I, RICHARD J. OFSHE, Ph.D., declare as follows:

1. I am currently a professor in the Department of Sociology at the University of California, Berkeley. I am currently or have been a consultant to the United States Department of Justice, United States Internal Revenue Service, the Office of the Attorney General of the States of California and Arizona, and the Los Angeles County District Attorney. I have been named as a Guggenheim Memorial Foundation Fellow.
and I
and
have shared the Pulitzer Prize for public service. A true
accurate copy of my curriculum vitae is attached hereto
as Exhibit "A" and accurately states my qualifications.

OFSHE MILLER DECLARATION

<<< Page 1 >>>

1  2. I have read Lifespring's memorandum of points
and
2  authorities in support of its motion in linine regarding
thought reform testimony (hereinafter "Lifespring brief").
4  3. I teach a course on Thought Reform Influence
and
Social Control which is part of the regular curriculum
 taught at the University of California at Berkeley. This course is
 taught at the undergraduate level in the Sociology Department
(Sociology 156) and I teach an equivalent special topics graduate
 under the Sociology 290 course series designation. In
these courses I regularly assign as readings the classic papers
are cited in the Lifespring brief. I am thoroughly familiar
with the literature on this subject. (A copy of the course
description I
 this reading list for my course is attached as Exhibit "B" to
 ~s Declaration.)
*
16  4. The review of the scientific literature on
1. subject of thought reform presented in the Lifespring brief and of the works that are cited in support of the brief in particular.

2. THE DISCREDITED MANCHURIAN CANDIDATE" MYTH IS PROPOUNDED IN THE CLEMENTINO BRIEF AND NO WHERE ELSE IN THE SCIENTIFIC LITERATURE ON THIS SUBJECT

3. 5. As correctly reported in Lifespring's brief, the modern brainwashing literature starts with the work of Edward "robot Hunter. It is, however, false that Hunter's thesis of a "robot brainwashing model" was ever accepted "in its major outlines" by reputable scholars as the Lifespring brief asserts (Lifespring, 1951, 1956).  

6. Mr. Hunter was a journalist who in 1950 published an article entitled "Brain Washing Tactics Force Chinese into Ranks of Communist Party." He followed over the years with a series of books on the same subject (Hunter 1951, 1956). The Lifespring brief cites a 1953 book by Hunter that no other source available to me cites. The Lifespring brief quotes for a publication: Brainwashing: From Pavlov to Powers but
fails to provide publication information in the brief's citation list.

10 whether or not the books cited in the Lifespring brief exist, Hunter must still be credited with starting and encouraging the

12 rather absurd "Manchurian Candidate" picture of the brainwashing

13 process. 7. Lifespring's brief fails to point out that Mr. Hunter was a CIA operative whose working cover was as a journalist (Marks, 1979, page 133) and that his overblown statements about brainwashing are universally rejected by reputable researchers.

19 8. Ever since Hunter's series of articles and books, the "Manchurian Candidate," robot model of the effects of brainwashing has been the mythic presence about which all serious scholars have been obligated to comment. The three fundamental works in the study of thought reform are Professor Lifton's Psycholozv of Totalism and Thouaht Reform (1961), Professor Schein's Coercive Persuasion (1961) and Professors Hinkle and Wolff's "Communist Interrogation and Indoctrination of Enemies of the State" (1956). The Lifespring brief relies almost entirely on the Lifton and Schein publications and fails to note
even the existence of the Hinkle and Wolff paper.

9. Professor Lifton comments on the impact of the Hunter thesis as follows:

Then there is the lurid mythology which has grown up about it: (brainwashing) the "mysterious oriental device," or the deliberate application of Pavlov's findings on dogs. There is also another kind of myth, the claim that there is no such thing, that it is all just the fantasy of American correspondents. (Lifton, 1961, page 4.)

10. Schein also comments about the popular (Hunter inspired) conception of brainwashing:

* 12 The term "brainwashing" quickly became associated with all Communist efforts to extract confessions and indoctrinate captive audiences as well as with their internal educational and DroDo~anda efforts... This led to some quite erroneous conceptions of what the Chinese approach to re-education is, and what sort of psychological theory is appropriate to the explanation of its outcomes. (Emphasis added.) (Schein, 1961, page 16).

11. Hinkle and Wolff also reject Hunter's lurid brainwashing tales:

20 The techniques used by the Communists have been the subject of speculation. A number of theories about them have been advanced, most of them suggesting that the techniques have been based upon some modification of the conditioned reflex techniques of I.P. Pavlov, the Russian
neurophysiologist. The term "brain washing," originated by a reporter who interviewed Chinese refugees in Hong Kong, has caught the public fancy and has gained wide acceptance. Various authors have attempted to provide a scientific definition for this term. This has had the effect of confirming the general impression that it is an esoteric technique for the manipulation of human behavior, designed by "scientific investigators" on the basis of laboratory experiments and controlled observations and producing highly predictable results.

Many of the public speculations about "brain washing" are not supported by the available evidence. (Hinkle and Wolff, 1056 page 116.)

THERE IS NO GENUINE SCIENTIFIC DISAGREEMENT ABOUT THE POINT THAT "THOUGHT REFORM." "COERCIVE PERSUASION" OR THE SYSTEMS IDENTIFIED BY OFSHE AND SINGER AS "COORDINATED PROGRAMS OF COERCIVE INFLUENCE AND BEHAVIOR CONTROL" CAN AND DO OCCUR IN NON-PRISON SETTING.

THE AUTHORITIES CITED IN THE CLEMENTINO BRIEF DO NOT DISTINGUISH THOUGHT REFORM FROM OTHER FORMS OF INFLUENCE ON THE BASIS OF THE PRESENCE OF PHYSICAL ABUSE. THE LIFESPING BRIEF ALLEGES A DISPUTE THAT DOES NOT EXIST.

