans. There is great disparity in the ages and neediness of Veterans here compared to Veterans in large urban areas. A part of my concern is that resources for veterans may be concentrated in an area that doesn't need them as much as other places do.)

At one of the functions, a person in a VA booth spoke with my husband about the benefits available through the VA. She asked him some questions to see if he might have PTSD. I don't know what she actually asked. I know that the VA has various screening tests that are available on their website and these seem to be based on symptoms listed in the *DSM-IV*. What I do know

is that therapists in my area with whom my husband was involved list symptoms for PTSD that go beyond the *DSM-IV*. The VA contracts with these local therapists to provide therapy. These local therapists are part of a group called VietNow that has its own website. The checklist these local therapists, to whom my husband gave his trust, lists the following symptoms for PTSD:

“Anger, irritability and rage; Feeling nervous; Depression; Difficulty trusting others; Feeling guilt over acts committed or witnessed, the failure to prevent certain events, or merely having survived while others did not; Hyper-alertness and startle reactions; Feeling grief or sadness; Having thoughts and memories that will not go away; Isolation and alienation from others; Loss of interest in pleasurable activities; Low tolerance to stress; Problems with authority; Problems feeling good about oneself; Nightmares; Substance abuse; Trouble sleeping; Anxiety Paranoia.”^[1]

My husband had very few symptoms from this checklist. *Never* did I know him to experience nightmares, difficulty sleeping, substance abuse, hyper-alertness or startle reactions, “flashbacks,” loss of interest in pleasurable activities, guilt feelings, low tolerance to stress, anxiety, paranoia or nervousness. He was the mellowest, naturally happiest guy I had ever known. His “problems with authority” consisted of being too compliant, especially if he was dealing with a female authority. He did fear confrontation. His anger, irritability, and rage *all* came later, after he started therapy.

With the promise of monetary benefits, my husband gladly signed up with the Veterans Administration without knowing what he was getting himself into. I noticed a change in my husband after a just a few private sessions. He became withdrawn, and he didn't want to go anywhere. Then he distanced himself from me and he com-

plained about me to his motorcycle club buddies. I continued to support his therapy. I loved Lee and wanted to help.

His normally sunny disposition went down hill, and he started to have fits of rage. I began to look into the philosophy behind the therapy. The literature noted that the programs were "family-oriented" and supportive of spouses who were putting up with years of anger and flashbacks. But our story had not been like that. There had been no flashbacks or rage.

Soon my husband was in weekly men's groups, in addition to weekly therapy sessions. One day he came home and told me that although the therapy was family oriented in most cases, it was not in ours. I could not figure out what was going on and wrote to the therapist. She didn't respond. I telephoned but she never replied.

I decided to check the therapist's credentials. She is a marriage and family therapist who has worked for many years under contract with the Veterans Administration. I was shocked to see that she was associated with groups that support belief in multiple personality and recovered memories such as the Sidran Foundation and Cavalcade Production. I remember videos about how to find satanic ritual abuse in patients made by Cavalcade. I found on the web that my husband's therapist describes herself as working with "trauma release" and that she believes that unresolved events can cause symptoms. She believes that the unrecovered events can be released by using EMDR, sensory motor work, and hypnosis.

How could I have stumbled into this therapy hornet's nest? Therapists with similar beliefs nearly destroyed my sanity two decades ago. I decided to notify my husband's therapist of who I was and what I knew about recovered memories. I wrote to her. I challenged the contradiction between

the claims on the website and what had happened to us. She didn't respond. I wrote again and again. Then one day Lee arrived home from therapy and demanded a divorce from me. He wanted me out, and he wanted it now. I found another place to live.

If only I had known when we moved to this idyllic community that it harbored therapists who believe in hypnosis to find the "unremembered" events that are causing PTSD symptoms! They call themselves PTSD specialists and their salaries are paid by our taxes through the Veterans Administration.

See: <http://www.vietnow.com/pagesptsd/never-toolate.htm>

Although guilt, substance abuse, problems with authority, or paranoia are not found, the rest of the symptoms in the list are those listed in the DSM-IV's description of PTSD (pages 424-428).

Compare this to the checklist from *The Courage To Heal*, the "Bible" of the incest survivor movement from the 1990s.

The Courage to Heal Checklist

How often do you suffer from the following symptoms?

- * You feel that you're bad, dirty or ashamed.
- * You feel powerless, like a victim.
- * You feel that there's something wrong with you deep down inside; that if people really knew you, they would leave.
- * You feel unable to protect yourself in dangerous situations.
- * You have no sense of your own interests, talents or goals.
- * You have trouble feeling motivated.
- * You feel you have to be perfect.

