Dear Friends,

A new year invites comparisons. In January of 1993, the country was still trying to make sense of FMS. A large number of families were being devastated. Legal cases against parents abounded with no other evidence than a claim of recovered repressed memory. Media reports reflected unskeptical belief in the stories of abuse. These abuse stories were constructed on a trauma model: 1) The abuse was so traumatic that it led to memory loss (repression, traumatic amnesia, dissociation). 2) The forgotten memories leaked in some mysterious way and caused symptoms. 3) Therapists could tell from the symptoms that a past trauma had occurred even if the person was unaware of it. 4) Therapists had special powers to uncover the memories. 5) A person would heal after recovering the memories.

A decade later the climate is changed. Although it is still difficult for many to grasp the ease with which almost any person may come to believe something for which there is no evidence, much is now known about the causes and spread of the FMS phenomenon. Almost all introductory psychology textbooks include a section on false memories. Scholarly articles and media documentaries about false memories are readily available. Only a few new families contact the FMSF with reports of recent accusations, and many families are now concerned with reconciliation or exoneration.

Legal cases based on claims of recovered repressed memories, however, have again exploded all over the country, after showing some decline in number since the heyday in 1993. By and large, these suits seem to be riding in the wake of the avalanche of clergy-abuse cases that have come to light in the past year. The scandal involving clergy abuse is based primarily on the inadequate response of the Catholic Church to reports of abuse of adolescent boys made at the time, cases in which memory and the facts of abuse are not an issue.

It remains to be seen how the current crop of “tag-along” repressed memory claims will be resolved. On the one hand, scientific evidence shows the need for great caution in evaluating claims based solely on recovered memory evidence. On the other hand, passions are running high and, even in the courts, emotion sometimes overwhelms reason. In the legal section of this issue, for example, you can read that the Louisiana Supreme Court has opened the door wide for acceptance of repressed memory cases. As Bob Herbert recently noted, “when a desire is strong enough it can overwhelm such flimsy stuff as facts and truth.”

At a recent conference in Boston, Richard McNally, Ph.D., [2] reviewed some of the problems with the trauma model and emphasized the many ways in which research data do not support it. For example, the model assumes the memory will be banished from awareness, but most abused people remember it. The model assumes that (a) the more traumatic the incident, the more likely it will be forgotten and (b) the more frequent the trauma, the easier to forget. Yet these two beliefs go against all psychological research.

He noted that the model says that remembering the abuse aids in healing; yet this has never been shown empirically.

McNally also described new research that seems to bury other beliefs associated with the trauma model. He noted that Gail Goodman and colleagues [3] have studied 175 subjects with legally documented abuse as children, and found

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Is this your last newsletter?

If you have not responded to our annual letter, we will assume that you no longer wish to receive the printed version of the newsletter. If you have a question about your newsletter, please contact the FMSF office.

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In this issue...

Legal Former...............................................7
From Our Readers.........................................10
Conference Tapes Information..........................12
Bulletin Board ...........................................14

The next issue will be MARCH/APRIL 2003
that the more severe the abuse and the older the child was at the time of the abuse, the more likely the abuse was to have been disclosed. They also found that the relationship of the child to the abuser was not related to whether or not the child disclosed the abuse. That result goes against a commonly uttered belief that people repress memories of abuse by a close family member.

Speaking at the same conference, anthropologist Alan Young, Ph.D., reminded the audience that only a minority of people who experience significant trauma go on to develop PTSD. He provided evidence that PTSD is actually a heterogeneous classification, not a unitary mechanism as most currently assume.

This issue contains a review of a paper suggesting an alternative to the trauma model of child abuse (see page 3). The trauma model is a “one-size-fits-all” model that predicts an inevitable course after a child has been abused. A “Life Course Perspective” model, however, predicts an indirect course. It suggests that the impact to the child from abuse is a function of poor decisions that are made later because a child does not have the emotional and cognitive skills needed to manage the sexual ramifications of the abuse. This model can account for the fact that not all who are abused seem to suffer adverse outcomes later in life.

For the past decade, this newsletter has reported on research that has thoroughly undermined the foundation of the trauma model of child abuse. Yet, proponents of the model cling tenaciously to their beliefs, ignoring the abundance of contradictory evidence. On page 6 in this issue, there is a note about a continuing education program that promotes discredited notions. “Continuing miseducation” would be a more apt description. There is still, unfortunately, no mechanism within the professions to prevent continuing miseducation.

FMS news at the start of 2003 hints that some people are initiating efforts to find ways to exonerate those who have been falsely convicted. Stanley Fischer [5], speaking at the Boston conference mentioned previously, noted that there is currently no process in our legal system for exonerating someone and that the stigma of a false accusation and conviction does not go away. People who have been released from prison receive freedom, not exoneration. Over the years, many people released from prison have filed lawsuits hoping that they might find exoneration. The case of George Franklin on page 8 falls into that category. So do several cases in Wenatchee. (See Roberson, page 9.)

With awareness about the unacceptable number of false convictions growing — perhaps because of high-profile mistakes such as the “New York Jogger” case and the more than 100 death-row convictions overturned because of DNA evidence — the need for new laws is being discussed. In Massachusetts, legislation has been introduced that would allow wrongly convicted persons to sue the government (see page 8). In England, the Mullin Report urges a review of all possible cases of wrongful convictions (see page 3).

Most families long to be exonerated. A note we received in December captures the anguish, “When I read that there may not be a need for FMSF any longer, I am reminded that we are still ‘pariahs’ in the eyes of our daughters — and I shudder.” For the fortunate families in which there is a retraction, parents can feel exonerated. For the rest of our falsely accused families, exoneration is impossible. They were never legally charged, so there can be no court review. There can never be a DNA review because there was never any crime in the first place. These families will continue to do what they have been doing: Rise above the stigma, and work to change the climate surrounding accusations.

Education, education, education. Each person, professional or family member, whose life has been touched by the false-memory tragedy can help to continue improving the climate. Continue to educate people with whom you come in contact about the tragic consequences when science and evidence-based therapies are ignored. The alternative to education is a “Legacy of ‘Junk Science!'” (See page 3.)

Thank you for your generous support.