12. The heart of the Lifespring argument are the assertions that Schein and Lifton distinguish "thought reform" or "coercive persuasion" from other forms of influence on the "basis of incarceration often accompanied by physical maltreatment."

```
Schein
        "emphasized that except for the issue of Dhvsical
restraint or
        coercion, influence processes in the Communist setting had
much
        in common with those in conventional American
social
        institutions.  (Emphasis in original.)  (Page 13.)

13.  Both of the above assertions about what
Schein and
        Lifton say and meant are false and grossly misleading.

14.  Lifton, Schein and Hinkle and Wolff all
recognize
        and report that the phenomenon of thought reform can and
was
        carried in non-prison settings and that brutality is not
only not

I

<<< Page 5 >>>

15.  Professor Lifton's book is divided into
four parts:

Part One - The Problem - pages 3-18,

Part Two - Prison Thought Reform of Westerners -
pages 19-242,

Part Three - Thought Reform of Chinese
Intellectuals-

Part Four - Totalism and Its Alternatives - pages
Pages 24 through 418 of Professor Lifton's book treat thought reform in non-prison settings. The brief fails to report this fact as well as any of Professor Lifton's numerous comments that make clear his conclusions regarding the necessity of confinement. For example, in the first section of his book Professor Lifton comments:

"thought reform" as applied in a military setting: the synthetic bacteriological warfare confessions and the collaboration obtained from United Nations personnel during the Korean War. However, these were merely exDort versions of a thought reform program aimed, not primarily at Westerners, but at the Chineseocoole themselves and vigorously applied in universities, schools, social "revolutionary colleges," orisons, business and government offices, labor and ocsant organizations. Thought reform combines this impressively widespread distribution with a focused emotional power. Not only does it reach one-fourth of the people of the world, but it seeks to bring about in everyone who touches it a significant personal upheaval. [Emphasis added.] (Lifton, 1961, page 5).
In turning from imprisoned Westerners to "free" Chinese intellectuals, we arrive at the ideological center of the thought reform movement. Instead of being directed at alleged criminals and "imperialists," reform is used to manipulate the most enlightened members of Chinese society. (Emphasis added.) (Lifton page 243.)

18. The first analytic chapter of the nine chapters devoted to the thought reform of "free" Chinese describes the "revolutionary university" - a thought reform setting to which students actively sought admission. (Lifton, 1961 pages 253-273.)

19. Professor Lifton illustrates that thought reform process at revolutionary universities through his case study of Mr. Hu. Professor Lifton comments:

Many of Hu's emotional experiences have a familiar ring, since the psychological pressures at a revolutionary university closely resemble those in a prison. There is the assault upon identity, although without any physical brutality; the establishment of guilt and shame: a form of self betrayal; alternating leniency and harshness; a compulsion to confess; the logical dishonoring of re-education; a final confession, elaborate and inclusive rather than terse; and an even greater emphasis upon the experience of personal rebirth. There are also important differences such as the development of group intimacy ("the great togetherness") before the emotional pressures. But these differences, significant as they are, do not warrant a new step by step analysis. (Emphasis added.) (Lifton, 1961, page 274).
Professor Lifton’s final sentence in the above quotation refers to the fact that he has concluded that no need to construct a new analysis for settings that have element of either confinement or physical brutality. Obviously, the analysis of the psychological pressures present in prison setting does not depend upon the confinement variable. Obviously, physical brutality is not a necessary element of the thought reform process as the Lifespring brief asserts.

21. The Lifespring brief's most blatant fabrication of statements alleged to have been made by Professor Lifton appears on page 11 where the brief states:

Lifton also heavily emphasized the role of extreme external force or physical coercion in developing his thought reform theory, (Lifton, Thought Reform and the psychology of Totalism (1961) at 65-85) and asserted that it was intrinsic to the thought reform process. (~. at 13.) (Emphasis added.] (Lifespring brief, page 11.)

22. The first of the Lifespring fabrications is demonstrated by the immediately preceding quote (in this declaration) from Professor Lifton's work. This quotation expresses his estimate of the theoretical insignificance of the role of physical abuse.

23. The Lifespring brief further claims that on page 17 of Thought Reform, Professor Lifton "asserted" that
25 abuse was "intrinsic" to the thought reform process. Again, the Lifespring brief fabricates this reference. The words to be found on this page of the text of Thought Reform say the opposite.

I

<<< Page 8 >>>

24. Professor Lifton writes:

As I proceeded with the work, I realized that one of the main causes for confusion about thought reform lay in the complexity of the process itself. Some people considered it a relentless means of undermining the human personality; others saw it as a profoundly "moral" - even religious - attempt to instill new ethics into the Chinese people. Both of these views are correct, and yet each, insofar as it ignored the other was greatly misleading. For it was the combination of external force of coercion with an appeal to inner enthusiasm through evangelistic exhortation which gave thought reform its emotional scope and power. Coercion and breakdown are, of course, more prominent in the vriion and military yroarams. while exhortation and ethical appeal are esDecially stressed with the rest of the poDulation; and it becomes extremely difficult to determine lust where exhortation ends and coercion begins. (Emphasis added.)

(Lifton, 1960, page 13.)

25. From the beginning of this book, Professor Lifton recognizes that the power of a thought reforming process depends upon its DsvcholoQical sovhistication and not on either confinement or the presence of the sort of physical force used
against P.W.O.'s. He eloquently explains what his book is about early in the text:

The impact of these first encounters was not something one readily forgets: an elderly European Bishop leaning forward in his hospital bed, so deeply impressed with the power of the thought reform program he had just experienced that he could only denounce it as "an alliance with the demons"; a young Chinese girl still shaken from the group hatred that had been turned upon her at a university in Peking, yet wondering if she had been "selfish" in leaving.

I realize that these two people had both been through China's most elemental thought reform programs; and that these programs were much more powerful and comprehensive than the modification which had been applied to United Nations' troops in Korea. [Emphasis added.] (Lifton, page 7.)

26. Professor Lifton's comment regarding the application of thought reform procedures to a quarter of the world's population though the application of thought reform methods in non-prison settings in Chinese society is supported in the work of the distinguished China scholar Martin Whyte in his book Small Groups and Political Rituals in China (Whyte, 1976).

27. Professor Schein's book, Coercive Persuasion, is as the title states, "A Social Psychological Analysis of the "Brainwashing" of American Civilian Prisoners by the
Chinese
La I
Professor

Communists." (Emphasis added.) (Schein, 1961 page 3.)

Schein's particular interest was in the analysis of the
prison
based systems used to carry out thought reform.

28. Contrary to mis-statements in the
Lifespring
brief, Professor Schein never suggests that thought
reform
depends upon confinement - even though the particular
subjects
for his research had been confined. Schein relies on
work by
Barnett on this point.

One of the unique features of Chinese
Communist rule is group indoctrination on a
very large scale. Contrary to some opinion,
the techniques labelled "brainwashing" to
some Westerners are not restricted in their
use to inmates of Communist jails or labor
Although prisoners of the regime are
subjected to indoctrination in its most
intensive forms, similar techniques, which
show great psychological insight into means
of manipulation and controlling men's minds
are used in small study groups to which
millions of ordinary citizens belong.

I

[Emphasis added.] (Quoted in Schein, 1960,
page 48 from Barnett 1956 page 127.)

2g. Although tangential to the main task of
analyzing
prison thought reform systems, Schein includes an appendix
to the
book which deals with the subject of the pervasive use of
small
groups by Chinese to conduct thought reform among non-
prison

<<< Page 10 >>>

1

2

3

4

5

6
populations. One of the questions raised and answered in this appendix is "How does the CCP manage to get 650 million people to attend these meetings?" (Schein, 1961 page 293.)

Contrary to the Lifespring brief's statements, Schein, et. al., also make clear that they recognize physical abuse not to be a distinguishing element of coercive persuasion or necessary to the thought reform process. Physical abuse is actually detrimental to the success of the process.

But what of those institutions (in American society) which are entered voluntary and from which the individual may withdraw voluntarily - educational institutions, religious orders, A.A., psychoanalysis, revival meetings, fraternities, and so on? We believe that in such institutions the social pressures which can be generated can be as coercive as the physical restraints previously described. (Emphasis and comment added.) (Schein, 1961, page 275.)

At this point in their next text, Schein, et. al., cite research by Biderman (1960) supporting their position, specifically on the point that "socio-psychological forces are as crucial as or more so than physical forces in accounting for the compliance of prisoners," (Schein, 1961, page 275.)

Although they did not cite it, a paper by Segal (1957) also supports their position. Segal reports results from...
a study of all 3,323 repatriated U.S. Korean war P.O.W.s.

Segal's research demonstrates a negative relationship between the degree of overt pressure applied to a captive "including both threat and physical abuse" and compliance. That is, the greater the physical abuse the less effective the thought reform process.