"This checklist, from Ellen Bass and Laura Davis's book *The Courage to Heal*, is supposed to identify the symptoms of incest. The trouble is that the same list could be used to identify oneself as someone who loves too much, someone who suffers from self-defeating personality disorder, or a mere human being in the late 20th century. The list is general enough to include everybody at least sometimes. Nobody doesn't fit it." Tavriss, C. (1993, January 3). Beware the incest survivor machine. *New York Times Book Review*, p. 1, 16-17.

"Nothing fixes a things so intensely in the memory as the wish to forget it."

Michel de Montaigne

My Youngest Daughter

My youngest daughter told me over the phone that now she has doubts that her Dad and youngest brother abused her because she "can't remember." I thought "wonderful," but then she went right on and told me about the many rapes she remembers by different people.

My daughter underwent hypnosis to bring about her accusations and now she can hypnotize herself. I made no comment on all this except that I told her I was glad about her dad and brother. She has a long way to go yet. I don't want to push her unless I feel it will be safe and productive.

It really does not matter much now what she believes. Her original accusations destroyed the family nucleus. I feel no trust for my daughter and that is sad.

A mom



"The biggest mischief Hollywood has gotten us into has been to perpetuate and even create myths about specific topics, such as amnesia, multiple personality disorder, the effects of psychological trauma, repressed memory, or the methods used by sex offenders. The myths are not too easy to debunk. Jurors come to their roles with strongly held beliefs, and the expert who would contradict what jurors have seen on TV puts his credibility on the line."

Park Dietz quoted in interview. Grobbins, G. (2008, March 3). Science Dude: Famed psychiatrist bemoans the state of his profession. *Orange County Register*. Retrieved on March 8, 2008 from <http://sciencedude.freedomblogging.com/2008/03/08/park-dietz-on-the-sad-state-of-forensic-psychiatry/>

"We seem but to linger in manhood to tell the dreams of our childhood, and they vanish out of memory ere we learn the language."

Thoreau

Subversive Grammar? The Bizarre Idiocy of the Correctional System.

Robert Chatelle

On February 25th, I posted a notice about my friend Michael Waterman, a prison inmate at the Massachusetts Treatment Center in Bridgewater, Massachusetts. Michael is very interested in trying to better himself. A while back, I sent him a few books, including a dictionary and a grammar book, from Amazon.com. (I've been sending prisoners books via Amazon for years.) I couldn't find the grammar book I use (it's out of print), so I took a chance on one called *Painless Grammar*. He loved it! Amazon also sent Michael one of their brochures, which listed some of the other books in the Painless series. There were three that especially interested him: *Painless Writing*, *Painless Reading Comprehension*, and *Painless Poetry*.

I got a call from Michael tonight. He told me that the prison authorities had declared the books contraband. They refused to give him any reason why they considered these books so dangerous and subversive. The contraband slip (which I have requested) only said, "Not Approved by Department of Corrections."

Michael was given two choices: authorize them to destroy the books or send them back to Amazon. But if they were sent back, he would be charged \$15 for the postage. Michael had to authorize them to destroy the books because he couldn't afford the postage. (Do some people who work for the Department of Corrections get a certain pleasure out of destroying books?)

I can't find the words to comment upon this act of stupidity and vandalism.

<http://bobchatelle.blogspot.com/2008/03/bizarre-idiocy-of-correctional-system.html>



Web Sites of Interest

<http://www.theisticsatanism.com/asp/>
Against Satanic Panics

comp.uark.edu/~lampinen/read.html
The Lampinen Lab False Memory Reading Group,
University of Arkansas

www.exploratorium.edu/memory/
The Exploratorium Memory Exhibit

www.tmdArchives.org
The Memory Debate Archives

www.francefms.com
French language website

www.psychoheresy-aware.org/ministry.html
The Bobgans question Christian counseling

www.IllinoisFMS.org
Illinois-Wisconsin FMS Society

www.ltech.net/OHIOarmhp
Ohio Group

www.afma.asn.au
Australian False Memory Association

www.bfms.org.uk
British False Memory Society

www.geocities.com/retractor
This site is run by Laura Pasley (retractor)

www.sirs.com/uptonbooks/index.htm
Upton Books

www.angelfire.com/tx/recoveredmemories/
Locate books about FMS
Recovered Memory Bookstore

www.religioustolerance.org/sra.htm
Information about Satanic Ritual Abuse

www.angryparents.net
Parents Against Cruel Therapy

www.geocities.com/newcosanz
New Zealand FMS Group

www.peterellis.org.nz
Site run by Brian Robinson contains information
about Christchurch Creche and other cases.

www.werkgroepwfh.nl
Netherlands FMS Group

www.falseallegation.org
National Child Abuse
Defense & Resource Center

www.nasw.org/users/markp
Excerpts from *Victims of Memory*

www.rickross.com/groups/fsm.html
Ross Institute

www.enigma.se/info/FFI.htm
FMS in Scandanavia - Janet Hagbom

www.ncrj.org/
National Center for Reason & Justice

www.lyingspirits.com
Skeptical Information on Theopostic Counseling

www.ChildrenInTherapy.org/
Information about Attachment Therapy

www.traumaversterking.nl
English language web site of Dutch retractor.

www.quackwatch.org
This site is run by Stephen Barrett, M.D.

www.stopbadtherapy.org
Contains information about filing complaints.

www.FMSFonline.org
Web site of FMS Foundation.