Pamela


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 Pelekowicz, Howard Fishman, Peter Freyd, Members of the FMSF Scientific Advisory Board and Members who wish to remain anonymous. Letters and information: Our Readers.

“Ask an Expert,”
This American Life — June 14, 2002
About people who turned to experts and got horrible advice.— Features the Rutherfords and a retraacting therapist.
www.thislife.org tapes@thislife.org
Tapes: “Ask an Expert,” # 215, 6/14/02, $12.
The Legacy of “Junk Science”

Elizabeth Loftus, who recently moved from Seattle, WA to Irvine, CA, received a letter from a mother in Laguna Hills, CA, who wrote that her daughter had been estranged from the family for three years. She had accused her parents, uncle, and grandmother of sexual abuse. The accusations were vague, and they came after the daughter had recovered memories with a new therapist. The mother said that her daughter’s therapist had come highly recommended by the Orange county therapeutic community. The therapist’s name was Holly Ramona.

In case you have forgotten, the Ramona trial in 1994 was the first in which a father sued his daughter’s therapist. It is the subject of an excellent 1997 book about the trial and the recovered memory phenomenon: Spectral Evidence by Moira Johnston. Holly, the daughter in the case, did not retract her accusations and went on to become a therapist.


Sexual Contact Between Children and Adults:
A Life Course Perspective
Browning, C.R. & Laumann, E.O.

Adult-child sex has been related to a host of later “symptoms,” such as low self-esteem, depression, anxiety, and sexual dysfunction. But “why” this may be the case has not been clear. The most familiar explanation has been what the authors of this article call the “psychogenic” model, a perspective that views adult-child sex mostly as a traumatic event that has consequences throughout the child’s life. This is the model associated with Post-Traumatic Stress Disorder: The worse the trauma, the worse the symptoms.

Browning and Laumann suggest an alternative model to explain the relationship between adult-child sex and adult pathology, and they present data to support it. Their Life Course Perspective model contains two key concepts: The first is “Trajectories” that are the marked pathways through life; for example, marital or work histories are considered trajectories. The second, “Transitions,” are specific events or turning points that are embedded in the trajectories; for example, a marriage is considered a transition.

The authors observe that “within the context of a child’s unfolding life, adult-child sexual contact can be seen as a transition to coupled sexual activity with an adult.” For a number of reasons, adult-child sex may “eroticize” the child and make him or her vulnerable to later sexual experiences that result in adverse effects in adulthood.

The “psychogenic” model leads to the prediction that the mental condition resulting from adult-child sexual contact directly affects the outcome of the child’s life. The Life Course Perspective model, on the other hand, suggests that the effect is indirect. It predicts that adult-child sexual contact increases the likelihood that the child will engage in potentially harmful sexual behavior in adolescence or early adulthood that, in turn, creates adverse long-term consequences.

The “psychogenic” explanation predicts that the more traumatic the sexual experience, the more severe long-term consequences will be. However, the Life Course Perspective looks at the extent to which adult-child sexual contact reinforces a sexual script that encourages high-risk sexual activity in adolescence.

The authors used data from the National Health and Social Life Survey (1992, University of Chicago). From this large body of data, they analyzed responses from 1,749 women. They found that women who were sexually abused are more sexually active in both adolescence and adulthood; they have sex at earlier ages; and they have a greater number of sexual partners in adulthood. They also are more likely to contract sexually transmitted infections.

Browning and Laumann suggest that for females, sexual abuse seems to provide access to sexuality in the absence of the emotional and cognitive skills needed to manage sexual behavior. They note that the sexual script developed during adult-child sex forms the basis on which other sexual experiences are understood and that it pulls these women into sexual trajectories that pose long-term risks. They suggest that “the impact of adult-child sex is a function, primarily, of the sexual pathway taken to adulthood — those who avoid more active and riskier sexual lives are significantly less likely to report adverse outcomes later in life.”

The psychogenic, event-centered approach to the long-term effects of child abuse implies an inevitability of adverse effects; but this model cannot account for the wide variation in human response to child abuse, including many instances in which long-term serious consequences are not observed. The Life Course Perspective model provides a framework that not only can explain the wide range of response to child sexual abuse, but can also provide a guide for interventions. It is a model that merits further study and consideration.

Notes from England

Mullin Committee Urges Review of Suspected Wrongful Convictions

For a number of years, England has had a rash of allegations of long-past sexual abuse occurring in state children’s homes; the government has offered compensation to the people who claimed to be victims. Recently, under the chairmanship of Mr. Chris Mullin, MP, the Home Affairs Committee of the House of Commons reviewed the situation and issued a report. A press release dated October
30, 2002, highlighted some of the observations and recommendations in that report. They seem relevant in the broader context of false accusations and false memories.

The report calls for a range of new safeguards and says that "a new genre of miscarriages of justice" has arisen from what it calls "the over-enthusiastic pursuit" of abuse allegations in children's homes, many relating to incidents said to have occurred 20 or 30 years ago. It also says that a large number of people who are not charged may have had their lives ruined or seriously damaged by unfounded allegations.

Mr. Bob Rullell, MP, commented:

"As this inquiry progressed, I became increasingly alarmed that there are many men in prison who are almost certainly innocent of the serious crimes for which they were convicted. The manner in which evidence was given to the courts, with several people making near identical allegations against one individual, helped create a climate where the truth was difficult to determine ..."

The Committee noted: "No one wishes to minimize the suffering of victims of abuse or the damage that it can do their lives" but went on to point out that in too many cases there was not "evidence of sufficient quality to satisfy the burden of proof."

Main recommendations in the report:

1. Few would dispute the claim that child-abuse allegations require careful and sensitive investigation. We believe, however, that when those allegations relate to long-past events, the investigation should proceed with caution. Although some guidance has already been produced, there remains a need for a clear set of prescriptive guidelines governing the conduct of police investigations and subsequent prosecution proceedings.

2. Given the prejudicial nature of the offenses, and the serious evidential difficulties, we believe there is a strong case for establishing special safeguards for trials in historical child-abuse cases. Although we reject the proposal for a statutory time limit, we believe that some form of time limitation is necessary. For this reason, we have recommended that, after a period of 10 years, prosecutions should proceed only with the court's permission.