Schein makes clear his thinking about the applicability of his theory of coercive persuasion at the start of Chapter 11 - Coercive Persuasion in Non-Communist Settings (pp. 269 - 282). He writes:

The model of coercive persuasion we have proposed is not limited in its applicability to what the Chinese Communists did to their Western political prisoners. Rather, it is applicable to all instances of persuasion or influence in which the person is constrained by physical, social, or psychological forces from leaving the influencing situation. (Schein, page 269.)

Although Lifespring's brief alleges that "incarceration" is of "critical significance to traditional thought reform" (Lifespring, page 11) all that Schein actually requires is that the person be induced to remain present for the influence experience.

Further along in Chapter 11, Schein provides an example of coercive persuasion which clearly identifies some of
In the case of situations like revival meetings, lectures, etc., the group forces generated in the situation can have similar coercive components. How many of us would find it easy to leave in the middle of a church service even if the minister's words were beginning to generate acute discomfort, anxiety, and guilt in us. Pluralistic ignorance is of obvious importance in these kinds of situations insofar as everyone may be equally uncomfortable and equally desirous of leaving, yet be ignorant of the fact that anyone else feels this way, a situation strikingly similar to the plight of a deviant in a totalitarian society. For the agent to maintain this coercive atmosphere requires careful management; if he permits open communication to occur between members of his audience they may discover their shared discomfort and thereby break the coercive tie holding them. (Emphasis added.) (Schein, page 277.)

36. Hinkle and Wolff, the ignored third fundamental reference in the study of thought reform, also recognize that thought reform is not limited to prisoners.

It has been said that the Chinese
Communists looked upon the entire Chinese nation as potential converts. They made their conversion and indoctrination program one of the most important aspects of their revolutionary effort.

Every prisoner or potential convert who fell into the hands of the Chinese Communists was evaluated on the basis of his life history, class background, education and abilities. Those with revolutionary sympathies who possessed the proper background and abilities (especially students, intellectuals and some proletarians and peasants) were trained to become Communist activities. These are the people whom the Communist commonly refer to as "cadres," both individually and in groups. For the purpose of the cadres' training, schools were set up of ferln~ a course of one year's training (e.g. revolutionary universities)

In many respects the atmosphere within these schools paralleled that within the orisons. Under the relentless pressures of hard work, fatigue, increasing demands, group pressures, criticism doubts and ridicule, the majority of students ultimately reached the point at which they went through an emotional crisis associated with tears and depression.

(Emphasis and comment added.) (Hinkle and Wolff, 1956, page 167.)

37. The Lifespring brief is intellectually dishonest and misleading in refusing to fairly state what are the clearly, forthrightly stated and intended conclusions of the authors cited in the brief.

THE OFSHE/SINGER ANALYSIS OF THE THOUGHT REFORM LITERATURE DOES NOT DEPART FROM ACCEPTED SCIENTIFIC CONCLUSIONS BUT RATHER EXTENDS THE TRADITIONAL ANALYSIS TO ADDITIONAL EXAMPLES OF THOUGHT REFORMING
There is widespread agreement that the process of thought reform is a process of social influence that depends on the organization of a number of factors, including group dynamics, the manipulation of a person's sense of personal guilt, fatigue, the ability to arouse strong emotional states, the manipulation of language and tactics utilizing reward and punishment.

Lifton analyzes the process through which thought reform proceeds in Chapters five and twenty-two of his book. He comments that:

The penetration by the psychological forces of the environment into the inner emotions of the individual person is perhaps the outstanding psychiatric fact of thought reform. (Lifton, 1961, page 66.)

In describing the steps through which this process is carried out Lifton includes sub-sections on:

- The Assault on Identity
- The Establishment of guilt
- The Self-Betrayal
- The Breaking Point: Total Conflict and the Basic Fear
41. The system that Lifton outlines describes a process which utilizes various tactics of social influence to destabilize a person's sense of identity, manipulate the person's feelings of guilt, induce extremes of emotional distress and then offer the person the possibility of re-establishing a sense of personal identity through acceptance of the organization's norms and standards of evaluation.

42. Schein's model of the process through which thought reform takes place is presented in Chapter four of his book (pages 117 -139). The "Socio-Psychological Model for the Analysis of Coercive Persuasion" which Schein presents has three main stages. These are Unfreezing, Changing and Refreezing. 43. Unfreezing is described as the "alteration by the agent of change of the forces acting on the person such that the existing equilibrium is no longer stable." (Schein, 1961 page 119.) [Equalibrium here refers to the stability of the person's
44. Chan-in~ is described as the providing agent of influence of information, models to be imitated or identified with, etc., which allow the person to find a direction in which to change. Schein describes the subjective experience as leading the person to "see the light" or to have the insight that the controlling agent desires. (Schein, 1961, page 119.)

45. Refreeze~ is described as facilitation by the agent of change of a reintegration of the new equilibrium (e.g., identity) into the rest of the personality and into ongoing interpersonal relationships. (Schein, page 120.)

46. Schein identifies over one hundred factors which are likely to impact the person during the process of moving through the three stages he delimits. (Schein pages 121 - 139.)

47. The Ofshe/Singer paper, "Attacks on Peripheral Versus Central elements of Self and Efficacy of Thought Reforming Techniques" is attached as Exhibit "C" to this Declaration.

48. The descriptive phrase "coordinated programs of
22 coercive influence and behavior control" is introduced in the 23 Ofshe/Singer paper. It does not constitute the statement of a 24 new theory. As explained in footnote 1 of the paper, the purpose 25 in introducing this term is merely to attempt the introduction 26 of a phrase that is neutral, helpful and descriptive of the 27 nature of the control system through which thought reform is 28 brought about.

<<< Page 16 >>>

49. Unfortunately, much as I would like to be able to 2 contribute a theory that is a major advance on the previous work, claimed one, this is simply not true. The paper speaks for itself as to its modest claims.

6 50. The paper reports on an analysis of the classic, "first generation of scientific interest" papers on the subject of thought reform and on some of the tactical innovations we have observed in thought reforming systems in America. We point out 8 that these "second generation of scientific interest" systems must address the problem of how to carry out thought reform 10 without the power to compel even meeting attendance.  12 51. The solution to this problem is straightforward,
the creation of a basis for interaction between the target
and
the thought reforming -- system such as the suggestion
participation in a training program will confer on one a
benefit
(e.g., relief of symptoms or access to employment).
52. The paper also identifies the use of
certain
techniques of influence which were simply not present in the
"first generation" systems studied by Lifton, Schein, Hinkle
and Wolff. Even those who studied first generation
systems
recognized that different systems can display different
degrees
of psychological sophistication and different influence
tactics.
53. Lifton recognized how primitive P.O.W. thought
reform was in comparison to the systems intended to be used
on the Chinese population. Schein and his associates
recognized that the systems used on the 650 million non-prisoner
targets of the thought reform were more psychologically sophisticated than
the

54. There is no dispute that the new techniques identified in the paper are powerful techniques of influence.
They include techniques such as hypnosis, flooding
techniques

5 developed in the Western tradition of psychotherapy and

6 techniques intended to confer an increased ability to focus
~ psychological pressure on issues of great emotional significance

8 to the target of the thought reforming program.

9 55. Both Lifton and Schein point to the central

10 importance of guilt and punishment through emotional

11 arousal and humiliation in the thought reforming process. We point

12 out that thought reform carried forward in a setting in which

13 it is possible to expose to public ridicule the person's most

14 deeply buried guilts and fears is likely to get the job done faster and

15 perhaps with a higher casualty rate.

16 56. If Lifton is correct that the "outstanding

17 psychiatric fact" of thought reform is the ability of

18 psychological forces in the environment to penetrate

19 inner emotions of a person, it follows that new

20 identifying techniques for accomplishing this extends rather than

21 changes the fundamental theory of process. The Ofshe/Singer paper (or

22 in Lifespring's terms) is fully within the tradition of analysis

23 of the phenomenon.

24

25 THAT I HAVE TESTIFIED UTILIZING THE SIX CATEGORY SYSTEM

26 WHICH DR. SINGER REFERRED. THE LIFESPRING BRIEF
INACCURATELY QUOTES AND FABRICATES DR. SINGER'S 
TESTIMONY AS TO THE CONTENT OF THESE SIX CATEGORIES.

27 57. I have never testified based upon the six
category

58. The Lifespring brief fabricates some of the
content of the testimony attributed to Dr. Singer.
Lifespring's

59. The Lifespring brief fabricates the
reference to

60. On the declaration pages cited in the
Lifespring

brief I comment about Lifespring's for promoting sales of
their programs and the method Lifespring trains customers to
use 19 to cure their emotional and psychological problems. The

~ 20 includes attempts to destabilize Ms. Miller's

