

1 STATE OF ILLINOIS)
2 COUNTY OF L A K E) SS.
3 IN THE CIRCUIT COURT OF THE 19TH JUDICIAL CIRCUIT
4 LAKE COUNTY ILLINOIS
5 THE PEOPLE OF THE STATE OF ILLINOIS,
6 Plaintiff,
7 -vs-) GENERAL NO.
8 GAIL SAVAGE,) 93 CF 1888
9 Defendant.)

10
11 EXCERPT OF REPORT OF PROCEEDINGS had in the
12 above-entitled cause before the HONORABLE
13 CHARLES F. SCOTT, Judge of said Court, on the
14 28th day of April, A.D. 1994.

15
16 APPEARANCES:
17 MR. MATTHEW CHANCEY and
18 MS. CLAUDIA KASTEN,
Assistant State's Attorneys,
19 Appeared on behalf of the Plaintiff;
20
21 MR. ROBERT HAUSER,
22 Appeared on behalf of the Defendant.
23
24 REPORTED BY: MARIANNE K. LIGENZA, CSR.

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1 * * *
2 (The following proceedings
3 were had within the presence

4 and hearing of the jury:)

5 RICHARD OFSHE,

6 having been previously sworn, was examined and

7 testified as follows:

8 DIRECT EXAMINATION

9 BY MR. HAUSER:

10 Q Doctor, would you tell us your name, please?

11 A Richard J. Ofshe.

12 Q Would you spell the last name for the court
13 reporter?

14 A O-f-s-h-e.

15 Q And I call you doctor. Could you relate
16 what type of doctor you are?

17 A My doctorate is in sociology, and my area of
18 expertise within that field is in social psychology.

19 MR. CHANCEY: Objection.

20 THE COURT: Step up.

21 (Proceedings were had outside
22 the hearing of the jury,
23 after which the following
24 proceedings were had within

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1 the hearing of the jury:)

2 BY MR. HAUSER:

3 Q I am sorry, your specialty is within --

4 MR. CHANCEY: Objection, asked and answered.

5 MR. HAUSER: Excuse me. You jumped all over

6 it.

7 THE COURT: Sustained.

8 MR. HAUSER: May I approach?

9 (Proceedings were had outside
10 the hearing of the jury,
11 after which the following
12 proceedings were had within
13 the hearing of the jury:)

14 BY MR. HAUSER:

15 Q And what is social psychology, Doctor?

16 A Social psychology is a subdiscipline or a
17 specialty within both sociology and psychology.

18 THE COURT: Excuse me. Step up.

19 (Proceedings were had outside
20 the hearing of the jury,
21 after which the following
22 proceedings were had within
23 the hearing of the jury:)

24 BY MR. HAUSER:

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1 Q Doctor, what degrees or education do you
2 have in social psychology?

3 A Most of my training in graduate school was
4 all within the area of social psychology, and since
5 completing my Ph.D. in 1967, all of my work for the
6 next 27 years has been in the area of social
7 psychology, all the research that I have done since
8 then, so it starts in my undergraduate career,

9 actually, in the Psychology Department, and
10 continues through graduate work and continues in the
11 next 27 years in research and teaching.

12 I am a member of both the American
13 Psychological Association and the American
14 Sociological Association, and within each
15 association, there are sub areas in social
16 psychology. I am a member of each sub group within
17 these two professional associations.

18 Q And social psychology -- I am sorry, social
19 psychology is recognized in the psychological
20 association?

21 A Yes, it's a subspecialty both within
22 psychology and sociology.

23 Q And what is social psychology?

24 A It's an area that studies particularly

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1 issues of influence, group pressure, for example,
2 individual decision-making and response to immediate
3 social pressures, a number of other topics, but
4 those are the ones I particularly specialize in.

5 Q What do you mean by influence?

6 MR. CHANCEY: Objection.

7 (Proceedings were had outside
8 the hearing of the jury,
9 after which the following
10 proceedings were had within
11 the hearing of the jury:)

12 BY MR. HAUSER:

13 Q Doctor, in the area of influence, and I am
14 sorry, that was influence in what?

15 A In interpersonal setting, group setting, in
16 any setting in which there is an attempt to mollify
17 the attitudes, beliefs or behavior of an individual
18 through the actions of another.

19 Q Now, what, in fact, studies have you done in
20 your 20 some years as to the area of influence,
21 influencing individuals?

22 A Beginning in 19 -- published in 1968, I
23 started, I published research on the impact of
24 interaction and the manner in which people

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1 effectively communicate with one another.

2 Subsequent to that, I published in 1969
3 initially an article and then a book on individual
4 decision-making in groups. It had to do with the
5 impact, the behavior of others on particular
6 decisions that an individual would make. This was
7 what's called microeconomic sort of work, math. It
8 was laboratory-based research.

9 I continued working in that area
10 through the late '60s and into the 1970s, and in
11 1970, published an article on the developments of
12 group structure and how it is that dominance orders
13 form in small interactive groups. I published on

14 the effectiveness of pacifist strategies as an
15 influence technique.