3. The use of similar allegations, as evidence to corroborate a charge, is a particularly sensitive issue. However, given the dangers of prejudice, we believe it is necessary to tighten the rules for excluding such evidence, so that "similar fact" evidence is admitted only if it bears a striking similarity to the evidence relating to the charged offense.

4. The potential for compensation to act as an inducement for giving false or exaggerated evidence during investigations of this kind, is another area of real concern. To minimize this risk, we have recommended that the working relationship between personal injury solicitors and the police be guided by a "model relationship," to be drawn up by the Home Office.

5. We are conscious of the fact that many of these recommendations are simply closing the door after the horse has bolted. All the more important, therefore, that the Criminal Cases Review Commission and the appeal court take a robust approach to the review of suspected wrongful convictions. In the meantime, much can be done to improve the conduct of future investigations and prosecutions.

BFMS Helping Set Guidelines

Great Britian's National Institute of Clinical Excellence (NICE) has announced that it has commissioned the National Collaborating Center for Mental Health to develop a clinical guideline on depression in children and young people. The British False Memory Society is registered as a stakeholder organization, which enables it to contribute to the process.

The NICE was set up as a Special Health Authority for England and Wales in April 1999. It is part of the National Health Service, and its role is to provide patients, health professionals, and the public with authoritative and reliable guidance on current "best practice." Organizations that represent people whose cases are described in the guidelines are referred to as "stakeholders."

Note from Denmark

About 30 FMS families in Denmark joined the Nordic FMS-Society FF1. Over the years there have been five returners and just recently the first retractor. She is a 39 year old woman whose parents have been members of FF1 for many years. Nine years ago when she was depressed, she went to a charismatic regression-therapist and soon was emeshed in recovering memories — the typical story. Her condition worsened so much that she believed she was faced with committing suicide or returning to her parents. Fortunately, she decided to do the latter. Just this fall, she returned home to her overjoyed parents. Since then a great deal has happened.

Danish television produced a story about the woman and her family. They included Swedish FMS expert, Dr. Lena Hellblom Sjogren.

On November 17, the leading Danish newspaper Politiken described the problems of recovered memory therapy. (In fact, the reporters for this article came to Philadelphia and interviewed Dr. Harold Lief, a retractor, and the FMSF Executive Director.)

The Scandinavian Journal of Psychology that arrived on November 29 had its lead article on the subject of recovered memories.

The Finnish newspaper Huvud- stadbladet interviewed a Danish family and had an article about false mem-
ories during the first week of December.

What viewers and readers have seen was a revelation. In the last ten years Norway has had 15 cases involving wrongful convictions, all of them involving false sexual abuse allegations. In Norway, such people have the right to be compensated and so far $2.5 million has been paid. More cases are pending. Because of this, the Norwegian government has formed a committee to prevent false allegations from causing havoc.

**Nursery Workers Taken Off Pedophile List**

Eight years after they were acquitted by a judge on charges that they had molested children in their care at a nursery in Newcastle, England, Dawn Reed and Christopher Lillie have had their names removed from the government's pedophile list.

Reed and Lillie were originally charged in 1994, but they were acquitted because of a lack of credible evidence. After the trial, however, the Newcastle City Council commissioned an independent review team to write a report. That report, issued in 1998, accused Reed and Lillie of being pedophiles. After several years trying to clear their names, Reed and Lillie discovered that they were still on the Department for Education's secret dossier of people who are convicted or suspected of abusing children. That meant that even if they had wanted to, they could not work with children. In fact, the pair have vowed never to work with children again.

Richard Osborne, attorney for Lillie and Reed, said that they "felt as if it was an unwarranted accusation which was very much a weight on their shoulders. The fact that they have had the humiliation of being on the list shouldn't have happened, and it is something of a great relief to have their names removed."

In July 2002, Dawn Reed and Christopher Lillie won a libel suit against Newcastle City Council and were awarded the maximum amount of money possible. See FMSF Newsletter Vol. 11, No. 5, for a brief account of their incredible story.


**Fight to Clear Name**

On July 10, 1991, in Saskatoon, Saskatchewan, the police rounded up Kari and Richard Klassen along with 11 other people and charged them with molesting three foster children in their care. The couple's six-month-old baby and their two-year-old daughter were taken away along with their other children. The three foster children had told police that Richard and Kari had forced them to eat human eyeballs and feces and have sex with animals in bizarre satanic rituals.

There was no satanic cult and no ritualistic abuse. The foster children have stated recently that they lied to investigators and stated that the investigators knew the truth for a long time. However, at one point Klassen took a plea bargain and served a year in prison because he thought this would exonerate the other people who had been charged.

The prosecution finally abandoned the case and Richard Klassen then began his fight to clear his name. He noted that the way the charges had been disposed of left the impression that he and the others who had been charged were guilty. He started by putting up posters in downtown Saskatoon and protesting in front of the courthouse in an effort to get rid of the stigma of having been labeled as a child abuser. Klassen also filed a $10-million lawsuit for malicious prosecution. He has been acting as his own lawyer even though he has only a grade seven education. Klassen's fight got a big boost when the CBC program Fifth Estate did an in-depth feature about him in 2000.

Last June, Saskatoon policeman John Popowich received a $1.3-million settlement in the Martensville case. (See FMSF Newsletter Vol. 11, No. 5.) Klassen thought this decision might be helpful to his own case but that has not happened. Klassen said that financial compensation is important in bringing his lawsuit, but that his two main objectives are getting an apology and having a public inquiry. His upcoming trial should provide a public inquiry.

Warick, J. "Klassens await their day in court: A decade after the child abuse charges, they are getting a chance to clear their names," *Star Phoenix* (Saskatoon), Nov. 2, 2002.

**U.S. Supreme Court Will Review 'Megan's Laws'**

Megan's Laws refer to laws that require sex offenders to make their whereabouts known, and to find a way to get that information to the public. They were instituted during the 1990s after a particularly heinous crime in New Jersey. Megan's Laws reflect the belief that sex offenders are more likely to repeat their crimes than are other criminals. According to an article in the New York Times, the number of people imprisoned for sex crimes from 1980 to 1994 grew at a faster rate than for any other category of violent crime.