beliefs 21 about her psychological functioning and to undermine her

self 22 confidence. The method Lifespring trains people to use

depends 23 on their inflicting emotional distress upon themselves.

24 THE LUNDE CITATIONS IN THE LIFESPRING BRIEF

ARE IRRELEVANT TO THIS DISCUSSION.

25

26 61. The Lifespring brief cites two papers

by 27 Lifespring's expert Dr. Donald Lunde (Lunde and Segal, 1987

and

<<< Page 19 >>>

1 Lunde and Wilson, 1977). Dr. Lunde is not a contributor to

the 2 research literature in question, nor has he, to the best

of my 3 knowledge, conducted original research on this topic. Dr.

Lunde 4 appears to believe that the psychological and

psychiatric 5 profession should conform their definitions of coercion to

the 6 prevailing legal definitions. This opinion is not

shared by 7 those who study coercive social influence.

8 THE CULTIC STUDIES JOURNAL IS A REFERRED PROFESSIONAL

JOURNAL WHICH IS ABOUT TO UNDERGO A CHANGE IN NAME AND

SPONSORSHIP.

10 62. The Cultic Studies Journal is presently

published

by the American Family Foundation. In November of 1988 a founding conference will be held at U.C.L.A. for a society to be known as The Society for The Study of Social Influence. A copy of the announcement of the founding of the society is attached as Exhibit "C" to this Declaration.

The founding conference is being sponsored by the Neuropsychiatric Institute of the Medical School of the University of California at Los Angeles. The new Society will re-name and take over publication of the Cultic Studies Journal.

In addition to the publication of the paper by Dr. Singer and myself, the Journal has published research carried out by Professor Philip Zimbardo of the Psychology Department at Stanford; Professor Art Dole, Chairman of the Psychology in Education Division of the Graduate School of Education of the University of Pennsylvania, Professor Susan Anderson, of the Department of Psychology of U.C. Santa Barbara; Professor David Halprin, Clinical Professor of Psychiatry at the Mount Sinai School of Medicine of the City University of New York and other
respected researchers.

THE LIFESPRING BRIEF SUGGESTS THAT I HAVE BUILT A CAREER ON THE BASIS OF THE ANALYSIS OF THOUGHT FORM PRESENTED IN THE OFSHE/SINGER PAPER. NOT ONLY IS THE PAPER NOT INCONSISTENT WITH TRADITIONAL THINKING ON THIS SUBJECT. BUT MY CAREER IS NOT BASED ON THIS PAPER.

65. I have published extensively in the areas of social influence, decision making and on the subject of coordinated programs of coercive influence and behavior control (thought reform and social control in high mind organizations). My curriculum vitae is attached as Exhibit "D" to this Declaration.

66. In 1978 and 1979 I worked with David and Cathy Mitchell on a project that was initially intended to result in a book on the inability of the state to regulate violence prone organizations such as Synanon. That is, organizations which claimed to be religious and sought shelter from scrutiny through claims for protection of freedom of religion. The work resulted in a series of articles published in the Point Reyes Light Newspaper. The series reported on our investigation of Synanon's violent activities and the organization's coercive social system. This series won for the newspaper the coveted Gold Medal Pulitzer Prize for Public Service.

67. This work preceded the publication of
26 Ofshe/Singer paper by about seven years. Lifespring's brief

27 suggestion that I received "notoriety" by "denouncing" Synanon in

28 the journalism series and in the book I subsequently wrote

I

<<< Page 21 >>>

1 the Hitchells is simply another example of the cheap shots

2 Lifespring's attorneys are prone to attempt.

3 68. The Lifespring brief accuses me of speaking before a non-existent organization called the anti-cult network. The brief also accuses me of speaking before the American Family

6 Foundation.

69. I have twice spoken at the invitation of the Cult

8 Awareness Network. One talk involved a presentation about a ~ program of thought reform. My second appearance was as part of a panel on how to analyze cult related phenomenon. On the panel of presenters was his Honor Judge Aubry Robsinson, then Presiding U

z Judge of the Superior Court of the District of Columbia.

13 70. I have attended one conference sponsored by the

14 American Family Foundation.

* ~ 15 71. The Lifespring brief fails to report that I am a speaking at the annual meeting of the California Trial Lawyers

17 Association in Los Angeles in October. I am also scheduled
18 speak at an American Bar Association National Institute on
Tort
19 and Religion in May of 1989.
20 72. The Lifespring brief fails to note that for
years
21 prior to the publication of the Ofshe/Singer paper I have
been
22 active in teaching, researching, writing and speaking
in the
23 general area of extreme forms of influence and analysis of
high
24 control organizations. The Lifespring brief fails to note
that I
25 gave an invited address to the Social Psychology Section of
the
26 American Psychology Association on the subject of thought
reform
27 in 1981 and have delivered numerous other papers to
professional
28 groups, attended international conferences and been invited
as a
22

<<< Page 22 >>>

1 Guest Lecturer to the University Center of Georgia on
this
2 subject. Recently I have delivered papers on tactics of
police
3 interrogation to the Pacific Sociological Association and to
the
4 American Sociological Association.
5 73. In addition to teaching on the subject of
social
6 influence and thought reform at the University of California
at
7 Berkeley, I have, or currently do serve as a
consultant to
B various State and Federal government agencies on the subject
thought and social control. Often this applied work is done under the explicit understanding that my consultation work will not result in testimony in court.

74. I have served as a consultant to the Mann County Sheriff's Department, the Office of the Attorney General of the States of California and Arizona, the United States Department of Justice - Tax Division, the United States Department of Justice - Criminal Division, the Internal Revenue Service, the United States Department of Justice for the State of West Virginia and the Los Angeles County District Attorney's Office.

75. My expertise in the areas of influence, thought reform (and its subspeciality of interrogation) and social control in high control organizations has resulted in my being asked to testify or consult in both criminal and civil litigation for both prosecutors and defense attorneys and plaintiffs' and defendants' attorneys in Federal and/or State courts in Arizona, California, Florida, Pennsylvania, Puerto Rico and West Virginia.

Insofar as my testimony in these cases related to the subject of thought reform, it was based on a traditional interpretation of the scientific literature on the subject. Although I agree with
Dr. Singer's categorization of the components of a thought reformation process into the six categories she has testified about (Lifespring brief, page 18-19), I have never utilized this particular system for describing the features of the process.

I have testified in two capital cases in which the central technical issue was the thought reforming characteristics of interrogation tactics used by police to elicit compliance and production of a false confession from persons suspected of having committed murder.

76. I was qualified and testified as an expert on thought reform and social influence in the motion to suppress an interrogation in the case of Florida v. Thomas F. Sawyer (in 1988). In his summary of evidence of this case, Judge O'Brian stated that he relied on the analysis I performed on the transcript of Mr. Sawyer's interrogation as part of the basis for his decision to suppress the interrogation.

77. I was qualified and testified as an expert for the defense on thought reform and social influence in the murder trial of George Abney in Flagstaff Arizona (in 1988). The sole evidence against Mr. Abney was the video and audio tape recording.
of his coerced false confession to a murder. The jury acquitted Mr. Abney of all charges.

78. I was qualified and testified as an expert on thought reform and social influence for the plaintiff in the case of Rodricmes v. Beuttner. et. al., in Alameda County, California in 1988. My testimony in this case involved the analysis of the techniques used by a private investigator to illicit a false confession from an employee of a theater.

79. I was qualified and testified as an expert on thought reform and social influence for the plaintiff in the trial of Weaver v. Grodins. et. al. in San Hateo County (in 1986). My testimony in this case involved the analysis of the techniques of influence used by a private investigator to elicit a false confession from an employee of a clothing store.

80. I was qualified and testified as an expert on thought reform and social influence in the criminal trial of Ms. Dorothy McClellan in the state of West Virginia. I testified as a prosecution expert on the influence techniques used by Ms. McClellan to induce two of her followers to administer a beating to their infant child. The beating caused the death of
child. Ha. McClellan was convicted.

81. I was qualified and testified as an expert on thought reform and social influence in the matter of Wollersheim v. the Church of Scientology. My testimony in the case concerned the tactics of influence used to recruit and manage Mr. Wollersheim during his involvement with the Church of Scientology.

82. I was qualified and testified as an expert on thought reform and social influence in two child custody matters. One case, Faqel v. Lana, was in California and the other, yj~~ was in Puerto Rico.

83. I was qualified and testified as an expert on thought reform and social influence in the matter of v.LifesDrina in Federal Court in Philadelphia, Pennsylvania.

I have served as a consultant and was disclosed as an expert for trial for the defenses of libel and slander actions brought

<<< Page 25 >>>

25
1 against The American Broadcasting Company by Synanon,

2 Nelson Publishers by The Local Church and The London Daily

3 ~ by the Unification Church.

4 84. I served as a consultant and was disclosed as an

5 expert for trial the defense of a civil rights matter

6 brought against various Cochise County officials by the Christ

7 Healing Center and Church.

8 85. I have been disclosed as an expert for trial or

9 served as a consultant in at least fifteen other cases in

10 which the issues involved the application of social influence or

11 application of coordinated programs of coercive influence