16 I published on the subject of how it is
17 that people maintain relations with others where
18 there are competing expectations brought to bear on
19 them; how those expectations influence their
20 behavior.

21 Then, starting in the -- other
22 publications in the area of individual
23 decision-making and group process, starting in the
24 early 1970s, I began to study more complex

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1 environments, not laboratory settings, but rather,
2 real world environments in which extremes of
3 influence were brought to bear on individuals. My
4 first work in that area had to do with an
5 organization called Synanon, which started out as a
6 drug rehabilitation organization and used intense
7 tactics of influence and manipulation on
8 individuals.

9 Synanon eventually developed into a
10 violent cult group, and I studied the tactics that
11 were used to manipulate individuals who would enter
12 the group, non-violents and individuals whose
13 biographies would not indicate that they would be
14 likely to take part in violence, and the manner in
15 which they were manipulated and gotten to
16 participate in the violence that was characterizing

17 Synanon at the time.

18 Q Did you write any articles on that?

19 A Yes, I wrote articles in scientific journals
20 as well as participated in a journalism series with
21 two individuals who owned a small weekly newspaper
22 in West Baron County, California, and that series
23 that we published in 1970 --

24 MR. CHANCEY: Objection.

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1 THE COURT: Step up.

2 (Proceedings were had outside
3 the hearing of the jury,
4 after which the following
5 proceedings were had within
6 the hearing of the jury:)

7 BY MR. HAUSER:

8 Q Doctor, what other work did you do in terms
9 of the area of influencing people?

10 A Then I continued to publish some additional
11 laboratory research as well as other things.

12 Q What type of laboratory research in terms of
13 influencing people?

14 A This had to do with testing particular
15 theories of how it is that influence is transmitted
16 from authority figures to individuals and how
17 authoritative influence affects their judgments and
18 decision-making.

19 Q When was that work done?
20 A That was published in the early 1980s.
21 There are actually three or four publications along
22 those lines in that period.
23 Q And was that published in a scientific
24 journal?

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1 A These would have been published in a journal
2 called Social Psychology Quarterly, and then an
3 article, a chapter in a book, on a theory of
4 individual decision-making, and then subsequent to
5 that --

6 Q Wait a second. As far as this chapter in
7 the book as far as individual decision-making, did
8 it deal with influence upon that individual
9 decision-making?

10 A Yes, it did.

11 Q Do you remember the title of that book?

12 A The book was called Rationality and
13 Collective Belief. It was a scholarly book, and I
14 contributed to a chapter called The Two Process
15 Theories of Social Behavior.

16 Q And you dealt -- and where did you get the
17 material for which you included or wrote this
18 chapter?

19 A That particular material came from
20 laboratory studies, individual decision-making with
21 group influence.

22 Q What do you mean by individual
23 decision-making with group influence?

24 MR. CHANCEY: Objection.

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1 THE COURT: Overruled.

2 A It would have to do either with people
3 interacting in groups and the effective group
4 structure and pressures brought to bear by a group
5 of individuals, or it would have to do with
6 individual decision-making or the decision-making of
7 individuals, not necessarily in a group setting, but
8 in some kind of social setting, where, for example,
9 an authority figure was bringing to bear influence
10 on an individual.

11 Q And, in fact, these were laboratory studies
12 where, in fact, individuals were studied in terms of
13 their decision-making when, in fact, pressure was
14 placed on them by others?

15 MR. CHANCEY: Objection.

16 (Proceedings were had outside
17 the hearing of the jury,
18 after which the following
19 proceedings were had outside
20 the presence and hearing of
21 the jury:)

22 BY MR. HAUSER:

23 Q Do you remember the last question?

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1 (Question read back by court
2 reporter.)

3 A That's correct.

4 BY MR. HAUSER:

5 Q And how, in fact, was this laboratory test
6 set up?

7 A That particular paper dealt with analyzing a
8 great number of experiments, most of them by other
9 people reanalyzing data and analyzing trends in the
10 literature and assuming it under a single analysis
11 of what was going on in these various settings, so
12 it covered a broad range of published studies and
13 data from published studies.

14 Q And where did you get this data from other
15 studies?

16 A Published in the literature.

17 Q Literature, referring to --

18 A The scientific literature.

19 Q Within psychology?

20 A Psychology and sociology.

21 Q Okay. What other studies have you done as
22 far as influence, influence upon individuals?

23 A Well, then, the next couple of publications
24 have to do with group influence in highly controlled

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1 groups and attitude change and behavior control, so
2 these have to do with extreme techniques of
3 influence brought to bear on individuals to change
4 their perspectives and ready them for management by
5 what are generally called consult groups.

6 Then there are a series of publications
7 there --

8 Q When was that, approximately, Doctor?

9 A Those would have been in the mid to late
10 1980s.

11 Q Okay.

12 A And then in 1989, I published a paper on
13 coerced confessions, which was based on a series of
14 case studies that I have done of police
15 interrogations.

16 Q And when, in fact, did you become involved
17 with the study of police interrogations?

18 A Probably about 198 -- well, police
19 interrogation as it appears in the United States,
20 probably in about 1988 or so was the first time that
21 I specifically studied American police interrogation
22 tactics.