The laws have had many constitutional challenges at state levels. Two Megan's Laws appeals are currently before the U.S. Supreme Court and were argued on November 13. One was brought by Alaska in which arguments were based on whether that state's laws are punitive. The other, brought by Connecticut, addresses due process issues.

2. *Smith v. Doe*, No. 01-729, U.S. Ct. of App., 9th Cir.
3. *Connecticut Dep't of Public Safety v. Doe*, No. 01-1231.
Continuing Education?

A flyer for the following continuing education workshop crossed our desk:

“It Wasn’t a Dream: Recognizing and Analyzing, in Adult Patients, the Symptoms of Childhood Sexual Abuse: A Workshop led by Robert R. Barry, Ph.D., Saturday, Nov. 23, 2002”

“Training Institute for Mental Health Chartered by the Board of Regents of the University of the State of New York, 22 West 21 Street, New York.”

“The most careful and well conducted psychoanalyses and psychotherapies may fail to uncover traumatic sexual abuse that is at the heart of the patient’s difficulties. Rarely do memories of abuse occur clearly and directly. Instead they are reproduced as symptoms, mental distortions, or reenactments ...”* [Emphasis added]

“Dr. Barry is a training analyst at the Training Institute for Mental Health, also at the New York Freudian Society and NPAP. He is a Fellow and Past President of the Council of Psychoanalytic Psychotherapists and a member of the International Psychoanalytical Association.”

Obviously Dr Barry has not read what the professional organizations have said about “symptoms” as signs of abuse. Continuing “miseducation” might be a better description for this workshop.

Professional Organizations’ Comments on Symptoms as Indicators of Past Abuse

“No specific unique symptom profile has been identified that necessarily correlates with abuse experiences.”

American Psychiatric Association

“There is no single set of symptoms which automatically indicates that a person was a victim of childhood abuse. There have been media reports of therapists who state that people (particularly women) with a particular set of problems or symptoms must have been victims of childhood sexual abuse. There is no scientific evidence that supports this conclusion.”

American Psychological Association, Questions and Answers about Memories of Childhood Abuse, 1995.

“Psychologists recognize that there is no constellation of symptoms which is diagnostic of child sexual abuse.”

Canadian Psychological Association, Position Statement on Adult Recovered Memories of Childhood Sexual Abuse, 1996.

“Previous sexual abuse in the absence of memories of these events cannot be diagnosed through a checklist of symptoms.”

Royal College of Psychiatrists, Reported Recovered Memories of Sexual Abuse, 1997. (UK)

Are Evidence-Based Psychological Interventions Practiced by Clinicians in the Field?

Sanderson, W.C. Medscape Mental Health 7(1), 2002.
Reprinted from Mar/Apr 2002 FMSF Newsletter Vol 11 No. 2

The author notes that even though there are now many evidence-based treatments (EBT) for specific psychiatric disorders and even though these are recommended for use by professional organizations, practitioners typically do not use them. Sanderson uses treatment for panic disorder as an example. In a previous study the author found that only 15% to 38% of patients with this condition received an evidence-based psychological intervention. Even more disturbing is that an identical study done 5 years later showed that the use of EBT treatment had declined for this disorder.

Why don't therapists use therapies that have been shown to be safe and effective? Sanderson suggests that (1) they do not have the skill to administer these treatments; (2) continuing-education programs do not require training in EBTs and (3) many clinicians have a negative bias toward them. (emphasis added)

The author concludes that the failure to adopt evidence-based therapies may have a “disastrous impact on the viability of psychotherapy as the healthcare system evolves.”
LEGA L CORNER

FMSF Staff

Louisiana Supreme Court Opens Door for Repressed Memory Cases

_Doe v. Archdiocese of New Orleans_
2001-0739 (La. App. 4 Cir, 5/8/02)
2002 La. App. LEXIS 1757

In 1995, John Doe filed a civil suit alleging that Gerald A. Prinz, a former Roman Catholic priest, had sexually abused him. Doe alleged that he had only recently recovered the memories of this abuse by Father Prinz when he was nine years old in 1973 in New Orleans and later in 1978 in St. Louis. The plaintiff sued not only Prinz but also the Roman Catholic Church in New Orleans and in St. Louis.

At the recommendation of his lawyer, John Doe was examined by Edward H. Shwery, Ph.D., to determine whether Dr. Shwery thought that this was a legitimate case of abuse, amnesia, and memory recovery. Dr. Shwery stated in depositions and testimony that he believed that the plaintiff was abused, that the plaintiff had repressed the memories of it, and that the plaintiff had accurately recovered those memories in 1994. The only corroborating evidence in the case is that Doe’s parents could place him at the rectory when the molestations allegedly occurred on Easter weekend in 1973.

Church attorneys tried to have Dr. Shwery’s testimony excluded as unreliable and not scientific. However, the trial court judge ruled that the psychologist’s methods had met minimum legal tests. Church lawyers appealed this decision, arguing that the trial court had failed to subject the general theory of repressed memory to a process of full scientific scrutiny and thus had failed in its gatekeeping function. They argued that the trial court had erred in finding that the general concept of repressed memory is reliable and in not excluding Dr. Shwery’s general opinions regarding repressed memory.

In May 2002, a three-judge panel of the state’s 4th Circuit Court of Appeal in New Orleans upheld the trial judge’s decision that Doe’s memories were authentic and had been repressed for years. The church attorneys then appealed to the Louisiana Supreme Court, which refused to consider the case. This means that the John Doe case can now go to trial.

Dwight C. Paulsen III, David E. Redmann, Jr., and Terrance A. Prout of New Orleans represented the defendants. Jill Trahan and Mike Gertler of New Orleans represented the plaintiff.

Comments on Doe v. Archdiocese of New Orleans
Appeal Decision, May 2002

"Judicial skepticism is something that seems to very often go out the window in these cases."

_Tana Dineen, Ph.D.
Author, Manufacturing Victims_

"How do you disprove or prove that somebody influenced a child 10, 15 years after the fact … or did not? How do you sort out what you experienced yourself from other people’s perceptions that may have shaped your recollections? Basically, I think this is a new type of spectral evidence."