12 behavior control to recruit and manage personnel. Some of

13 these cases have involved organizations that sell

14 "trainings" similar to the training sold by Lifespring.

15 Some of these cases have involved civil rights actions or wage

16 made by former employees. Some of these case have

17 involved allegations of psychological injury by plaintiffs.

18 86. I have consulted and/or been identified

19 as an expert of thought reform and social influence in numerous

20 brought by persons claiming to have been damaged through

21 participation in various of Lifespring's Training Programs.

22 of these suits were involved in favor of the plaintiffs.

23 I declare under penalty of perjury I swears/ he/lws

24 the State of California that the foregoing is true.
References:


5 Brainwashing in Red China, New York, Vanguard Press.


8 Lunde, D. and Wilson, 1977,
"Brainwashing as a Defense to Criminal Liability: Patty

19 Hearst Revisited 13 Criminal Law Bull. 341.

20 Marks, J., 1979, The Search for the Manchurian Candidate: The CIA
and

21 Hin-S. Qn-r2L New York, Dell.


23 Segal, J., 1957, "Correlates of Collaboration and Resistance Behavior


25

<<< Page 27 >>>

1 Whyte, H., 1974, Small Growth and Political Rituals in China,
Berkeley,

2 University of California Press.
I, RICHARD J. OFSHE, Ph.D., declare as follows:

1. I am currently a professor in the Department of Sociology at the University of California, Berkeley. I am currently or have been a consultant to the United States Department of Justice, United States Internal Revenue Service, the Office of the Attorney General of the States of California and Arizona, and the Los Angeles, County District Attorney. I have been named as a Guggenheim Memorial Foundation Fellow and I have shared the Pulitzer Prize for public service. A true and accurate copy of my curriculum vitae is attached hereto as Exhibit "A" and accurately states my qualifications.

________________________
OFSHE MILLER DECLARATION
2. I have read Lifespring's memorandum of points and authorities in support of its motion in limine regarding thought reform testimony (hereinafter "Lifespring brief").

3. I teach a course on Thought Reform Influence and Social Control which is part of the regular curriculum taught at the University of California at Berkeley. This course is taught at the undergraduate level in the Sociology Department (Sociology 156) and I teach an equivalent special topics graduate course under the Sociology 290 course series designation. In these courses I regularly assign as readings the classic papers and books on the subject of thought reform -- several of which are cited in the Lifespring brief. I am thoroughly familiar with the literature on this subject. (A copy of the course description and reading list for my course is attached as Exhibit "B" to this Declaration.)

4. The review of the scientific literature on the subject of thought reform presented in the Lifespring brief is a gross distortion of the state of the literature in general and of the works that are cited in support of the brief in particular.

THE DISCREDITED "MANCHURIAN CANDIDATE" MYTH IS PROPOUNDED IN THE CLEMENTINO BRIEF AND NO WHERE ELSE IN THE SCIENTIFIC LITERATURE ON THIS SUBJECT

5. As correctly reported in Lifespring's brief, the modern brainwashing literature starts with the work of Edward Hunter. It is, however, false that Hunter's thesis of a "robot brainwashing model" was ever accepted "in its major outlines" by reputable scholars as the Lifespring brief asserts (Lifespring,
6. Mr. Hunter was a journalist who in 1950 published an article entitled "Brain Washing Tactics Force Chinese into Ranks of Communist Party." He followed over the years with a series of books on the same subject (Hunter 1951, 1956). The Lifespring brief cites a 1953 book by Hunter that no other source available to me cites. The Lifespring brief quotes for a 196-publication: Brainwashing: From Pavlov to Powers but fails to provide publication information in the brief's citation list. Whether or not the books cited in the Lifespring brief exist, Hunter must still be credited with starting and encouraging the rather absurd "Manchurian Candidate" picture of the brainwashing process.

7. Lifespring's brief fails to point out that Mr. Hunter was a CIA operative whose working cover was as a journalist (Marks, 1979, page 133) and that his overblown statements about brainwashing are universally rejected by reputable researchers.

8. Ever since Hunter's series of articles and books, the "Manchurian Candidate," robot model of the effects of brainwashing has been the mythic presence about which all serious scholars have been obligated to comment. The three fundamental works in the study of thought reform are Professor Lifton's The Psychology of Totalism and Thought Reform (1961), Professor Schein's Coercive Persuasion (1961) and Professors Hinkle and Wolff's "Communist Interrogation and Indoctrination of 'Enemies of the State'" (1956). The Lifespring brief relies almost entirely on the Lifton and Schein publications and fails to note
even the existence of the Hinkle and Wolff paper.

9. Professor Lifton comments on the impact of the Hunter thesis as follows:

Then there is the lurid mythology which has grown up about it: [brainwashing] the "mysterious oriental device," or the deliberate application of Pavlov’s findings on dogs. There is also another kind of myth, the claim that there is no such thing, that it is all just the fantasy of American correspondents. (Lifton, 1961, page 4.)

10. Schein also comments about the popular (Hunter inspired) conception of brainwashing:

The term "brainwashing" quickly became associated with all Communist efforts to extract confessions and indoctrinate captive audiences as well as with their internal educational and propaganda efforts... This led to some quite erroneous conceptions of what the Chinese approach to re-education is, and what sort of psychological theory is appropriate to the explanation of its outcomes. [Emphasis added.] (Schein, 1961, page 16).

11. Hinkle and Wolff also reject Hunter’s lurid brainwashing tales:

The techniques used by the Communists have been the subject of speculation. A number of theories about them have been advanced, most of them suggesting that the techniques have been based upon some modification of the conditioned reflex techniques of I.P. Pavlov, the Russian neurophysiologist. The term "brain washing," originated by a reporter who interviewed Chinese refugees in Hong Kong, has caught the public fancy and has gained wide acceptance. Various authors have attempted to provide a scientific definition for this term. This has had the effect of confirming the general impression that it is an esoteric technique
for the manipulation of human behavior, designed by "scientific investigators" on the basis of laboratory experiments and controlled observations and producing highly predictable results.

Many of the public speculations about "brain washing" are not supported by the available evidence. (Hinkle and Wolff, 1956 page 116.)

THERE IS NO GENUINE SCIENTIFIC DISAGREEMENT ABOUT THE POINT THAT "THOUGHT REFORM," "COERCIVE PERSUASION" OR THE SYSTEMS IDENTIFIED BY OFSHE AND SINGER AS "COORDINATED PROGRAMS OF COERCIVE INFLUENCE AND BEHAVIOR CONTROL" CAN AND DO OCCUR IN NON-PRISON SETTING. THE AUTHORITIES CITED IN THE CLEMENTINO BRIEF DO NOT DISTINGUISH THOUGHT REFORM FROM OTHER FORMS OF INFLUENCE ON THE BASIS OF THE PRESENCE OF PHYSICAL ABUSE. THE LIFESPING BRIEF ALLEGES A DISPUTE THAT DOES NOT EXIST.

12. The heart of the Lifespring argument are the assertions that Schein and Lifton distinguish "thought reform" or "coercive persuasion" from other forms of influence on the "basis of incarceration often accompanied by physical maltreatment" [emphasis in original] (page 13), and that both Lifton and Schein "emphasized that except for the issue of physical restraint or coercion, influence processes in the Communist setting had much in common with those in conventional American social institutions. [Emphasis in original.] (Page 13.)

13. Both of the above assertions about what Schein and Lifton say and meant are false and grossly misleading.

Incarceration and Brutality

14. Lifton, Schein and Hinkle and Wolff all recognize and report that the phenomenon of thought reform can and was carried in non-prison settings and that brutality is not only not
necessary but actually counter productive.

15. Professor Lifton's book is divided into four parts:

   Part One - The Problem - pages 3-18,

   Part Two - Prison Thought Reform of Westerners - pages 19-242,

   Part Three - Thought Reform of Chinese Intellectuals - pages 243-418,

   Part Four - Totalism and Its Alternatives - pages 419-505,

   (Lifton, 1961 pages iv-v.)

16. Pages 24 through 418 of Professor Lifton's book treat thought reform in non-prison settings. The Lifespring brief fails to report this fact as well as any of Professor Lifton's numerous comments that make clear his conclusions regarding the necessity of confinement. For example, in the first section of his book Professor Lifton comments:

   The Western world has heard mostly about "thought reform" as applied in a military setting: the synthetic bacteriological warfare confessions and the collaboration obtained from United Nations personnel during the Korean War. However, these were merely export versions of a thought reform program aimed, not primarily at Westerners, but at the Chinese people themselves and vigorously applied in universities, schools, special "revolutionary colleges," prisons, business and government offices, labor and peasant organizations. Thought reform combines this impressively widespread distribution with a focused emotional power. Not only does it reach one-fourth of the people of the world, but it seeks to bring about in everyone who touches it a significant personal upheaval. [Emphasis added.] (Lifton, 1961, page 5).
17. At the point in the book at which Professor Lifton concludes his discussion of prison thought reform (pages 19-242) and moves to other topics, he comments:

In turning from imprisoned Westerners to "free" Chinese intellectuals, we arrive at the ideological center of the thought reform movement. Instead of being directed at alleged criminals and "imperialists," reform is used to manipulate the most enlightened members of Chinese society. [Emphasis added.] (Lifton page 243.)

18. The first analytic chapter of the nine chapters Professor Lifton devotes to the thought reform of "free" Chinese describes the "revolutionary university" - a thought reform setting to which students actively sought admission. (Lifton, 1961 pages 253-273.)