23 Q Now, before you started studying
24 specifically American police interrogation tactics,

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1 was your work in the area of social psychology, did
2 it deal with this?

3 A Yes. The subject of police interrogation is
4 one that runs through other areas that I have been
5 working in, and so it's generally recognized that
6 some forms of extreme influence actually developed
7 out of police interrogation tactics and were then
8 utilized in a broader form.

9 Q How, in fact, did your earlier work deal or
10 evidence part of it the techniques that police use
11 in interrogation?

12 A Well, the literature that dealt with these
13 subjects starts out with the analysis of police
14 interrogation, because that's where these procedures
15 evolved from.

16 Q Can you be specific? What are you referring
17 to?

18 A Specifically, the study of what's called
19 coercive persuasion or thought reform, which are the
20 extreme techniques brought to bear on individuals
21 for eliciting false confessions as practiced by the
22 Soviets after the revolution in China written by --
23 an article by Hinkle and Wolf on Chinese
24 interrogation tactics, and then in the work of

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1 Robert Lefton, dealing with interrogation and
2 coercive persuasion or thought reform in China after
3 the revolution there. This subject matter runs

4 throughout all that literature because the basics of
5 how this kind of intense influence -- intense
6 influence systems were developed start with the
7 utilization of police interrogation tactics
8 specifically.

9 Q What police interrogation tactics have you
10 referred to specifically?

11 A Well, here, they have to do with the tactics
12 used by the Soviet police prior to the revolution,
13 which were then adopted by the Soviets after the
14 revolution and became the basis out of which KGB
15 interrogation tactics arose.

16 Q Now, when you began to study specifically
17 American police interrogation tactics or techniques,
18 what, in fact, specifically, did you study?

19 A Initially, I had been involved in several
20 instances in which individuals were interrogated by
21 private investigators and had given false
22 confessions in response to the private
23 interrogation, private interrogator tactics, which
24 were, nevertheless, police interrogation tactics

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1 except used by private individuals, private security
2 people.

3 Q How, in fact, did you examine or analyze
4 these private investigator tactics?

5 A I was contacted by attorneys who were

6 representing individuals who had been subject to
7 these techniques and asked to evaluate the procedure
8 brought to bear on them that led to these false
9 confessions.

10 Q Did you render reports --

11 THE COURT: Excuse me. Is this in '88 or
12 '89 that you are talking about?

13 THE WITNESS: These two civil cases would
14 have preceded that. This would probably be '85 or
15 '86.

16 THE COURT: Okay.

17 BY MR. HAUSER:

18 Q And did you render any opinions in those
19 instances?

20 A Yes. I testified in both those cases in
21 court as well as was deposed.

22 Q You did testify in open court in a trial?

23 A Oh, yes, in both of those.

24 Q And what opinions did you render in those

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1 cases?

2 A The opinions had to do with the way in which
3 false confessions were elicited from these two
4 individuals.

5 Q And, in fact, you testified as to how they
6 were, in fact, elicited, and, in fact, that the
7 confessions were false?

8 A Correct.

9 Q Now, as far as the police tactics that you
10 referred to, what further studies have you done in
11 terms of the American police interrogation
12 techniques or tactics?

13 A Okay. The publication in 1989, which is the
14 first publication on this --

15 THE COURT: Can you tell me the title of
16 that, please?

17 THE WITNESS: Coerced Confessions, The Logic
18 of Seemingly Irrational Action. And that was based
19 on a series of case studies --

20 THE COURT: The logic of what?

21 THE WITNESS: Seemingly irrational action.

22 THE COURT: Okay.

23 THE WITNESS: That was based on the case
24 studies, including the two cases I mentioned,

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1 together with transcripts of interrogations that I
2 had; one that I had not worked on but obtained the
3 transcript of on; another case on which I had
4 worked, which was the case on which I did my initial
5 principal work in this area, and that was a case
6 involving a gentleman by the name of Thomas Sawyer.
7 It was a Florida case, a murder case.

8 BY MR. HAUSER:

9 Q Regarding Mr. Sawyer, can you tell the Court
10 what that involved?

14 obviously quite complicated; it went on for 16 and a
15 half hours; it incorporated many, if not most, of
16 the generally used police interrogation tactics, and
17 because it was recorded was possible to know
18 precisely with each and every strategy affected
19 Mr. Sawyer, because it was all on the tape.

Q And following your testimony in the Sawyer
21 case, did you continue to do work in the area of
22 police interrogation?

23 A Yes.

24 Q And the analysis of those techniques?

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1 A Yes, I did. Subsequent to that, I was asked
2 to analyze numerous other interrogations. At this
3 point, I believe I have been asked to analyze a
4 total of 53 separate interrogations over the years.

5 But subsequent to the Sawyer case, I
6 have both published and testified about police
7 interrogation pretty much continuously since 1988 or
8 '89, when that Sawyer case occurred.

9 Q How many times and how many states,
10 approximately, have you testified as to the analysis
11 of police techniques and the effect upon individuals
12 by their influence?