Legal Web Sites of Interest

- www.caseassist.com
- www.findlaw.com
- www.legalengine.com
- www.accused.com

Elizabeth Loftus

www.seweb.uci.edu/faculty/loftus/

The Rutherford Family Speaks to FMS Families

The DVD made by the Rutherford family is *the* most popular DVD of FMSF families. It covers the complete story from accusation, to retraction and reconciliation. Family members describe the things they did to cope and to help reunite. Of particular interest are Beth Rutherford's comments about what her family did that helped her to retract and return.

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To order send request to
FMSF -DVD, 1955 Locust St.
Philadelphia, PA 19103
\$10.00 per DVD; Canada add \$4.00;
other countries add \$10.00
Make checks payable to FMS
Foundation

Recommended Books

Remembering Trauma

Richard McNally

Science and Pseudoscience in Clinical Psychology

S. O. Lilienfeld, S.J. Lynn, J.M. Lohr (eds.)

Psychology Astray:

Fallacies in Studies of "Repressed Memory" and Childhood Trauma

by Harrison G. Pope, Jr., M.D.

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Madeline 954-966-4FMS

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Francis & Sally 941-342-8310

Tampa Bay Area

Bob & Janet 727-856-7091

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Atlanta

Wallie & Jill 770-971-8917

ILLINOIS

Chicago & Suburbs - 1st Sun. (MO)

Eileen 847-985-7693 or

Liz & Roger 847-827-1056

Peoria

Bryant & Lynn 309-674-2767

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Indiana Assn. for Responsible Mental

Health Practices

Pat 317-865-8913

Helen 574-753-2779

KANSAS

Wichita - Meeting as called

Pat 785-762-2825

KENTUCKY

Louisville- Last Sun. (MO) @ 2pm

Bob 502-367-1838

LOUISIANA

Sarah 337-235-7656

MAINE

Rumford

Carolyn 207-364-8891

Portland - 4th Sun. (MO)

Bobby 207-878-9812

MASSACHUSETTS/NEW ENGLAND

Andover - 2nd Sun. (MO) @ 1pm

Frank 978-263-9795

MICHIGAN

Greater Detroit Area

Nancy 248-642-8077

Ann Arbor

Martha 734-439-4055

MINNESOTA

Terry & Collette 507-642-3630

Dan & Joan 651-631-2247

MISSOURI

Kansas City - Meeting as called

Pat 785-738-4840

Springfield - Quarterly (4th Sat. of Apr.,

Jul., Oct., Jan.) @12:30pm

Tom 417-753-4878

Roxie 417-781-2058

MONTANA

Lee & Avone 406-443-3189

NEW HAMPSHIRE

Jean 603-772-2269

Mark 802-872-0847

NEW JERSEY

Sally 609-927-4147 (Southern)

Nancy 973-729-1433 (Northern)

NEW MEXICO

Albuquerque - 2nd Sat. (BI-MO) @1 pm

Southwest Room -Presbyterian Hospital

Maggie 505-662-7521(after 6:30pm) or

Sy 505-758-0726

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Westchester, Rockland, etc.

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NORTH CAROLINA

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OHIO

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Bob & Carole 440-356-4544

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Pittsburgh

Rick & Renee 412-563-5509

Montrose

John 570-278-2040

Wayne (includes S. NJ)

Jim & Jo 610-783-0396

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Nashville

Kate 615-665-1160

TEXAS

Houston

Jo or Beverly 713-464-8970

El Paso

Mary Lou 915-595-2966

UTAH

Keith 801-467-0669

VERMONT

Mark 802-872-0847

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Katie & Leo 414-476-0285 or

Susanne & John 608-427-3686

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The British False Memory Society

Madeline 44-1225 868-682

Deadline for the Summer 2008 issue is June 10. Meeting notices **MUST** be in writing and should be sent no later than **two months before meeting.**

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if you wish to receive electronic versions of this newsletter and notices of radio and television broadcasts about FMS. All the message need say is "add to the FMS-News". It would be useful, but not necessary, if you add your full name (all addresses and names will remain strictly confidential).

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