19. Professor Lifton illustrates that thought reform process at revolutionary universities through his case study of Mr. Hu. Professor Lifton comments:

Many of Hu's emotional experiences have a familiar ring, since the psychological pressures at a revolutionary university closely resemble those in a prison. There is the assault upon identity, although without any physical brutality; the establishment of guilt and shame: a form of self betrayal: alternating leniency and harshness: a compulsion to confess; the logical dishonoring of re-education; a final confession, elaborate and inclusive rather than terse; and an even greater emphasis upon the experience of personal rebirth. There are also important differences such as the development of group intimacy ("the great togetherness") before the emotional pressures. But these differences, significant as they are, do not warrant a new step by step analysis. [Emphasis added.] (Lifton, 1961, page 274).
20. Professor Lifton's final sentence in the above quotation refers to the fact that he has concluded that there is no need to construct a new analysis for settings that have no element of either confinement or physical brutality. Obviously, the analysis of the psychological pressures present in prison setting does not depend upon the confinement variable. Obviously, physical brutality is not a necessary element of the thought reform process as the Lifespring brief asserts.

21. The Lifespring brief's most blatant fabrication of statements alleged to have been made by Professor Lifton appears on page 11 where the brief states:

Lifton also heavily emphasized the role of extreme external force or physical coercion in developing his thought reform theory, (Lifton, Thought Reform and the psychology of Totalism (1961) at 65-85) and asserted that it was intrinsic to the thought reform process. (Id. at 13.) [Emphasis added.] (Lifespring brief, page 11.)

22. The first of the Lifespring fabrications is demonstrated by the immediately preceding quote (in this declaration) from Professor Lifton's work. This quotation expresses his estimate of the theoretical insignificance of the role of physical abuse.

23. The Lifespring brief further claims that on page 17 of Thought Reform, Professor Lifton "asserted" that physical abuse was "intrinsic" to the thought reform process. Again, the Lifespring brief fabricates this reference. The words to be found on this page of the text of Thought Reform say the opposite.
24. Professor Lifton writes:

As I proceeded with the work, I realized that one of the main causes for confusion about thought reform lay in the complexity of the process itself. Some people considered it a relentless means of undermining the human personality; others saw it as a profoundly "moral" - even religious - attempt to instill new ethics into the Chinese people. Both of these views are correct, and yet each, insofar as it ignored the other was greatly misleading. For it was the combination of external force of coercion with an appeal to inner enthusiasm through evangelistic exhortation which gave thought reform its emotional scope and power. Coercion and breakdown are, of course, more prominent in the prison and military programs, while exhortation and ethical appeal are especially stressed with the rest of the population; and it becomes extremely difficult to determine just where exhortation ends and coercion begins. [Emphasis added.] (Lifton, 1960, page 13.)

25. From the beginning of this book, Professor Lifton recognizes that the power of a thought reforming process depends upon its psychological sophistication and not on either confinement or the presence of the sort of physical force used against P.W.O.'s. He eloquently explains what his book is about early in the text:

The impact of these first encounters was not something one readily forgets: an elderly European Bishop leaning forward in his hospital bed, so deeply impressed with the power of the prison thought reform program he had just experienced that he could only denounce it as "an alliance with the demons"; a young Chinese girl still shaken from the group hatred that had been turned upon her at a university in Peking, yet wondering if she had been "selfish" in leaving.

I realize that these two people had both been through China's most elemental thought
reform programs; and that these programs were much more powerful and comprehensive than the modification which had been applied to United Nations' troops in Korea. [Emphasis added.] (Lifton, page 7.)

26. Professor Lifton's comment regarding the application of thought reform procedures to a quarter of the world's population though the application of thought reform methods in non-prison settings in Chinese society is supported in the work of the distinguished China scholar Martin Whyte in his book Small Groups and Political Rituals in China (Whyte, 1976).

27. Professor Schein's book, Coercive Persuasion, is as the title states, "A Social Psychological Analysis of the "Brainwashing" of American Civilian Prisoners by the Chinese Communists." [Emphasis added.] (Schein, 1961 page 3.) Professor Schein's particular interest was in the analysis of the prison based systems used to carry out thought reform.

28. Contrary to mis-statements in the Lifespring brief, Professor Schein never suggests that thought reform depends upon confinement - even though the particular subjects for his research had been confined. Schein relies on work by Barnett on this point.

One of the unique features of Chinese Communist rule is group indoctrination on a very large scale. Contrary to some opinion, the techniques labelled "brainwashing" to some Westerners are not restricted in their use to inmates of Communist jails or labor camps. Although prisoners of the regime are subjected to indoctrination in its most intensive forms, similar techniques, which show great psychological insight into means of manipulation and controlling men's minds are used in small study groups to which millions of ordinary citizens belong.
29. Although tangential to the main task of analyzing prison thought reform systems, Schein includes an appendix to the book which deals with the subject of the pervasive use of small groups by Chinese to conduct thought reform among non-prison populations. One of the questions raised and answered in this appendix is "How does the CCP manage to get 650 million people to attend these meetings?" (Schein, 1961 page 293.)

30. Contrary to the Lifespring brief's mis-statements, Schein, et. al., also make clear that they recognize physical abuse not to be a distinguishing element of coercive persuasion or necessary to the thought reform process. Physical abuse is actually detrimental to the success of the process.

But what of those institutions [in American society] which are entered voluntary and from which the individual may withdraw voluntarily - educational institutions, religious orders, A.A., psychoanalysis, revival meetings, fraternities, and so on? We believe that in such institutions the social pressures which can be generated can be as coercive as the physical restraints previously described. [Emphasis and comment added.] (Schein, 1961, page 275.)

31. At this point in their next text, Schein, et. al., cite research by Biderman (1960) supporting their position, specifically on the point that "socio-psychological forces are as crucial as or more so than physical forces in accounting for the compliance of prisoners," (Schein, 1961, page 275.)

32. Although they did not cite it, a paper by Segal (1957) also supports their position. Segal reports results from
a study of all 3,323 repatriated U.S. Korean war P.O.W.s. Segal’s research demonstrates a negative relationship between the degree of overt pressure applied to a captive "including both threat and physical abuse" and compliance. That is, the greater the physical abuse the less effective the thought reform process.

33. Schein makes clear his thinking about the applicability of his theory of coercive persuasion at the start of Chapter 11 - Coercive Persuasion in Non-Communist Settings (pp. 269 - 282). He writes:

The model of coercive persuasion we have proposed is not limited in its applicability to what the Chinese Communists did to their Western political prisoners. Rather, it is applicable to all instances of persuasion or influence in which the person is constrained by physical, social, or psychological forces from leaving the influencing situation. (Schein, page 269.)

34. Although Lifespring’s brief alleges that "incarceration" is of "critical significance to traditional thought reform" (Lifespring, page 11) all that Schein actually requires is that the person be induced to remain present for the influence experience.

35. Further along in Chapter 11, Schein provides an example of coercive persuasion which clearly identifies some of the very tactics utilized in Lifespring training. Note that nowhere in this example does Schein suggest that physical abuse is present in the setting he describes. Rather, coercive persuasion depends on the manipulation of group dynamics, social pressure and control of communication.
In the case of situations like revival meetings, lectures, etc., the group forces generated in the situation can have similar coercive components. How many of us would find it easy to leave in the middle of a church service even if the minister's words were beginning to generate acute discomfort, anxiety, and guilt in us. Pluralistic ignorance is of obvious importance in these kinds of situations insofar as everyone may be equally uncomfortable and equally desirous of leaving, yet be ignorant of the fact that anyone else feels this way, a situation strikingly similar to the plight of a deviant in a totalitarian society. For the agent to maintain this coercive atmosphere requires careful management; if he permits open communication to occur between members of his audience they may discover their shared discomfort and thereby break the coercive tie holding them. [Emphasis added.] (Schein, page 277.)

36. Hinkle and Wolff, the ignored third fundamental reference in the study of thought reform, also recognize that thought reform is not limited to prisoners.

It has been said that the Chinese Communists looked upon the entire Chinese nation as potential converts. They made their conversion and indoctrination program one of the most important aspects of their revolutionary effort . . .