13 A I testified on that subject 14 times in
14 seven states; in the states of Arizona, Arkansas,
15 Florida, California, Oregon, South Carolina and

16 Washington.

17 0 And are you consulted to any -- strike that.

18 First of all, besides testifying as to statements,
19 have, in fact, you been employed from time to time
20 by the prosecutor's office as well as defense
21 attorneys?

22 A That's correct.

23 Q By whom, if you could tell the Court.

24 A Over the years, the Mann County Sheriff's

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1 Department; the Office of the Attorney General of
2 the State of California; the Office of the Attorney
3 General of the State of Arizona; the United States
4 Department of Justice, both the Tax Division and the
5 Criminal Division; the prosecuting attorney of
6 Jefferson County, West Virginia; the Los Angeles
7 District Attorney's Office; the U.S. Attorney's
8 Office, Northern District of West Virginia; Thurston
9 County, Washington, Prosecutor's Office, and then
10 most recently, the State's Attorney's Office in Fort
11 Lauderdale, Florida.

12 Q Have you, in fact, either analyzed or
13 rendered opinions or provided information in any of
14 those as far as the police interrogation techniques
15 used by the officers?

16 A Certainly in the Thurston County,
17 Washington, case, very efficient

18 Q What is your function with the State's

19 Attorney's Office for Fort Lauderdale, Florida?

20 A That particular case had to do with the
21 techniques of influence that were brought to bear on
22 an individual who had witnessed a murder and how he
23 was threatened into silence even though he had been
24 indicted for committing murder.

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1 Q So you were utilized by the prosecutor's
2 office to explain why an individual was now not
3 testifying?

4 A That's correct.

5 Q Okay.

6 THE COURT: Okay. Cross as to
7 qualifications.

8 MR. CHANCEY: Thank you, Judge.

9 CROSS EXAMINATION

10 BY MR. CHANCEY:

11 Q The article, Coerced Confessions, The Logic
12 of Seemingly Irrational Action, was published in the
13 Cultic Studies Journal?

14 A That's the name of it.

15 Q Who published that?

16 A It's a journal published by -- the actual
17 publisher is the American Family Foundation.

18 Q Who are they?

19 A It's an organization that does educational
20 work in relation to issues related to cults and also

21 happens to publish the scientific journal.

22 Q I am sorry, I didn't hear the last.

23 A And also happens to publish this scientific
24 journal.

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1 Q Well, they publish this journal?

2 A They publish this scientific journal, yes.

3 Q That's what we are trying *to find out. The
4 American Family Foundation, is that what it's
5 called?

6 A That's what it's called.

7 Q They are a group which upholds other groups
8 that they consider to be cults?

9 A No.

10 Q Tell us what they are then.

11 A It's a charitable organization that does
12 several things. One of the things that it does is
13 it provides public education about cult-related
14 issues, and the other thing that it does, at least
15 one of the other things that it does, is that it
16 sponsors this particular scientific journal which
17 has an advisory board that's equivalent to an
18 editorial board that's equivalent to the editorial
19 boards of other scientific journals incorporating on
20 the editorial boards some of the leading people in
21 the world on the related subjects.

22 Q And this is the Cultic Studies Journal?

23 A It specializes in issues of extreme

24 influence.

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1 Q Okay. And most of the articles you have
2 written and most of the work you have done has been
3 with regard to cults, isn't it?

4 A No, thats not true.

5 Q Well, you have done a couple of articles on
6 the Synanon, is that correct?

7 A That's correct.

8 Q You wrote something called the Light of
9 Synanon with Kathy Mitchell and David Mitchell in
10 1980?

11 A That was a book that reported the work --
12 the journalism that we had done and the work that we
13 had done on Synanon that gained the point raised
14 like --

15 THE COURT: First of all, I don't know what
16 Synanon is.

17 BY MR. CHANCEY:

18 Q All right. Synanon was a group, I believe
19 you indicated, that began as a drug treatment
20 program?

21 A It was a group that was founded --

22 Q Is that yes or no?

23 A Yes.

24 Q Thank you. And at least in your opinion,

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1 they evolved into a cult?

2 A Yes, and I would like to explain.

3 Q I will ask you some more questions. When
4 did Synanon first become established?

5 A 1958.

6 Q By whom?

7 A It was founded by a man named Charles
8 Deadrick.

9 Q What time did you start studying or
10 investigating Synanon?

11 A 1973.

12 Q And in 1958, what was -- or '59,
13 whatever it was -- what was their purported
14 purpose?

15 A It was -- it was founded as a 501-C-3
16 charitable corporation, and its purposes were
17 educational and rehabilitative.

18 Q Okay. By 1973, was the original founder
19 still involved?

20 A Yes.

21 Q Okay. How many branches did they have?

22 A There probably at that point were -- it
23 changed rapidly during that period, but between
24 three and five separate locations.

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1 Q Were they mostly California?

2 A California, New York, Detroit; three in
3 California, at least, and one in New York at various
4 times; one in Detroit at various times.

5 Q Were they still purportedly a drug treatment
6 organization at that time?

7 A If not by 1973, then within a year or two
8 after that, the articles of incorporation were
9 amended and Synanon redefined itself as a religion.