_Peter Scharf, Director of the Center for Society, Law, and Justice at the University of New Orleans_

"All of the medical associations have said the same thing — that in the absence of external corroboration, there’s no way to know the truth or the falsity of any memory. People recover memories all the time. They recover things that are historically accurate, and they very frequently have what seem to be memories that are not historically accurate."

_Pamela Freyd, Ph.D.
Executive Director, FMS Foundation_

"If these Catholic cases start hinging on repressed memory, then we’re going to see a new rash of cases brought against the Church."

_Elisabeth Loftus, Ph.D., Distinguished Professor, University of California, Irvine_


"We know… that the longer the period of time that elapses, the greater the inaccuracy of memory and the more vulnerable that memory is to suggestion."


Nolan, B. "Suit charging priest with sex abuse OK’d; Man says he repressed memories for years," _Times-Picayune_, May 11, 2002.
Court Rules George Franklin May Not Sue Police and Attorneys

After a highly publicized trial in 1990, George Franklin was convicted of the 1969 murder of his daughter’s childhood friend, Susan Nason. The only evidence in the trial was Franklin’s daughter’s memories that she had recovered with the help of a therapist and hypnosis. The Franklin case was the nation’s first murder conviction based on repressed memory, and it inspired similar prosecutions, books, documentaries, and a TV movie.

After serving six years of a life sentence, Franklin was released in 1995 because of errors in his state court trial. Although a new trial was ordered for Franklin, San Mateo County District Attorney James Fox declined to retry him, letting him go free.

Soon after his release, Franklin filed a civil suit in federal district court alleging that his daughter conspired with detectives to arrest him without probable cause. He also claimed that his daughter conspired with the assistant district attorney and a jail official to violate his rights. The district court granted summary judgment for the district attorney, detectives, and a jail official, because they met the criteria for qualified immunity in that they reasonably could have believed his daughter at the time. The judges said that no evidence of a conspiracy had been presented. The district court did not grant summary judgment to the claims against Franklin’s daughter. On November 27, 2002, the Ninth Circuit Court of Appeals agreed with the district court’s decisions.

Still pending are allegations that the daughter conspired with her therapist to concoct the damaging repressed-memory testimony. There is no trial date set in that case. According to Richard Diestel of San Francisco, the attorney for Eileen Franklin-Lipsker, Franklin’s daughter, “there will be additional discovery undertaken as to the issue of whether in fact George Franklin committed the murder of Susan Nason.”

Dennis P. Riordan of San Francisco and Andrew C. Schwartz of Walnut Creek, CA, represented George Franklin.


Proposed Massachusetts Law Would Help Wrongfully Imprisoned
2002 Massachusetts HB 5199

The Massachusetts House of Representatives is considering a proposed law that would allow people who have been wrongly imprisoned the right to get compensation from the Commonwealth.

The drafters of the proposed legislation noted that “innocent persons who have been wrongly convicted of crimes and subsequently imprisoned have difficulty achieving legal redress because of a variety of substantive and technical obstacles in state law.” They wrote that the “criminal justice apparatus has seriously failed when an innocent person is convicted and incarcerated.” The law would permit a person who was wrongfully convicted and who has demonstrated that he or she did not commit the crime to make a claim against the Commonwealth.

The Massachusetts House Committee on Public Safety has recommended that the bill be passed.

California Waives Statute of Limitations for Sexual Abuse Lawsuits Against Organizations

In July 2002, the Governor of California approved a bill waiving the statute of limitations in civil sexual abuse cases for the year 2003 only, to allow people whose lawsuits were previously dismissed on the grounds of statute of limitations to refile. It does not seem to have a bearing on cases of interest to the FMSF. In California, a lawsuit for recovery of damages from childhood sexual abuse must be brought within 8 years of the date the plaintiff reaches the age of majority or within 3 years of the date the plaintiff discovers that the psychological injury or illness occurring after the age of majority was caused by sexual abuse. The new exception to the law states that the current statutes of limitations do not apply

“If the person or entity knew or had reason to know, or was otherwise on notice, of any unlawful sexual conduct by an employee, volunteer, representative, or agent, and failed to take reasonable steps, and to implement reasonable safeguards, to avoid acts of unlawful sexual conduct in the future by that person, including, but not limited to, preventing or avoiding placement of that person in a function or environment in which contact with a child is an inherent part of that function or environment. For purposes of this subdivision, providing or requiring counseling is not sufficient, in and of itself, to constitute a reasonable step or reasonable safeguard.”

1. 2002 Cal ALS 149; 2002 Cal SB 1779; Stats 2002 ch 149.


“Research on false memories shows how easy it is to implant memories of things that never happened, while studies on perception show that we regularly fail to see what is there in front of our eyes — a truth that keeps stage magicians in work. Under the influence of drugs, sleep and disease, the brain can conjure up a range of visions to rival anything found at Hogwarts.”

Wenatchee Update: Roberson Suit Reinstated

On October 30, 2002, Spokane County Superior Court Judge Michael E. Donohue reinstated the civil rights lawsuit brought by Pastor Robert Roberson and his wife, Jonathan and Hannah Sims, and Donna Rodriguez against the city of Wenatchee, WA. The judge said that key files concerning Wenatchee police detective Bob Perez had never been turned over to the lawyers for the plaintiffs. He said that the lawyers for Wenatchee had "blindsided and misled the plaintiffs" and also the court. He said that Wenatchee was liable for all legal fees incurred by the plaintiffs in pursuing the case.

In 1994 and 1995, Wenatchee received national attention for what was then said to be the nation's most extensive child sex-abuse investigation. Sixty adults were arrested and charged with 29,726 counts of child sex abuse involving 43 children.

Higher courts have now freed all of the 18 people who had been convicted. The Innocence Project at the University of Washington Law School was deeply involved with this work. Many of the accused were poor, developmentally disabled and illiterate.

According to news reports, files in another former defendant's civil lawsuit against Wenatchee indicated that Wenatchee Police Department officials at the time were concerned about Perez's emotional stability and his fitness for duty.

Robert Van Siclen, the attorney representing Roberson, told Wenatchee reporters that "The people running your city should be ashamed of what they've done to these people."