Every prisoner or potential convert who fell into the hands of the Chinese Communists was evaluated on the basis of his life history, class background, education and abilities. Those with revolutionary sympathies who possessed the proper background and abilities (especially students, intellectuals and some proletarians and peasants) were trained to become Communist activities. These are the people whom the Communist commonly refer to as "cadres," both individually and in groups. For the purpose of the cadres' training, schools were set up offering a course of one year's training [e.g. revolutionary universities]
In many respects the atmosphere within these schools paralleled that within the prisons. Under the relentless pressures of hard work, fatigue, increasing demands, group pressures, criticism doubts and ridicule, the majority of students ultimately reached the point at which they went through an emotional crisis associated with tears and depression . . . . [Emphasis and comment added.] (Hinkle and Wolff, 1956, page 167.)

37. The Lifespring brief is intellectually dishonest and mis-leading in refusing to fairly state what are the clearly, forthrightly stated and intended conclusions of the authors cited in the brief.

THE OFSHE/SINGER ANALYSIS OF THE THOUGHT REFORM LITERATURE DOES NOT DEPART FROM ACCEPTED SCIENTIFIC CONCLUSIONS BUT RATHER EXTENDS THE TRADITIONAL ANALYSIS TO ADDITIONAL EXAMPLES OF THOUGHT REFORMING APPLICATIONS.

38. There is widespread agreement that the process of thought reform is a process of social influence that depends on the organization of a number of factors, including group dynamics, the manipulation of a person's sense of personal guilt, fatigue, the ability to arouse strong emotional states, the manipulation of language and tactics utilizing reward and punishment.

39. Lifton analyzes the process through which thought reform proceeds in Chapters five and twenty-two of his book. He comments that:

The penetration by the psychological forces of the environment into the inner emotions of the individual person is perhaps the outstanding psychiatric fact of thought reform. [Lifton, 1961, page 66.]
40. In describing the steps through which this process is carried out Lifton includes sub-sections on:

The Assault on Identity
The Establishment of guilt
The Self-Betrayal
The Breaking Point: Total Conflict and the Basic Fear
Leniency and Opportunity
The Compulsion to Confess
The Channeling of Guilt
Re-Education: Logical Dishonoring

41. The system that Lifton outlines describes a process which utilizes various tactics of social influence to destabilize a person's sense of identity, manipulate the person's feelings of guilt, induce extremes of emotional distress and then offer the person the possibility of re-establishing a sense of personal identity through acceptance of the organization's norms and standards of evaluation.

42. Schein's model of the process through which thought reform takes place is presented in Chapter four of his book (pages 117 -139). The "Socio-Psychological Model for the Analysis of Coercive Persuasion" which Schein presents has three main stages. These are Unfreezing, Changing and Refreezing.

43. **Unfreezing** is described as the "alteration by the agent of change of the forces acting on the person such that the existing equilibrium is no longer stable." (Schein, 1961 page 119.) (Equilibrium here refers to the stability of the person's
44. Changing is described as the providing by the agent of influence of information, models to be imitated or identified with, etc., which allow the person to find a direction in which to change. Schein describes the subjective experience as leading the person to "see the light" or to have the insight that the controlling agent desires. (Schein, 1961, page 119.)

45. Refreezing is described as facilitation by the agent of change of a reintegration of the new equilibrium [e.g., identity] into the rest of the personality and into ongoing interpersonal relationships. (Schein, page 120.)

46. Schein identifies over one hundred factors which are likely to impact the person during the process of moving through the three stages he delimits. (Schein pages 121 - 139.) Schein devotes a separate chapter to the analysis of the "Special Role of Guilt in Coercive Persuasion." (Schein, 1961, pages 140 - 156.)

47. The Ofshe/Singer paper, "Attacks on Peripheral Versus Central elements of Self and Efficacy of Thought Reforming Techniques" is attached as Exhibit "C" to this Declaration.

48. The descriptive phrase "coordinated programs of coercive influence and behavior control" is introduced in the Ofshe/Singer paper. It does not constitute the statement of a new theory. As explained in footnote 1 of the paper, the purpose in introducing this term is merely to attempt the introduction of a phrase that is neutral, helpful and descriptive of the nature of the control system through which thought reform is brought about.
49. Unfortunately, much as I would like to be able to contribute a theory that is a major advance on the previous work, and despite the Lifespring brief's suggestion that I've claimed one, this is simply not true. The paper speaks for itself as to its modest claims.

50. The paper reports on an analysis of the classic, "first generation of scientific interest" papers on the subject of thought reform and on some of the tactical innovations we have observed in thought reforming systems in America. We point out that these "second generation of scientific interest" systems must address the problem of how to carry out thought reform without the power to compel even meeting attendance.

51. The solution to this problem is straightforward, the creation of a basis for interaction between the target and the thought reforming -- system such as the suggestion that participation in a training program will confer on one a benefit (e.g., relief of symptoms or access to employment).

52. The paper also identifies the use of certain techniques of influence which were simply not present in the "first generation" systems studied by Lifton, Schein, Hinkle and Wolff. Even those who studied first generation systems recognized that different systems can display different degrees of psychological sophistication and different influence tactics.

53. Lifton recognized how primitive P.O.W. thought reform was in comparison to the systems intended to be used on the Chinese population. Schein and his associates recognized that the systems used on the 650 million non-prisoner targets of thought reform were more psychologically sophisticated than the
tactics used on prisoner groups.

54. There is no dispute that the new techniques identified in the paper are powerful techniques of influence. They include techniques such as hypnosis, flooding techniques developed in the Western tradition of psychotherapy and techniques intended to confer an increased ability to focus psychological pressure on issues of great emotional significance to the target of the thought reforming program.

55. Both Lifton and Schein point to the central importance of guilt and punishment through emotional arousal and humiliation in the thought reforming process. We point out that thought reform carried forward in a setting in which it is possible to expose to public ridicule the person's most deeply buried guilts and fears is likely to get the job done faster and perhaps with a higher casualty rate.

56. If Lifton is correct that the "outstanding psychiatric fact" of thought reform is the ability of psychological forces in the environment to penetrate into the inner emotions of a person, it follows that identifying new techniques for accomplishing this extends rather than changes the fundamental theory of process. The Ofshe/Singer paper (or theory in Lifespring's terms) is fully within the tradition of analysis of the phenomenon.

THE LIFESPRING BRIEF (PAGES 18-19) FALSELY REPORTS THAT I HAVE TESTIFIED UTILIZING THE SIX CATEGORY SYSTEM TO WHICH DR. SINGER REFERRED. THE LIFESPRING BRIEF INACCURATELY QUOTES AND FABRICATES DR. SINGER'S TESTIMONY AS TO THE CONTENT OF THESE SIX CATEGORIES.

57. I have never testified based upon the six category
system Dr. Singer utilized to describes the features of a thought reforming process. Although I agree that these categories present an accurate summary of the process, it is simply false to suggest as the Lifespring brief that I have utilized this particular descriptive categories.

58. The Lifespring brief fabricates some of the content of the testimony attributed to Dr. Singer. Lifespring's brief introduces the phrase "belief system" as a substitute for the phrase "social behavior" which was the actual testimony of Dr. Singer. (See Dr. Singer's Declaration for further discussion of this fabrication.)

59. The Lifespring brief fabricates the reference to my declaration of May 13, 1988, pages 2-3 as support of the six category system. I do not refer to this system on those pages or anywhere else.

60. On the declaration pages cited in the Lifespring brief I comment about Lifespring's methods for promoting sales of their programs and the method Lifespring trains customers to use to cure their emotional and psychological problems. The sales method includes attempts to destabilize Ms. Miller's beliefs about her psychological functioning and to undermine her self confidence. The method Lifespring trains people to use depends on their inflicting emotional distress upon themselves.

THE LUNDE CITATIONS IN THE LIFESPRING BRIEF ARE IRRELEVANT TO THIS DISCUSSION.

61. The Lifespring brief cites two papers by Lifespring's expert Dr. Donald Lunde (Lunde and Segal, 1987 and
Lunde and Wilson, 1977). Dr. Lunde is not a contributor to the research literature in question, nor has he, to the best of my knowledge, conducted original research on this topic. Dr. Lunde appears to believe that the psychological and psychiatric profession should conform their definitions of coercion to the prevailing legal definitions. This opinion is not shared by those who study coercive social influence.

THE CULTIC STUDIES JOURNAL IS A REFERRED PROFESSIONAL JOURNAL WHICH IS ABOUT TO UNDERGO A CHANGE IN NAME AND SPONSORSHIP.

62. The Cultic Studies Journal is presently published by the American Family Foundation. In November of 1988 a founding conference will be held at U.C.L.A. for a society to be known as The Society for The Study of Social Influence. A copy of the announcement of the founding of the society is attached as Exhibit "C" to this Declaration.

63. The founding conference is being sponsored by the Neuropsychiatric Institute of the Medical School of the University of California at Los Angeles. The new Society will re-name and take over publication of the Cultic Studies Journal.