10 Q Okay. And you studied how they recruited
11 and kept members among other things?

12 A How people were recruited; how they were
13 manipulated; how they were managed after they moved
14 into the group.

15 Q It dealt with the -- Synanon, for example,
16 would isolate people for days, weeks, months at a
17 time?

18 A No.

19 Q Didn't they isolate them for long periods of
20 time from their outside -- you know, from their
21 regular contacts?

22 A They absorbed them into what was at that
23 point a community of individuals that verged on
24 2,000 members. They lived in a, many of them, in

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1 rural environments, but they had access to come and
2 go as they pleased at all times.

3 Q Okay. Now, you told us that you testified
4 14 times in seven states. How many times have
5 courts refused to allow you to testify?

6 A Once, in Fishman.

7 Q Pardon me?

8 A Once, in the Fishman case.

9 Q Was there a case in Washington where you
10 weren't allowed to testify before the jury?

11 A That was a --

12 Q Were you or weren't you? Were you?

13 A That case never got to a jury trial, and as
14 far as I know, on motion, the line of testimony was
15 eliminated. I was not personally not allowed to
16 testify. As I understand it, the line of testimony
17 to which my testimony would have been foundational
18 was objected to.

19 Q Okay. Have there been cases where you --
20 let me back up a second. Is there a Dr. Singer that
21 you work with?

22 A That's correct.

23 Q Have there been cases where she was not
24 permitted to testify?

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1 A In the --

2 Q In the area of thought reform?

3 A In the Fishman case, but subsequent to that,
4 in about half a dozen other cases, the decision went
5 the other way in federal courts as well as, I think,

6 state courts.

7 Q And how many times have cases been reversed
8 on appeal because you or Ms. Singer were allowed to
9 testify?

10 A I have no idea about her. Never, as far as
11 I am -- as far as I know with respect to me.

12 Q Was the American Psychiatric Association
13 accepted you or Dr. Singer's theories on thought
14 reform?

15 A Associations don't accept things, they don't
16 put things up for vote, so I don't quite know what
17 you mean.

18 Q Well, didn't they take the position in an
19 amicus brief before either the Appellate Court or
20 the Supreme Court of the United States which opposed
21 your theory and Dr. Singer's theory of thought
22 reform?

23 A No.

24 Q And didn't the American Psychiatric

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1 Association do the same?

2 A No. You said the American Psychiatric
3 Association twice now, and the answer is no.

4 Q The American Sociological Association?

5 A No, that's not true.

6 Q This work with relation to coerced
7 confessions emanates from studies of Soviet and

8 Chinese practices with prisoners?

9 A No, I didn't say that.

10 Q Well, you said coercive persuasion and
11 thought reform began from studies in the Soviet, in
12 Chinese interrogation of prisoners.

13 A There is the theme of police interrogation
14 that runs through that literature. The study of
15 American police interrogation tactics begins with
16 the study of American police interrogation tactics.
17 No one is saying that American police interrogation
18 tactics are the same as KGB tactics, but both are
19 examples of police interrogation.

20 Q But the theory of thought reform began with
21 that?

22 A The study of the Soviet persuasion began in
23 that setting.

24 Q And you went from there to cults, and you

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1 went from cults to American police investigations,
2 and you are trying to show this common theme
3 throughout?

4 A Not true. I started with the study of
5 individual decision-making under laboratory
6 conditions. I rely on the literature in social
7 psychology, which is largely --

8 Q I am talking about --

9 A May I finish?

10 MR. CHANCEY I would object to his answer

11 as not responsive, Judge. He has answered it.

12 THE COURT: Read back the answer.

13 (Answer read back by court
14 reporter.)

15 THE COURT: I will let him complete the
16 answer. Go ahead.

17 MR. CHANCEY: And my position, Judge, is
18 when he says not true, he answered the question.

19 THE COURT: I understand.

20 THE WITNESS: Which is largely experimental
21 in nature and gives us a scientific basis for
22 understanding tactics.

23 THE COURT: Literature is largely
24 experimental in nature?

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1 THE WITNESS: That's correct. And that it's
2 out of that laboratory-based understanding, the
3 research on influence and decision-making, that it
4 becomes possible to apply that knowledge to
5 particular concrete settings so that one concrete
6 setting in which a number of things are done which
7 are radically different than what happens in police
8 interrogation, one setting is called thought reform
9 or coercive persuading. There are other examples of
10 building systems of influence that don't resemble
11 either thought reform or police interrogation, but
12 they rely on the same underlying knowledge of how

13 people are influenced. These are simply
14 applications of a more general scientific line of
15 study.

16 BY MR. CHANCEY:

17 Q Are you finished now?

18 A Yes.

19 Q Thank you. With regard to the Sawyer case
20 you mentioned, didnt the trial court find a Miranda
21 violation in that case?

22 A I don't believe that the court found a
23 Miranda violation. I know that the Court did
24 find --

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1 Q Do you know, wasn't there a Miranda
2 violation found in that case?