Smith, L. "Judge reinstates ‘sex ring’ lawsuit; Donohue: City's defense lawyers misled the plaintiffs and the court," Wenatchee World, Nov. 1, 2002.

Excerpts from FMSF Newsletter, Vol. 7 No. 6, July/Aug. 1998, About the Reinstated Case Wenatchee Civil Rights Case Sent to the Jury


The primary plaintiffs in the $60 million civil lawsuit allege their rights were violated when they were accused of child rape and molestation in a 1994-95 sex-ring investigation. The defendants in the case are the city of Wenatchee and two city police officials, including Robert Perez, the lead detective in the case; the state of Washington and Child Protective Services; and Douglas County and three representatives of its Sheriff's Department.

On June 1, Judge Michael Donohue denied all motions from the City of Wenatchee to dismiss claims against it, ruling that the city was given enough notice of problems with its sex-ring investigations that its failure to address them may be evidence that it violated the civil rights of those accused. The judge also let stand civil-rights claims against three members of the Douglas County Sheriff's Department but threw out a defamation claim against Douglas County. In an 11-page ruling made just prior to defendants' presentation of their case, Judge Donohue ruled there was evidence that Perez both coerced witnesses to make accusations and retaliated against critics.

The judge said the evidence could show the city's responsibility went to "the highest policy-making levels" when it allowed Perez, its lead sex-abuse investigator, to function in "a conflict of interest" by "acting at the same time as foster father of the primary complaining witness... When faced with a conflict of interest, Wenatchee defendants had the power to do something about it. The Wenatchee defendants made a conscious decision to permit that circumstance to continue."

The rulings on the civil-rights claims are significant because those claims allow jurors to award big-money punitive damages if they find authorities trampled the plaintiffs' rights.

Late in May, the judge dismissed four state Department of Social and Health Services employees and a private counselor from the trial. All five will be tried in a separate trial on similar claims. Plaintiffs argue that Andrews used recovered memory therapy in treating several of the children, including a girl who was one of the chief accusers in the investigation.

The defense surprised the courtroom when it rested its case on June 4, after calling 14 witnesses over a span of 5 days. In opening arguments at the trial, Pat McMahon had told jurors he would prove with medical evidence that the children were raped and molested in the Wenatchee area by plaintiffs. The defense did not, however, call any of the physicians who had performed colposcopic exams of seven girls. McMahon said he only needed to prove "probable cause."

The plaintiffs, meanwhile, had emphasized themes of negligence and constitutional rights violations by authorities, particularly evidence so tainted that the accused could not fairly confront their accusers. Detective Perez's name came up often in testimony.

A former social worker who said he was fired for criticizing the investigation testified that Perez was abusive and threatening when he questioned people. Once in 1994, Perez placed his gun on a table as he repeatedly told a third-grader that she wouldn't be allowed to go back to school until she told him about abuse. "She was very scared, and she started to cry," he said.

The jury heard from the oldest brother of two of Perez's foster daughters. The boy said his sisters probably made up their accusations under pressure from Perez and other authorities "because I felt pressure when I was in an interview, and so I believe they could have been pressured." One of the boy's younger sisters, now 15, implicated dozens of people in the sex-abuse probe and was the foster daughter of Perez. In 1996 she recanted the allegations, saying she had been pressured by Perez into making them. She was then taken into state custody and placed in a series of group homes and psychiatric hospitals. In June 1998, the defense argued that she was too ill to testify at the civil trial. A deposition was taken on Feb. 19, 1998, in which the girl claimed she recanted because Pastor Roberson threatened to kill her — but said she couldn't remember the words Roberson used to threaten her or how he did it. The jury viewed the 1996 video tape recantation and heard the 1998 deposition.

The biological parents of two foster children in Perez's home confessed to sexual abuse during the scandal, but their mother — who is illiterate, with an IQ of 68 — told the civil jury she confessed only because "I was scared and I didn't know what to do." She said Perez told her "if I would tell him something, he would let me go — he wouldn't put me in jail." A veteran Wenatchee police sergeant who was assigned to assist detective Perez testified about implausible details he documented in his reports of interviews the two had conducted. Perez had habitually destroyed not only his notes of interviews but also the notes of other officials. The sergeant's notes survived and contradicted some points in Perez's reports.

Elizabeth Loftus, a psychologist at the University of California, Irvine, testified that authorities in Wenatchee should have been more skeptical. "The sheer number of rapes and sodomy going on for so many years while nobody noticed, you'd think would have raised a red flag in someone's mind."
FROM OUR READERS

After Fourteen Years

The FMSF staff has done a wonderful job. You are indeed a solid backbone and treasure beyond words in the lives of those who are near complete darkness and loss of hope. Your Foundation was our only ray of hope that no one else was able to offer.

After approximately 14 years, our daughter did return on her own. Now we are once again a family. This was beyond our dreams at one time. She doesn’t talk about what happened, and we don’t pry; we are just delighted to have her back. I do believe she wants to talk about it but is not quite ready; that can wait.

She is back on track in real life. She bought a small house for herself and has a job in her field. She is taking responsibility for herself and all her present undertakings.

Please continue to work, even if it is only to save one more child of God. I am sure He will reward you.

Grateful and happy mother

Circumstances Made Us Be Together

Part of my reason for not writing sooner has been the increasingly complicated and time-consuming details relative to my wife’s great mental and physical deterioration because of her Parkinson’s. Caring for her is a 24-hour matter. I’ve been going down hill a lot physically, too, unfortunately.

Last summer I saw my daughter briefly when she brought her mom back from an appointment. It had been some nine years since I’d seen her. A few weeks later, after bringing her mom home, I heard her voice, since we were in close proximity. Her mom was giving her some heirloom plates. Then a few weeks later, during her mom’s pre-surgery exam, my daughter and I had a long chat out in the waiting room about all kinds of things — as if nothing had happened. The point is that necessary, unavoidable circumstances made us be together.

Since my wife has become totally unable to handle household matters and our finances, my daughter and I have been working very closely at least once a week. She has been truly wonderful in handling things. Since I’m acutely aware of her limited time and energy, our dealings have been mainly business, but very open and cordial. The “problem” has never come up, so I have no idea how deeply her new view of me goes or if she’s actually come to separate fact from fantasy. But she is definitely a returner.