64. In addition to the publication of the paper by Dr. Singer and myself, the Journal has published research carried out by Professor Philip Zimbardo of the Psychology Department at Stanford; Professor Art Dole, Chairman of the Psychology in Education Division of the Graduate School of Education of the University of Pennsylvania, Professor Susan Anderson, of the Department of Psychology of U.C. Santa Barbara; Professor David Halprin, Clinical Professor of Psychiatry at the Mount Sinai
School of Medicine of the City University of New York and other respected researchers.

THE LIFESPRING BRIEF SUGGESTS THAT I HAVE BUILT A CAREER ON THE BASIS OF THE ANALYSIS OF THOUGHT REFORM PRESENTED IN THE OFSHE/SINGER PAPER. NOT ONLY IS THE PAPER NOT INCONSISTENT WITH TRADITIONAL THINKING ON THIS SUBJECT, BUT MY CAREER IS NOT BASED ON THIS PAPER.

65. I have published extensively in the areas of social influence, decision making and on the subject of coordinated programs of coercive influence and behavior control (thought reform and social control in high control organizations). My curriculum vitae is attached as Exhibit "D" to this Declaration.

66. In 1978 and 1979 I worked with David and Cathy Mitchell on a project that was initially intended to result in a book on the inability of the state to regulate violence prone organizations such as Synanon. That is, organizations which claimed to be religious and sought shelter from scrutiny through claims for protection of freedom of religion. The work resulted in a series of articles published in the Point Reyes Light Newspaper. The series reported on our investigation of Synanon's violent activities and the organization's coercive social system. This series won for the newspaper the coveted Gold Medal Pulitzer Prize for Public Service.

67. This work preceded the publication of the Ofshe/Singer paper by about seven years. Lifespring's brief suggestion that I received "notoriety" by "denouncing" Synanon in the journalism series and in the book I subsequently wrote with
the Mitchells is simply another example of the cheap shots
Lifespring's attorneys are prone to attempt.

68. The Lifespring brief accuses me of speaking before
a non-existent organization called the anti-cult network. The
brief also accuses me of speaking before the American Family
Foundation.

69. I have twice spoken at the invitation of the Cult
Awareness Network. One talk involved a presentation about a
program of thought reform. My second appearance was as part of a
panel on how to analyze cult related phenomenon. On the panel of
presenters was his Honor Judge Aubry Robsinson, then Presiding
Judge of the Superior Court of the District of Columbia.

70. I have attended one conference sponsored by the
American Family Foundation.

71. The Lifespring brief fails to report that I am
speaking at the annual meeting of the California Trial Lawyers
Association in Los Angeles in October. I am also scheduled to
speak at an American Bar Association National Institute on Tort
and Religion in May of 1989.

72. The Lifespring brief fails to note that for years
prior to the publication of the Ofshe/Singer paper I have been
active in teaching, researching, writing and speaking in the
general area of extreme forms of influence and analysis of high
control organizations. The Lifespring brief fails to note that I
gave an invited address to the Social Psychology Section of the
American Psychology Association on the subject of thought reform
in 1981 and have delivered numerous other papers to professional
groups, attended international conferences and been invited as a
Guest Lecturer to the University Center of Georgia on this subject. Recently I have delivered papers on tactics of police interrogation to the Pacific Sociological Association and to the American Sociological Association.

73. In addition to teaching on the subject of social influence and thought reform at the University of California at Berkeley, I have, or currently do serve as a consultant to various State and Federal government agencies on the subject of thought and social control. Often this applied work is done under the explicit understanding that my consultation work will not result in testimony in court.

74. I have served as a consultant to the Marin County Sheriff's Department, the Office of the Attorney General of the States of California and Arizona, the United States Department of Justice - Tax Division, the United States Department of Justice - Criminal Division, the Internal Revenue Service, the United States Department of Justice for the State of West Virginia and the Los Angeles County District Attorney's Office.

75. My expertise in the areas of influence, thought reform (and its subspeciality of interrogation) and social control in high control organizations has resulted in my being asked to testify or consult in both criminal and civil litigation for both prosecutors and defense attorneys and plaintiffs' and defendants' attorneys in Federal and/or State courts in Arizona, California, Florida, Pennsylvania, Puerto Rico and West Virginia. Insofar as my testimony in these cases related to the subject of thought reform, it was based on a traditional interpretation of the scientific literature on the subject. Although I agree with
Dr. Singer’s categorization of the components of a thought reforming process into the six categories she has testified about (Lifespring brief, page 18-19), I have never utilized this particular system for describing the features of the process.

I have testified in two capital cases in which the central technical issue was the thought reforming characteristics of the interrogation tactics used by police to elicit compliance and production of a false confession from persons suspected of having committed murder.

76. I was qualified and testified as an expert on thought reform and social influence in the motion to suppress an interrogation in the case of Florida v. Thomas F. Sawyer (in 1988). In his summary of evidence of this case, Judge O’Brien stated that he relied on the analysis I performed on the transcript of Mr. Sawyer’s interrogation as part of the basis for his decision to suppress the interrogation.

77. I was qualified and testified as an expert for the defense on thought reform and social influence in the murder trial of George Abney in Flagstaff Arizona (in 1988). The sole evidence against Mr. Abney was the video and audio tape recording of his coerced false confession to a murder. The jury acquitted Mr. Abney of all charges.

78. I was qualified and testified as an expert on thought reform and social influence for the plaintiff in the case of Rodrigues v. Beuttner, et. al., in Alameda County, California in 1988. My testimony in this case involved the analysis of the techniques used by a private investigator to illicit a false confession from an employee of a theater.
79. I was qualified and testified as an expert on thought reform and social influence for the plaintiff in the trial of Weaver v. Grodins, et. al. in San Mateo County (in 1986). My testimony in this case involved the analysis of the techniques of influence used by a private investigator to elicit a false confession from an employee of a clothing store.

80. I was qualified and testified as an expert on thought reform and social influence in the criminal trial of Ms. Dorothy McClellan in the state of West Virginia. I testified as a prosecution expert on the influence techniques used by Ms. McClellan to induce two of her followers to administer a beating to their infant child. The beating caused the death of the child. Ms. McClellan was convicted.

81. I was qualified and testified as an expert on thought reform and social influence in the matter of Wollersheim v. the Church of Scientology. My testimony in the case concerned the tactics of influence used to recruit and manage Mr. Wollersheim during his involvement with the Church of Scientology.

82. I was qualified and testified as an expert on thought reform and social influence in two child custody matters. One case, Fagel v. Long, was in California and the other, Piedra v. Piedra was in Puerto Rico.

83. I was qualified and testified as an expert on thought reform and social influence in the matter of Simpson v. Lifespring in Federal Court in Philadelphia, Pennsylvania. I have served as a consultant and was disclosed as an expert for trial for the defenses of libel and slander actions brought
against The American Broadcasting Company by Synanon, Thomas
Nelson Publishers by The Local Church and The London Daily Mail
by the Unification Church.

84. I served as a consultant and was disclosed as an
expert for trial the defense of a civil rights matter brought
against various Cochise County officials by the Christ Miracle
Healing Center and Church.

85. I have been disclosed as an expert for trial or
served as a consultant in at least fifteen other cases in which
the issues involved the application of social influence or the
application of coordinated programs of coercive influence and
behavior control to recruit and manage personnel. Some of these
cases have involved organizations that sell commercial
"trainings" similar to the training sold by Lifespring. Some of
these cases have involved civil rights actions or wage claims
made by former employees. Some of these cases have involved
allegations of psychological injury by plaintiffs.

86. I have consulted and/or been identified as an
expert of thought reform and social influence in numerous suits
brought by persons claiming to have been damaged through their
participation in various of Lifespring's Training Programs. All
of these suits were involved in favor of the plaintiffs.

I declare under penalty of perjury under the laws of
the State of California that the foregoing is true and correct.
Executed this ___ day of March, 1989, at Berkeley, California.

Richard J. Ofshe, Ph.D.
References:

Barnett, A., 1956,
The United States and the Far East, New York, Columbia University Press.

Biderman, A., 1957,

Hinkle, L. and H. Wolfe, 1956,
Communist Interrogation and Indoctrination of Enemies of the State, "A.M.A. Archives of Neurology and Psychiatry, 76, 115-74.

Hunter, E., 1950,

1951,
Brainwashing in Red China, New York, Vanguard Press.

1956,
"Brainwashing, New York, Farar, Strauss and Cudahy.

Lifton, R., 1961,
The Psychology of Totalism and Thought Reform, New York, Norton.

Lunde, D. and Sigal, 1987,

Lunde, D. and Wilson, 1977,
"Brainwashing as a Defense to Criminal Liability: Patty Hearst Revisited 13 Criminal Law Bull. 341.

Marks, J., 1979,
The Search for the Manchurian Candidate: The CIA and Mind Control, New York, Dell.

Ofshe, R. and M. Singer, 1986,

Segal, J., 1957,

Schein, E., 1961,
Coercive Persuasion, New York, Norton.
Whyte, M., 1974,
*Small Groups and Political Rituals in China*, Berkeley, University of California Press.