3 A I don't recall.

4 Q Thank you.

5 MR. HAUSER: I have the case for the Court
6 to review.

7 THE COURT: All right.

8. MR. HAUSER: And since we have silence, I
9 would note that the Court found the confession was
10 not voluntary.

11 MR. CHANCEY: That's not all they found.
12 They also found a Miranda violation.

13 MR. HAUSER: True.

14 THE COURT: Okay. Proceed.

15 BY MR. CHANCEY:

16 Q I believe you indicated earlier that the
17 American Sociological Association had not --

18 THE COURT: The American which?

19 MR. CHANCEY: Sociological.

20 THE COURT: Not psychiatric but --

21 BY MR. CHANCEY:

22 Q This is the American Sociological
23 Association had not taken a position contrary to
24 your theory of thought control?

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1 A That's correct.

2 Q And amicus brief?

3 A That's correct.

4 Q Didn't you write a letter to Mr. William
5 DeAntonio, the executive director of the American
6 sociological Association, on May 17, 1989, objecting
7 to them filing that amicus brief?

8 A And then subsequent to that, it was
9 discovered that Mr. DeAntonia had fraudulently
10 affixed the name of the association to that brief,
11 and the name was withdrawn after it was discovered
12 that this sui generis action on his part was not
13 authorized by the association and was wholly his
14 action, and the association then instructed that the
15 Supreme Court be notified that the name of the
16 association was not to appear on the brief, all of
17 which came about over a period of months, and it's a

18 subject about which I am very conversant.

19 Q I am sure. That brief was signed by six
20 past presidents and other officers of the
21 Association for the Sociology of Religion?

22 A These were individuals who were signing --

23 Q Was it signed by them?

24 A It was signed by six sociologists of

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1 religion, that's correct.

2 THE COURT: Not six former presidents of the
3 American Psychological Association?

4 THE WITNESS: No presidents --

5 BY MR. CHANCEY:

6 Q Presidents or officers of the Association
7 for the Sociology of Religion.

8 A That's a small association.

9 Q Is that a yes or no?

10 A It is not the American Sociological
11 Association. It is an association that studies
12 religion. It is basically something entirely
13 different than the American Sociological
14 Association.

15 Q Also listed are two past presidents and a
16 number of other officers of the Society for the
17 Scientific Study of Religion?

18 A Another organization that is focused on
19 study of religion.

20 Q Is that a yes or no? Did they sign it or

21 didn't they?

22 A If it says it in the document, these people
23 who represent that particular small organization
24 signed it.

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1 Q Well, do you know how many members it has?

2 A A small number.

3 Q Do you know how many it has?

4 A No.

5 Q Was the brief also sponsored by at least
6 four past presidents and a number of other officers
7 of Division 36 of the American Psychological
8 Association?

9 A Again, psychologists who study religion.

10 Q Yes?

11 A A very small sub group and people who seem
12 to have an interest in particular in religion and
13 their own notion of what religious freedom consists
14 of.

15 Q They signed that brief, didnt they?

16 A Possibly. I don't have the document in
17 front of me.

18 Q All in all, there are over 50 scholars who
19 signed that brief, including sociologists,
20 psychologists, psychiatrists, professors of
21 religion?

22 A You mean the brief that was turned down by

23 the Supreme Court? If that's the brief you are
24 referring to, there were, in fact, at least 50

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1 people, I suppose, who signed it. Many of them had
2 been people who had been wined and dined all over
3 the world by the Unification Church.

4 (An objection was made, after
5 which the following
6 proceedings were had:)

7 BY MR. CHANCEY:

8 Q Was your partner, Dr. Singer, appointed to a
9 task force by the American Psychiatric Association
10 in the 1980s, a task force dealing with this issue
11 of thought reform?

12 A Your characterizing Dr. Singer as my partner
13 is grossly inaccurate. Dr. Singer happens to be a
14 professional. She happens to be the subject of
15 vilification in that brief. Those briefs do not
16 mention me in any way. They are not -- they have
17 nothing to do with my --

18 Q Was she appointed to the task force?

19 A And you are seeking to create the impression
20 that they do when they, in fact, do not, and that is
21 misleading.

22 Q Was she appointed to the task force by the
23 American Psychiatric Association in the '80s to
24 study this theory of thought reform?

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1 A No, she was not. You again use the name
2 American Psychiatric Association. You ought to
3 learn that there is a difference between
4 professional associations and get them right for
5 once.

6 Q I know which one I am talking about, Doctor.
7 My question is, was she appointed to a task force by
8 the American Psychiatric Association?

9 A No, she was not.

10 Q If the answer is no, than that's fine.

11 A No, she was not appointed to a task force by
12 the American Psychiatric Association. You have got
13 it wrong again.

14 Q Thank you. Was Dr. Singer appointed to a
15 task force or a study group by any association to
16 report on this theory of thought reform?

17 A No, Dr. Singer was appointed to a study
18 group by the American Psychological Association to
19 prepare a report on the ethics of psychologists
20 being involved in manipulative and deceptive
21 techniques of influence, a task group that I had
22 nothing to do with.