A dad

Here It Is

I didn’t think I would address this news to you ever — but here it is. Two weeks ago my son called and suggested that I call my daughter. Since I had not had any contact with her for years after she demanded an apology for various misdemeanors and threatened her mother and me, I hesitated; but my son was quite insistent, and so I called.

She seemed instantly overjoyed and thanked me profusely for taking the initiative. We have since talked with her and the grandchildren many times, and we maintain e-mail contact. However, we still have not met in person, and I am quite anxious about an eye-to-eye meeting.

Our sincere thanks for your support.

A happy dad

Excerpts from
Susan’s Story

[Complete story can be found at www.StopBadTherapy.com]

When I was in my mid-twenties, I began long-term therapy for depression. I was working in a Civil Service position and doing quite well except that I was in an abusive relationship. I went to a Christian therapist who had a BCSW. In the second year of therapy, he said that I had a dissociative disorder” and that I was “fragmented.” I had never heard these terms before. He stated point blank: “You were abused.” I thought this was odd because my parents never hit me or touched me inappropriately, or drank, or anything. He asked me how many times a week my parents talked to their parents, and said that once a week was normal. Since they didn’t talk once a week, that meant that they were estranged from their family. He said that my mother had emotionally crippled me in order to keep me living at home.

Things got worse in the third year. Keep in mind that I had experienced emotional problems all my life; I was so tired of being sick that I was willing to do anything to get better. The therapist said that I had multiple personality disorder (MPD) and instructed me to “map” my “system” and to refer to myself as “we.” He told me to read Uncovering the Mysteries of MPD by James Friessen. I was told I had to get worse before I could get better.

I had always been a hard worker, and I threw myself into MPD culture. I read everything I could get my hands on. I went to therapy twice a week in addition to group therapy. MPD culture became my whole life. If I said that it didn’t make sense, I was assured that it was just my “denial” after trying

One Parent In Touch

We are in the process of forming a group for those families where only one parent is in touch with the accuser. The aim is for these families to share experiences and advice by e-mail or mail. Any such family anywhere in the world may join.

To participate send your name, address, phone number, and e-mail address (if you have one) to:

OPIT, Illinois-Wisconsin FMS Society, P.O. Box 3332, Joliet, IL 60434 or e-mail: president@IllinoisFMS.org

Larry Koszewski, President, IWFMS
to protect me. I had 200 alters, and I had to get extremely organized to keep up with them.

I don't even remember how I went from MPD to Satanic Ritual Abuse (SRA), but everyone in the support group had it. I drew wonderful gruesome pictures in art therapy. But I wasn't healing. By the end of the year I became completely unable to function. My mother took my children, and I was a powerless mess.

I broke contact with the therapist because I had to move. I had never heard of False Memory Syndrome (FMS) and I knew nothing about any controversy. Then I saw a television program about FMS and it made a lot of sense. I began to have a sinking feeling. I asked my new therapist about it, and she told me it was best if I didn't watch things like that because it would only serve to feed my denial. She said that the people who made up the concept of FMS were just perpetrators who don't like being told on.

I put my nagging thoughts and feelings in the back of my mind. The main therapy. After all, I had already sacrificed everything — job, kids, family, everything — to the MPD/SRA cause. The thought that it had all been a lie was too much to bear. Even considering the possibility that all my effort might be for naught brought panic and desperation.

I moved again and slowly started taking my children back. I found a wonderful new therapist. Back when I was creating my "memories" with the old therapist, I was told to suspend disbelief and do "what if" exercises. I was supposed to imagine what might have happened. After I did, I was told that it wasn't my imagination; I was told that it was my subconscious bringing up actual memories. My new therapist, on the other hand, said maybe it happened and maybe it didn't. She focused on getting me stable in the here and now. We worked on what was not functioning in my life and how to improve it.

She opened my world to all kinds of alternative ideas. I was finally able to speak out loud that I knew that my SRA was not real and that the alters were not real.

I believe that the reason I fell apart under the MPD diagnosis is because it is expected that multiples behave in a certain way and so I fulfilled that expectation. My life got 110 percent better. I got off medications. I am now a full-time student and president of the PTA at my children's school. I have a busy and happy life.

I lost a lot because of FMS, and I am glad to be able to speak about it now.

The Best Present

We got the best Christmas present today: a card from one of our accusing daughters! We have not heard from her for 15 years. She wants to put the past behind and start fresh. She wants to open communications again with us. She signed the note "Love."

We sent a note back right away saying "Yes!"

A happy mom and dad

After Many Years

Although our family situation hasn't changed, we are comforted to know there is someone out there who understands how we feel. Our friends know our family situation and try to understand how difficult it is, but if you haven't been there, it's impossible to know.

Although my wife and I aren't active with the FMSF now, we do occasionally write letters or make contacts to make others aware of the insane therapy or of the Foundation. Thank you for providing us with a place to turn if we have questions and for the encouragement and hope we feel when we read your monthly newsletter.

Please continue, since you are the only "light" we see in the darkness of RMT.

A dad

Should Look for Sexual Abuse

It's wonderful news that fewer families are being accused, but the legacy lingers on. I think I told you my friend is doing a Master's and as part of his psychology course, a case history of a depressed woman was presented, and then the students were asked to comment. One of them, a woman social worker, immediately said, "I'd look for a history of sexual abuse, probably in her childhood..." My friend ripped into her, but it just shows how it's still there.

Concerned

Disillusioned

As a volunteer FMSF contact, I have not received any new phone calls for a year or so. While I am sure this type of accusation still exists, it would take much renewed and refreshing effort to bring this type of family destruction to the fore. Sadly to say, our group is old, disillusioned, hurt, perhaps bitter; it does not, in the main, have the vigor of "go-get-em" youth. Their cries of "investigate me, on what basis can you accuse me of such criminal and shameful acts and be accuser, jury and judge, and leave me for dead," have been disregarded.

A mom

"We are constantly rewriting and redrawing our memories. It is not like calling up fixed events. It is more like an artist painting on a canvas — taking some liberties, embellishing things here, leaving things out there."