23 Q Did it have anything to do with thought
24 reform?

3 proceedings were had:)

4 REDIRECT EXAMINATION

5 BY MR. HAUSER:

6 Q First of all, this brief that Mr. Chancey is
7 referring to, what case was this about, sir?

8 A This was a case, Molko vs. The Unification
9 Church, the Moonies, in which they were suing
10 because they had been deceptively recruited and
11 exploited by the organization, and the organization
12 had hired people like Jim Richardson, the person who
13 was mentioned a moment ago, as one of their experts
14 in the case, and Richardson then set about
15 organizing the amicus brief about which we are
16 talking.

17 MR. CHANCEY: Objection.

18 (A discussion was had, after
19 which the following
20 proceedings were had:)

21 THE WITNESS: The case was Molko and Leo,
22 and the amicus brief, about which we are talking,
23 was organized by Jim Richardson.

24 BY MR. HAUSER:

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1 Q What is the case about, though?

2 A The case is about deceptive recruitment in
3 the Unification Church and exploitation of people
4 who have been recruited.

5 Q And the people to whom -- well, you
6 indicated this amicus brief was, in fact, withdrawn?

7 A The amicus brief, both by the American
8 Psychological Association, which, at one point,
9 amicus brief was signed previously by the American
10 Psychological Association and its name was withdrawn
11 after protest to their name appearing on the brief
12 appeared from the membership in general, and then,
13 after the case was turned down by the California
14 Supreme Court, a motion for cert was made to the
15 United States Supreme Court, at which point
16 Mr. DeAntonio was approached by Dr. Richardson.

17 Q Who is Mr. DeAntonio?

18 A He was the assistant director of the
19 American Sociological Association, in order to see
20 if the American Sociological Association's name
21 could somehow be put on the brief. Mr. DeAntonio
22 then signed the brief without authorization of the
23 association.

24 When I discovered that the

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1 association's name appeared on the brief, I wrote
2 that letter to Mr. DeAntonjo, and subsequently, he
3 admitted that he signed it without authorization,
4 and subsequently, the council of the association
5 voted to instruct -- to have their name withdrawn
6 from it. That letter was written to the clerk of
7 the Supreme Court to strike the name of the

8 association from the brief. It had never been
9 authorized by the association.

10 Q And what was Richardson's position? What
11 was he trying to espouse?

12 A Richardson was trying to espouse the
13 position that it was improper to sue any religious
14 organization for fraud or deception because it was a
15 religious organization, and therefore, in some
16 sense, in some way, inimmune from tort action. This
17 case had been -- there had been a summary judgment
18 motion in the case --

19 Q I don't think we need all that.

20 THE COURT: Yes, I agree with that.

21 BY MR. HAUSER:

22 Q All right. Let's talk a little more about
23 your credentials. Mr. Chancey referred to the
24 Fishman case, and you indicated that there were six

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1 cases thereafter where, in fact, testimony was
2 allowed?

3 A I believe it's come up about a half dozen
4 times in subsequent federal and state courts, and in
5 every other case, it's been ruled the other way.

6 THE COURT: Thank you.

7 BY MR. HAUSER:

8 Q So you have been allowed to testify in those
9 other cases?

10 A I was not even involved in those other
11 cases; they involved Dr. Singer principally.

12 Q But the same issues discussed in Fishman?

13 A In fact, some of the cases did involve me; I
14 would have been allowed to testify, but the case
15 settled before trial.

16 Q All right. Now, as far as -- what courses
17 do you teach at Berkeley?

18 A I teach generally four courses at Berkeley,
19 two undergraduate and two graduate.

20 Q What are they entitled? What are they
21 about?

22 A The undergraduate lecture courses, one is
23 entitled social psychology; the other is entitled
24 thought reform influence and social control, and the

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1 graduate courses are parallel courses but at a more
2 advanced level.

3 Q Now, you referred to Synanon. In fact, you
4 received the Pulitzer Prize for that work.

5 MR. CHANCEY: Objection.

6 BY MR. HAUSER:

7 Q Is that correct?

8 THE COURT: As to not being relevant?

9 MR. CHANCEY: Yes.

10 THE COURT: Sustained.

11 MR. HAUSER: Okay.

12 Q Your analysis, by the way, of police

13 interrogation, that's done -- that is an exper --
14 that isn't experimental; that's, in fact, done from
15 your actual analyses of interrogation techniques in
16 53 specific cases, is that correct?

17 A That's correct.

18 MR. CHANCEY: Objection. It's leading.

19 THE COURT: Sustained.

20 BY MR. HAUSER:

21 Q How, in fact, do you evaluate police
22 interrogation in these 53 cases?

23 A By studying the facts of the particular
24 interrogation and studying the transcripts of tape

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1 recordings or video recordings of the
2 interrogations, if such exist.

3 Q What do you do after, in fact, you review
4 the specific interrogation techniques?

5 A Analyze the influence elements of the
6 interrogation and explain how the interrogation
7 process works as an influence process based on the
8 facts of what happened in the interrogation.

9 Q And how, in fact, do you do that in terms of
10 your analysis and explanation?

11 A By relying on the research on police
12 interrogation, which is voluminous, specifically, on
13 influence and police interrogation. For example,
14 this book deals almQst --

15 Q What book?

16 A This book, The Psychology of Interrogations,
17 Confessions and Testimony by Gudjonsson, which is
18 the authoritative work in the field at this point.