Video Update
We apologize for the long delay. VHS tapes arrived Dec. 16; DVDs arrived Dec ___
All VHS orders received by December 16, were mailed on December 17, 2002.
DVD orders received by December 23 were mailed on December 26, 2002.

LAST CALL FOR ORDERS: There are 15 VHS sets and 3 DVD sets remaining.
Orders will be filled as received until supply is gone.

False Memory Syndrome Foundation and Illinois-Wisconsin FMS Society

October 5 & 6, 2002 National Conference Video Order Form

Videos of this conference are available on VHS and DVD while supplies last. The content of each tape is listed below. Please enter the quantity of each tape on the line under the desired format column.

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<td>Tape 4 William Smoler, J.D. (60 min)</td>
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<td>Tape 5 Religious-Affiliated Panel, (75 min), Wrap-Up (15 min)</td>
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The False Memory Syndrome Foundation
1955 Locust Street, Philadelphia, PA 19103-5766
Child Abuse Allegations: Science vs. Suspicion
Sponsored by the National Child Abuse Defense & Resource Center

Thursday, March 13
Bruce Lyons, J.D.
Overview and Current Trends in Child Abuse Cases
Judge James Barber, J.D.
Educating Your Resistant Judge
Judge Robert Kern, J.D.
Ethical Obligations in Defending Abuse Allegations
Barry Scheck, J.D.
DNA and Other Issues
Lynn Maskel, M.D.
Defending Juvenile Offenders Accused of Sex Abuse
Melvin Guyer, J.D., Ph.D.
Use and Misuse of Psychological Tests in the Courts
Margaret-Deen Parker, Ph.D. and Philip Esplin, Ed.D.
Psychological Factors Involved in Memory Distortion vs. Intentional Deceit:
Forensic Implications: A Review of the Relevant Scientific Literature

Workshops  Session 1 Options
Shaken Baby Syndrome: Dr. Plunkett & Dr. Uscinski
Voir Dire, Jury Selection, Opening/Closing: Joe Gustafson and Nancy Holland
No Budget Defense: Donald Sauvage
Cross Examination of Experts/Kids: Richard Lougee

Friday, March 14
Steve Hart, Ph.D.
Predator Issues: Fact vs. Fiction
Richard Ofshe, Ph.D.
False Confessions of Child Abuse: Why Would Someone Confess If It Were Not True?
Colin Paterson, M.D.
Temporary Brittle Bone and Other Disorders as Causes of Unexplained Fractures
Faris Bandak, M.D.
Shaken Baby Syndrome: Science versus Suspicion
Dr. Kris Sperry
What to Look for in Pathology Reports

Workshops  Session 2 Options
Shaken Baby Syndrome: Dr. Plunkett and Dr. Uscinski
Private Investigations: Harvey Shapiro and Jim LaRiviere
Cross-Examination of Cops/Experts/Kids: Mike Rothschild and M. Bradley Wishek
Child Abuse Allegations in Family/Juvenile Court: Michael Humiston

Saturday, March 15
Stephen Guertin, M.D.
Medical Sexual Abuse: What is Real, What is Not
Anthony Show, M.D.
Bruises and Burns: Differentiating Between Abuse and Non-Abuse
Roger Marks Lejeunesse, Ph.D.
Differentiating Between Real and Computer-Generated Porn: Ashcroft Case
Marcus Lawson, J.D. and Ramona Lawson
Computer Hard Drive Verification: What’s Yours? What’s Not?

For More Information or Registration Material
NCADRC, P.O. Box 638, Holland, OH 43528
Fax# 419-865-0526
www.falseallegation.org
NCADRC@bigfoot.com

“Recovered Memories: Are They Reliable?”
FREE. Call or write FMSF for pamphlets. Be sure to include your address and the number of pamphlets

Web Sites of Interest
http://comp.uark.edu/~lampinen/read.html
The Lampinen Lab False Memory Reading Group, University of Arkansas
http://www.tmdarchives.org
The Memory Debate Archives
www.francefms.com
French language website
www.StopBadTherapy.com
Contains phone numbers of professional regulatory boards in all 50 states
www.IllinoisFMS.org
Illinois-Wisconsin FMS Society
www.itechnet.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.geocities.com/therapyletters
This site is run by Deb David (retractor)
www.sirs.com/uptonbooks/index.htm
Upton Books
www.angelfire.com/tx/recoveredmemories/
Having trouble locating books about the recovered memory phenomenon?
Recovered Memory Bookstore
www.religioustolerance.org/sra.htm
Information about Satanic Ritual Abuse
www.angryparents.net
Site run by David Hunter
www.geocities.com/newcosanz/
New Zealand FMS Group
www.werkgroepwww.nl
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Legal Websites of Interest
www.casesuist.com
www.findlaw.com
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www.accused.com
PAT 785-738-4840
KENTUCKY
Louisville - Last Sun. (MO) @ 2pm
Bob 502-367-1838
MAINE
Rumford -
Carolyn 207-564-8891
Portland - 4th Sun. (MO)
Wally & Bobby 207-878-9812
MASSACHUSETTS/New ENGLAND
Andover - 2nd Sun. (MO) @ 1pm
Frank 978-263-9795
MICHIGAN
Grand Rapids Area - 1st Mon. (MO)
Bill & Marge 616-382-0932
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Ann Arbor
Martha 734-439-4055
MINNESOTA
Terry & Colette 952-642-3530
Don & Joan 612-631-2137
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KANSAS CITY - Meeting as called
Pat 816-758-4840
St. Louis Area - call for meeting time
Karen 314-432-8769
@ 12:30pm
Tom 417-753-6878
Roxie 417-781-2058
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Lee & Avone 406-443-3189
NEW HAMPSHIRE
Mark 603-872-0847
NEW JERSEY
Sally 609-927-5343 (Southern)
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John 250-721-3219
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Roger: Phone & Fax 352-897-9284
ISRAEL
FMS ASSOCIATION fax-972-2-625-9282
NETHERLANDS
Task Force FMS at Werkgroep Fictieve
Herinneringen
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NEW ZEALAND
Colleen 09-416-7443
SWEDEN
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notice MUST be in writing and sent
no later than two months before meeting.
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