19 Q Who is the publisher, and when was that
20 printed?

21 A John Wiley is the publisher, and the
22 publication in the United States, John Wiley is the
23 publisher. It was originally published in England,
24 and the publication date is, I believe, 1992.

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1 Q Now, Gudjonsson, who is Gudjonsson?

2 A Gudjonsson is a psychologist at the
3 Institute for Psychiatry in London, senior lecturer
4 in psychology, and he is a man who studies police
5 interrogation, is one of the leading figures in the
6 study of police interrogation.

7 Q Are you, in fact, cited -- are you or your
8 work cited in that book?

9 A Yes.

10 Q In what regard?

11 A With regard to the tactics that -- research
12 that I have done on the issue of eliciting false
13 confessions. I am also thanked in the
14 acknowledgements of the book for reading a draft of
15 portions of it and making helpful comments.

16 Q You have also written articles besides
17 Coerced Confessions, The Logic of Seemingly

18 Irrational Action, you have written an article for
19 the Encyclopedia of Sociology entitled Coercive
20 Persuasion and Attitude Change, is that correct?

21 A That's correct.

22 Q And that was published in the Encyclopedia
23 of Sociology, McMillan Press, is that correct?

24 A Correct. That's a four-volume set that is

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1 the encyclopedia of the discipline, and I was asked
2 to write the entry on the issue of extreme
3 influence; that is, coercive persuasion. Part of
4 that entry deals with the subject of police
5 interrogation.

6 Q You have also given presentations in the
7 area -- I am sorry. Another article that you have
8 written, in fact, is entitled The Impact of
9 Behavioral Style and Status Characteristics on
10 Influence, a Test of Two Competing Models, which was
11 published in the Social Psychology ~Quarterly, is
12 that correct?

13 A That's correct.

14 Q You have also given presentations to various
15 groups, including the specific topic of police
16 brainwashing in America.

17 You have given most recently -- I am
18 sorry. Another presentation was entitled Coerced
19 Confessions, case studies and the tactics of

20 persuasion given or presented to the American
21 Sociological Association?
22 A That's correct.
23 Q And most recently, in 1994, you presented
24 the creation of a loser, I believe, at the Clairinont

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1 conference and applied cognitive psychology,
2 suggestability and the veracity of memory?
3 A Correct.
4 Q You have also presented at other
5 associations presentations about coercive persuasion
6 of the mind and police in police-obtained
7 confessions, is that correct?
8 A Correct, including the lecturing on the
9 subject to the supreme or the judiciary of the State
10 of Florida next month on false confessions and the
11 analysis of police interrogation.
12 Q You, in fact, have been asked by the Florida
13 State Supreme Court at its judicial conference to
14 speak on the issue of false confessions?
15 A That's correct, to do a three-hour
16 mini-course on the subject.
17 Q You have also given presentations to other
18 groups entitled coerced false confessions, the
19 social psychology of extreme influence, correct?
20 A Correct.
21 Q Police interrogation in the coercion of
22 false confessions, is that correct?

23 A Correct.

24 Q Influence in the creation of belief, false

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1 memories, is that correct?

2 A Correct.

3 Q And another presentation entitled coerced
4 false confessions, is that correct?

5 A Correct.

6 Q And you continue to work in this area both
7 in the forensic field as well as, in fact, within
8 the educational situation that you are in?

9 A Correct. The most recent publication on
10 confession per se was in the International Journal of
11 Clinical and Experimental Hypnosis. It was in 1992,
12 and I am commencing work on a book on police
13 interrogation leading to false confession, which is
14 the particular aspect of interrogation that I
15 specialize in.

16 At the moment, one of my doctoral
17 students is completing his doctoral dissertation on
18 the study of police interrogation, which involved
19 the observation, analysis of over 200 ongoing police
20 interrogations done in the San Francisco Bay area.
21 He was allowed to observe ongoing police
22 interrogations as they occurred.

23 Q In fact, you are working -- you, of course,
24 are supervising the work of this?

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1 A That's correct.

2 THE COURT: Okay, all right. I have heard
3 all the evidence now, and frankly, I am ready to
4 rule, unless there is some arguments.

5 (Further proceedings were
6 had, reported, but not
7 transcribed.)

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1 STATE OF ILLINOIS)
2 COUNTY OF L A K E) SS.

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I, MARIANNE K. LIGENZA, Official Court
7 Reporter for the 19th Judicial Circuit, Lake County,
8 Illinois, do hereby certify that I reported in
9 shorthand as such official court reporter the
10 foregoing proceedings had before the HONORABLE
11 CHARLES F. SCOTT, Judge of said Court in the
12 above-entitled cause on the 28th day of April,
13 1994, and thereafter caused to be transcribed into
14 typewriting the foregoing transcript which I hereby
15 certify is a true and correct transcription of my
16 shorthand notes so taken of the evidence offered and
17 received on said date before said judge.

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Marianne K. Lig

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